Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 1 NOVEMBER 1899

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The SPEAKER took the chair at 7 o'clock.

PAPERS.

The following papers, laid on the table, were ordered to be printed :—

Despatch, dated 21st September, 1899, respecting appointment of the Honourable Sir Samuel Walker Griffith as Lieutenant-Governor.

Despatch, dated 24th August, 1899, transmitting Order in Council respecting adhesion of Japan to the International Copyright Convention and to the Additional Act of Paris modifying the convention.

Commission authorising Lords Commissioners of the Admiralty to require Vice-Admiralty Courts and Colonial Courts of Admiralty to take cognisance of matters of prize of war and warrant requiring Supreme Court of Queensland to exercise such jurisdiction.

QUESTIONS.

Mr. JENKINSON (*Wide Bay*): I beg to ask the Home Secretary the questions standing in my name, Nos. 1 and 2.

The SPEAKER: I must request hon. members to ask their questions in the order in which they stand on the paper, one at a time. The practice that has been pursued lately is likely to lead to confusion.

Mr. JENKINSON: I beg to ask the Home Secretary question No. 1 standing in my name.

The PREMIER (Hon. J. R. Dickson, *Bulimba*): I would ask the hon. gentleman to allow this question to stand over till to-morrow; I would also ask the hon. member for Clermont to do the same. To-day being a holiday, it was impossible to get the information, but it will be ready to-morrow.

Mr. DAWSON: Do you want fresh notice?

The PREMIER: No.

LEAD POISONING.

Mr. JENKINSON asked the Home Secretary—

1. Has any report been received from the Board of Medical Men and Scientists appointed to inquire into the cases of lead poisoning in the colony?
2. If so, will he lay it on the table of the House?
3. If no such report has been received, will the Minister state the cause of delay?

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*) replied—

1. Yes.
2. Copies of the report of the Board and of certain correspondence were laid upon the table of the Legislative Council on the 1st of November in last year, and may be seen in the Journals of the Legislative Council.

FEES PAID TO MR. W. F. WILSON.

On the motion of Mr. DAWSON (*Charters Towers*), it was formally agreed—

That there be laid on the table of the House a detailed list of all fees paid by the Crown to Mr. W. F. Wilson, barrister-at-law, since the date of his appointment as adviser to the Lands Department at a salary of £500 per annum.

UNIVERSITY BILL.

On the Order of the Day being called for the consideration of this Bill in committee,

The PREMIER (Hon. J. R. Dickson, *Bulimba*) said: I have it in command from His Excellency the Lieutenant-Governor to state that, having been apprised of the nature of this Bill, he recommends any additional appropriation that may be required up to the extent of £10,000 if the Committee deem it necessary to increase the appropriation in the Bill as it now stands. I am authorised to announce the recommendation of His Excellency; in the meantime the Government do not express any opinion, but will allow the matter to be considered in committee.

COMMITTEE.

Clause 1 put and passed.

Clauses 2 to 5, inclusive, put and passed.

On clause 6—"Senate"—

Mr. DAWSON wished to know, if the Minister would afford the information, why the senate should be composed of twenty male persons? Why should it not include a number of females? A clause lower down provided that the larger body should not be composed wholly of males, and it should be according to merit that people should be chosen. If they had seventeen brainy men and three brainy women, it would surely be better to have them than to have seventeen brainy men and three fools. He should like to know why the Government had hit upon the idea of having twenty male persons.

The SECRETARY FOR PUBLIC LANDS (Hon. D. H. Dalrymple, *Mackay*) could not see any objection whatever to the clause. It was a practice which existed in every university of which he had any knowledge, and he did not think it was wise, in founding a university for Queensland, to try anything in the direction of experimental legislation; but if it was thought desirable afterwards to alter it it could be altered. In establishing a university in Queensland it should be started on safe and sound lines. With regard to the fact that the council might be composed of female persons, he did not see that there was anything particular in it. In Queensland aldermen must be males; but females had the franchise. In New Zealand and some other few places, where the franchise was given to women, in most cases, at any rate, it was not permissible for them to be elected. It might be said it was an anomaly, and it was an anomaly; but if they were going to try to cure all the anomalies, however necessary it might be, in every piece of legislation brought before this House, the life of Parliament would have to be very considerably lengthened.

Mr. DAWSON: The hon. gentleman said it was a practice which had been in existence for some time. That was no argument at all. The practice might have been in existence for years, and it might be a bad practice. He remembered that at one time the cure for every ill that man was liable to was to bleed him. Then chemists used to supply Epsom salts for every ill that his customers complained of. The principle was a very bad one, and, by way of testing the feeling of the Committee, he would move the omission of the word "male" from line 25. In this enlightened nineteenth century there were many excellent females who were capable of taking part in the educational system of the colony; and it should be remembered that they were allowed, by a clause lower down, to be members of the body which would elect the governing body. The students would not be strictly males; there would be girl students. Why should women be excluded if they had the necessary ability to fulfil those functions—and he believed they had? Members had had proof of that in the last month or two in Brisbane.

The SECRETARY FOR PUBLIC LANDS: Why should they depart from the practice which was sanctioned by all the universities in the world? The hon. member said with perfect truth that there were a great many women who had as much brain power as any man, but the hon. member would not refuse to proceed with any legislation until the franchise had first been extended to women, and there was no reason why a reform of that kind should be jammed into a Bill with which it had no necessary connection. The hon. member had not shown that any evil had resulted from merely adhering to a practice which was universal.

Mr. SMITH (*Bowen*) thought the amendment was a reasonable one. They were making new departures at the present time, and as ladies now took degrees in universities which formerly would not grant degrees to women, he thought it was only fair and reasonable that they should have representation by their own sex on the senate or governing body.

The PREMIER (Hon. J. R. Dickson, *Bulimba*) thought that in initiating a measure of that sort they should adhere to the time-honoured custom which prevailed in similar institutions in the mother country. As far as he could learn, that Bill was largely founded on the London

University Bill of last year, and in that connection he could not but deprecate introducing into the constitution of the senate any feature which was really of a tentative character. He did not for one moment disparage the intellectual ability of women in connection with the advance they had made in culture. He recognised that women had very large brain power, and that in sentimental power they were even ahead of the male sex, but science had not yet accepted women as the leading factors of progressive scientific development; though women had wonderfully developed in culture, still they had not yet taken a leading part in scientific culture, or even in teaching the Humanities, but in those departments men still retained the predominance. What they wanted was to establish a university, not on a tentative basis, but on a well founded basis, and he hoped that those who were sincere and earnest in their desire to establish a university in this colony, would be guided by what had been done up to the latest times in connection with similar institutions in Great Britain.

Question—That the word "male" proposed to be omitted stand part of the clause—put; and the House divided:—

AYES, 21.

Messrs. Dickson, Foxton, Dalrymple, Rutledge, Philp, Murray, Chataway, Annear, Stodart, Lord, T. B. Cribb, Newell, O'Connell, Stephenson, Moore, Mackintosh, Forsyth, J. Hamilton, Finney, Callan, and Cowley.

NOES, 29.

Messrs. Dawson, Glassey, Fisher, McDonald, Kidston, Dunsford, Stewart, McDonnell, Higgs, Ryland, Groom, G. Thorn, Kerr, Smith, Jackson, Keogh, Givens, Browne, W. Hamilton, Maxwell, Turley, Dibley, Bridges, Boles, Plunkett, Jenkinson, Curtis, Kent, and Lesina.

PAIR.

Aye—Mr. J. C. Cribb. No—Mr. W. Thorn.

Resolved in the negative.

Clause, as amended, put and passed.

On clause 7—"First senate"—

Mr. HIGGS (*Fortitude Valley*): The clause provided that the first senate should [7·30 p.m.] be appointed by the Governor in Council within six months after the passing of the Act. He moved the omission of the words "appointed by the Governor in Council" with a view of inserting the words "elected by Parliament." He thought members of Parliament ought to be in as good a position to judge of the qualifications of members of the first senate as the Ministry of the day, and that if the first senate was elected by Parliament they would get a senate in keeping with the spirit of the times—a senate which was not a close corporation, and which would represent the views of the populace of Queensland.

The SECRETARY FOR PUBLIC LANDS: Who was going to demand the election? Were they to have a joint sitting of both Houses? He would point out that the House would not be sitting at the time it was required to appoint the senate, and a special session of Parliament would have to be called to transact that business. Without going into the matter further, it would be seen that such an amendment would be exceedingly inconvenient and impracticable.

Mr. DAWSON (*Charters Towers*): The Government proposed by that Bill that the first senate should be appointed by the Governor in Council. In order to widen the scope of the election the hon. member for Fortitude Valley, Mr. Higgs, proposed to allow a larger body to elect the senate.

The SECRETARY FOR PUBLIC LANDS: Have the referendum at once.

Mr. DAWSON: It was not the referendum, but if they could get the referendum on such a matter he would cheerfully support it.

The SECRETARY FOR PUBLIC LANDS: So you can.

Mr. DAWSON: It was because he could not that he supported the amendment.

The SECRETARY FOR PUBLIC LANDS: Nonsense!

Mr. DAWSON: Did the hon. gentleman object to the referendum?

The SECRETARY FOR PUBLIC LANDS: Certainly, as applied to this.

Mr. DAWSON: The only difference between the original question and the amendment was, that the hon. member proposed the election of the senate by Parliament, instead of by the Governor in Council. The amendment broadened the mode of selection, and, as he believed in wide selection, he certainly intended to support it.

The PREMIER: The hon. member evidently did not recognise the proper parliamentary procedure. It would be exceedingly inconvenient for Parliament to attempt to absorb the functions of the Executive.

Mr. DAWSON: We do not intend to absorb their functions.

The PREMIER: His colleague had already clearly pointed out that Parliament might not be in session, and that a special session would have to be convened, and that both Chambers would have to be invited to meet in conference. It would be very unwise for Parliament to attempt to absorb the functions of the Executive. The Executive was responsible to Parliament if it failed to discharge its functions, but for Parliament to attempt to perform the duties of the Executive would only tend to entire confusion, and to the disrepute of Parliament in the estimation of the people. Parliament was too large a committee to deal with such questions, and that was why a Government was appointed. Supposing Parliament elected a very imperfect senate, who was responsible? It was a reversal of the true principle of constitutional government, and he was really surprised that the hon. gentleman opposite—who he was sure was equally anxious with him to cherish the idea of maintaining constitutional and parliamentary government—should for one moment be led away by the idea of the hon. member for Fortitude Valley that the Executive should be relieved of its functions, and that Parliament should become the Executive of the country.

Mr. DAWSON: I cannot agree with you on that, seeing that when I moved an amendment the other day you made it a motion of want of confidence.

The PREMIER: If Parliament was prepared to adopt the principle that it should perform the functions of the Executive in that matter, they might as well relieve the Executive of all responsibility and let Parliament act as the Executive. He did not think that would redound to the reputation of Parliament or to the welfare of the people. The Government must accept responsibility in the discharge of its duties, and if Parliament disapproved then some others would take their place; but for Parliament to appoint the senate seemed not only absurd but ridiculous, and when the hon. gentleman came to reflect upon the theory of constitutional government he would see that the proposal was a very ill-advised suggestion at the present time.

Mr. TURLEY (*Brisbane South*) was opposed to the amendment, because he did not see how it was going to work. The amendment said that the election should be by Parliament. He took it that the position would be the same as if they were to pass a Bill requiring certain things to be done. Supposing it was necessary to appoint inspectors, as under the Slaughtering Act, they allowed the Executive to appoint those inspectors. If the work was not carried out satisfactorily by those inspectors, they could then blame the Government for not seeing that proper men were appointed. Another thing

was that the senate under the clause before the Committee was not a permanent body. If it was to be permanent there might be something in the argument, but five members were to retire annually, and clause 11 provided that "on the first Tuesday in March next after the date of the constitution of the council, and thereafter on the first Tuesday in March in every year, the council shall elect five male persons to be members of the senate." By that means, in four years the whole senate would be elected by the electoral body provided by the Act, and there was, therefore, no necessity for the amendment. He remembered once seeing an election in that Assembly, and he did not want to see another, because it meant that if the Government had a majority they selected the persons they wanted. It was better for the Executive to be allowed to select the senate, seeing it was only a temporary body, than to ask not only that Assembly but the whole of Parliament to have a joint meeting to select twenty persons, part of whom would only occupy their position for a few months.

The SECRETARY FOR PUBLIC LANDS wished to point out, as had been pointed out by the hon. member for Brisbane South, that the proposal was made as if really the first senate was to be permanent, whereas it was only a stopgap for a short time. The amendment seemed futile, even if they passed it. That Assembly had no power to bind Parliament. Supposing they passed a resolution to say that that Parliament should, some months in the future, or by-and-by, elect senators, what power had they to bind Parliament? They could not command Parliament in a week. He might say they had not even power to command that Assembly in a week.

Mr. DAWSON: This Bill goes to the Council for approval, rejection, or amendment.

The SECRETARY FOR PUBLIC LANDS: But the hon. member proposed to say that Parliament should do something in the future, and that included the Legislative Council, and they could not command the Legislative Council.

Mr. DAWSON: No, but this Bill goes up for their approval, rejection, or amendment.

Mr. LEAHY: Part of this senate will continue for four years.

The SECRETARY FOR PUBLIC LANDS: They had no power to command, or to punish either House of Parliament for not doing what they commanded it to do. They had no mandatory power at all, and therefore it seemed useless to pass any such amendment. They had no power over that Assembly, and still less had they power to say to the Legislative Council that they should conduct an election at some future date.

Mr. DAWSON (*Charters Towers*): That was a most remarkable statement to be made by a responsible Minister. What did the hon. member mean by saying that the Assembly had no power to command the Legislative Council? Did he mean that hon. members in this Chamber had no power to make any amendment in any Bill that might be put before them? Did the hon. member who moved the amendment, or any other hon. members who were supporting him, pretend that they were going to command the other Chamber? They had more sense than to even suggest it. The Bill would go up to the Council in the ordinary way for their approval or rejection or amendment. If the provision sought to be appended to clause 7 was not in accordance with the wishes of the people in the Upper House, no doubt they would reject it in the ordinary way, as they had rejected measures on other occasions; but he did not agree with the suggestion of the Minister for Lands that they should not even take into consideration any proposal at all in any measure, Bill, or resolution, unless they had the power to command the Upper House. He absolutely denied that doctrine.

The SECRETARY FOR PUBLIC LANDS: If the Assembly passed a resolution that the Assembly should conduct such an election, how would it be possible for the Assembly to enforce that mandate? If, as it said in clause 7, "the first senate shall be appointed by the Governor in Council within six months after the passing of this Act," the House could punish the Ministry, but the House itself could not be punished.

Mr. DAWSON: Why should the House try to punish itself?

Mr. HIGGS did not admit that this was an innovation that Parliament should elect a senate of this kind, or the members of any given body, but if it was an innovation it was a very good one. While he agreed with responsible government and the institution of the Cabinet, he did not think that, by taking this power from them, it would curtail their true liberties. Select committees of both House were appointed, and he believed it was the intention of the Ministry, at an early date, to appoint another body, to be appointed by the House—to be elected by Parliament.

Mr. TURLEY: All the members of that body are members of this House though.

Mr. HIGGS: He believed in this University of Queensland Bill, and it was his desire to endeavour to make that institution as democratic as possible, and he believed it would be made more democratic if it was provided that the members of Parliament should elect the first senate. The case on this matter had been very well put by a correspondent in the *Courier*, writing under date 25th October last.

Mr. SMITH: What's his name?

Mr. HIGGS: He was an anonymous correspondent, writing under the signature "Academicus." He said—

> The control of the university is to lie entirely in the hands of a senate of twenty persons, five of whom are to retire each year, and are eligible for re-election. The council, or body of graduates, has only one function—namely, to elect the senate, who shall then control the times of meeting and method of procedure of the council itself, *i.e.*, of its own electoral body. The council may, indeed, "make representations from time to time," and the senate "shall have due regard to these representations," but it "need not comply with any such representation." Here, then, is a governing body of twenty persons, practically continuous, who need pay no attention to the demands of its electors or the public, and may, undisturbed and unalarmed, proceed on its way without regard to any interests except its own. The self-interest of such bodies is notorious.
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> There is in the provisions about the senate the one original idea in the Bill—namely, that the Minister for Education shall be *ex officio* one of its members, making an odd twenty-first. Now it is, or has been, a well-known principle in allotting portfolios that the gentleman selected to be Minister for Education need have no particular qualifications for a special interest in the work of his office. We shall suppose that, after an election, the Minister fulfils the statute by attending a meeting of that grave body, the senate. You can see, sir, the little bows and smirks of deference hiding the inward smiles of scorn, the tedium (to the Minister) of all the learned jargon (to the Minister), the sublime joke (to the senate), well sustained. One such experience will probably be enough; but, however weary or out of place the Minister may feel himself to be, he cannot resign.

Now, in what respect did his amendment curtail the liberties of the Ministry, or destroy their dignity? He did not think it did anything of the sort, and so he thought the Minister should accept the amendment. The matter could be decided in less time than it took to carry the amendment. The election could be carried out

by both Houses; then all parties in Parliament could make nominations, and that would be a very desirable course to adopt.

Mr. TURLEY did not see that what the hon. member had just read had any bearing on his amendment at all, except in the event of the Minister being *ex officio* chairman of the board, and sitting as a fool to be laughed at. It had no bearing except that the Minister might select a number of men who would not laugh at him. That was the only inference to be drawn. There was no permanency in this body, changes in it would continually be made, and the Minister would occupy the position of chairman *ex officio*. It seemed that the hon. member was using a steam hammer to crack a flea, and it was not necessary to do that. A whole lot of machinery was asked to be put into operation to convoke Parliament to appoint twenty persons, some of whom would have to go out in six or nine months, and half of them in the space of two years, and in the selection of the incoming members neither Parliament nor the Minister would have anything to do with.

Mr. JACKSON (*Kennedy*) was inclined to support the amendment. At the first sight it might seem that the Government would be the best to nominate the first senate, but, on looking into the matter more closely, there was no certainty as to when the council would be called into existence. It might be a considerable number of years before it was called into existence. This council would consist of twenty nominees of the Government, and the Government would have a very big voice in the election of the senate. Section 4 of clause 10 said: "When the number of persons so enrolled amounts to fifty, the senate shall report the fact to the Governor." The members of the senate would also form a part of the council, and therefore have a voice in the election of the senate.

Mr. KIDSTON: Look at section 11.

Mr. JACKSON: The hon. member would see by subsection 4 of clause 10 that the [8 p.m.] council would not be constituted until there was an enrolment of fifty, and it might be a considerable number of years before the council got into existence. He remembered that when the Divisional Boards Act first came into force the Government appointed the first members of the boards. They might naturally come to the exclusion that the Governor in Council would be the best body to select experts of that character, but it was another question when it was a case of electing the senate of a university, and he was inclined to believe that the matter was one which should be left in the hands of Parliament. They would probably get a more democratic senate in that way. They had no machinery at present in existence for electing the senate, but that could easily be provided for by regulation. The leader of the Opposition had given notice of an amendment which, if carried, would certainly make it more democratic, as under that the control would be left more in the hands of the council than in the hands of the senate. However, they did not know whether that amendment would be carried or not, and he therefore preferred to support the amendment of the hon. member for Fortitude Valley.

Mr. GROOM (*Drayton and Toowoomba*) pointed out that what had been proposed by the hon. member for Fortitude Valley was already in force in the University of Tasmania, where the council consisted of eighteen members, nine elected by the senate, eight by the members of both Houses of Parliament, and the remaining member being the Secretary for Education for the time being.

Mr. TURLEY: But that is a continuous body and this is only temporary.

Mr. GROOM: They had not looked upon the matter as a temporary matter at all in the other colonies but went boldly into it, and not as was proposed here. He was sorry he had not been present on the second reading of the Bill, as there were many defects in it which he would have pointed out. He could tell the Committee that that was not the Bill the late Hon. T. J. Byrnes would have introduced, because that gentleman's idea was to affiliate all the grammar schools of the colony with the university.

The SECRETARY FOR PUBLIC LANDS: There is nothing to prevent that being done under this Bill.

Mr. GROOM: The hon. gentleman had very voluminous evidence before him, not only with respect to the Australian universities, but with respect to the universities in other parts of the world. The universities established on the American principle were very democratic, and were at the same time of the greatest benefit to all classes of the community. He only rose now to point out that what the hon. member for Fortitude Valley proposed was absolutely already in force in Tasmania, and was working there satisfactorily. In other respects the university there was on the lines of the Victorian University, which were very broad indeed, and included the affiliation of a number of colleges and permitted its benefits to be extended to collegiate schools, as should be done here.

The TREASURER: How many students are there there altogether?

Mr. GROOM: He could not tell the hon. gentleman, but he could tell the Committee that when William Charles Wentworth founded the Sydney University, more than half a century ago, there were only five students enrolled when the doors of the university were opened. They made a beginning, and that university was now the finest in the Australian colonies.

Mr. TURLEY: The point raised by the hon member for Toowoomba would be all very well if the Bill proposed the establishment of the senate as a permanent body. If the Bill proposed that the senate should be a permanent body consisting of twenty members, half of whom shall be elected by the electoral body of the college and half appointed by the Executive, he could understand the force of the amendment; he could understand that hon. members would prefer that Parliament should elect the half proposed to be appointed by the Executive. But here it was a question of the whole body getting out of the hands of the Executive and of Parliament and into the hands of the electoral body of the college, and that was a far more democratic constitution than that of the University of Tasmania.

Mr. LEAHY: These nominees could boss everything, and run the show.

Mr. TURLEY: They could do nothing of the sort, because after the first twelve months a fourth of the members had to be elected, and a fourth go out of office. After the next twelve months a fourth had again to be elected and a fourth go out of office.

Mr. LEAHY: They do not go out until the others are elected, and they have a voice in the election.

Mr. TURLEY: That was right; but at the same time hon. members would see that the matter was in the hands of the council composed of the persons mentioned in the Bill, and they had the right to elect whoever they thought fit. Three years from the time the university was established the power was taken into the hands of the electoral body.

Mr. LEAHY: But the members of the first senate may elect themselves over and over again.

Mr. TURLEY pointed out that there must be fifty persons enrolled before the council could be constituted. The amendment did not meet the objection that had been raised.

* Mr. COWLEY (*Herbert*) said he would point out to the hon. member for Toowoomba that in the illustration he had given the council was evidently the governing body, not the senate.

Mr. TURLEY: It is only an interchange of terms. The electoral body is the senate and the governing body is the council.

Mr. COWLEY: He would ask the hon. member for Fortitude Valley to look at subsection 4 of clause 7, which provided that—

> A vacancy which arises in the senate at any time prior to the last-mentioned date shall forthwith be filled by the appointment of a member by the Governor in Council.

In framing the amendment the hon. member had not taken that into consideration. Did he intend that Parliament should elect in that case?

Mr. JACKSON: Not necessarily.

Mr. COWLEY: He agreed with the hon. member, Mr. Turley, that it would be much better to leave the matter to the Governor in Council—in other words, to the executive of Parliament. If they passed the amendment, how were they to proceed with the election? It would either have to be done by a joint sitting of the two Houses, or else provision would have to be made for the Assembly to elect a certain number and the Council the balance. It was easy enough to propose an amendment of that kind, but it was necessary to show how it would work.

Mr. HIGGS said the amendment was plain enough, and regulations could be easily framed for putting it into practice, or the House might decide whether the election should be by ballot or by open voting. He was unable to see the force of the hon. member, Mr. Turley's, argument, who seemed quite satisfied to place confidence in the Ministry to elect the senate temporarily; but if there was any proposal to elect the senate permanently he would have them elected by Parliament.

Mr TURLEY: I did not say that. I said there might be something in the argument.

Mr. HIGGS: It was very likely to be a permanent, or rather a continuous body. His object was that the first senate should, as far as possible, be representative of public opinion in Queensland. He did not think the members of a Ministry had greater powers of penetration, or greater wisdom of selection, than the members of Parliament as a whole. He had a high opinion of members of Parliament as a whole, and he did not think political morality was at such a low ebb that if the House was to elect the senate they would necessarily choose those whom the Ministry desired to be elected.

Mr. SMITH (*Bowen*) did not see that there would be much loss in accepting the amendment, either in time or in any other way. It was argued that the senate was likely to be permanent. Of the twenty members five retired annually, so that it would be four years before they were all disposed of, and during that time the members of the senate would have a great say in the election of their successors. He believed it would be a continuous senate; and in that case where was the harm in its being elected by the Parliament?

Mr. GLASSEY: Who is going to take the initiative?

Mr. SMITH: He did not see any difficulty in that; the machinery required would be very simple. A joint sitting of the two Houses could dispose of it in an hour. Certainly the House would be better satisfied to have a say in the election of the senate. Even if it involved a delay of six or eight months the loss of time would not be great. It was a very important consideration, because on what they did at the initiation of an institution of that kind depended its future prosperity or the reverse. He was inclined to vote for the amendment unless he heard stronger arguments than he had yet heard.

Mr. LEAHY (*Bulloo*): If they were putting the coping stone, as had been said, on the educational system in this colony, it was just as well that the foundations should be laid properly, and the lines on which they went should be straight, or else difficulties might arise like there was in connection with the Brisbane Girls' Grammar School the other day. He was not exactly prepared to support the amendment, because he thought it would be impracticable. They tried to have an election in this Chamber before, and the other branch of the legislature rejected the matter, because they thought they had as good a say as the Assembly; and he could see no means of carrying out that method unless they had an electoral college embracing both Chambers. In some cases regulations had to lie on the table so many days and receive the approval of the House before they became valid, and that system might be adopted in connection with this. He did not think this was so good as the system of requiring that regulations should receive the sanction of that Chamber before they acquired the force of law, and he thought it would be a better principle to give the Governor in Council the right to nominate the members subject to the condition that their nomination should be ratified by this Chamber afterwards. He thought that would be better than saying that the members of the senate should be appointed by resolution of the House, because the Executive would have to take the responsibility. If the Government nominated certain members they would be able to carry it through, but the fact of bringing it before the House, and being subject to criticism, would be the means of making them appoint the best possible members. It was hardly possible to discuss the amendment without considering to some extent clauses 10 and 11, and he agreed with those who had said that if those twenty members were appointed by the Government they would boss the council for all time. It seemed to him that those twenty nominated by the Government would, under all circumstances, form a majority of the senate, and would be in a position to nominate themselves in perpetuity, and he thought a university based on a principle of that kind would not work beneficially in the interests of the country. The great thing was to make a good start, and if the Minister would agree that the members should be appointed by resolution of Parliament, either proposed in this Chamber or the other Chamber, that would give satisfaction, he believed, to the country. As a matter of fact, to a great extent under that system they would be appointed by the people of the country, because they would be appointed by their direct representatives. If the thing was allowed to go in its present form he thought it would be found to contain within itself elements of decay. He saw no objection to having the members in the first instance appointed by resolution of this Chamber, and some provision might be made in the Bill afterwards that those members who retired should not be eligible for re-election until twelve months, at least, had passed, so as to give an opportunity of getting new blood into the senate.

Mr. HIGGS: The speech of the hon. member reminded him of a speech the hon. member delivered the other night when he was very much in favour of part of a proposal he (Mr. Higgs) had made the other night, and was also very much in favour of part of the Government proposal; and he supposed the hon. member was going to vote again in the same "Yes-No" fashion. What the hon. member said about the

senate being agreed to by resolution of this Chamber was tantamount to agreeing that there was a great deal in the proposal the (Mr. Higgs) had made—that Parliament should elect the senate. Why, if the hon. member had such confidence in the power of the Ministry to make the selection of the senate, did he suggest that the House should see the names before they were finally agreed upon? It was merely quibbling with words. If hon. members would not accept the proposal that Parliament should elect the senate, he would be glad to accept the compromise that the names should be submitted to the House for approval. As far as the system on which they would be elected went, there was nothing to stop the Speaker from asking for nominations and the senate being elected by a ballot of both Houses. So far from his proposal leading to the decay of the institution, he believed that if the House were to select the senate the public of Queensland would have far more confidence in the institution. A considerable number of people looked upon the proposal to establish a university in Queensland as being merely in the interests of rich men's sons and daughters, and he thought that if the House elected the senate the public of Queensland generally, which was represented by members on both sides, would have more confidence in the institution, and would endeavour to send their sons and daughters there. Not only that, but he believed that if Parliament elected the senate, it would be more in touch with the people than if it were appointed by the Ministry. It would be much more democratic and would endeavour, as far as possible, to place a university education in the hands of the poorer people, who would, perhaps, appreciate it a great deal more than those who were born with silver spoons in their mouths.

HON. G. THORN (*Fassifern*) could not make out the hon. gentleman who had just spoken. In the one breath he talked about this House, and in the other he talked about Parliament. Did he mean this House or Parliament? [8·30 p.m.]

Mr. GLASSEY: Both Houses.

HON. G. THORN: If the hon. gentleman meant both Houses, the Bill might as well be consigned to the waste-paper basket, because the Upper House, having as much power as this House, would insist on having ten senators as well as this House.

Mr. HIGGS: If the hon. gentleman will diagnose himself he will probably find he has been asleep and did not hear my address.

HON. G. THORN: He thought the Government should be responsible to the House and the country for the quality of the senators. Hon. members should bear in mind it was only for a time—only for four years. After that there would be graduates, who would elect the senate: they created their own body. The amendment was splitting straws over a trifle. He thought the Bill would work well enough if it were allowed to stand as it was. There were several clauses in it that hinged entirely on the rights of the senate, and he would recommend hon. members to be guided by caution before they altered it. He presumed it was framed on the lines of the London University Bill and the Sydney University. In his opinion there was too much of the Sydney University and not enough of the London University about it.

Mr. GLASSEY: It is a musty, fusty conservative Bill.

HON. G. THORN: The examinations for the degrees of the London University were stiffer than any other degrees, not excepting those of Oxford and Cambridge. He should consider it his duty to oppose the amendment.

Question—That the words "appointed by the Governor in Council" proposed to be omitted stand part of the Bill—proposed; and the Committee divided:—

AYES, 40.

Messrs. Dickson, Rutledge, Dalrymple, Philp, Murray, Foxton, Chataway, Glassey, Story, O'Connell, Lord, Tooth, Hamran, Kent, Newell, Annear, Armstrong, Bartholomew, Dibley, Bridges, Stephenson, Campbell, Stodart, Kates, Fogarty, Curtis, Boles, Forrest, Turley, Leahy, Forsyth, Petrie, Moore, T. B. Cribb, J. Hamilton, Callan, Finney, Cowley, Keogh, and G. Thorn.

NOES, 19.

Messrs. Dawson, Fisher, McDonald, Dunsford, Kerr, Smith, Givens, Jackson, Mackintosh, McDonnell, Groom, Jenkinson, Plunkett, Maxwell, Hardacre, W. Hamilton, Lesina, Ryland, and Higgs.

PAIR.

Aye—Mr. J. C. Cribb. No—Mr. W. Thorn.

Question resolved in the affirmative.

Mr. DAWSON (*Charters Towers*) did not want the hon. gentleman in charge of the Bill to think that they were trying to prevent him getting the measure through. He was in favour of establishing a university, but at the same time he held that while the Bill was going through they should do their level best to make it up to date and as liberal as possible. The object aimed at by the hon. member for Fortitude Valley in the amendment which had just been rejected by the Committee was to take the power of appointing the senate out of the hands of the Governor in Council and put it into the hands of Parliament. During the discussion members on both sides of the House agreed to a very large extent with the object aimed at, though they did not agree with the method by which it was proposed to attain that object. As the amendment on which the division had been taken did not meet with the approval of some hon. members who agreed with the principle it contained, he thought they should now try to find a better way for achieving what they desired.

Mr. HIGGS did not wish to move another amendment on the subject, but he would like to know if the Minister would accept an amendment providing that "such appointments shall be ratified by Parliament within thirty days after such appointments are made, and if Parliament is not sitting then within thirty days after the meeting of Parliament." If the clause was amended in that way, and Parliament at any time disagreed with any appointment made by the Governor in Council, no doubt the Governor in Council would substitute another name for the name objected to, if necessary.

The SECRETARY FOR PUBLIC LANDS: If the amendment were adopted, and a senate was appointed by the Governor in Council, the members would not feel in a position to go to work, as they would if they knew that they were definitely appointed. In his humble judgment, the amendment was not a good one, for he did not see what would be gained by Parliament ratifying the appointments. If the Ministry appointed a number of gentlemen to constitute the senate, and those appointments were not ratified by Parliament, he supposed that would cause the Ministry to retire, as it would be a kind of want of confidence vote. They should not make matters of that sort the pivots of party warfare. It would be better to pass the clause as it stood, as it embodied the practice which had been adopted in universities which had been established for years, and which had been a success; whereas, as far as he knew, there was no precedent for the amendment.

Mr. HIGGS moved that at the end of the 1st paragraph of the clause there be added the following words:—"Such appointments to be subject to the ratification of Parliament." He would not speak on the question, as hon. members had all made up their minds on the subject.

Mr. GROOM suggested that the hon. member should amplify the amendment, because at present it did not state how the ratification was to take place. The usual form in which such a provision was made was that the names of the senate should be laid on the table of both Houses of Parliament, and that if they were not objected to within fourteen days after the meeting of Parliament they should then take effect. As the amendment now stood it would require a resolution of the House to ratify the appointments.

Mr. COWLEY: The hon. member wants a resolution.

Mr. GROOM: In all his parliamentary experience he had never heard of appointments being brought up to be ratified by a resolution of the House. The practice had always been that which he had indicated, and he could not support the amendment in its present form.

Mr. HIGGS: By permission he would withdraw his amendment, and accept the suggestion of the hon. member for Toowoomba by moving that after the word "act" the following words be inserted:—"The names of the senate to be laid on the table of both Houses, and if not objected to within fourteen days after the meeting of Parliament, the same to take effect."

The SECRETARY FOR PUBLIC LANDS really did not understand the amendment. Assuming that certain persons had been selected by the Ministry, what would happen if even one member of Parliament objected? "The same to take effect." What was "the same"? Was the objection to apply to the one senator who had been objected to, or was a new lot of senators to be chosen? It struck him that according to the amendment if any member of Parliament opposed the name of one senator the whole of the selection of senators was done away with. That was a method by which the initiation of a university could be put off indefinitely.

Mr. COWLEY: What would happen supposing one House objected and the other did not? They would be in the same fix as the municipal council.

Mr. GROOM: The amendment was only the affirmation of a principle which they had already adopted. It was the same as in the case of assessors nominated by the Speaker to serve on the Elections Tribunal. The hon. gentleman suggested both Houses of Parliament, but he would suggest only one, if that would meet the views of hon. gentlemen. They were about to establish a university, and they must adopt the methods adapted to the circumstances of the colony. New Zealand had a university probably unique in its character, the constitution of which was framed by some of the best intellects in the colony; but what suited that colony probably would not suit this. All that was asked was that when twenty gentlemen were nominated their names should be laid on the table of the House, and if those names were not objected to within fourteen days of the meeting of Parliament, they would stand as the names of the members of the senate.

The SECRETARY FOR PUBLIC LANDS: Supposing they are objected to?

Mr. GROOM: The hon. gentleman anticipated that they would be, but that did not follow.

The SECRETARY FOR PUBLIC LANDS: But you have to provide for an emergency.

Mr. GROOM: It was possible for the hon. gentleman to raise almost any objection if he set his face against the principle. The principle proposed to be established was that the Government should nominate the first senate, but the amendment said that the House would reserve to itself the right of objecting to the names. If the Minister would not accept any suggestion from that side of the House to improve the Bill, they might as well at once pass it as it stood.

Mr. SMITH: The Bill provided that the first senate should be appointed by the Governor in Council, and, according to the amendment of the hon. member for Fortitude Valley the appointments were to be subject to review by Parliament. If the appointments were not ratified by Parliament that would be a censure on the Governor in Council, and the whole process of appointment would have to be gone through again. He thought that would be hardly justifiable.

Mr. DAWSON: It will make them very careful in making the appointments.

Mr. SMITH: If instead of "appointed" they said "nominated" by the Governor in Council, that would meet the case. The nomination would then be subject to the approval of the House, but if the appointments were actually made he did not see how the House could alter them.

Mr. HARDACRE (*Leichhardt*): The amendment as proposed was absolutely worthless, and they might just as well accept the Bill as it stood, as they would be unable under the amendment to discuss the appointments which were made. They could have a much better discussion on the Estimates when they were dealing with the university vote. It was said that the principle proposed by the amendment was the uniform practice with regard to regulations; but there had never been a discussion yet upon any regulations which had been laid on the table of the House at the opening of a session, so that that went for absolutely nothing. It was a practical impossibility for hon. members to discuss the appointments that were made within fourteen days from the opening of a session. It was not theoretically impossible, but it was practically, because they could not interfere with Government business, and they would have only two afternoons in which to discuss the question, and it would be talked out if necessary. Unless they succeeded in carrying a resolution against certain names being included within fourteen days of the opening of Parliament, the appointments would continue.

[9 p.m.]

Mr. SMITH: Under the amendment the House has control.

Mr. HARDACRE: Parliament would have absolutely no control, but on the Estimates they could discuss the matter and object as much as they liked to any of the names.

Mr. LEAHY: What have the names to do with it?

Mr. HARDACRE: The Estimates gave an opportunity of discussing the names of the senators who were appointed.

Mr. SMITH: They might alter the names.

Mr. HARDACRE: Of course they might, but supposing the Governor in Council appointed the senators during the recess, they would be unable to alter any of the names after a lapse of three or four months, without the strongest possible reasons. It would be a difficult matter to even raise a discussion within fourteen days of the opening of Parliament, whilst it was an impossibility to get a resolution carried. The proposal of the hon. member for Bulloo, that the appointments should be made by resolution of that Assembly was much better. That would necessitate a resolution being brought before the Assembly, it would necessitate a discussion. If there was no objection to the names, the matter would go as formal. He suggested in place of the amendment the addition of the words "subject to ratification by resolution within fourteen days after the opening of Parliament," or within such other time as Parliament

decided. What was necessary to secure was that there should be a discussion brought on by the Government in Government time, so that they would be afforded an opportunity of having a full discussion. If the Government were compelled to bring on a discussion it ensured the control of the Assembly.

The PREMIER thought the amendment would entirely fail of its object. Supposing dissent was not raised within fourteen days after the opening of Parliament what would be the result? If Parliament erased any of the names would they proceed to an election by ballot? What machinery was provided?

Mr. GLASSEY: That is a matter of detail.

The PREMIER: It was a very important matter. He could not see why there should be any apprehension of the action of the Executive in connection with the appointment of those senators. One-fourth of them retired every year, and surely the Executive would be responsible to Parliament either on the Estimates or by a direct vote of censure for any inappropriate appointments they might make. He was not at all enamoured of the idea of the hon. member for Toowoomba. He thought the hon. member referred to earlier days in that Chamber, when the celebrated 55th clause of the Pastoral Leases Extension Act of 69—which contained the *motif* of the amendment, and which raised a great deal of discussion—was under consideration.

Mr. GROOM: There have been other instances since then.

The PREMIER: The principle of that celebrated clause was that the resumptions were laid on the table of the House, and if not dissented from by resolutions of both Houses of Parliament, they were agreed to. That principle might apply to land resumptions, but it would be a very awkward and roundabout way of dealing with nominations to the senate of an educational institution.

Mr. GROOM: I only suggested the matter to the hon. member.

Mr. LEAHY: It is the same with the regulations passed under every Act now.

The PREMIER: The nomination of senators for an educational institution, surrounded with such conditions as those, would be very cumbersome. The more direct the responsibility of the Government the better, and it was decidedly better to let the Executive take the entire responsibility in that matter than to surround it with conditions which would really be ineffective, and would entail a very large amount of machinery to enable Parliament to correct any appointments which might not have been advisable. He contended that, so long as they had constitutional government, the Executive of the day must be saddled with responsibility. There was no use Parliament endeavouring to become the Executive. There was a wide line of demarcation between the Executive and Parliament, and it would be a great mistake for Parliament to attempt to saddle itself with the responsibility of the Executive functions, or to take away from the Executive the responsibility which they owed to Parliament, and which Parliament would justly punish them for if they exceeded their duty. It would be far better to allow the responsibility to fall upon the Executive, and allow Parliament to deal with them according as they discharged their functions properly or not.

Question—That the words proposed to be inserted [*Mr. Higgs's amendment*] be so inserted—put and negatived.

Clause 7 put and passed.

On clause 8—"Disqualifications"—

Mr. GLASSEY (*Bundaberg*): He did not like the first part of the clause, which read—

> No person who—
> (i.) Has his affairs under liquidation by arrangement with his creditors; or
> (ii.) Is an uncertificated or undischarged insolvent; or.

During all the years he had been a member of the House he had endeavoured, as far as he was able, to exempt persons from these disabilities, which resulted in many cases through no fault of their own, but who had to call their creditors together and make financial arrangements with them. It was quite possible, in dealing with a measure of this kind, that one of the most competent persons in the community, perhaps an eminent scholar, a man of the highest ability and character, who would be worthy to be placed in such a position of trust and responsibility under the Bill, would be debarred under the first part of the clause to which he objected. It might result through some unforeseen circumstance; it might be through his being too friendly with a person in needy circumstances, whom he relieved from financial straits; and then, through pressure, that person would be debarred from holding the position of senator under the Bill. He asked the Minister in charge of the Bill if he considered that a fair thing. It might be that the principle had been copied from some similar measure, but that was no justification for perpetuating this state of things. He remembered some few years ago a member of the Chamber—a gentleman of the highest character, and a man who was perhaps one of the most popular members on either side of the House—although he might not have been one of the most brilliant—through unforeseen circumstances he was obliged to call his creditors together, and, notwithstanding that an arrangement was quietly entered into with them, his affairs were dragged before the Chamber, and he was forced to go to the expense and trouble and turmoil of another election. There was no justification for this on moral grounds, and there ought to be none on political grounds. He thought the first portion of the clause required consideration and amendment.

The SECRETARY FOR PUBLIC LANDS: The opinion expressed by the hon. member as to the origin of the provision mentioned by him was quite right; but the same provision applied to a member of Parliament, to an alderman, and to a member of a divisional board. It was merely a part of the ordinary law of the realm. If the Committee did not desire to have this part of the clause kept in, he had no objection to its elimination. But if such a principle was deemed necessary with regard to a member of a divisional board, he did not see any reason why it should not be adhered to here, in connection with persons who would hold the responsible position of senator. He was entirely in the hands of the Committee, but he thought the matter was really of no consequence one way or the other.

Mr. GLASSEY: He had casually alluded to the fact that this was the law of the land, but there was no justification for its repetition in this Bill, above all other places and Acts in the world. This Bill provided for establishing a university; also how it was to be worked; where the money was to come from; and so forth and therefore; and under these two first sections, a man, and perhaps a female, of the highest character and attainments, who might be most useful in the position referred to, might be debarred through no fault of his own, but simply by assisting a friend in financial distress.

Mr. ARMSTRONG: It's a bad business.

Mr. GLASSEY: The hon. member was right there, yet while human nature existed, generosity always would, and should be, exhibited.

Mr. ARMSTRONG: In public institutions, no.

Mr. GLASSEY said he was quite in accord with sections 3, 4, and 5 of the clause, but moved that sections (i.) and (ii.), lines 49, 50, and 51, of the clause be omitted.

Mr. LEAHY: It is a very strange reflection on a body of this kind to say that they do not want all their members properly qualified.

Mr. GLASSEY: I think the hon. member for Bulloo may probably be right in that, but I do not take any objection to the second part of the clause.

Amendment put and negatived; and clause put and passed.

Clause 9—"Election of chancellor and vice-chancellor"—put and passed.

On clause 10 as follows:—

1. The council shall consist of the members of the senate; of all graduates of the university of the degree of master or doctor, and of all other graduates of the university of three years' standing; of all graduates of other universities of three years' standing who have been admitted to degrees in the university; and of such fellows, members, licentiates, and associates of colleges or institutions duly authorised to grant degrees, diplomas, licenses, or certificates as may under the statutes be admitted to be members of the council.

2. A graduate of another university who is admitted to a degree in the university shall reckon his standing from the date of his graduation in such other university.

3. Until the council is constituted the senate shall cause to be kept a roll of all persons who are entitled to become members of the council, and thereafter shall cause to be kept a roll of all members of the council.

4. When the number of persons so enrolled amounts to fifty, the senate shall report the fact to the Governor. The report shall be published in the *Gazette*, and the council shall be deemed to be constituted on the date of such publication.

5. At its first meeting held after the date of its constitution, and thereafter at its first meeting held after the first Tuesday in March in every year, the council shall elect one of its members to be its warden.

Mr. JACKSON (*Kennedy*) objected to the wording of the first part of the clause, as he did not think the members of the senate should be a part of the council. They certainly had Ministers who were administrators, and at the same time formed a part of Parliament, but he did not think the analogy a good one. To test the feeling of the Committee, he moved the omission of the words "of the members of the senate" in the first and second lines of the clause. He thought it wise to keep the two bodies separate, and that would be secured to a large extent by preventing members of the senate from being also members of the council. The hon. member for Toowoomba, who could speak with greater authority on the subject than he could, would probably have something to say on the subject, and would be able to quote the constitution of the university of New Zealand to show that there they disassociated the members of the senate from the council.

Mr. GROOM thought the Secretary for Lands would have explained the reason why he wanted this particular wording of the section. If the members of the senate were to be members of the council they would be twenty straight away, and if they were to continue until the number of qualified persons enrolled was fifty, it appeared that the members of the senate would virtually elect themselves after their first nomination. It was somewhat unusual, and he would like to know why it was that the experience and wisdom of past years in the history of the London and other universities should have been utterly ignored in the drafting of the Bill? Since Sir Charles Lilley had moved for a commission on the subject of the establishment of a university in Queensland, he had given the question continual study. The constitution of the university of New Zealand was most simple. It is provided that the university should consist of the chancellor, vice-chancellor, fellows, and graduates. There were two courts—senate and convocation. The senate consisted of twenty-four fellows, who elected out of their own order the chancellor and vice-chancellor; and the convocation consisted of all graduates above the degree of bachelor and all bachelors of three years' standing. The senate was an administrative body, and made regulations. The council elected the fellows, and had the power to discuss laws relating to the university. There hon. members would see at once that the two bodies of senate and convocation were accurately defined, but it was not so under the Bill.

Mr. COWLEY: Yes it is, very clearly, I think.

Mr. GROOM: They must agree to differ on the point. He would like the Secretary for Lands to explain why it was proposed that the members of the senate should be members of the council. Was it because it was thought that there would not at first be a sufficient number of graduates found to form a governing body? He hoped his remarks would not be regarded as hostile, because his criticism was entirely with the object of establishing our university on the broadest possible lines. He was of opinion that the senate should be an entirely distinct body from the council—that they should not consist of the same members. He hoped they would get some explanation of the intention of the clause.

Mr. COWLEY (*Herbert*): Before the hon. gentleman replied he would like him also to reply to another question. It appeared to him, from the wording of the next clause, that as the members of the senate retiring by rotation would not go out of office until five others had been elected to take their place, the five retiring would be entitled to vote for themselves.

Mr. LEAHY: They must go out, anyhow, and new men must come in.

Mr. COWLEY: Not necessarily five new men, as the five retiring might be re-elected.

Mr. LEAHY: I confess I read it that way at first.

Mr. COWLEY hoped the Minister would elucidate the point, and say whether the members retiring could vote for their own re-election.

The SECRETARY FOR PUBLIC LANDS: He should say unhesitatingly, not being a lawyer, of course they could. He should like to know what happened to an hon. member of that Committee when he retired by rotation? He thought it was probable that they voted for themselves. He admitted that he did. The council was merely another name for the electors. Graduates had the franchise, but the senate was not actually confined to graduates. In the case of a graduate who was a senator, he would have the electoral franchise as a graduate; and why should he not? Why should a man be disfranchised because he was a senator?

[9·30 p.m.]

Mr. LEAHY said that on reading clause 7 carefully it appeared evident to him that there must be an actual change at the end of every year; there must be a vacancy before the vacancy could be filled up. It was provided that five members of the senate should retire annually. There were twenty members of the senate. If A, B, C, D, and E were re-elected, how could there be a retirement of those five members?

The SECRETARY FOR PUBLIC LANDS: The case might be compared with the election of an alderman under the Local Government Act.

Mr. LEAHY: But there the vacancy comes first.

The SECRETARY FOR PUBLIC LANDS: The alderman went out at the expiration of his three years, and there was no vacancy. It was simply an interchange between the man who went out and the man who came in.

Mr. McDONALD: The clause does not indicate that they shall go up for re-election.

Mr. DAWSON: An alderman does not hold his position until his successor is elected.

* Mr. COWLEY: It was necessary to come to a correct understanding as to the effect of the amendment proposed by the hon. member for Kennedy. Subsection 3 of clause 7 provided that the members should remain in office until after the first election of the members of the senate. What he wanted to know was, Could those members, as they remained in office, vote for themselves for re-election? Members of local authorities or directors of companies voted for themselves by virtue of their position as ratepayers or shareholders, not by virtue of their position as members or directors. But in that case they were nominated first by the Governor in Council, and they had no standing whatever except on that nomination. If the contention of the Minister was correct he held that the principle was a very bad one. He could understand that, if they were graduates or had any qualification other than that of nomination by the Governor in Council, they should have a vote, but he could not understand why they should vote for their own re-election or for the election of others if they are purely nominated by the Governor in Council in the first instance.

Question—That the words "of the members of the senate" proposed to be omitted stand part of the clause—put and negatived.

Mr. COWLEY: It would now be necessary to make consequential amendments. Probably the hon. member would not be willing for the number of fifty to remain in the clause.

Mr. JACKSON: It would be a very reasonable proposition to reduce the number from fifty to thirty or forty. The sooner the council was appointed the better it would be; and if they kept the number at fifty it might be years before they could get the council appointed. He was in favour of reducing it to fifty; but before moving an amendment to that effect he should like to get an expression of opinion on the subject.

Mr. LEAHY: He held in his hand the Bill which was drafted last year by the late Premier, Mr. Byrnes, who was a recognised authority on the subject. In that Bill the term "senate" had the same meaning that the term "council" had in the present Bill. The amendment just adopted brought it into line with Mr. Byrnes's Bill; but in that Bill the number of electors was 100. That was twice the number proposed here, so he thought they might let the matter stand.

Mr. GROOM: That was the number fixed by the late Hon. T. J. Byrnes, whose intention it was to move in Committee that when the number reached one hundred they should be entitled to a parliamentary representative in that Chamber. He thought that was a necessary corollary to the establishment of a university. In his opinion no consequential amendment was necessary.

The SECRETARY FOR PUBLIC LANDS did not see the slightest necessity for altering the clause. In reducing the number from 100 to fifty they were really going in a democratic direction in order that members of the senate chosen by election should exist at an earlier date than would otherwise be possible.

Mr. GIVENS (*Cairns*) thought that as they had knocked out the provision that the council should consist of members of the senate they should also provide that a senator should not be a member of the council.

The SECRETARY FOR PUBLIC LANDS: That would be the same as passing a law providing that no member of Parliament should be an elector. Yet if a man was not an elector he did not know how he could become a member of Parliament.

Clause, as amended, put and passed.

Clauses 11 to 15, inclusive, put and passed.

On clause 16—"Powers of Senate"—

Mr. GLASSEY (*Bundaberg*) said the hon. member for Charters Towers had given notice of an amendment omitting all the words after the end of the first paragraph, and inserting—

> The senate shall have power to appoint and dismiss all professors, lecturers, examiners, officers, and servants of the said university, and shall have the entire management and superintendence over the affairs, concerns, and property thereof, subject to the statutes and regulations of the university.

It seemed to him that there was a good deal to be said in favour of the senate having such power. The senate was supposed to be possessed of powers, and it was proposed that these powers should be given to it—to appoint and dismiss all professors, lecturers, examiners, officers, and servants of the university. He did not know what was the custom in connection with other governing bodies in other parts of the world, but with some universities it was a very difficult thing to dismiss a professor or a lecturer who had been there for a long time. There were many reasons why a professor or a lecturer should be dismissed; but it was not necessary for him to go into details. No doubt the hon. gentleman, who had given some thought to the matter, would be able to give some reason why the amendment should be considered. On the face of it, as far as the language was concerned, he was inclined to approve of it. He thought the governing body should be endowed with large powers, such powers as would enable it to dismiss any person, who, in its judgment, was incompetent for a variety of reasons. At any rate, he thought the powers proposed to be conferred by the amendment should be conferred, and that they were not by any means excessive. He moved the amendment standing in the name of the hon. member.

The SECRETARY FOR PUBLIC LANDS: The amendment proposed that the senate should have power to dismiss all professors, lecturers, examiners, officers, and servants, but the power to appoint, according to the Acts Shortening Act, included the power to dismiss; therefore the amendment was superfluous. Then the word "dean" was omitted. He did not know why the hon. gentleman had omitted that. The senate should certainly have power to appoint the dean. Each head of a faculty, the chairman in each case, was called a dean. Therefore that word should be inserted.

Mr. COWLEY: He leaves that in. His amendment comes in after "university."

The SECRETARY FOR PUBLIC LANDS: Yes; but if the hon. member would read the Bill he would see that it provided that the senate might, from time to time, appoint deans, professors, lecturers, examiners, etc., but in the amendment the word "dean" was left out. He did not know why it was left out. Then the amendment said "the said university." That was superfluous, because "university" was defined, and when a person spoke of the university he spoke of the University of Queensland. He did not think the way the amendment was worded was correct. It said: "The senate shall have the entire management and superintendence over." They would not have "management over." The wording should be "entire management of and superintendence over the affairs, concerns, and property thereof." Then it said "subject to the statutes and regulations of the university." There were no regulations at all in the Bill. The matter was dealt with by statute. Therefore he did not think he could accept the amendment.

Mr. DAWSON understood, from the speech just delivered by the hon. member, that the only

reason he could not accept the amendment was that it did not express what was intended to be expressed; that the grammar was bad; that the meaning was not clear—but that he had no objection to the principle which he understood was embodied in it. Did he interpret the hon. gentleman correctly?

The SECRETARY FOR PUBLIC LANDS: It seems to me the same thing as is already in existence in the Bill. I do not see any difference except that one is fairly good grammar and the other is slightly defective. Will the hon. gentleman point out why he proposes the amendment, and what he is endeavouring to supersede?

Mr. DAWSON: He had never been Secretary for Education, and he did not pose as an authority on grammar; but he might inform the ex-Secretary for Education and the present Secretary for Lands, who was in charge of the Bill, that this particular clause was word for word, without any exception, copied from the South Australian Act, and was also in the Victorian Act.

The SECRETARY FOR PUBLIC LANDS: That may be so.

Mr. COWLEY: They may not have an Acts Shortening Act.

Mr. DAWSON: The hon. gentleman had not referred in the slightest degree to the Acts Shortening Act. He said the paragraph itself was wrong.

The SECRETARY FOR PUBLIC LANDS: I referred to the Acts Shortening Act.

Mr. DAWSON: He had referred to bad grammar. The hon. gentleman's delicate sense of intelligence as Secretary for Education had been offended by the vulgar construction of this paragraph, not that he had any objection to the principle embodied.

The SECRETARY FOR PUBLIC LANDS: There is no principle except that which is embodied in the Bill.

Mr. DAWSON: The hon. gentleman had asked why this should supersede the proposition in the Bill. He would tell the hon. gentleman. He thought that, as Secretary for Education, he should not need to ask the question, or expect anybody to tell him; he should be able to know it for himself. The Bill proposed, as he (Mr. Dawson) pointed out on the second reading, to reverse the general order of governing the university—that the senate, which was created by the council, should be the dominant party, and that the powers embodied in the amendment should be exercised by the senate, the small conservative body, the Upper House, without the representation of the larger body at all. He (Mr. Dawson) proposed, by the elimination of the proposal of the hon. gentleman, and the substitution of his own, to reverse the order proposed in the Bill—that was, that the council, the larger body, should be the governing body, and that it should exercise the powers that he mentioned in his amendment, not that the senate should be able to act in defiance of the council. That was the reason he moved the amendment, and if the hon. gentleman would look at page 5, and read the last subsection of clause 16, he would understand what the thing meant.

The SECRETARY FOR PUBLIC LANDS was sorry that his reference to the [10 p.m.] defective construction of the amendment had ruffled the hon. member, but he would point out that it seemed really to run on the same lines as the clause. What the hon. member appeared to want was that the senate should do nothing without consulting the council, so that the senate should not be the governing body of the university. The senate would be more or less amenable to the graduates who elected that body; but he did not know that it would be a good thing that on every occasion the senate, before deciding to do a thing, should call in the whole body of graduates, many of whom would in time to come have passed ten, twenty, or forty years before, and be out of touch with current modern thought. That was the principal objection to the amendment. The senate would be much more likely to be up to date, and it seemed to him that they should have the power to manage the university.

Mr. JACKSON: There was an important principle involved in the amendment, but that principle was more in the words which it was proposed to omit than in the words which it was proposed to insert. The words the hon. member proposed to omit were as follows:—

> The council may from time to time make representations to the senate upon any matters concerning the university, and the senate shall have due regard to all such representations.
>
> But the senate shall not be bound to wait for any representation of the council before exercising any of its powers or to comply with any such representations.

The object of that would be seen by a reference to another amendment the hon. member proposed to insert after clause 25, as follows:—

> The council may amend any statute or regulation submitted by the senate for their approval, and may return the same so amended for the further consideration of the senate, but shall not originate any statute or regulation.

The hon. member in that amendment proposed to give the council a power of veto over the actions of the senate, but not to give them the power to originate any statute.

Mr. GROOM: It was to be regretted that the hon. gentleman in charge of the Bill did not inform the Committee why he had departed from the principle formulated in the Bill of 1898, which made the council the governing body of the university. The provision in the Bill of last session was as follows:—

> The council shall have full power to appoint and dismiss all professors, officers, and servants of the university, and shall have the entire management and superintendence over the affairs, concerns, and property thereof, subject to the statutes and regulations of the university, and in all matters regarding the university unprovided for by this Act, to act in such manner as shall appear best calculated to promote the interests of the university.

Now the hon. gentleman took away that power from the council and gave it to the senate.

Mr. TURLEY: I understand that the terms in that Bill were transposed.

Mr. GROOM: No; there was something more than a change of name. The 17th clause of the Bill of 1898 provided that—

> The council shall have full power to make, alter, or repeal any statutes or regulations made for the following purposes, etc.

And the Bill now before the Committee proposed to vest that power in the senate.

Mr. COWLEY: Did the council in the 1898 Bill correspond with the senate now?

Mr. GROOM: No.

The SECRETARY FOR PUBLIC LANDS: Of course it does.

Mr. GROOM: In the Bill of last session the senate had power to elect one of its own members as warden, but in the present case the council had to elect the warden.

Mr. TURLEY: Is not the senate in this Bill the council in that Bill?

Mr. GROOM: No; nothing of the kind. The Bill of 1898 provided for a senate and a council; but in section 16 the senate had full power to do what under the present Bill the council had power to do. He had the two Bills in his hand, and it was utterly impossible to reconcile one with the other. Of course, if what the hon. member for South Brisbane said was correct, he must withdraw his objection, but he should like an explanation from the Minister.

The SECRETARY FOR PUBLIC LANDS: The body which was termed "council" on the last occasion when the Bill was introduced was now termed "senate." There was no rule whatever with regard to the two terms. The university of Melbourne called the upper body "the council," and the lower "the senate." In London and in Sydney they adopted the other course, and called the higher body "the senate," and the lower "the council." He was of opinion that on the whole the term "senate" was the proper one by which to denote the higher body. Therefore, whatever was said with regard to the power of the council held good regarding the senate.

Mr. COWLEY thought the whole matter was very clear, and that the hon. member for Toowoomba would see that he was fighting for what was in the Bill. He could understand that there might have been some difficulty if they had allowed the original senators to remain, but now that they had eliminated them, and the senate for the first term would consist entirely of elected members by the council, it was much better to give them full power. Really the senate would be the elected body of the council, and it would be the executive of the council.

Mr. TURLEY: As a matter of fact the amendment did not take away any power from the senate which was already granted. The only thing was that it altered to some extent the wording and left out subsection 2 of clause 16, which maintained the power of the senate altogether independent of the body which created it. There was very little in the objection taken by the Minister, because the word "regulations" could be left out. That was simply verbal. And as regarded the question of supervision and management, that was correct, because the superintendence must be "over" and not "of." The words read by the hon. member for Toowoomba were inserted in the last Bill, and they would not take away any of the powers of the senate, and the leaving out of subsection 2 of clause 16 was provided for again by new clause 25. One must be taken with the other before the full import of the amendment could be seen. That was the reason why he thought the hon. gentleman should accept the amendment, seeing that it was the exact wording of the South Australian Act and of the Victorian Act. The word "regulation" could easily be left out, because it was superfluous.

The SECRETARY FOR PUBLIC LANDS: The whole thing was a question of policy as to what was the wisest thing to be done in connection with the management of the university. What was proposed was that the governing body of twenty men should be amenable to the popular will, which must be renewed, so far as a quarter of them were concerned, every year. The question was whether they should be allowed to discharge the functions of government or not. The amendment was to place in the hands of the council a veto over whatever the senate did.

Mr. TURLEY: That was not so. The words "the senate shall be the governing body" were allowed to remain, and it went on to say that they should have power to appoint and dismiss certain people subject to the statutes of the university. So that it did not interfere with the power they had in dealing with other matters. The amendment left out subsection 2 of clause 16, and in making new statutes or repealing old ones the senate had to submit their action for confirmation to the body that elected them.

The SECRETARY FOR PUBLIC LANDS: The power of the senate was precisely similar to the power Parliament itself exercised. They made laws, and when they went back to their constituents, if they had made bad laws, their constituents rejected them. They had only once submitted a matter direct to the people by referendum, and what hon. members were endeavouring to do was to refuse to allow the senate to pass any law or statute without first submitting it to a referendum of all the electors. In his opinion the remedy was the remedy which the people of the colony had against members of that House. It was not that they should be consulted on every occasion as to whether this or that law should be passed, but they had it in their power to deal with the persons whom they had elected. Every year one-fourth of the members of the senate had to be elected, and in all probability that would be a sufficient method for enforcing public control, and it would be a better method than allowing the governing body to do nothing without the long delay that would be necessary before they could get the consent of the graduates—many of whom, certainly in time, would get quite out of touch with the university, and perhaps take very little interest in it. On the whole, that was not as good a method as the one proposed in the Bill—that was to say, allowing the elective body to choose one-fourth of the senate every year. That would keep control of the governing power in their hands, while it would at the same time give the senate a free hand in the despatch of their business with reasonable celerity.

Mr. TURLEY: The objection usually taken to the referendum by hon. members had been that they submitted a concrete matter to a large number of people who were not competent to form an opinion upon the subject. That objection could not be taken in the present instance, because there was an educated electorate to which the question was to be submitted, who were capable of forming an opinion and were competent to be elected to the senate themselves. At the beginning of the debate the hon. gentleman stated in reference to an amendment moved by the leader of the Opposition that he was not aware of anything in existence in any other place which was in advance of the Bill, and that experience had not shown the necessity of making a change. The hon. gentleman's Bill was based upon a measure which was passed fifty years ago, and in Australasia there were a number of other establishments of more recent date. The South Australian Act was passed twenty-five years after the Act on which the present Bill was founded, and the Victorian Act was passed in 1890—or forty years after the Act on which the hon. gentleman's measure was based.

The SECRETARY FOR PUBLIC LANDS: It is a much more conservative Bill than this.

Mr. TURLEY: The hon. gentleman knew that it was not.

The SECRETARY FOR PUBLIC LANDS: I do not.

Mr. TURLEY: The present Bill was far more conservative—as had been pointed out by the hon. member for Toowoomba—than the Bill which was introduced last session.

The SECRETARY FOR PUBLIC LANDS: The hon. member for Toowoomba was under a misconception when he said so.

Mr. TURLEY: That was not so. The hon. member for Toowoomba had pointed out that he was mistaken in regard to the interchange of terms. He thought that the large power remained with the senate—that the senate was the electoral body. It had been found necessary to make universities in the other colonies more democratic. They had had the experience of the Sydney University to go upon, and seeing that was so they should not hark back fifty years in framing the Bill for the establishment of a Queensland University. It had been pointed out two or three times that the Bill which was submitted last session would have been adopted had

the late Premier not died, and he was satisfied that the Secretary for Lands would not have thought of opposing that Bill.

The SECRETARY FOR PUBLIC LANDS: I think I submitted it, didn't I?

Mr. TURLEY thought the hon. gentleman did, but the governing principle of that Bill was altogether different to the governing principle of the Bill under discussion.

Mr. DAWSON: The same as my amendment.

Mr. TURLEY: Yes; because it was based on the Melbourne University Act, and that was all that the hon. member's amendment aimed at. He simply desired to bring the Bill into conformity with the Bill of last session. It was nothing but right for the hon. gentleman to accept the amendment, seeing that the amendments which followed would make it far more democratic than it would be if the hon. gentleman stuck to the Bill and forced it through in the form in which it was now.

Mr. DAWSON: The hon. member for Herbert had stated that the amendment in clause 10 to some extent took the sting out of the amendment. Still, it did not go far enough. If they allowed clause 16 to remain as it was, they put the governing power in the hands of the senate.

The SECRETARY FOR PUBLIC LANDS: That is exactly what they are put there for.

Mr. TURLEY: What are they for in the other colonies?

Mr. DAWSON did not propose by his amendment to take the governing power out of the hands of the senate, but he did propose that they should not do certain things without the approval of the council. The 2nd subsection provided—

> The council may from time to time make representations to the senate upon any matters concerning the university, and the senate shall have due regard to all such representations. But"—

The inevitable "but" came in there—

> But the senate shall not be bound to wait for any representation of the council before exercising any of its powers or to comply with any such representation.

That was to say—in plain, unmistakable English—that the senate could do any one of the things prescribed in clause 25 without waiting for any approval or decision of the council.

Mr. GIVENS: Or in defiance of the council.

Mr. DAWSON: Yes; in defiance of the council. If hon. members would turn to clause 25, they would see where the danger in connection with this clause 16 came in. He proposed to restrict the powers of the senate. The whole matter of the government—the very life and existence of the university—was embodied in clause 25. But by clause 16 as it stood, it was proposed to give the senate—a body specially created by the Governor in Council—absolute power to run the whole show; to alter, or amend, or make statutes for the government of that body, without consulting those best qualified to deal with such matters. He had never been in any university but the university of experience, and in his opinion the men to form the council—as provided in clause 10—would make a better governing body than the men likely to be appointed by the Government to form the senate. The men who would form the council would have actually taken degrees, and had had some experience in the government of universities. He objected to the whole matter being handed over to twenty persons in the way proposed.

[10·30 p.m.]

The HOME SECRETARY: They are elected by the council.

Mr. DAWSON: They were not. It had already been decided that twenty persons should be appointed to form the senate together with the Minister.

The SECRETARY FOR PUBLIC LANDS: One-fourth of which number go out every year, and then there is another election.

Mr. DAWSON: That might be so, but they had the right to vote for themselves, as the hon. gentleman said he would vote for himself. At any rate, the early senate would be appointed by the Governor in Council, and that meant the Premier. That body would last for four years; they would get a good start in four years, and he objected to giving them this immense amount of power. He had framed his amendment in this way because he had an idea that the draftsmen of South Australia and Victoria knew their business, but if the hon. gentleman accepted the principle he was aiming at, and wished to put it in different words, he had no objection. That principle was that the senate should not have absolute power, and should be able to act in defiance of the council.

Mr. COWLEY: Would it meet with your approval if subsection 2 were omitted?

Mr. DAWSON: Yes, if that would meet with the approval of the Minister.

The SECRETARY FOR PUBLIC LANDS: I am quite satisfied.

Mr. COWLEY: I am not.

Mr. TURLEY: The hon. gentleman would see that by section 1 of clause 16—

> Control of the affairs, concerns, and property of the university, and may act in all matters concerning the university in such manner as appears to it best calculated to promote the interests of the university.

That would cover everything. "All matters" covered everything in clause 25. What would have to be left out would be all the words after "university," on line 48, and subsection 2. The further amendments would then come in.

Mr. GLASSEY suggested to the hon. member in charge of the Bill that it would be better to move the Chairman out of the chair and deal with this important matter at the next sitting. It was too important a matter to deal with at this late hour, especially as it was evident that some amendment was necessary in this clause.

The SECRETARY FOR PUBLIC LANDS: I don't admit that.

Mr. GLASSEY: Some hon. members thought so, and their opinions should be respected. The clause should not be passed in its present form, and he hoped that hon. gentlemen would accept his suggestion.

The SECRETARY FOR PUBLIC LANDS: He did not wish to push the Committee, and as there appeared to be a desire to have time to consider the matter, he moved that the Chairman leave the chair, report progress, and ask leave to sit again.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER: In rising to move the adjournment of the House, I think it my duty to read a minute I have received from the Commandant concerning the statements made with respect to the rifles the members of the contingent are taking with them to the Transvaal.

Mr. DAWSON: Is this in order? Can we debate this?

The PREMIER: I only propose to read it for the information of the House and that it may be recorded in the "Votes and Proceedings." If hon. gentlemen opposite object I will postpone it.

Mr. DAWSON: I think you might do us the ordinary courtesy of asking leave.

The PREMIER: I did not think it necessary to ask leave to give the House information——

The HOME SECRETARY: Say no more about it.

The PREMIER: I move that the House do now adjourn. The business for to-morrow will be the resumption of the consideration in committee of the University Bill, and after that Estimates.

Mr. GLASSEY: Mr. Speaker——

The HOME SECRETARY: Are you leader?

Mr. McDONALD: What has it got to do with you? Mind your own business.

Mr. GLASSEY: I wish the Home Secretary would be less impetuous.

The HOME SECRETARY: I am not impetuous.

Mr. GLASSEY: While I am a member of the House——

The HOME SECRETARY: I rise to a point of order. I think, Mr. Speaker, you have laid it down that the leaders of the House are entitled to interrogate one another on the motion for the adjournment of the House, but that nobody else is in order in doing so. I ask, first, if the hon. member is in order in debating the question of the adjournment, and, secondly, if in doing so he has any right to allude to me?

Mr. McDONALD: As a matter of fact no member of the House is privileged to do it.

The SPEAKER: I do not know what object the hon. member for Bundaberg had in rising. It has been laid down as a rule—a very proper rule—that on the motion for the adjournment of the House, after the House has concluded the business of the day, there can be no debate on general questions. That, I think, is a wise rule, and it is one I expect to be obeyed.

Question put and passed.

The House adjourned at seventeen minutes to 11 o'clock.