

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 16 JUNE 1896**

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## LEGISLATIVE ASSEMBLY.

TUESDAY, 16 JUNE, 1896.

## OPENING OF PARLIAMENT.

THE House met at 12 o'clock this day, pursuant to proclamation, and shortly afterwards proceeded to the Legislative Council Chamber for the purpose of hearing the Commission opening Parliament read. On its return—

The CLERK read a Commission under the hand of His Excellency the Governor, authorising the Hon. Sir H. M. Nelson, K.C.M.G., the Hon. H. Tozer, and the Hon. T. J. Byrnes to administer the oath to members elect.

The following members thereupon took the oath and subscribed the roll:—

John Thomas Annear, Maryborough.  
 William Drayton Armstrong, Lockyer.  
 John Bartholomew, Maryborough.  
 Matthew Battersby, Moreton.  
 Jason Boles, Port Curtis.  
 Thomas Bridges, Nundah.  
 William Henry Browne, Croydon.  
 The Hon. Thomas Joseph Byrnes, Warwick.  
 Albert James Callan, Fitzroy.  
 Robert Martin Collins, Albert.  
 William Henry Corfield, Gregory.  
 Alfred Sandlings Cowley, Herbert.  
 Thomas Bridson Cribb, Ipswich.  
 James Crombie, Warrego.  
 John Michael Cross, Clermont.  
 The Hon. David Hay Dalrymple, Mackay.  
 Henry Daniels, Cambooya.  
 Anderson Dawson, Charters Towers.  
 Thomas Dibley, Woolloongabba.  
 The Hon. James Robert Dickson, Bulimba.  
 John Donaldson, Logan.  
 James George Drake, Enoggera.  
 John Henry Dunsford, Charters Towers.  
 Thomas Finney, Toowong.  
 Charles Borromeo Fitzgerald, Mitchell.  
 John Fogarty, Drayton and Toowoomba.  
 The Hon. Justin Fox Greenlaw Foxton, Carnarvon.  
 Robert Fraser, Brisbane North.  
 Thomas Glassey, Bundaberg.  
 Samuel Grimes, Oxley.  
 William Henry Groom, Drayton and Toowoomba.  
 Herbert Fremont Hardacre, Leichhardt.  
 John Hoolan, Burke.  
 George Jackson, Kennedy.  
 Denis Thomas Keogh, Rosewood.

George Kerr, Barcoo.  
 William Kidston, Rockhampton.  
 Robert King, Maranoa.  
 John Leahy, Bulloo.  
 Isidor Lissner, Cairns.  
 Frederick Lord, Stanley.  
 Thomas Macdonald - Paterson, Brisbane North.  
 William Foster McCord, Burnett.  
 Charles McDonald, Flinders.  
 Frank McDonnell, Fortitude Valley.  
 Thomas McGahan, Cunningham.  
 John McMaster, Fortitude Valley.  
 The Hon. Sir Hugh Muir Nelson, K.C.M.G., Murilla.  
 John Newell, Woothakata.  
 William Henry Bligh O'Connell, Musgrave.  
 Andrew Lang Petrie, Toombul.  
 The Hon. Robert Philp, Townsville.  
 George Charles Sim, Carpentaria.  
 Robert Harrison Smith, Bowen.  
 William Smyth, Gympie.  
 William Stephens, Brisbane South.  
 Alfred John Stephenson, Ipswich.  
 James Charles Stewart, Rockhampton North.  
 George William Bennett Story, Balonne.  
 Jacob Stumm, Gympie.  
 Lewis Thomas, Bundamba.  
 The Hon. George Thorn, Fassifern.  
 William Thorn, Aubigny.  
 Nicholas Edward Nelson Tooth, Burrum.  
 The Hon. Horace Tozer, Wide Bay.

## ELECTION OF SPEAKER.

The Hon. J. R. DICKSON said: Mr. Bernays.—At this stage of our proceedings I think it is customary for us to proceed to the election of some member to preside over our deliberations. I believe the Government have no desire to make the proposal, but would rather leave it to the discretion and judgment of a private member to do so. Therefore, as an old member of this House, I rise to submit a name for approval of hon. members. The gentleman I propose to take the chair as Speaker is Mr. Cowley. He presided over our deliberations during the last Parliament, and it must be admitted on both sides that he had at times very troublesome and embarrassing questions to deal with. Although there may have been some irritation at times—for a gentleman occupying that position cannot be supposed to please everybody—I am sure that upon reflection it will be conceded that Mr. Cowley discharged his duties as Speaker amidst these troubles and perplexities with credit to himself and maintained the dignity of this Chamber. I believe that after the probation of the last three years he will be even better able to discharge the important duties of Speaker. In the full belief that the dignity and privileges of this House may be safely entrusted to him, that he will afford fair opportunity for debate and conduct the business of the House in the manner in which we all desire to see it conducted, I have very much pleasure in moving that Mr. Cowley do take the chair of this House as Speaker.

Mr. GRIMES: I have great pleasure in seconding the motion that Mr. Cowley take the chair as Speaker of this House, and I do so feeling sure that the privileges of members will be safe in his hands. Our past experience of him assures us of that, and I therefore have very great pleasure in seconding the motion.

Mr. McDONALD: It is, indeed, very pleasant to hear the mover and seconder of this motion speak in such high terms of Mr. Cowley; but I, unfortunately, intend to break up the harmony of this happy family. I am not one of those who think Mr. Cowley has been the best Speaker we have had. Certainly, during my short experience in this House, I think Mr.

Cowley has been a most unfair Speaker, and that on many occasions the evidence we had before us shows that many of his rulings were purely put-up jobs. Now, I am just going to refer to one in particular.

An HONOURABLE MEMBER: Incited by Ministers.

Mr. McDONALD: I believe they were incited by Ministers. Somewhere about September last we had a discussion in connection with a certain Railway Bill. On that occasion the hon. member for Bulloo moved certain amendments. Those amendments were carried, and afterwards they were ruled out of order by the Chairman of Committees. But first of all they were allowed to be carried, and then the Chairman of Committees came down and stated that they were out of order. Well, what do we find? That without any request by this House Mr. Cowley came down that night with a ruling already fixed up to back up the Chairman of Committees. Now, to prove that that ruling was already prepared, I wish to draw attention to this: That the proof copies of Votes and Proceedings were issued and placed in the boxes of members in the morning, and it was distinctly stated towards the end of the ruling "the ruling of the Chairman was, in my opinion, absolutely correct." Then, of course, the other follows. To show that this had been an already prepared document, the *Courier* also published it the following morning, with exactly the same words as appeared in the proof slip of Votes and Proceedings. When we met in the afternoon what did we find? We found the whole of those words taken out. That goes to prove that the ruling was already prepared, and that some person or persons must have been at the Speaker's back in getting him to prepare it ready to meet the House with it; but, as a matter of fact, the House had already decided that they would not refer the matter to the Speaker. In the face of that, I want to know how Mr. Cowley could come down with that ruling. Now, there was another ruling which will be well remembered by members of this House, the ruling given at the time certain members were suspended, and there is no doubt that that was a prearranged plan. I have said so both in and out of this House. It was originated in the refreshment room that certain members should be suspended. Fortunately or unfortunately I was one of those members.

Mr. BATTERSEY: You ought to have behaved yourself, and you would not have got that.

Mr. McDONALD: The hon. member for Moreton can chip in and have his say when I have finished. I intend to have mine now. It is only natural that I should feel aggrieved at the action taken by the House on that occasion, when things became pretty heated. In fact there was hardly a member on the other side of the House, including the Chairman of Committees, who had not lost his head. Certainly the Chairman of Committees had lost his head, and probably the whole of the members on the other side had lost theirs.

The SECRETARY FOR WORKS (Hon. R. Philp): Your side lost their heads.

Mr. McDONALD: Even without heads we are better than members on the other side. Ministers lost their heads to such an extent that they were bound down by a few of their supporters, and rushed into taking an action which is a disgrace to this colony. I refer to the Peace Preservation Act. I remember what action was taken on that occasion, when the Speaker rushed into this Chamber, although he could have had no personal knowledge of what had taken place, and he dropped down and fell into everything that was done, without any consideration. He took it as part and parcel of his duty, when the Premier gave him the wink or a nod to do certain things, and they were

done. On repeated occasions he has made a special set against me. I have heard interjections come from the other side in perfect torrents and no notice has been taken of them, but if I or the late member for Toowong, Mr. Reid, made an interjection, the Speaker thought it his duty to immediately get up and call the hon. member for Flinders or the hon. member for Toowong, as the case might be, to order. This was done so repeatedly that I have seen it commented upon in various prints. For these reasons I am opposed to the election of Mr. Cowley as Speaker; strongly opposed, and if by any chance he is elected—and probably he will be, owing to the support behind him—I hope when he gets to that chair his conduct will be a little more reasonable than it was in the last Parliament. I think it is in the interests of the country and of members personally that he should be. The manner in which he has conducted himself in the chair on repeated occasions is not creditable. Just before the close of last session he positively refused to give a ruling upon a certain matter which came before the House. Now, these are things which I think want closely looking to, and I hope when Mr. Cowley is elected as Speaker he will at least extend the same fairness to this side that he does to the other. There was a very good cartoon in the *Worker*—

MEMBERS on the Government side: Oh! oh!

Mr. McDONALD: I am not referring to the one which had the Attorney-General in it, but one equally as good. It illustrated Mr. Speaker Cowley in the late Parliament very well. He was represented as sitting in that chair, and he had a blind eye to this side and a good eye to the other side. He also had a trumpet which was in the ear on this side, but extended over his head to the other side, so that whether it was with his eye or his ear he was always attentive to that side of the House. Without delaying business any further, I may just add that I hope whoever is elected to the office of Speaker will extend to this side of the House that courtesy which ought to be extended to it. If any other member has anything to say about Mr. Cowley, I hope they will act as I have done, and get up and say it. I stated outside that I was going to say what I have said, and I have said it because I think this is the proper place and proper time to say it. I have said what I believe to be correct. If it is not, let somebody else get up and dispute it.

Mr. HOOLAN: I do not know that I have any particular objection to Mr. Cowley or anything particularly favourable to say with regard to his rulings as Speaker while I was in the Assembly. From my point of view I thought that on certain occasions he displayed partiality to the strong side of the House, that is to the Government side, from which he comes. At the outset I may say that I think it is very unfair indeed to appoint a strongly pronounced partisan as Speaker, and I say this after years of careful deliberation, and looking at the matter from an impartial standpoint. If ever I become a member of the Government or have any influence with the Government, I shall seek for some person who is free from the taint of partiality for that office. Some of Mr. Cowley's decisions as Speaker may be cavilled at, and perhaps give very good grounds for strong objection. But there are also some of his decisions which are well worthy of notice. I refer now particularly to one given last session with regard to the adjournment of the House under the Standing Orders. We all know about that. It was stated then that Ministerial supporters could adjourn the House whenever they liked, and that no member having a grievance to bring forward could exercise that privilege unless he was

strongly supported. It was so arranged under the Standing Orders by Sir Samuel Griffith that the Speaker was the sole arbiter in the matter, and that he was despotic in his decision, and could adjourn the House at his own sweet will. Mr. Cowley felt the tremendous unfairness of that, and very wisely decided to allow the question of the adjournment of the House to remain in the hands of members themselves. That is one very commendable feature in his administration of the office of Speaker of the Assembly. I cannot say anything about what occurred at that very awful time when the Peace Preservation Bill was passed. I think it originated very unwisely, and looking at it from a distant standpoint in my position in a remote part of the colony I think the matter was very injudiciously and improperly dealt with by the Government, and also by the Speaker. I do not think the Government were fair in the matter. I think the Chairmen of Committees was outrageously unfair, without any sense of reason, right, gentlemanliness, or good conduct as a man, as a citizen or as Chairman of Committees. And I think the Speaker very unwisely, or perhaps in the heat of the moment, got himself mixed up in an intricate way with a lot of persons who wished to do an unconstitutional thing in an unconstitutional way, an improper thing in an improper way, a brutal thing in a brutal way, a bad thing in a bad way. It should not have been forced upon the Government. The Government have been, since I have been here, a strong Government, with a strong following—a following strong in silence; and they certainly could have afforded to have looked at the matter in a different light, and also to have acted in a different manner when the trouble arose. It certainly does not reflect credit on the persons who forced the matter on the Government, and it certainly reflects discredit on the Government, and will do so for all time. How far the Speaker was mixed up in it I cannot say. I only speak as an individual, and I think the Speaker acted injudiciously. Of course we know that Mr. Cowley will be elected again, and probably the same old wrangles will continue in the Assembly. The hon. member for Flinders has levelled a charge of partiality at the Speaker, and even if others follow on the same line, I hope that in spite of those charges Mr. Cowley will act in the true spirit of the Speakership, and deal impartially all round. The Government have nothing to fear except the words of a few persons, and I do not see why there should be any irritability felt because a member likes to debate a matter, even if he is an unruly member, like the hon. member for Flinders. There is not likely to be any breach of the peace caused by it—nothing more than words and wind, and as this Assembly is founded upon wind and words, and continued on words and wind, and is likely to continue for long ages on words and wind, being commonly known as the House of Parliament, or House of Jaw, I do not see why there should be any curtailment of debate. Some people come here who do not like talk, and yawn heavily. People who do not talk, and who do not like talk, should not come here. It is no place for them. This is a House of Talk, and anyone who objects to talk would be far better away. There should be no curtailment of debate; a member should be allowed to say what is in his mind, whether those thoughts are burning, or frivolous, or full of intelligence. It is very unfair that anybody should be curtailed in his speech, and I do not think that certain members have been allowed their full privileges in this matter. With regard to Mr. Cowley's decisions, on one or two occasions when certain disloyal utterances were made his decisions were simply absurd. I refer to his decisions with re-

gard to words which are used under the nose of the Queen every week, expressions which I could print and publish at the gates of Windsor Castle. I unhesitatingly say that his decisions with regard to them were ridiculous, and I thought so at the time. I trust that if we hear any arrant folly from members in this Parliament, or what the Speaker might term arrant folly, he will pass it over with indulgence.

Mr. COWLEY: I am deeply sensible of the honour which is sought to be conferred upon me, and I return my warmest thanks to those hon. members who have proposed and seconded the motion. If the House should again elect me to preside over its debates, I shall do all in my power to fill the office in a becoming manner. I now humbly submit myself to the pleasure of the House.

The hon. member was then conducted to the chair by the mover and seconder.

Then,

The SPEAKER elect, standing on the upper step of the dais, addressed the House as follows:—I again rise to return my warmest thanks to the House for the honour it has conferred upon me, and I now repeat that I shall do my utmost, whilst I occupy this chair, to act in a becoming manner, and with fairness and impartiality to all. It is easier to do one's duty than to impress upon others the fact that one has done his duty. I am conscious that in the past I have done my duty whilst occupying this chair, and, in spite of all that has been said, I shall strive to do what I consider to be just and right to all hon. members, no matter what their politics may be or on which side of the House they may sit. I also wish to say that if any new members are desirous at any time of obtaining information upon the rules, forms, and procedure of the House, it will afford me great pleasure to give them that information, and to assist them in any way I possibly can.

HONOURABLE MEMBERS: Hear, hear!

The ATTORNEY-GENERAL (Hon. T. J. Byrnes): I esteem it a very great privilege to myself to convey to you the congratulations of the House on the occasion of your elevation to the chair of this Assembly. You are known in your official capacity to a great many members who are here, and who were members of the last Parliament. There have been, of course, occasions when your decisions have been cavilled at. I suppose that no Speaker ever presided in the chair of any deliberative assembly whose decisions were not from time to time cavilled at; but I think that I am right when I say that you always acted according to your sense of duty, and that, although that sense of duty may not have seemed correct to some people, I believe the great majority of hon. members and the great majority of the inhabitants of this country thought that you on all occasions acted properly. It is, perhaps, to be regretted that the occasion of your elevation has to some extent been marred by some remarks that have been made. They were intended to convey censure upon yourself, but there are some forms of criticism—criticism coming from some quarters—that are equivalent to the highest praise. I believe that in the future you will do your duty as you have done it in the past. If from a serious strain I may turn to something that may seem jocular, I may say this: You have been accused of keeping a blind eye to the other side of the House—for the future keep your best eye on that side, and I believe you will then give satisfaction to all sides. To come back again to the real object of my rising to my feet, I tender you, Sir, the congratulations of the House, and I hope that in your office you will in the future bear into fruit the promise you have given in the past.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER (Hon. Sir H. M. Nelson): Allow me also to join in these congratulations, in which I entirely concur. I know that you have for some time devoted your time and talents to qualify yourself for this, the highest position this House can confer upon anyone; and I feel certain that, with the experience you have gained, the dignity of this House may safely be entrusted to your hands. I have now the pleasure of intimating to the House that His Excellency the Governor will be pleased to have the Speaker presented to him to-morrow forenoon, at a quarter-past 11 o'clock. I therefore move that this House, at its rising, adjourn till to-morrow, at a quarter to 11 o'clock.

Question put and passed; and the House adjourned at six minutes past 1 o'clock.