

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**TUESDAY, 28 OCTOBER 1919**

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## LEGISLATIVE COUNCIL.

TUESDAY, 28 OCTOBER, 1919.

The PRESIDENT (HON. W. Hamilton) took the chair at half-past 3 o'clock p.m.

CONSTITUTION ACT AMENDMENT  
BILL, No. 2.

ASSENT.

The PRESIDENT announced the receipt from the Governor of a message conveying His Excellency's assent to this Bill.

## PAPERS.

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

Report of the Commissioner of Public Health for 1918-1919.

Report of the Secretary for Public Instruction for 1918.

Award of the Industrial Arbitration Court relating to employees in the Forest Service of Queensland.

Report of the Royal Commission on Public Works on proposed railways in the Gulf District.

## DEATH OF HON. W. KIDSTON.

## LETTER OF CONDOLENCE.

The SECRETARY FOR MINES (Hon. A. J. Jones): Since the Council adjourned last week, we have heard and read of the death of a very notable figure, and one who was very prominent in politics in Queensland; I refer to the Hon. Wm. Kidston. (Hear, hear!) Dr. Kidston was Premier of this State for quite a number of years. When I first entered the Legislative Assembly in the year 1904 the deceased gentleman was Treasurer in the Morgan Ministry; and I had the opportunity of sitting on the same side of the House with him and of enjoying personal acquaintance with him. He retired in 1911 and took up the very responsible position of a member of the Land Court. I am sure we all regret that he has passed away. (Hear, hear!) It is fitting that the Council should give some expression of sympathy to the relatives of the deceased gentleman. (Hear, hear!) I trust that will be done in the usual way, and that you, Mr. President, will cause a letter of sympathy to be addressed to his relatives expressing the deep regret of this Council in the loss they have suffered. (Hear, hear!)

HON. A. G. C. HAWTHORN: I am very glad indeed that the Minister has seen fit to move in this direction. It is only a fitting thing that some expression of regret should be conveyed to the relatives of the late Dr. Kidston. In him we have lost a very great Queenslander. I had the honour and privilege of being a colleague of his for some years, and I do not think that Queensland ever knew what a really great man he was. I think I had as intimate an acquaintance with the late Wm. Kidston as almost anybody in this State, and I feel that his loss is a very great one to Queensland. After he left politics and became a member of the Land Court, he displayed there the same marked ability that he displayed in politics. Although he had not a trained legal mind, his decisions and his actions as a member of the Land Court were quite equal to those of any of his predecessors. I consider that

Queensland has lost a very great citizen, a man of great ability, and, above all, a man who knew when to say "No." He put his foot down firmly when necessary in the interests of the State, and he was always guided, during the whole of his political career, by the interests of the people of Queensland. (Hear, hear!)

HON. A. A. DAVEY: I had the pleasure of knowing the late Dr. Kidston some years before he entered political life; and, knowing him intimately during his political career, I wish to express my gratitude that the representative of the Government has thought fit to move in this direction. When the Hon. Dr. Kidston found it necessary, for health reasons, to leave politics, I felt that it was a very serious loss to Queensland, because I have always regarded him as possessing the qualities, not of a mere politician, but of a statesman in a very marked degree. I doubt if Australia has produced an abler statesman. (Hear, hear!) He has passed away. He suffered, like all others who attempt to do their duty in the political world, from misrepresentation and abuse: but those are things that public men have to look for. Every hon. member who had the pleasure of his acquaintance will agree that he was a very lovable man. He had, perhaps, a somewhat abrupt manner, but beneath that he had a warm Scottish heart. He was a man who was able to see much further ahead than most people. He was a man with keen decisiveness of character and of analytical mind. I regard him as one of the foremost men and one of the best public men Australia has produced; and I have much pleasure in adding my testimony to what has been said. The least we can do is to express to the bereaved relatives the sympathy of the Council in their loss, and also to express the sympathy we have with the country in having lost such an able statesman. (Hear, hear!)

HON. E. W. H. FOWLES: I wish to add a few words of tribute to the late Dr. Kidston. At the age of three score years and ten one of the most notable figures in Queensland political history has passed away. His public career and record have been portrayed in the Press in appropriate phrases and in fitting detail, and there is scarcely any necessity to refer to them here. His work is on our statute-book, in our public institutions, and in his sagacious decisions from the Land Court Bench, the Queensland University, which was laboured for during many years by enthusiasts, is the crowning work and the happy decision of the late Dr. Kidston, and his other great services to the country will not soon be forgotten. I suppose he was the one of our Premiers who made more friends and more enemies than any other public man. He has been denounced; he has been exalted; but he himself, as most of us know, cherished in his heart not a single atom of personal bitterness against any of his opponents. In the very stormiest political hours of his career—and the history is too recent to be forgotten—the rudder that guided him safely through all tempests was his unflinching devotion to his very high ideal of public duty; and I am sure that the sympathy of the whole Queensland community will readily flow out to those in his home who daily miss his familiar face. He was a beloved and warm-hearted father and husband. He rejoiced in home life—that indispensable and perennial stay of any nation that hopes to survive. Doubtless, it was the constant

*Hon. E. W. H. Fowles.]*

support and affection which he received from the members of his own home circle who bear his honoured name that inspired him through the vicissitudes of so many years to do and to dare, and finally to win through. As most hon. members will recollect, it was at an hour when this country was sickened with extremists and when the middle classes looked for a leader in sympathy with the average man that he arose—a modern “Tribune of the Plebs.” The mantle of leadership was soon upon him. He was no idle dreamer of dreams, nor was he a self-seeking political adventurer. No sensationalism or cheap bluff ever tarnished his character. He was a plain, honest man of the people, with Caledonian granite as the foundation of his sterling character, and with rough, natural abilities which he himself chiselled and polished again and again until they were the meet forces with which he could carve and shape the destinies of this State. He came from Falkirk—from that historic land that gave us Sir Thomas McLlwraith, Sir Hugh Nelson, Sir Robert Philp, and other distinguished sons of the Empire. He was tenacious in purpose—none of us can forget that—and was true to the light that was in him. He was never dismayed by opposition, nor easily swayed by popular opinion; he followed what to him was right in scorn of consequences, and now he has passed beyond the animosities of earth to his calm hereafter. However criticism may sometimes follow the dead, it can never touch him, not can it arrest the spirit that soars above the clouds, blessed and triumphant, for ever freed from the handicaps and entanglements of earth. His remains rest in peace beside those of his beloved wife in Rockhampton, the city that gave him the opportunity to prove his worth and to develop the latent forces within him, by which, almost unaided, he blazed his own track to political eminence, and stood the foremost personality in his day in the councils of the land, in a position where he has rendered the State of Queensland most signal and successful service. May I be permitted to ask if we do not sometimes make too little of our public men? We too often dwarf them living and forget them dead, and we leave it to an unknowing posterity to discover their value to the State. It is well that Wm. Kidston, ironmoulder and Premier, had the good fortune to come into his reward before he passed away. Queensland political life is the richer for his influence, and I am sure that the whole community of Queensland will hold his name in grateful remembrance. (Hear, hear!)

HON. A. H. PARNELL: We all mourn the passing away of Dr. Kidston. I have known him since 1890, and through all his political campaigns, especially in Rockhampton, I was his chairman, and I travelled throughout the Central district with him. I know that he was a good sterling man, a good democrat, and a staunch friend to the worker. What I wish to say now is that during 1911 he had many trials. He lost his wife in that year, and shortly afterwards he lost his great friend, John Blair. I recollect that when Parliament was sitting I walked into the Premier's room, and I found him there almost distracted. It was just before Christmas. It is only a few short weeks ago that I stood beside the open grave when his son was being buried, and Dr. Kidston at the head. It was the last time I shook hands with him, and he said,

[Hon. E. W. H. Fowles.

“Parnell, I am pleased you are present.” I wish to thank the Government sincerely, on behalf of Rockhampton, and on behalf of many friends I have met this morning, for the spontaneous way in which they granted Dr. Kidston a public funeral. (Hear, hear!)

HON. P. J. LEAHY: I think I am the only person present in this Chamber who sat in the Assembly in opposition to Dr. Kidston.

The SECRETARY FOR MINES: I sat in opposition to him.

HON. P. J. LEAHY: I understood that you sat on the same side.

The SECRETARY FOR MINES: I sat on the Opposition benches.

HON. P. J. LEAHY: Well, then, there were two of us. I only rise for the purpose of saying a word or two in support of what has been said by the other speakers. There is no occasion to speak at any length on Dr. Kidston's political career, because that is well known to all of us, but the thing which appeals to me most strongly is the way that the man, with no advantages in life, started and reached the highest position that could be attained in this State. In that connection it is appropriate to recall the words of Tennyson, referring to another man who rose similarly—

“Whose life in low estate began,  
And on a simple village green;

Who breaks his birth's invidious bar,  
And grasps the skirts of happy chance,  
And breasts the blows of circumstance,  
And grapples with his evil star;

Who makes by force his merit known,  
And lives to clutch the golden keys  
To mould a mighty State's decrees,  
And shape the whisper of the throne.”

He did all these things, and, as I have already said, he rose to the highest position in the State. It was my good fortune, or bad fortune, as the case may be, in the Assembly, to be opposed to him for many years, but I can say that we who were opposed to him recognised the sterling qualities of the man. Looking back on his administrative and legislative actions, after the years have softened down any ill-feeling which may have been felt at the time, one is forced to conclude that he had ability of a very high order. I think it would be very difficult to improve on him as a Treasurer, and that his record is one of which his descendants have reason to be proud.

HON. A. J. THYNNE: I have heard the eloquent tributes which have been given to the late Dr. Kidston. I wish to associate myself with all that has been said, and I would like to add another point to which reference has not been made, and that is that we owe to him and to his legislative enterprise the state of the law existing to-day in regard to the Legislative Council, with which hon. gentlemen are quite familiar. My first acquaintance with Dr. Kidston was in 1891, on an occasion in the Central district when defending what were known as the strike prisoners. Dr. Kidston impressed me very much as being earnest and pure, and I think it is from his work that the real success of the Labour party as a whole took its root. I am sure that we all can share in the regret at the loss of a man who has done so much good work for Queensland.

HON. T. NEVITT: I wish to add a few words in addition to what has been said with regard to the late Dr. Kidston. I had the pleasure of sitting in the other Chamber, both associated fairly closely with the late Dr. Kidston and also in Opposition to him, but that does not at all detract from my estimation of the value Dr. Kidston has been to the political life of Queensland. (Hear, hear!) We all look at these things from our own particular standpoint, and it is impossible for each and everyone of us to look at things from the same standpoint. I am quite satisfied that Dr. Kidston was a man who did what he considered best for the interests of Queensland. When a man has done that, even if he has been a failure, he can do no more—he did his best. But no one can say that the life of Dr. Kidston, and his influence in Queensland politics, was a failure. Therefore, as hon. gentlemen opposite have said, Queensland is considerably poorer by the passing away of Dr. Kidston. I am very pleased that the Chamber has thought proper to send a message of sympathy to his relatives. (Hear, hear!)

The PRESIDENT: I will see that the wishes of the Council are attended to, and that a letter of condolence is sent to the relatives of the late Dr. Kidston.

HONOURABLE MEMBERS: Hear, hear!

#### SUCCESSION ACT OF 1906 DECLARATORY BILL.

##### THIRD READING.

On the motion of the SECRETARY FOR MINES, this Bill was read a third time, passed, and ordered to be returned to the Assembly by message in the usual form.

#### QUEENSLAND GOVERNMENT SAVINGS BANK ACT AMENDMENT BILL.

##### THIRD READING.

On the motion of the SECRETARY FOR MINES, this Bill was read a third time, passed, and ordered to be returned to the Assembly by message in the usual form.

#### POPULAR INITIATIVE AND REFERENDUM BILL.

##### SECOND READING—RESUMPTION OF DEBATE.

HON. G. PAGE-HANIFY: Anyone reading the "Hansard" report of the debates on this oft-debated measure will realise the notable disadvantage under which advocates of the measure labour, as the provisions of the Bill have been talked, as it were, threadbare. There is a reluctance on the part of every man to repeat arguments either which he has used himself or which others have used, and there is a feeling that there is little left to say. Personally, I have dealt with this measure on two occasions. On the first occasion, before I had the pleasure of being in Parliament, I dealt with it at considerable length through the columns of the public Press. On the last occasion when it was before this Chamber I [4 p.m.] dealt with it at considerable length also from my place in this Chamber. Therefore I have to choose between saying little or offending a feeling of vanity which prompts one to refrain from repeating oneself.

Hon. A. G. C. HAWTHORN: That is the fault of having a bad thing to deal with.

HON. G. PAGE-HANIFY: I do not think so. I disagree with the hon. gentleman there. I think it is a particularly good thing to deal with, and, after all, it is what is said to-day that matters. What was said a year or two ago is buried, as it were, and if there are sound principles in the measure—and there are many sound reasons why this measure should pass this Council—then I think it is wise and right, even at the risk of inflicting a lengthy argument upon hon. gentlemen, who are impatient about measures which have been dealt with three or four times, to deal with the measure as though I had not dealt with it previously.

Hon. T. M. HALL: Why don't you include the recall?

HON. G. PAGE-HANIFY: I cannot conceive why hon. gentlemen should always try to turn down a good thing or a good principle because it does not include something else which is quite a separate matter. The recall is quite a different matter to the initiative and referendum; both are quite capable of being argued on their own merits, and we have got before us, and have had before us on different occasions, the initiative and referendum. If hon. gentlemen are so desirous of the recall, I say pass this Bill, and then submit a proposal for the recall to the electors of the State.

Hon. P. J. LEAHY: We cannot. What is the good of saying that?

HON. G. PAGE-HANIFY: But you can. That is what the initiative and referendum measure is. Might I repeat, with regard to this, something which I have said several times before: That I regret exceedingly that the exigencies of party warfare prevent these great principles being dealt with on their merits. They are dealt with by hon. gentlemen, not on their merits at all, but from the point of view of what will advantage one party and disadvantage the other.

Hon. T. C. BEIRNE: There is no party here.

HON. G. PAGE-HANIFY: It has got past a joke when hon. gentlemen say that, because this Chamber recks of party.

Hon. T. M. HALL: The party for right, and the party for everything else that is bad.

HON. G. PAGE-HANIFY: I wish that were so, because if it were so the complaint I am making would not exist. The real truth is that these matters are approached from the point of view of party. Hon. gentlemen often oppose certain things even though at heart they agree with them, and they oppose this measure because it is introduced by the Labour party. I also regret that my own party did not see fit, as they might have done, to submit this Bill when it was turned down repeatedly by this Chamber direct to the electors for their approval. But, perhaps, the result will show that the older politicians were wiser than I—I hope that will be the case—and that the fact of sending it up again to this Chamber will mean that hon. gentlemen will take a broader view of the matter, and will allow it to get on the statute-book. I hope it will not be again destroyed, and hon. gentlemen can destroy it just as effectively by amendments—and they did destroy it last year by amendments—as though they passed their usual motion, "That the Bill be read this day six months."

Hon. A. G. C. HAWTHORN: We improved it.

*Hon. G. Page-Hanify.]*

HON. G. PAGE-HANIFY: You did not improve it. You know very well that you inserted something in the Bill which you knew was not likely to be approved by the Government in the other Chamber. You know very well that the recall provision was inserted for that purpose, and that it had that effect. Should you again destroy it, I hope the Government will take an early opportunity of submitting it to the electors for their definite decision, and, perhaps, it might not be out of place to hope that they will submit another Bill with it which will have a very considerable effect on this Chamber if carried. The persistence of the Government in time after time reintroducing this Bill, and sending it along unaltered, is easily understood when it is realised that the principle of the initiative and referendum stands to-day as it has stood for many years, in the very forefront—a corner-stone as it were—of the Labour party's platform. It is a matter of principle, and the Government show their consistency and their adherence to principle when they first devised what they thought was a proper interpretation of the principle of the initiative and referendum, drafted it into a Bill, and sent it along to this Council, and then in not having allowed this Council to vary it in any particular. The Labour party thus stamps itself as being consistent, and in the best and broadest sense of the term, the true people's reform party, and gives the lie to the oft-repeated assertion of our opponents that it is a class party. I will endeavour to show how this Bill proves that. The Labour party do include the initiative and referendum in its platform, and by consistently endeavouring to place this Bill on the statute-book shows it has absolute faith in the logical soundness of its objective, and the effective constructive platform which is the means by which that objective is to be obtained. The Labour party has faith in itself. Do hon. gentlemen realise that the party thus makes every plank of the platform for all time subject to the will of the majority of the electors? I do not think hon. gentlemen really realise that.

HON. A. G. C. HAWTHORN: You won't carry it out.

HON. G. PAGE-HANIFY: You won't pass the Bill. Not a majority of electors who vote Labour, but a majority of the whole of the electors voting, not as adherents of this political party or that political party, but voting together on any particular measure of reform or on any Bill that has been passed by the Government in power.

HON. T. M. HALL: You have got that right now.

HON. G. PAGE-HANIFY: We have not got that right; we have only a right which we can exercise when somebody else says so.

HON. T. M. HALL: You have a lot of rejected Bills now; why don't you put them to the people?

HON. G. PAGE-HANIFY: If I had the right to put them to the country I would do so. We are in the position that we have the referendum already, but we have not the initiative, and until the Government of the day, whatever Government it may be, choose to say this matter must be submitted to the people by way of referendum, then the people are absolutely helpless.

HON. T. M. HALL: What are you supporting a Government like that for?

[*Hon. G. Page-Hanify.*]

HON. G. PAGE-HANIFY: I support the Government because I believe in the principles that the Government stand for.

HON. A. G. C. HAWTHORN: What about financial reform?

HON. G. PAGE-HANIFY: Why does the Bill not do everything? Can anything be more insincere than the arguments that are used against this Bill. One hon. gentleman, time after time, gets up and says, "I disagree with this Bill because it goes too far. It wants to give the people the right to initiate even matters of Constitutional reform." That is one of their objections, and then the same hon. member will say, "I disagree with this Bill because it does not go far enough; it does not trust the people to vote on all sorts of financial matters," which they know themselves it would be absolutely impossible to put before the people in a manner in which they could be intelligently understood. Hon. gentlemen in this Chamber who are experts often do not understand the financial matters they are dealing with.

HON. A. G. C. HAWTHORN: The Government do not.

HON. G. PAGE-HANIFY: You do not. We deal with matters of millions time and time again, and how many hon. gentlemen in the Chamber can say that he honestly understands the whole of what is before him? It is so big that we do not grasp it. Then, to say that the initiative and referendum measure is no good for those two reasons stamps the whole opposition with insincerity, and shows that hon. gentlemen are not dealing with the matter as one of principle should be dealt with, but are dealing with it purely and simply from a party political viewpoint.

HON. E. W. H. FOWLES: Where is your majority of last week? You could pass this measure if you are keen about it.

HON. G. PAGE-HANIFY: Could we be sure of getting some volunteers from your side, and could we be sure that you will arrange that some of the available members on your side will stop away, then we will pass it. Try and bring about that condition of things which you so comfortably brought about in order to gull the people on that occasion, and then we will get this Bill through.

HON. T. M. HALL: You put the recall in, and see how many supporters you will get?

HON. G. PAGE-HANIFY: Let me illustrate a few of the possibilities. Hon. members opposite seem enamoured of the system of freehold as against perpetual leasehold tenure of land. They believe in private ownership of land. This party joins issue on that question, and whilst respecting all existing contracts, we say that while this party continues in power, there shall be no more alienation of Crown lands; it must be perpetual lease.

HON. A. G. C. HAWTHORN: Have you got a freehold?

HON. G. PAGE-HANIFY: I have got freehold, but very little of it.

HON. A. G. C. HAWTHORN: Are you prepared to give it up for leasehold?

HON. G. PAGE-HANIFY: Not while the present system obtains. We live under a particular system, and it is to argue the impossible to ask a man to divest himself of everything in order to bring about what he considers is best. I should like to see

the community run the matter, and then I am quite prepared to act along the lines suggested. If nobody possessed more freehold or received more unearned increment than I have, then there would not be much mischief done in the community. We believe that the theory of private ownership of land is economically unsound. Hon. members opposite do not believe that, and they profess to believe that their views should prevail; not because freehold is wiser or better, but because it is more popular. If that is so why not pass this Bill, and then it will be very easy to get up an agitation, go through the necessary form, and have the matter submitted to the people. You see how generous the Labour party are. If the Opposition have a majority of the people behind them, they can force the hands of the Government in power by submitting a matter to a referendum and bring about what they desire. Similarly the question of the abolition of this Council, or an amendment of the Constitution substituting an elective Chamber for a nominee Chamber, could be brought about by giving the electors the initiative in the matter.

HON. A. G. C. HAWTHORN: The Parliamentary Bills Referendum Act is there for that purpose.

HON. G. PAGE-HANIFY: You have no opportunity of bringing about the submission of the question to a referendum.

HON. A. G. C. HAWTHORN: You have, and you are very slow about it.

HON. G. PAGE-HANIFY: I have only one voice amongst a number.

HON. E. W. H. FOWLES: Your Government have the opportunity.

HON. G. PAGE-HANIFY: That is outside the question altogether. I am trying to make clear that this party are prepared generously to place the whole gamut of reform at the disposal of its enemies. We are so confident that we have the majority of the people behind us that we are prepared to place at the disposal of the party in opposition the initiative. We trust the people all the time. Another matter seemed to trouble hon. gentlemen opposite last week. They suggested that there should be a reduction in the number of members of the Assembly. Whilst that has nothing to do with us as members of the Council, it has a good deal to do with us as private citizens. If this Bill were law, and hon. members opposite believed, as they say they do, that the majority of the people believe with them in that matter, they could take the initiative, and so bring about a reduction of members in the Assembly, which would certainly be a step towards economy in one way. They could bring that about, no matter how reluctant the Government of the day might be to deal with the question. I am satisfied that one Government is pretty much like another in that respect, and that it will be a long time, if matters are left to the Assembly, before there is a reduction made in the number of members of that Chamber, where every man's interests would be jeopardised. Then there is the recall, which hon. members opposite seem to value so highly. I have no particular objection to the recall; but, if I favoured it as strongly as some hon. members opposite, I would try very hard to get this Bill put upon the statute-book so that those who think that we should test the feeling of the people on

the subject would be able to test the matter, and see whether a majority of the people are prepared to support them.

HON. E. W. H. FOWLES: What do you understand by the recall—the recall of a member by his constituency?

HON. G. PAGE-HANIFY: I do not mean anything; it is what hon. members opposite mean. I was rude enough, when the suggestion was made last session to include the recall in the Bill, to say that I thought it was the work of Lewis Carroll's "mad hatter." I do not know what is meant by the recall, and I do not think the hon. member who proposed it on that occasion had thought it out far enough to know what it meant himself. All he wanted was to stick in something that would be repugnant to those who had to do with the acceptance or otherwise of the Bill in another place, and the amendment would enable the Council to save its face and at the same time kill the Bill. I am satisfied as to the reason why the Bill was killed.

HON. E. W. H. FOWLES: Do you understand by it the recall of all members, or the recall of one member?

HON. G. PAGE-HANIFY: There is very little limit to the questions that could be decided and legislated upon under this measure, and I am astounded that hon. members have not realised the potentialities of the Bill and grasped it eagerly with both hands. I am quite satisfied that, if I were sitting in opposition to a Labour Government, I would have grasped at this measure if I believed, as hon. members opposite profess to believe, that the people would back up my views in preference to those of the Labour party. I am satisfied, however, that the views of hon. members opposite would not be accepted by the people if submitted to them as concrete questions.

HON. A. G. C. HAWTHORN: What about taking over the meatworks "on just terms"? Don't you think that would be accepted?

HON. G. PAGE-HANIFY: Even that could be submitted to the electors. Yet the hon. gentleman proposed to "fire" the Bill out.

HON. T. M. HALL: You can do that now.

HON. G. PAGE-HANIFY: I challenge the hon. gentleman to attempt to get an expression of public opinion. He can get, as the Hon. Mr. Fowles did, all sorts of suggestions of public opinion. He can get up petitions, and he can get up public meetings; but the other fellow can do the same. As a matter of fact, in one case we know that the other fellow got up a bigger petition than the hon. gentleman did. I want to bring about a position that, if there is a reluctance to face public opinion on any question, the electors can take the initiative and express their opinion in a way which must be respected. I can only assume that hon. members opposite are bluffing all the time, and that they realise that their views and aspirations are out of date and will not bear the searchlight of reasoned, logical argument.

HON. A. G. C. HAWTHORN: The Government have been bluffing over 6 o'clock closing long enough.

HON. G. PAGE-HANIFY: Hon. gentlemen opposite are bluffing when they turned down a measure like this, which will enable them to test public opinion, or will enable the people to test public opinion. Instead

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of being prepared to do that, hon. members opposite continue to obstruct everything that comes from the representatives of the people, and say every time, "The people voted for us; they believe in us; we are the people's party." I claim that the Labour party are the people's party. They legislate for the people, and are at all times prepared to trust the people in every detail. Another reason why this Chamber should pass this measure is that it embodies a basic principle of the public policy that has been fully affirmed and endorsed by the electors at two general elections.

HON. T. M. HALL: Absolute rubbish.

HON. G. PAGE-HANIFY: It is not absolute rubbish. The Labour platform is not a hidden document. Hon. gentlemen know that the Labour party, unlike most political parties, are so proud of their platform that they print and circulate it all over the State all the year round, and not only at election time.

HON. A. G. C. HAWTHORN: And then forget it.

HON. G. PAGE-HANIFY: Whenever electors vote for a Labour candidate they know what principles they are voting for.

HON. E. W. H. FOWLES: Your platform says "No borrowing."

HON. G. PAGE-HANIFY: No borrowing except for reproductive work. (Laughter.)

HON. T. M. HALL: Are they all reproductive works?

HON. G. PAGE-HANIFY: I think so.

HON. A. G. C. HAWTHORN: What about the fish shops? (Laughter.)

HON. G. PAGE-HANIFY: Hon. gentlemen know perfectly well that the present position has been brought about all over the world by the disastrous war that we have gone through, which makes a great many things that we believe should be done impossible or difficult to do. The electors in 1915 who dismissed the Decham Government and returned Labour to power knew exactly what they were voting for.

HON. C. F. MARKS: Cheap food.

HON. G. PAGE-HANIFY: They had reason to expect the enactment of a measure which would give the people the right to direct legislation, because this question has been right in the forefront of the platform from the very first. During that first Labour Parliament this identical Bill was twice passed in the Assembly, and was so dealt with in this Chamber as to be unacceptable to the elected representatives of the people. During this Parliament, although the moral obligation to obey the wishes of the electors is stronger because the expression of their wish is clearer and more definite than in the last Parliament, the Bill has already been once rejected, and one trembles for its fate on this occasion.

HON. A. G. C. HAWTHORN: I think you said that you knew what was going to happen.

HON. G. PAGE-HANIFY: I would be glad to think it was going to pass, but I would be a very sanguine man if I thought it.

HON. E. W. H. FOWLES: We passed the measure before.

HON. G. PAGE-HANIFY: You did, but in such a form that you knew it would be unacceptable to the other Chamber. It would

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be more straightforward this time to pass it out on its second reading than to amend it as was done last year. The Bill was made a definite and specific issue at the last general election. The general principle of the initiative and referendum was before the electors at the previous election, but this particular interpretation of the initiative and referendum was before the electors at the last general election. We have heard about mandates from the people. A mandate was then given that this Council should no longer ignore. Let me read what was said in the speech by the Premier, Mr. Ryan, in his policy speech delivered at Townsville on 18th February, 1918. Under the heading, "Initiative and Referendum," he said—

"The general acceptance by all democratic communities of the right of the people to govern themselves in all matters of legislation and administration prompted the Government to introduce the Initiative and Referendum Bill. This Bill was rejected by the Legislative Council. It is the intention of the Government to reintroduce the measure on the assembling of the new Parliament. Under its provisions it will be possible for the people themselves to deal with the question of temperance reform, including prohibition or any other matter which they regard as affecting the public welfare."

HON. A. G. C. HAWTHORN: All bluff.

HON. G. PAGE-HANIFY: That it is not all bluff is shown by the fact that at the earliest possible moment in the ensuing session of Parliament the Bill was again introduced, when it was treated by hon. members opposite in such a way as to destroy it. Now, on the second [4.30 p.m.] earliest possible opportunity, it is again introduced. There is no bluff about that. It is with this Chamber that the block has been. Then Mr. Ryan, in closing his speech, said—

"I am content to let the policy I have set forth speak for itself, and I confidently expect ratification of it when the real masters of Queensland express themselves at the ballot-box on the 16th of March next. I have no fear as to what their verdict will be. I am certain they will be sufficiently regardful of their own interests to give another term of office to the Government that stands, not, like the opposing party, for a small class well able to take care of itself whatever Government is in power, but for the whole community, and especially for those to whom life, at best, is a difficult and doubtful battle. I am certain they will give renewed support to the Government that is doing more than any of its predecessors to develop and foster primary production and to establish new and remunerative industries; the Government that has no sympathy with the monopolist, the profiteer, or the parasite; the Government whose object it is to make this State a better and happier Queensland, the comfortable home of the many, rather than the exploiting ground of the few."

HON. H. TURNER: And now he has cleared out and left you and your party altogether.

HON. G. PAGE-HANIFY: The promises of this Government have been honoured,

quite unlike any other Government that has held office since I have been in Queensland.

HON. E. W. H. FOWLES: What?

HON. G. PAGE-HANIFY: The Hon. Mr. Fowles may make wild statements and indulge in generalities like he does, but he has never been able to pin us down to any broken promise of the Ryan Government. The hon. member may have been responsible for promises being thwarted. Every effort has been made to bring about cheap food, but those efforts have been thwarted by the hon. gentleman and his friends. I claim that this Bill was made a definite and specific issue at the last general election, and a mandate was given which this Council should not ignore.

HON. G. S. CURTIS: The election did not turn on that—it turned on conscription.

HON. G. PAGE-HANIFY: It was one of the issues. It is very difficult, at any time, to say what an election turns on, but the policy speech of the leader of the Government for the time being is taken to be the policy which the electors have approved. I grant that there is a multiplicity of interchanging questions that affect the general election, and that is why I, as a moral reformer, want the initiative and referendum, because social and reform questions can be mixed up indefinitely with party politics, and you are never able to focus the influence as you will be when you can get down to concrete questions and say to the electors, "The responsibility is with you—what should be done?" Then the soundness of the reasoning for reform will in the long run win the reform. What was the result of that appeal? In a House of seventy-two members Labour secured forty-eight—a two to one majority.

HON. E. W. H. FOWLES: A catastrophe to the country.

HON. G. PAGE-HANIFY: That may be the hon. gentleman's opinion, but I doubt it.

HON. E. W. H. FOWLES: It is the opinion of most people in Queensland to-day.

HON. G. PAGE-HANIFY: It astonishes me that hon. members dare to continue to flout the people in the way that they are doing. There will come a time of reckoning—

"Though the mills of God grind slowly,  
Yet they grind exceeding small."

And this House will be ground exceedingly small if it goes on in the way it is going on. Surely the vote of May, 1917, should be weighed with the subsequent vote of March, 1918! It is a wise thing that you should weigh them together.

HON. G. S. CURTIS: One was a specific vote, and the other was not.

HON. G. PAGE-HANIFY: The vote of 1918 gave a definite mandate on this question.

HON. E. W. H. FOWLES: On a number of questions.

HON. G. PAGE-HANIFY: Not only to the Government, but to members of this Council. It was the tip to this Council, as well as to the Government, that the people desired the matters which the Premier emphasised to be given effect to.

HON. A. G. C. HAWTHORN: Which we are prepared to give, if they are made properly complete with the recall and financial powers.

HON. G. PAGE-HANIFY: I am pointing out that this Bill was before the electors at that time. The Bill had been turned down

several times, and the country was familiar with the conditions.

AN HONOURABLE MEMBER: How many candidates mentioned this matter?

HON. G. PAGE-HANIFY: All those who were interested, and who were leaders in this matter. Electors in these matters are very often ready to be guided by those they have confidence in, and it is this particular Bill which was talked of in that part of the Premier's speech I have referred to.

HON. E. W. H. FOWLES: Where is your liquor reform that was promised?

HON. G. PAGE-HANIFY: It is quite true that 179,105 electors shows a big vote to retain this Council, but it was not because of, but in spite of, its imperfections. It was not because of the imperfections of the Council that the electors voted for it, but in spite of them. Hon. gentlemen recognise that it has its imperfections, and are continually talking of reforming it, and having it on a different basis.

HON. A. G. C. HAWTHORN: Who are?

HON. G. PAGE-HANIFY: Your political party itself. It is a plank of your party's platform. The electors on that occasion gave a handsome majority of 62,909 against the proposal. Hon. members seem to forget that no less than 116,196 electors said, "Away with them at any cost." They gave a blank cheque. The Initiative and Referendum Bill was not submitted to them; 116,196 electors said, in effect, that anything is better than this nominated Council. Hon. members seemed to forget that if it is a big majority, the minority is a big number that ought to be taken into consideration. You have to choose between two things. You have either to accept minority rule—which I claim is a hateful thing—or the majority rule, though the majority may not always be right, you have to take one or the other, and I am prepared when the majority is against me to abide loyally by it for the time being, not losing my right to try to bring about the position in which the minority is built up so that it becomes the majority. I find myself unable to understand the feeling of distrust of the people which has caused the repeated rejection of this Bill. The initiative means that any group of citizens may propose a reform measure, and if they go through certain necessary formalities, and then get 10 per cent. or, say, 40,000 electors, to sign the initiative petition, the reform desired shall either be made a legislative Act by Parliament, or else be submitted to the vote of the electors, and the decision of the majority of the electors voting shall be given effect to.

HON. A. G. C. HAWTHORN: No; this has to go before the Home Secretary first.

HON. G. PAGE-HANIFY: I will deal with that later, when we come to the clause. What is there here that the timid or conservative need shy at? In the one case there must be first an assured 10 per cent. of the enrolled electors directly in favour of the proposal, plus a majority of the members voting in both Houses of Parliament; in the second, at least a majority of the whole of the electors voting. What is there to be frightened of?

HON. E. W. H. FOWLES: Nothing wrong in that, but that is not the only clause in the Bill.

HON. G. PAGE-HANIFY: No, but that is the principle of the Bill. I know the hon. gentleman objects to it because it deals with constitutional questions. I can see no

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objection at all of granting to the electors the right to decide the form of, and to remodel their own Constitution, as time and circumstances shall show to be necessary. Those are the only two things you apparently shy at.

Hon. A. G. C. HAWTHORN: The recall.

Hon. G. PAGE-HANIFY: The recall is nonsense. You shy at the Bill because it goes too far by trusting the electors with the right to initiate constitutional reform.

Hon. E. W. H. FOWLES: Not at all.

Hon. G. PAGE-HANIFY: And you shy at it again because it does not go a lot further, and trusts them with the full control of the finances of the country, which you know to be impossible. It shows that these objections are absolutely insincere.

Hon. E. W. H. FOWLES: Would not this have to be reserved for the Royal assent?

Hon. G. PAGE-HANIFY: I am not going to allow the hon. gentleman to draw me off the track. Taking the enrolled electors at 400,000, surely if 10 per cent., or 40,000, petitioned for any question to be submitted to obtain the registration of the 400,000 it must command attention!

Hon. E. W. H. FOWLES: It is rather high.

Hon. G. PAGE-HANIFY: I think it is high, but I accept it as it is put there.

Hon. E. W. H. FOWLES: If you are going to make it workable at all it is too high.

Hon. G. PAGE-HANIFY: Then there can be no "wild-cat" schemes. You are not going to get 10 per cent. to take all the necessary trouble and petition for something unless it is something that is really wanted. There is no faking of names, because there are all sorts of safeguards of the conditions under which signatures must be given. Then take the Legislative Council abolition figures as being an average vote on a referendum. Say we reverse the figures, and take 179,105 electors as voting for a proposed reform and 116,196 electors voting against it, with 2,968 informal. Is it not a more reasonable, logical, and democratic proposition that these 179,105 electors should directly decide the issue of importance even to a vital amendment of the Constitution, than that nine members of this Chamber voting one way, against seven voting the other, as frequently has happened, should decide an issue vital to the wellbeing of the people? Which is the more likely to err? The nine Conservative nominees or the 116,196 electors—nine privileged units of the people as against 116,196 units of the people without privileges?

Hon. E. W. H. FOWLES: Where there are more people there are more chances of making mistakes.

Hon. G. PAGE-HANIFY: No. What special qualification applies to members of this Chamber that makes it safer to trust the destinies of the people to their control than to the control of the people themselves? The initiative and referendum has been well tried. It is embodied in the Constitution of no less than twenty-one great States of the American union.

Hon. E. W. H. FOWLES: It has been tried and hanged in some of them.

Hon. G. PAGE-HANIFY: No; it has not been turned down in any place—it has not been repealed. In a good many places it may happen that it has fallen out of use, to some extent, but that is easily understood. The reforms that were agitating the people have already been dealt with, and it is not

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every day in a contented community that these sort of matters are going to rise. It is also in force in three provinces of Canada. The Hon. Mr. Fowles dealt with the Manitoba case, one case in which the Initiative and Referendum Act has been appealed against and upset, and he tried to compare it with this Bill. The ground on which that Bill was objected to was that it interfered with the prerogatives of the Crown. This Bill carefully safeguards the prerogatives of the Crown. It is easy to raise dust and obscure things, and the statement of the hon. gentleman, who was well aware of the position, has the effect of making some people believe that the Bill is loaded in that direction. That is not so. One-third of the voters of the United States of America use the initiative and referendum in their State affairs, and no calamity has happened. The consensus of opinion, and I can cite endless authorities to that effect, is that the initiative and referendum principle has been well tried and has proved effective.

Hon. G. S. CURTIS: It has not worked satisfactorily.

Hon. G. PAGE-HANIFY: The hon. gentleman on my right says it has not worked satisfactorily; well, I join issue with him. I dealt with the matter at considerable length previously, and I dealt with it from the aspect of a particular reform, but I have avoided that on this occasion, because I want to show how many-sided the Bill is. From 1900 to 1916 in the United States of America, 350 initiative and referendum measures were submitted in sixteen States at seventy-two regular elections, an average of less than five at each election. So that the objection hon. gentlemen sometimes raise that so many questions come up that all sorts of confusion arise, is blown out. Of these 133 were adopted and 217 were rejected, proving that the electors intelligently discriminate; that they do not accept everything. It proved that it is quite safe to leave these matters to the electors. In the 1916 Presidential elections, the voting being optional and not compulsory, an average of nine voters out of ten voted on the most vital questions; over seven out of ten on most trivial questions; and over eight out of ten voted on every question submitted. These figures show that it is used intelligently by the electors, and it is a reasonable and proper way to get an intelligent expression of public opinion. Do hon. gentlemen seriously contend that the average Queensland elector is less intelligent than the average American elector? I do not think so. I do not think if it was submitted as a question to any hon. gentleman, that he would say that that was so. The average intelligence of Australians and of Queenslanders is quite equal to the average intelligence of any people in the world. Let me quote half a dozen American authorities. Mr. Judson King, executive secretary of the National Popular Government League of Washington, D.C., United States of America, in "The State-wide Initiative and Referendum," says—

"The initiative and referendum are well-tried and orderly means of enabling the voters to control the acts of their legislators and secure the legislation demanded by a majority of the people.

Then President Woodrow Wilson, speaking at Kansas City on 5th May, 1911, said—

"If we felt that we had genuine representative government in our State legislatures, no one would propose the

initiative and referendum in America. They are being proposed now as a means of bringing our representatives back to the consciousness that what they are bound in duty and in mere policy to do is to represent the sovereign people whom they profess to serve, and not the private interests which creep into their councils by way of machine orders and committee conferences.

"It must be remembered by every candid man who discusses these matters that we are contrasting the operation of the initiative and referendum, not with the representative government which we have in theory, but with the actual state of affairs."

I think that applies also to us in Queensland—

"The 'New Republic Magazine' of New York investigated the direct legislation results of the 1914 election, in which a total of 110 initiative and referendum questions were voted upon in fourteen States. The estimate was guarded and conservative. In his conclusion the author, Mr. Robert E. Cushing, says—

'The popular voting on measures last November cannot be called unintelligent. A scanning of the vote on separate measures discloses an almost total absence of that tendency to treat all propositions alike, which betrays an indifferent ignorance. The more exacting the task imposed upon the people the more painstakingly and discreetly did they perform it. . . . Whether the voter's judgment was good or bad, he justified the referendum ballot by using it to give himself precisely what he wanted.'

"Editorially the 'New Republic' said, in connection with this report—

'The conclusive argument in favour of direct government is consequently educational. . . . A democracy is not educated up to the level of its responsibilities by decisions made by its representatives or by principles of "legal morals" established by its forbears, or by the power of vetoing unjust legislation conferred on judges. . . . If a political democracy is to learn its business it must participate directly in the transaction of its business.'

"Says Dr. John R. Haynes, of Los Angeles, one of California's greatest citizens—

'From an educational standpoint the initiative and referendum have been worth their cost a thousandfold. They have acted as a sort of great popular university to stimulate the intellectual faculties of the people. They have made the individual less selfish, more thoughtful of the welfare of others; they have given him a new feeling of social solidarity.'

"Judge William R. King, former associate justice of the Supreme Court of Oregon, at present chief counsel for the United States Reclamation Service, writes—

'In my opinion the initiative and referendum has been instrumental in giving the people of this State (Oregon) more wise and progressive legislation than they would have secured under the representative system only.

'The mere fact that the people have within their power the right to initiate measures or refer them by referendum has served as a great check upon bad legislation in the Legislative Assembly, and, at the same time, it has furnished a motive for better legislation, to say nothing of the fact that the people have initiated a number of reforms by direct vote which were defeated by the Legislature.'

"Hon. Richard W. Montague, a distinguished attorney of the Portland bar, writes—

'My personal opinion, based upon an examination of all the general laws of Oregon in force in 1910, in pursuance of the duty of compiling the official publication of the statutes, made under public authority in that year, is that in all that pertains to the techniquo of draftsmanship, legislation passed under the initiative is markedly superior to the average of the statutes passed by the Legislature. This superiority is not inherent, of course, but results naturally from the fact that these laws have mostly been drafted by a rather large committee of persons having a lively interest in the matter in hand and some practical knowledge of it, besides what knowledge they may have of the general requirements of legislation; and that the framers were aware that their measure once launched must go as it is, for better or worse.'

The American authorities generally claim that the initiative and referendum are modern methods made necessary by changing modern conditions, but they are based on the old American doctrine of the people's right to self-government. The Massachusetts Constitution of 1780, the first Constitution in the world that was adopted by a vote of the people, contained, in its famous Bill of Rights, this declaration—

"VII. Government is constituted for the common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honour, or private interest of any one man, family, or class of men. Therefore, the people alone have an incontestable, inalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same when their protection, safety, prosperity, or happiness require it."

Will any hon. gentleman in this Council say that those sentiments do not find a response in every loyal-hearted Australian. What is in them to which any here can join issue? Those sentiments, in almost identical words, appear in the equally famous Virginia Bill of Rights, and every American State Constitution has since adopted the same principle. I claim the same right for our Queensland people, the principle being already accepted and established. Our Australian Constitution is prefaced by this preamble—I have here my original copy of the draft Bill which came to me as an elector to vote on—

"Whereas the people of—"

Naming the federated colonies—

"humbly relying on the blessing of Almighty God have agreed to unite, etc." And this preamble, with the intricate and complicated Bill of 127 clauses, was submitted to the electors of those several colonies and approved of by a majority of electors

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in every State, and no one can to-day suggest that the electors did not fully understand the main principles of the Constitution they themselves adopted. The absolute sovereignty of the people was then recognised and the people by direct legislation adopted the Constitution, and they can amend it. Why, then, is there any doubt as to the people's right to amend on their own initiative, the State Constitution? Surely, if they can be trusted with the greater, they can be safely trusted with the less! They have the right to amend, and the principle of the referendum is distinctly recognised as regards all matters even as far as amending the Constitution is concerned, by the Parliamentary Bills Referendum Act of 1908. The only new feature in this Bill, so far as our State legislation is concerned, is the granting to the people of the right to initiate. Even this is not foreign to our Queensland statutes. The right of initiation, as well as of the referendum, has been included in our State liquor laws since 1885 in a restricted form, and it is in the Liquor Act to-day. It is well recognised, and the principle has been reaffirmed and widened in 1912. Also, both the initiative and referendum are enacted in our local authority laws, and yet hon. gentlemen jib at allowing the electors power of initiation on matters that are vital.

HON. A. G. C. HAWTHORN: We want to give them fuller powers.

HON. G. PAGE-HANIFY: You do not. Why don't you be sincere? Why not be honest? In no single instance where the people have been entrusted with the statutory right to initiate has the power been abused or used foolishly or extravagantly.

HON. A. G. C. HAWTHORN: How do you know?

HON. G. PAGE-HANIFY: I take the consensus of opinion. I have made it my business to inform myself pretty thoroughly on this question for a good many years of my life, and it is my conviction that the consensus of opinion points to that. However, I challenge hon. gentlemen to bring forward any definite instance to the contrary. The electors have generally, if not in every instance, erred in favour of conservatism. They have erred on the conservative side, and nothing but good has resulted. It is only natural that a number of people should take the more conservative and cautious side in some things.

HON. G. S. CURTIS: Do you think conservatism is a good thing?

HON. G. PAGE-HANIFY: I am trying to advance arguments to show why hon. gentlemen should support this Bill. That is one very good reason. The hon. member objects to it, instead of gladly accepting it, because it is conservative. Do hon. members who talk, as the Hon. Mr. Thynne did last session when debating this Bill,

[5 p.m.] of the danger of making the amendment of our Constitution too easy realise that to-day it would be possible to amend our Constitution in any particular—we have seen instances of it—by passing a Bill through all its stages in one day in both Chambers, each House having a bare quorum of sixteen members present, and nine members voting for in each Chamber and seven against? This may seem far-fetched, but it is possible. Imagine that the present Government have control in both Chambers; and, in the natural course of events, if this Government

remain in power, as I believe they will, for the next fifteen or twenty years, they must eventually have control of this Chamber. How easy, then, it will be to amend the Constitution in the direction they desire, and how sorry hon. gentlemen opposite will be then that they have not got this measure on the statute-book, so that they can avail themselves of the opportunity of getting the people to endorse their views, if they think that a majority of the electors are with them. I use this argument because it has been pointed out that it is unwise for us to make it too easy to amend the Constitution. This does not make it easy. It will be pretty difficult to amend the Constitution under the initiative and referendum. Hon. members opposite who speak of democracy should not hesitate to sanction a measure which would render it possible to get the expressed will of the majority of the electors.

HON. T. M. HALL: A majority of the electors voted for this Council, but you will not recognise their decision.

HON. G. PAGE-HANIFY: Those who are opposed to the Bill are in the extraordinary position of telling the electors over and over again that it is not safe to trust themselves. Now, doesn't that sound ridiculous? The thinking electors must be realising that it is time that hon. members in this Chamber allowed them to think for themselves.

HON. T. M. HALL: You will not trust them with the recall.

HON. G. PAGE-HANIFY: Because hon. gentlemen opposite want to stick it into this measure, although it might as well be stuck into any other measure that the Government submit to this Chamber. It is altogether foreign to this Bill. Hon. members opposite appear to think that it is not safe to trust the electors to trust themselves. Although the electors are admittedly the masters and creators of legislators, they must always be inferior and subservient to the creatures whose political destinies they control. Is not that an extreme position to take up? It seems to be an absurd and utterly illogical position. And when it is realised that that barrier is created, not by the elected representatives of the people, but by a comparative handful of nominee legislators, appointed by past and gone Governments, whose policies have been discarded—

HON. E. W. H. FOWLES: Seventeen appointed by this Government.

HON. G. PAGE-HANIFY: Whose policies have been discarded and cast aside by the electors long since, surely the position is not only anomalous, but ridiculous! Let me put it in another way: Excluding the President, who does not usually vote, and classing members as usually voting for or against the Government, we have twenty-nine members who were appointed by past Governments, and who, therefore, represent discarded and discredited policies. Add to them twenty-four members of the Assembly who represent the policy approved by the minority of the electors, and you have a total of fifty-three in the two Chambers who oppose the initiative and referendum. On the other hand, we have seventeen nominees appointed by the present Government and representing the policy on which the Government were elected, three others appointed by past Governments who generally accept the policy of this Government, and forty-eight members in the Assembly pledged to the policy

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approved by the majority of the electors—in all, sixty-eight against fifty-three. And yet such is our anomalous so-called representative parliamentary system that the fifty-three representing the minority of the electors have been able for over four years to stultify and defeat the wishes and intentions of the sixty-eight legislators who, directly and indirectly, represent, and are endeavouring to give effect to, the wishes of the majority of the electors of Queensland. Surely Lewis Carroll, in all his topsy-turvy imaginings never conceived anything more ludicrous! Such a wilful and persistent blocking of progress merits shifting, not with logic and argument, but with dynamite. Logic and reason seem to be absolutely useless and ineffective. It is beyond comprehension that men who prate about justice to small nations and the right of self-determination should persist in denying to the Queensland electors the right to direct legislation to enable them to arrange their own affairs in their own way, and thus to conserve their own interests. I warn hon. gentlemen that a day of reckoning is at hand.

Hon. A. G. C. HAWTHORN: Is that a threat?

Hon. G. PAGE-HANIFY: No, it is not a threat. I would ask hon. members to pass this Bill without resorting to any further effort to delay and defeat the people's will. Before I conclude I wish to say a word or two with regard to some remarks made by the Hon. Mr. Fowles when he was speaking the other day. The hon. gentleman made certain extravagant and, I believe, absolutely baseless assertions, in speaking in reference to clause 10 of the Bill. The hon. gentleman is noted for making wild assertions, but on this occasion I think he excelled himself.

Hon. E. W. H. FOWLES: Will you point to one inaccuracy—even an inaccuracy?

Hon. G. PAGE-HANIFY: I will quote just what the hon. gentleman said. He excelled himself, and it seems to me to be essential, in the interests of honesty and fair play to certain public servants who are unable to speak for themselves and who are slandered by inference, that the matter should be referred to. In order that I may not in any way misrepresent the hon. gentleman, I quote from "Hansard," page 1526, where the hon. gentleman said—

"I know that there is a rumour that it—"

He was referring to the 6 o'clock closing petition—

"that it has been burnt in the Home Secretary's office—I do not say deliberately burnt."

Further on he says—

"There is a rumour that the petition was burnt at the Home Secretary's office, probably accidentally. I know that they have a cleaning-up there sometimes, and it may have been that this petition was accidentally destroyed in such a cleaning up."

Hon. E. W. H. FOWLES: That is accurate in every iota. Point out where it is wrong.

Hon. G. PAGE-HANIFY: Further on he says—

"There are certain rumours current with regard to the petition. One is that it was burnt—accidentally or deliberately—in the Home Secretary's office—not by the Home Secretary. I do not say that

for one moment. The other rumour is that the leaves, one by one, blew out of the window—accidentally. Evidently the petition was spirited away."

Hon. E. W. H. FOWLES: Where is the inaccuracy in that?

Hon. G. PAGE-HANIFY: Further on the hon. gentleman said—

"At all events, it is quite clear that the Government have built up a clause purporting to give the people a referendum on 6 o'clock closing, deliberately knowing—for they must know—that the people cannot avail themselves of that clause. Will the hon. gentleman show me how they can avail themselves of that clause?"

Hon. E. W. H. FOWLES: Where is there anything wild about that?

Hon. G. PAGE-HANIFY: I deliberately state here that, before the Hon. Mr. Fowles or any other hon. member is entitled to make wild charges and assertions of that sort—

Hon. A. A. DAVEY: He said it was a rumour.

Hon. G. PAGE-HANIFY: Even if it was a rumour, he gave it wide publicity in "Hansard." He says that it was not the Home Secretary who burnt the petition, leaving it to be inferred that responsible officials in the Home Department must have done so. Before any hon. gentleman is entitled to make wild charges of that sort he should be in a position to produce some evidence; first, that the petition referred to was ever presented or placed in the custody of any public official; secondly, to give definite data as to when it was presented, to whom it was presented, and by whom.

Hon. A. A. DAVEY: And when burnt.

Hon. G. PAGE-HANIFY: Before one can assume that a thing has been destroyed in a public office, he should make careful inquiry. The Hon. Mr. Fowles, with his inferential charges against certain unnamed public officials, seems to me to have abused his position in an unwarranted and cowardly manner. The parties associated with the Citizens' Six o'clock Closing League are well known, and it should not be difficult to centralise the responsibility for the petition. The fact that no one claims to have placed it in the custody of any public department suggests that it has not been placed in the custody of any public department.

Hon. E. W. H. FOWLES: What about slanders now?

Hon. G. PAGE-HANIFY: Why not bring along proof, as the Home Secretary told the recent deputation from the Six o'clock Closing League? The assertion that clause 10 was not a bona fide concession to the 6 o'clock agitators is as baseless as the hon. gentleman's suggestion that the petition was burnt in the Home Secretary's office. Both assertions are mere figments of the imagination. I know nothing at all about the petition, but if I heard rumours, before I gave them circulation in this Chamber I would endeavour to find some foundation, at any rate, to show that the responsibility rested with the officials whom I was slandering. I support the second reading of the Bill, and I would be highly delighted if hon. gentlemen opposite saw the error of their ways and decided this time that, as they are the people's elect and chosen, they are going

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to trust the people at all times in future to initiate such matters.

HON. A. G. C. HAWTHORN: Might there not be error on your side?

HON. G. PAGE-HANIFY: There might be error, but we are not asking you to pass anything except to trust the people.

HON. A. G. C. HAWTHORN: You are not trusting the people about the recall and the financial aspect. We are willing to pass it with those additions.

HON. G. PAGE-HANIFY: If you jam into a measure something which you know is going to kill it—something which is foreign to the measure, which should stand quite alone—there can be only one argument, and that is that you desire to kill the Bill. If hon. gentlemen purpose doing that, I hope they will not waste time, and say they are against the principle of the Bill, but fire it out. I hope if hon. gentlemen do insist upon putting in a recall clause, they will make it clearly applicable to this Chamber as well as to the Assembly.

HON. T. M. HALL: You have got one for this Chamber now.

HON. G. S. CURTIS: I must compliment the Hon. Mr. Page-Hanify for the effective speech which he has made from his point of view, but he has left out some matters of a fundamental character which I would like to refer to, especially with regard to the United States of America, some of which have adopted the Initiative and Referendum. In a work published some years ago—I forget the name of the author—dealing expressly with the working of the initiative and referendum in America, it was shown that it has not been a success. It was shown that nearly all the votes taken in connection with the initiative and referendum there were not nearly as large as the votes polled at the time of the general election. The people did not feel the same interest in these matters as they did when the personal element was introduced as at the time of the general elections, and the author considered that the initiative had not, on the whole, been a success in the United States. The Hon. Mr. Page-Hanify relies to a great extent upon what has been done in the United States, but there is a fundamental difference between the Constitution of the United States and that of Australia. The United States Constitution, as well as those of the States themselves, each contain what is called a "Bill of Rights," giving certain guarantees for life, liberty, and property, and expressly forbidding any State, or the Federal Government itself, to pass any law interfering with the validity of contract. We have, unfortunately, not got those guarantees in Australia, and, in that respect, I think the framers of our Australian Constitution made a great mistake. I suppose they thought they would like to show that they had a greater faith in what is called the will of the people than those men who drafted the Constitution of the United States. How would the referendum have worked? Look at the oppressive measures brought in by this Government on more than one occasion. They proposed to take power to cancel the contracts entered into by a previous Government with the pastoralists with respect to their leases. That is a question which they could submit to a popular vote if the initiative and referendum were grafted on to our Constitution, but it could not possibly be

done in the United States. The Hon. Mr. Page-Hanify will see that it is no use quoting the United States as an example for us in connection with this matter, as they are working under a different Constitution, which gives express guarantees for life, liberty, property, and the sanctity of contracts. There is a short paragraph in Lord Bryce's work on "The American Commonwealth," page 474, with regard to direct legislation, which I would like to read—

"What are the practical advantages of the plan of direct legislation by the people in its various forms? Its demerits are obvious. Besides those I have already stated, it might be expected to lower the authority and sense of responsibility in the Legislature; and it refers matters needing much elucidation by debate to the determination of those who cannot, on account of their numbers, meet together for discussion, and many of whom may have never thought about the matter. These considerations will, to many Europeans, appear decisive against it. The proper course, they will say, is to improve the Legislatures. The less you trust them the worse they will be. They may be ignorant; yet not so ignorant as the masses.

"But the improvement of the Legislatures is just what the Americans despair of, or, as they prefer to say, have not time to attend to."

Is it to be supposed that the Government have introduced this Bill to graft the initiative and referendum on to our Constitution because they regard any improvement in the personnel and efficiency of representative government in Queensland as hopeless? It is proposed to take the settlement of important matters of legislation out of the hands of the less ignorant—that is, the representatives of the people—and to put the determination of them into the hands of the masses, who are certainly not so enlightened as their representatives. Is that a wise or sensible proposition? I should say not. The proposal to graft the initiative and referendum on to our Constitution is a very grave matter. When Queensland was established, two Chambers of Parliament were provided to secure peace, order, and good government for Queensland, and, up till the last few years, I think the Constitution has worked satisfactorily, and the progress of Queensland has been quite remarkable. The other night we were discussing a Bill to increase the salaries of members of the other Chamber. I might say that the voluntary service given by members of Parliament in the early history of Queensland was splendid. The late Dr. Lang was instrumental in bringing into existence the colony of Queensland, and, but for his work, action would have been perhaps delayed for many years. As an old parliamentarian and statesman his opinion should be worth something. He attended several debates in Parliament, shortly after the establishment of Queensland, and spoke in complimentary terms of the sensible and businesslike way in which business was conducted. I am not opposed to the referendum in regard to certain simple questions, in regard to which it may be useful, but I am distinctly opposed to the initiative. I consider it would be perfect nonsense if it were adopted here. We should have agitators all over the country getting up petitions for the alteration of the laws,

[Hon. G. Page-Hanify.]

and the country would be in a constant ferment. For the reason I have stated, seeing that there are no guarantees in our Constitution with respect to the matter I have spoken of, I consider it would prove a great danger to Queensland. The best thing would be for the Government to devote its attention to trying to improve the personnel and efficiency of the Legislature rather than seeking to degrade it by taking the power out of the hands of the legislators and putting it into the hands of the masses of the people who cannot be so well informed as their representatives. I remember that Mr. Asquith, the late Prime Minister of Great Britain, condemned the referendum when it was proposed in England. He said that it would go a long way to destroy the system of representative and responsible government, and that it would make weak and timid legislators, who would, when a complicated question came up, seek to avoid their responsibility by referring it to the people to settle. That would be a great evil. The Government profess to have great belief in this principle, but, when the referendum was taken in connection with the abolition of the Council, they did not accept the verdict of the people, simply because it did not suit them. Probably, they are impelled by a force outside to try to give effect to this proposal, although not absolutely believing in it themselves. The Hon. Mr. Page-Hanify spoke about the vote at the last election as being a mandate with regard to this matter, but there was a multiplicity of questions, and a babel of voices, as there is, more or less, at all elections. In my opinion, the election turned on the question of conscription. After all, the Government only had a majority of 27,000 odd votes over the Liberals, and they secured representatives in the other Chamber much in excess of the number which that majority entitled them to. No such mandate was given at the last election. A very large number of Liberals were, no doubt, induced by the representations made with regard to conscription by the Official Labour Party to vote against conscription, and there is no doubt that when the election came round they thought the best thing to do was to vote for the Government so as to stop conscription. If I thought this proposal was likely to be conducive to the interests of Queensland I would vote for it, but I am satisfied that the initiative would be a bad thing, for the reasons I have stated. I believe in the referendum to a certain extent. We have already utilised it in Queensland, and, so long as it is restricted to the settlement of simple questions, which the people can easily understand, it is a good thing. I should have been far better pleased if

[5.30 p.m.] some proposition had been brought forward in the direction spoken of by Lord Bryce in his "American Commonwealth" in regard to the improvement in the Legislatures and the personnel and efficiency of them. That would be a step in the right direction. The framers of the American Constitution were able and enlightened men, and they had no idea of establishing a pure democracy in America. They could not very well establish a monarchy, so they established a system of representative government, and I am quite sure that if a measure of this nature had been brought forward they would not have approved of it. With these few words, I wish to say I am opposed to the Bill, and I hope it will be negatived in this Council in the interests of the whole of the people of Queensland.

HON. R. SUMNER: While this question has been thrashed almost threadbare in previous sessions, the discussion practically was confined to the liquor question. I look upon the initiative and referendum as the strongest plank in the Labour platform. It has been there for the last twenty-five years.

Hon. A. A. DAVEY: That is why they do not use it, I suppose.

HON. R. SUMNER: We want to compel them to use it, as it is a safeguard for the people generally. The Hon. Mr. Page-Hanify laid down one of the soundest reasons why this Bill should be passed, and that is that it was before this Chamber in the last Parliament, and that the Government have since been to the country and have been returned. On the argument of hon. gentlemen opposite, when a Government Bill is rejected and the Government go to the country and come back again, then we ought to pass the rejected measure. On those grounds alone the Council ought to pass this Bill. I understand that the second reading is going through, but I would rather see the Bill rejected on the second reading than see it mutilated in Committee, and make it impossible of being put into operation, as it was last session. The Hon. Mr. Fowles made some extraordinary statements, and in passing, I should like to refer to one of them in regard to a certain petition. I happened to turn up "Hansard" the other day and saw that something was said in the Assembly about the petition. The Hon. J. Tolmie, speaking on the Initiative and Referendum Bill in 1917, referred to 6 o'clock closing and the petition that had been sent in. He said—

"Then, I would like to know, in regard to this measure—and perhaps the Home Secretary will be able to tell us—whether the early-closing petition is right in all respects. It is laid down as a principle of this Bill that the early-closing question shall be submitted to the people for decision. The inference in the legislation before us is that that petition has been accepted.

"Mr. Jones: Has it been sent in?"

"Hon. J. TOLMIE: I should like it to be clearly defined as to whether it is a fact that the petition has been accepted and that, without any further investigation or action on the part of the general public, should this Bill become law, a referendum will be taken on the early-closing movement. It is very necessary that that point should be cleared up, because the whole matter is under the control of the Home Secretary, and it is only right for him to say with regard to the petition whether the necessary formulae have been complied with, or whether there are not sufficient names on the petition and it cannot be allowed to go to the people. All the while he is using that as a bait to make this Bill acceptable to the people of Queensland.

"Mr. Jones: That is very unfair. The petition has never been sent in.

"Hon. J. TOLMIE: I am surprised at the interjection, and more surprised at the hon. member from whom it comes. From his ability and intelligence and his well-known honesty, I expected better things from him than an interjection of that kind.

"Mr. Jones: I am telling you that the petition has never been sent in.

*Hon. R. Sumner.]*

"Hon. J. TOLMIE: It is set forth here that the petition has been sent in, and that the Government are prepared to deal with it and recognise it as such. Why has it not been sent in? Why has it not been dealt with in some way? Why should that one petition only find a reference in this measure we are asked to enact? Is it not clear, from the interjection made by the hon. member, that a petition has not come in, and that what I have just said about its being used as a bait is true in that particular. If it has not been sent in—

"Mr. Jones: It has not been sent in."

It was evident, when the debate on the Initiative and Referendum Bill took place in 1917, that the petition had never been sent in, even though some action had been promised in connection with that Bill. I expect the petition is to be found in somebody's cellar, and may be received by the Government some day. It is very evident that that petition was never sent in to the Government. Then the Hon. Mr. Fowles referred to the Manitoba case, but I do not think hon. gentlemen will seriously argue that the same conditions operate there as operate in the State of Queensland.

Hon. E. W. H. FOWLES: I read from the decision of the highest court in the land.

Hon. R. SUMNER: The conditions are totally different. The Hon. Mr. Fowles also said that where the referendum had been used it had only been used in connection with moral questions, and from the debates that have taken place in this Chamber one would think that the drink question was the only moral question. I consider all questions affecting the general welfare of the people are moral questions. The Unemployment Bill we had before us last week dealt with a moral question. After all, what is morality? It is only custom. The morals of this country may be different to the morals of some other country, perhaps not always to our advantage. Every question affecting the direct welfare of the community is really a moral question, and if the hon. gentleman agrees that moral questions ought to be submitted to the people by way of a referendum, then every question affecting the welfare of the community should be put to them. What is the poverty question but a moral question? What is the unemployment question but a moral question? Almost every measure that has been introduced since this Parliament commenced has dealt with a moral question. They have affected, directly or indirectly, the welfare of the people, and they can be put on the same plane as the liquor question or any other question you like to mention. The Hon. Mr. Curtis mentioned Mr. Asquith. A change has taken place in the attitude of public men on the question of the initiative and referendum. Mr. Asquith in 1910 spoke very strongly against the referendum when it was proposed to incorporate it in the Parliament Act, and he used these words—very strong words, too—

"Once engraft the referendum on our Constitution as part and parcel of its normal working machinery, you impair, and in time destroy, the whole sense of responsibility, both of Ministers and of members of the House of Commons, which is the salt and the salvation of our political life."

[Hon. R. Sumner.

What is Mr. Asquith's opinion in 1919?

Hon. G. S. CURTIS: He was beaten at the last election.

Hon. R. SUMNER: If the hon. gentleman means to infer that a man changes his opinion because he is beaten, then he has a very low opinion of politicians, and a very low opinion of Mr. Asquith. Mr. Asquith in 1919 said—

"The time has arrived when some means are necessary to place power in the people direct—to legislate over the heads of Ministries."

A Government gets placed in power for three years. Not long ago it was suggested that the term should be extended to five years. If this Bill is rejected, the only alternative is annual Parliaments. Fancy placing any Government in power for five years!

Hon. A. G. C. HAWTHORN: Especially this Government!

Hon. R. SUMNER: Any Government. I am not speaking of any particular Government. Even three years is too long a period without the initiative being in the hands of the people. Has the power of the people ever been abused by way of the referendum? I believe the people at heart are sound, no matter what parties or what Ministries may be, and if they are asked to express an opinion they will give a proper decision. They may go against the Ministry of the day on any specific question, but it will always be found that the great mass of the people are sound. I am not saying that the present Bill is perfect, but the principle is right. It is a step in the right direction. Some people say that the people would be running over one another in order to get petitions up to pass certain legislation; but, in my opinion, there would be very few questions submitted to the people. They would be questions of vital interest to the community, and no Ministry should have the power to keep delaying and dangling these questions over the heads of the electors from election to election, as we know is done. The passage of the Bill would have a beneficial effect on the whole population. The Hon. Mr. Hawthorn must know how Ministries ought to act.

Hon. E. W. H. FOWLES: Would you submit the separation of Northern Queensland to a referendum?

Hon. T. NEVITT: Yes—only to the people of North Queensland.

Hon. R. SUMNER: Times have changed, especially during recent years, and we now find the principle of the referendum advocated by public men throughout the civilised world. It took a very prominent place in the deliberations at the recent peace congress in Versailles. We find that the people of Hoi-stein are about to take a referendum to decide whether they shall be joined to Denmark or remain in Germany. They do not ask the reigning prince or the Government of the country to decide the question. They are going to take a vote of the people. Only the other day I read a cablegram in the Press, stating that the reason why American troops were being retained in Silesia was that they are to remain there until after the taking of a referendum of the people to decide whether they shall form a part of Poland or remain an integral part of Germany. Seeing that the principle of the referendum is being recognised throughout

the civilised world, surely it is not unreasonable for us to say that the people of Queensland should have the right to decide how they shall be governed! Surely it is better that the people should decide the question than for this Chamber to take upon itself the power to do so!

HON. A. G. C. HAWTHORN: We are offering to give them a bigger opportunity than you.

HON. E. W. H. FOWLES: How does the referendum work at Darwin?

HON. R. SUMNER: It has not been tried there.

HON. T. L. JONES: How does autoeracy work up there?

HON. E. W. H. FOWLES: Autocracy on which side? Bossocracy!

HON. R. SUMNER: If there are any people in Australia, or any people in the wide world, who should have the right to use the referendum, it is the people living in the Northern Territory, who have no representation in any Parliament, and who are governed by whatever administrator the Federal Government like to send up there. At the present time Queensland is not governed—

HON. E. W. H. FOWLES: Hear, hear! It is not governed.

HON. R. SUMNER: It is not governed either by its elected representatives or by the people direct; it is being governed practically by this Chamber.

HON. A. G. C. HAWTHORN: Governed by the Trades Hall.

HON. A. SKIRVING: They have very little to do with it.

HON. R. SUMNER: Very important Bills have been thrown out by this Chamber. Only last week hon. members opposite threw out the Unemployed Workers Bill, which was one of the first attempts to deal with the unemployment question. No matter what the defects of the measure may have been, no attempt was made to remedy them, but a motion was submitted—That the Bill be read this day six months.

HON. A. G. C. HAWTHORN: You said that was the only honest way of dealing with it, and now you grumble because it was not amended.

HON. T. J. O'SHEA: You said we could not amend it.

HON. E. W. H. FOWLES: Where is your majority of last week? (Laughter.)

HON. R. SUMNER: I support the Bill because I think it is a step in the right direction. The only alternative is annual Parliaments.

HON. E. W. H. FOWLES: Look at the expense.

HON. R. SUMNER: The expense would not be very great.

HON. A. G. C. HAWTHORN: Then, what is your objection to the recall?

HON. R. SUMNER: Personally, I am in favour of the recall; but I do not think it should be tacked on to this Bill.

HON. T. L. JONES: Would you apply it to this Council?

HON. E. W. H. FOWLES: It has been applied to this Council.

HON. R. SUMNER: If the recall were introduced in a separate measure I would support it.

HON. A. G. C. HAWTHORN: Then you should vote for the amendment of the Bill in that direction.

HON. R. SUMNER: No, because I do not think it should be included in this measure.

HON. T. L. JONES: We know it is only bluff on your part.

HON. A. G. C. HAWTHORN: You are all bluff.

HON. R. SUMNER: The party system is growing in intensity, and in a very short time there will be no need for either Chamber. All that will be necessary will be to record the votes at the party meetings, no matter what party is in power. I think the initiative and referendum will destroy that tendency of the party system to a certain extent. If you know that the people outside can initiate legislation and take a vote on it, it will have a very salutary effect on politics as they are to-day. All over the world the principle is being recognised. The Hon. Mr. Fowles alluded to America. What would have been the position with reference to liquor reform in the United States of America if it had not been for the referendum? In certain States they would not have been able to accomplish what they wanted but for the referendum. We heard a great deal during the peace negotiations about self-determination and the rights of nations or peoples. When the people of Queensland have the right to determine what laws they shall work under, without interference from either the Assembly or this Council, there will be less discontent. Seeing the principle has been approved of by the people, this Council should pass the bill. Hon. members opposite claim that this is the revising Chamber. If they do not approve of a Bill, they amend it, quite regardless of the wishes of the electors on the subject.

HON. A. G. C. HAWTHORN: Do you object to our revising a Bill?

HON. R. SUMNER: The people objected to your doing it when they returned to power the Government that brought in this Bill.

HON. T. J. O'SHEA: They returned us by a greater majority.

HON. R. SUMNER: I hope the Bill will be passed. There may be many Labour members who do not go so far as I do in the matter. I believe in the recall, and I believe that before long the principle will be adopted throughout Australia. But I do not think it should be made part and parcel of this Bill, and by including the recall in this Bill it only shows that the intention of hon. members opposite is to destroy the Bill. It would be more honest to throw out the Bill on the second reading.

HON. T. NEVITT: When this question was before the Chamber on a previous occasion, I did not take the privilege of speaking on the second reading; but there are some points which the Hon. Mr. Fowles attempted to make in opposition to the Bill which I thought should be replied to, and that is the reason why I am taking the opportunity of speaking now. In his early remarks the hon. gentleman made use of the following sentence:—

"Consistency is the ideal of small minds, and, if a man is content to live

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always in the same narrow gaspise, it shows that there is not much progress in him mentally or physically."

I think the remarks of the hon. gentleman are rather apropos to himself, because, if ever such a question as the initiative and referendum was debated from a narrow standpoint, I think the hon. gentleman took that standpoint.

HON. A. G. C. HAWTHORN: You think his gaspise was small!

HON. T. NEVITT: His gaspise on this particular occasion consisted practically of liquor reform. I suppose seven-eighths of the hon. gentleman's speech dealt with that subject. Therefore, I think the remarks he made apply to himself far more forcibly than they do to any other gentleman on this side of the Chamber. Then he went on to say that the Government had been in office for four and a-half years and had done nothing. Times out of number the hon. gentleman himself, the Hon. Mr. Hawthorn, the Hon. Mr. Leahy, and other gentlemen on that side of the Chamber, complain about the Government doing far too much, yet here we have the Hon. Mr. Fowles stating that the Government have been in office for four and a-half years and done nothing.

HON. A. G. C. HAWTHORN: In liquor reform he means.

HON. T. NEVITT: No, he is not applying his remarks to liquor reform only. Even if they applied to liquor reform only, they would not be in accordance with fact, because the Government have frequently stated that if the Popular Initiative and Referendum Bill were passed, the petition that has been signed—we have had good evidence to-day that it was not presented; a good many people think it was presented, but we have not arrived at any definite conclusion on that point—

HON. A. G. C. HAWTHORN: Do you think that it was burnt, or that it blew out of the window?

HON. T. NEVITT: The Hon. Mr. Fowles said that he heard it rumoured that it was burnt in the Home Secretary's office. That is a very serious charge. I do not think any hon. gentleman should make a statement of that kind unless there is evidence in support of the rumour. Whilst he did not altogether father the expression, the hon. gentleman said it was reported. He should not use an expression of that kind unless he did father it; at any rate, he should say whether he believed it or not. If he has any evidence that it was burnt in the Home Secretary's office, it is his duty—and it would be the duty of anyone else who made such a statement—to give the evidence, and if it is proved to be correct the Government will be deserving of very severe censure. But I do not think the hon. gentleman for one moment thought that anything of the kind had happened to the petition. Then, a further remark he made in opposition to the Bill was that very few politicians moved unless the people forced them to move. If the hon. gentleman considers that the Government are not moving, where can you get a better instrument to compel the Government to move than the initiative and referendum? It is just the thing the hon. gentleman is seeking for, if we judge by his remarks, because nothing will make a Government move quicker than a referendum.

HON. G. S. CURTIS: Public meetings through the country, and petitions.

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HON. T. NEVITT: Public meetings have very little effect on the average Government. Then, a petition depends upon the number of people who sign it. The Bill provides that 10 per cent. of the community can demand legislation in certain directions, and any Government should be compelled to introduce legislation on such a petition. The safeguard provided in this Bill is 10 per cent. We find that in Dakota it is 8 per cent.

HON. G. PAGE-HANIFY: Mostly 8 per cent. in the United States.

HON. T. NEVITT: In most of the States it is 8 per cent., and in some it is as low as 5 per cent. The Government provide by this Bill that no hole-and-corner work can be done by a small number of people signing a petition. Again, the Government compel the petitioners to deposit £100 as good faith that the petition carries the 10 per cent. condition. That is a very safe and wise provision. The hon. gentleman also said that it would be a happy day if some members who were opposing him on this point could learn the simple truth—that is, that the majority were not always right. Quite true, the majority are not always right; but there is this to be said in favour of majority rule, that up to the present we have not evolved any other system which is equal to majority rule. Certainly, majority rule is a long way better than minority rule.

HON. G. S. CURTIS: That is questionable.

HON. T. NEVITT: I do not think there is any question about it. I am not inferring that at times the minority may not be right, but I am stating that if a majority of the community desire a certain line of action they should be in a position to enforce their opinions on any Government.

HON. A. G. C. HAWTHORN: Why do you bring in another Bill for the abolition of the Council?

HON. T. NEVITT: For various reasons. We will have an opportunity of replying to that later on. The Hon. Mr. Fowles also said—

"If the Government wish to submit everything to a referendum, they can do so at once without any Act of Parliament at all. There is the Parliamentary Bills Referendum Act on the statute-book, which the Government conveniently forget or ignore."

What is the Parliamentary Bills Referendum Act? Under it a Bill has to be introduced into the Assembly, to come into this Chamber and be defeated, to be reintroduced into the Assembly, and to come here and be defeated again before it can be referred to the people. Where is the reason for that state of things, when we remember that the referendum has been in operation in America for something like 150 years? We are told by hon. gentlemen opposite that a referendum is very costly. I maintain that a referendum under the Parliamentary Bills Referendum Act would be far more expensive than one under the Popular Initiative and Referendum Bill. Therefore, the grounds taken against the Bill by the Hon. Mr. Fowles are without foundation. Now I come to another feature, which is one of the most important. The hon. gentleman said—

"I know that this Government can ride roughshod over Privy Council decisions and trifles like that, but I have here a Privy Council decision which bears directly upon this question."

I asked the hon. gentleman, by interjection, to give one instance where this Government had ever ridden roughshod over any Privy Council decision, but the hon. gentleman could not substantiate his statement in any particular. He quoted the Manitoba case on more than one occasion as being parallel to the present case.

HON. A. G. C. HAWTHORN: So it is.

HON. T. NEVITT: Another legal mind agrees with the Hon. Mr. Fowles. The hon. gentleman knows that the Manitoba Constitution is just the reverse of the Queensland Constitution. When federation took place, certain powers were taken away from the then States and given to the Federal Government. That was a written Constitution. Everything which was taken away from the Queensland Constitution was written in the Federal Constitution, and on anything not mentioned in the Federal Constitution we have full power to legislate.

HON. A. G. C. HAWTHORN: That did not do away with the Queensland Constitution Act of 1867.

HON. T. NEVITT: Of course not, but certain powers we had under that Act were taken away. Section 2 of our Constitution provides that—

“Her Majesty shall have power, by and with the advice and consent of the said Council and Assembly, to make laws for the peace, welfare, and good government of the colony in all cases whatsoever.”

Yet the hon. gentleman quotes the Manitoba case as being on all-fours with this case, and maintains that we have not got the power under our Constitution to introduce a Bill of this kind. We are within our constitutional limits in passing it, but the Hon. Mr. Fowles and the Hon. Mr. Hawthorn took up the opposite attitude.

HON. A. G. C. HAWTHORN: We say you are trying to wipe out Parliament.

HON. T. NEVITT: The Constitution gives us power “to make laws for the peace, welfare, and good government in all cases whatsoever.”

HON. A. G. C. HAWTHORN: Subject to the Act.

HON. T. NEVITT: Is not that broad enough?

HON. A. G. C. HAWTHORN: Not to cover this.

HON. T. NEVITT: It is very strange that the hon. gentleman allowed the Bill to go through on the last occasion, if that is so.

HON. A. G. C. HAWTHORN: It is a very big question. I raised the same question then. You will find that in 1917 I gave the full case.

HON. T. NEVITT: The hon. gentleman quoted Viscount Haldane on this matter—

“Viscount Haldane, in delivering the judgment of their lordships, said that the language of the Act could not be construed otherwise than as intended seriously to affect the position of the Lieutenant-Governor as an integral part of the Legislature under the British North America Act. Further, it was doubtful whether, under section 92 of that Act, a provincial Legislature could create and endow with its own capacity a new legislative power not created by the Act.”

When you have power to legislate for the good government of the country, the Constitution is wide enough for the Assembly, in conjunction with this Chamber, to pass a Referendum and Initiative Bill.

HON. A. G. C. HAWTHORN: The initiative takes it out of the hands of Parliament. You will find that, under clause 20 of this Bill, Parliament is superseded.

HON. T. NEVITT: Who created Parliament?

HON. A. G. C. HAWTHORN: The Imperial Parliament created this.

HON. T. NEVITT: But who sends the members to the other Chamber?

HON. A. G. C. HAWTHORN: The people.

HON. T. NEVITT: Exactly; and they have and should have the sovereign power, and we, under this Bill, extend the power of the people. That is the point at issue. Who have a greater right for an extension [7 30 p.m.] of their powers than the people, because, without the people behind any legislation, it cannot last? There are one or two other remarks by the Hon. Mr. Fowles that I wish to reply to. Speaking in regard to the petition, the Hon. Mr. Fowles used some rather wild language. He said—

“A returned soldier told me he had signed one petition seventeen times. He did not tell me he got a beer for every time he signed it.”

The hon. gentleman should be a little more serious when dealing with a serious question such as we were dealing with then. He should not treat the matter in such a flippant manner as that. Then the hon. gentleman said—

“A great deal has been made of the fact that Switzerland has a system of referendum, and a few other countries—benighted countries—have these methods of government established—for instance, the United States. The United States of America is a land of experiments, and, boiled down, it comes to this—that there the initiative and referendum are used on moral and religious questions, but on no other questions whatever.”

Later on I shall deal with that matter, and show that in a number of instances when the referendum has been used in a majority of the States in the United States of America, it has not been on moral or social questions. At the same time, I think it is a very good system to establish, so that we can ascertain the views of the people on moral and social questions. In no better way could we get that than by the initiative and referendum. The benighted country of America established the principle of the referendum 138 years ago, and it has been in operation ever since that time. Some of the States have used it a great deal more frequently than others. I think the State of Massachusetts used it on something like 140 occasions, while Arizona only used it on one occasion. New Hampshire used it on 150 occasions, Rhode Island on forty occasions, and Connecticut on forty occasions. That shows that the people of the United States agree with the principle of the referendum, and it also disproves the statement frequently made that the principle of the referendum was born in Switzerland, and that it is a Continental creation. It is nothing

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of the kind. It was introduced in America after the American Civil War.

HON. A. G. C. HAWTHORN: It was in existence in Switzerland before then.

HON. T. NEVITT: Whether it was in existence in Switzerland before then or not I cannot say, but we can go back a great deal further than that. History tells us that the principle was in existence in ancient Greece.

HON. A. G. C. HAWTHORN: Was it a success there?

HON. T. NEVITT: History is not too clear on that point, but it was apparently in vogue for some considerable time.

HON. A. G. C. HAWTHORN: There are a lot of principles in the Labour platform that were tried in ancient Greece, and were found to be absolute failures.

HON. T. NEVITT: That is quite possible, but surely at the present time we are a little more enlightened on social matters than they were in ancient Greece! At the present time out of forty-eight States in America forty-seven have adopted the principle of the initiative and referendum. It is quite true that the initiative is not very often used, but the referendum is used more or less in all the States with the one exception, showing that a very large majority of the people of America are in favour of this principle. We must admit that the people of the United States of America are just as enlightened as we are in Queensland. The first time the referendum was introduced in America was in connection with the ratification of the draft Constitution of the State of Massachusetts. Those who are conversant with American history will know that, on that occasion the people were not given a voice in any shape or form in the drafting of the Constitution, or even in selecting the men who drafted that Constitution. What was the result? The Constitution, as drafted by the then Parliament of the day, was submitted to the people, and was turned down. I think the voting was something like 2,000 to 20,000. The Government of the day realised that they must take the people into their confidence, and that a referendum should be held for the purpose of selecting delegates to attend the conference to draw up a draft Constitution. That proposal was submitted to the people and carried, and later the draft Constitution was submitted to the people and carried practically unanimously, showing that the people acted in a just manner as soon as the parliamentary representatives gave them justice. I notice in reading Mr. Honey's work "The Referendum Amongst the English," that a gentleman named Mr. Hawthorn was one who took a very prominent part in framing the Constitution, and I am very sorry that his namesake in this Chamber has not got as broad views as John Hawthorn had in the latter part of the eighteenth century. A similar Constitution was submitted to the people later by New Hampshire in 1783, by Connecticut in 1818, and Rhode Island in 1842, and each time the referendum was submitted to the people it was agreed to. Those States were settled principally by English-speaking people, showing that the referendum is, at the bottom, an English principle. Then, again, the initiative and referendum prevents the power getting into the hands of a few and out of the hands

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of the many. That power has been frequently exercised in all times and by all Governments. No matter what Government gets into power they have the faculty, for some reason or other, after they have been in power for some considerable time, of thinking that they have the right to do as they like and introduce what legislation they like. This Bill will prevent that kind of thing taking place. If a Government is lazy and indolent and careless of the welfare of the people, the people can set machinery in motion and compel the Government to act. That is the underlying principle of the Bill, and I do not think any hon. gentleman, if he looks at it from that standpoint, can come to any other conclusion than that he should support the Bill. Then, again, the cost of referenda is frequently used as an argument against the Bill. I think the Hon. Mr. Fowles used that argument, and he said that it would cost something like £14,000 to take a referendum. Speaking generally, there are certain subjects that should not be submitted when a general election is taking place. But in a majority of instances when a referendum is being taken, it can be taken on the day of the general elections, and thereby reduce the cost to a minimum. For instance, in the event of the question of the abolition of this Chamber being submitted again to the people—and the Government are pledged to send it to the people—I think that it is one question that should be sent to the people untrammelled by any other question. Let the people decide the matter—I won't say once for all—let them give a decision, and whatever their decision, the Government should rest contented for a certain number of years.

HON. G. S. CURTIS: They have decided.

HON. T. NEVITT: On the last occasion that the question was submitted to the people the Government of the day consider that the ballot-paper was not as clear as it might have been, and it has been stated that quite a number of people voted in one direction when they intended to vote in exactly the opposite direction. I am not stating that anything of the kind took place; I am only giving the opinion expressed by different people. Personally, I think that the average elector is quite capable of understanding the question when it is clearly put.

HON. A. G. C. HAWTHORN: They knew what they were voting on.

HON. T. NEVITT: If that is so, we shall not be long arriving at a definite conclusion. Then, again, that referendum was taken on the day of the Federal elections, and it was overclouded by the Federal issue. The abolition of this Chamber is so important a question that I think even an expenditure of £14,000 would be justified in submitting the question to the people. It should be submitted to the people untrammelled, so that we should get a true reflex of the opinion of the people. I am prepared, so far as I am personally concerned, to say that, whatever the decision of the people, the Government should abide by it for at least five or even seven years—five years as a minimum—before any further attempt should be made to deal further with the Council. One great authority—I think it was Lord Bryce—speaking on the cost of referenda, said there is no reason why they should cost a great deal of money, and he mentioned what I have already stated, that invariably the

referendum could be taken on the day of a general election, and, therefore, the cost would be reduced to a minimum. He goes on further to say that the vote should be protected by having presiding officers in whom you could place implicit trust and confidence, and careful responsible persons to count the vote, and then the cost would be reduced to a minimum, and you would get a true reflex of the opinion of the people. The essence of democracy is to trust the people, and by what other method can you trust the people to a greater extent?

Hon. G. S. CURTIS: The decision might be wrong.

Hon. T. NEVITT: It may be wrong, but those who carry the responsibility should decide the matter.

Hon. A. G. C. HAWTHORN: That is why you should give them a referendum on financial questions.

Hon. T. NEVITT: There are some questions of finance that could be submitted, but there are others that could not be submitted and a decision obtained in time to act upon it. When the hon. gentleman was Treasurer, under the late Dr. Kidston, the Government introduced their transcontinental railway scheme, which also included the North Coast railway. This scheme involved the expenditure of £10,000,000. That was a matter that could very reasonably have been submitted to the electors. So far as I have been able to discover from my reading, there is no country in the world where the people have the right to take a referendum on financial questions, showing, whether they are right or wrong, that the leading political thought of the day is of the opinion that the people are not sufficiently—I will not say educated—conversant with government to have such question submitted to them. That is a very strong argument in favour of the omission of financial questions from this Bill.

Hon. H. TURNER: That is not saying very much for the intelligence of the people.

Hon. T. NEVITT: I am not casting any imputation on the intelligence of the people. I am merely pointing out that in no part of the world have the people the power to exercise the referendum on financial questions. Constitutional changes should only be made by or through a direct vote of the people.

Hon. G. S. CURTIS: They can empower their representatives to alter the Constitution. They cannot do it themselves. Oligarchy comes in again.

Hon. T. NEVITT: Properly speaking, democracy is government by consent. It is the only possible government for any nation at the stage of political evolution that we have reached.

Hon. G. S. CURTIS: That is oligarchy.

Hon. T. NEVITT: How can you arrive at such a decision when you have a Parliament with seventy-two members in one House and forty-nine in the other? It is not possible. The only means by which you can arrive at a decision is by trusting the people with the power to exercise the initiative, if necessary to introduce legislation, or to prevent the passage of legislation that they consider would be detrimental to their interests.

Hon. A. G. C. HAWTHORN: The recall and the reduction of members of the Assembly.

Hon. T. NEVITT: The Hon. Mr. Sumner dealt with the recall.

Hon. A. G. C. HAWTHORN: He is in favour of it.

Hon. T. NEVITT: I am in favour of it, too; but the Government did not consider it wise to introduce it in this Bill, and, as a supporter of the Government, I am not prepared to advocate its introduction in this Bill, though I am just as strongly in favour of it as I am in favour of the initiative and referendum.

Hon. G. PAGE-HANIFY: But there is no mandate for the recall.

Hon. A. G. C. HAWTHORN: There is no mandate for anything else.

Hon. T. NEVITT: The initiative and referendum have been in the forefront of the Labour platform ever since its inception.

Hon. A. G. C. HAWTHORN: The only mandate you have got is for cheap food, and you have not carried that out.

Hon. T. NEVITT: Does the hon. gentleman forget that the programme submitted to the people on which the Government were returned to power in 1915, and again last year, included the initiative and referendum?

Hon. A. G. C. HAWTHORN: It was not particularly discussed.

Hon. T. NEVITT: It has been discussed time and again.

Hon. A. G. C. HAWTHORN: Conscription was what brought you in last time.

Hon. T. NEVITT: Last session we were told that conscription was the only thing that secured the return of the Government to power. Now, conscription or no conscription is purely a matter for the Federal Government; yet the hon. gentleman wants to tell me that the intelligent electors of Queensland returned this Government to power on the conscription issue although they were only going to deal with domestic legislation! Conscription had little or nothing to do with the return of the Ryan Government. It may have altered a few votes, or it may even have secured the return of one or two members of the other Chamber.

Hon. H. TURNER: It was the cheap food issue that caused the return of the Government.

Hon. T. NEVITT: See how hon. members opposite fall out among themselves as to what caused the return of the Government to power. I just wish to quote from a little book in the library; "The Referendum among the English," by Samuel Robertson Honey. Speaking of democracy, it says—

"Mr. Lloyd George at Bath, on 24th November, 1911, is reported by the 'Daily Chronicle,' and several other morning papers, including the 'The Times,' as saying in a public speech—

You want a straightforward, simple franchise. Why do they distrust the democracy? I lay down this proposition: Democracy has never been a menace to property. I will tell you what has been a menace to property. When power has been withheld from the democracy, when they had no voice in government, when they were oppressed, and they had no means of securing redress, except violence, then property has many times been swept away. Property has never been damaged by pure democracy."

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That is a very strong argument in favour of the initiative and referendum. Trust the people on all occasions, and you cannot go very far wrong.

HON. G. S. CURTIS: It was democracy that led to the downfall of the ancient civilisations.

HON. T. NEVITT: Let me now quote from one of the greatest democrats who ever lived in America. Abraham Lincoln, four months after the bloody battle of Gettysburg, on the same fields, made use of these words—

“Four score and seven years ago our fathers brought forth on this continent a new nation conceived in liberty and dedicated to the proposition that all men are created equal. Now . . . we here highly resolve that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.”

Where would you get those fine sentiments expressed better than in the initiative and referendum—“Government of the people, by the people, and for the people”? The Hon. Mr. Curtis did not give us any method by which we could get at the will of the people in a better or more direct manner than by the initiative and referendum.

HON. G. S. CURTIS: A pure democracy is absolutely impossible.

HON. T. NEVITT: If the hon. gentleman is not prepared to trust the people, this Government are prepared to trust the people at all times. The hon. member mentioned the Bill of Rights when speaking this afternoon. The same principle underlies this Bill. Mr. Honey, in the work from which I have already quoted, says—

“It was this ideal at which Massachusetts aimed ‘when, in the Bill of Rights in its Constitution (1780), it declared—

The people of this Commonwealth have the sole and exclusive right of governing themselves. . . . all power residing originally in the people and being derived from them. The people have an incontestable, inalienable, and indefensible right to institute government, and to reform, alter, or totally change the same.”

Under our democratic system of government the people of Queensland have not got that right.

HON. A. G. C. HAWTHORN: They have it under the Parliamentary Bills Referendum Act of 1908.

HON. T. NEVITT: With all due respect to the hon. gentleman, they have not got that right. It lies with the Government of the day to initiate any particular legislation.

HON. A. G. C. HAWTHORN: The opportunity to get it is given to the people every three years.

HON. T. NEVITT: That is not sufficient. Why wait three years for a good measure if it is necessary? The hon. gentleman knows from his Ministerial experience that, after Parliament has met and after the Governor's Speech has been read, it may be necessary to make amendments in certain legislation which has been foreshadowed in the Governor's Speech. Why should it be necessary to wait until the next election before that legislation can be introduced?

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The hon. gentleman, I think, will agree that it is a very weak argument to say that the people have the right to throw the Government out every three years. The Hon. Mr. Fowles this afternoon asked the Hon. Mr. Sumner whether he would be prepared to submit the question of Northern separation to the people. I said, “Yes.” When the question was submitted to the people of Massachusetts as to whether the State should be divided into two—at that time the present State of Maine was a part of Massachusetts—they did not treat the matter as the people of Southern Queensland treated the question of Central and Northern separation some years ago. The people of Southern Queensland, being in a big majority, refused to agree to the creation of new States in the Centre and the North. In Massachusetts the question of whether the State should be divided was referred on two occasions to the people in the part of the State concerned. On two occasions the proposal was defeated.

On a third occasion it was put [8 p.m.] and carried, and the State of Maine was constructed out of the old State of Massachusetts. When Northern and Central Queensland were agitating for separation I was in the North, and I was a very firm advocate of separation, but we were not allowed the privilege that the Southern part of Queensland had.

HON. A. G. C. HAWTHORN: You have seen the folly of it.

HON. T. NEVITT: I have not seen the folly of it. I say the Northern people should have a separate State. We should then have been in a better position to go into federation.

HON. G. S. CURTIS: You never hear anyone advocate it now. They are too much afraid of your party.

HON. T. NEVITT: The hon. gentleman lets the cat out of the bag. He took a foremost place in the separation movement in Central Queensland, and now he says that because democracy is spreading he is afraid of democracy. That is what his interjection amounts to.

HON. G. S. CURTIS: We are afraid of socialism and syndicalism, but not of democracy.

HON. T. NEVITT: The Hon. Mr. Fowles said that social and moral reforms were practically the only things submitted to referenda by the different States of America. I find that at different times the following questions have been submitted in the various States of America:—

“Electing delegates to frame a Constitution; to adopt or otherwise approve of the Constitution; whether or not there should be a convention to revise the Constitution; prohibition of the manufacture and sale of alcoholic beverages; enfranchising aliens who served in the Civil War; women suffrage; removing freehold qualifications of aliens to exercise the franchise; repealing prohibition; and biennial instead of annual elections.”

Many other matters of social interest, at one time or another, have been submitted to the people in some of the States of America. By no stretch of imagination can anyone say that these questions refer to social and moral reform only. In some of the States constitutional amendments have been the principal matters submitted to referenda. It is

estimated that the referenda has been used on 1,500 different occasions in the various States of America. That is the benighted country that the Hon. Mr. Fowles speaks of. They adopted the principle nearly 150 years ago, and so satisfied are the people with the principle that it is still in vogue in forty-seven out of forty-eight States. In conclusion, I will quote from the same book again. Lord Bryce, in his "American Commonwealth," third edition, made use of the following words:—

"Reference to the people may act as a conservative force; that is to say, there may be occasions when a measure which a Legislature would pass either at the bidding of a heated party majority, or to gain the support of a group of persons holding the balance of voting power, or under the covert influence of those who seek some private advantage will be rejected by the whole body of the citizens, because their minds are cooler or their view of the general interest less biased by special predilections or interests."

Hon. G. S. CURTIS: He is referring to the referendum.

Hon. T. NEVITT: He is referring to the referendum, and the same argument applies to the initiative.

Hon. G. S. CURTIS: Lord Bryce does not say so—you say so.

Hon. T. NEVITT: I say you can use exactly the same arguments with equal force in favour of the initiative as you can in favour of the referendum. Then I have a quotation from another authority in favour of the same principle. Professor Goldwin Smith says—

"The people cannot be lobbied, wheedled or bulldozed. The people is not in fear of its re-election if it throws out something supported by the Irish, the prohibitionist, the Catholic, or the Methodist vote."

Where can you get a better illustration of the value of the initiative and referendum than that? The principles enunciated by Professor Goldwin Smith are very applicable to the position here. There is a further quotation by Mr. W. E. H. Lecky, in his "Democracy and Liberty," vol. i, p. 289. He says—

"Democracy has been crowned king. The voice of the multitude is the ultimate court of appeal, and the right of private judgment, which was once claimed for members of Parliament, is now almost wholly discarded. If the electorate is to judge policies, it is surely less likely to err if it judges them on a clear and distinct issue. In such a case it is most likely to act independently, and not at the dictation of party wire-pullers,"

showing that the initiative and referendum are free from the party wire-pullers to a very large extent.

Hon. T. M. HALL: The initiative would not be, though. There would be initiative by some of the trades unions for some of their objects.

Hon. T. NEVITT: If a trade union gets up a petition and the question is submitted to the people, if the majority of the people are in favour of it, surely the country ought

to abide by it, because we have no better form of democracy than majority rule. If a Government have the power behind them, they are justified in placing their legislation on the statute-book. In conclusion, there is another quotation by Lord Bryce, in which he says—

"The excellence of popular government lies not so much in its wisdom—for it is as apt to err as other kinds of government—as in its strength. It has been compared, since Sir William Temple, to a pyramid, the firmest-based of all buildings. Nobody can be blamed for obeying it. There is no appeal from its directions. Once the principle that the will of the majority, honestly ascertained, must prevail, has soaked into the mind and formed the habits of the nation, that nation acquires not only stability, but immense effective force."

Anyone who is against the initiative and referendum is against trusting the people. As Lord Bryce remarks, majority rule is the best form of government we have been able to evolve. He compares it with the pyramid, which is the safest form of building on account of its great base. So it is with the country: if you can get the majority of the people behind any movement, it is the best basis on which you can work.

Hon. A. G. C. HAWTHORN: That is what we say.

Hon. T. NEVITT: Then I claim the hon. gentleman's support for this Bill—for the initiative and referendum principle—and not hampering it by any other amendments which would endanger its passage in the other Chamber. Last year I was sorry the Government took the action they did in connection with the Bill. Being a believer in the recall, I did not think the principle of recall, inserted by this Chamber, would have any deleterious effect; but, so far as I could judge, there was no machinery provided for putting the recall into operation. For instance, if 10 per cent. of the people thought it advisable that certain members of the Government should be recalled, there was no machinery in the Bill to provide who should recall them—whether the particular electorate, or the whole of Queensland.

Hon. T. M. HALL: We will put that right this time.

Hon. T. NEVITT: If honourable gentlemen do the same thing again, they are running the same risk. I want to see the Bill placed on the statute-book, and at some future date another Government may insert the recall provision. If a Bill including the recall is ever brought forward while I am a member of this Chamber I shall support it. I sincerely hope that hon. gentlemen will support this Bill.

Hon. A. G. C. HAWTHORN: I do not intend to delay the Council very long, because the matter was fully debated on two or three occasions, when we on this side put certain amendments in the Bill which we thought were necessary, but which were disallowed by the Government.

The SECRETARY FOR MINES: Not one of them was sincere.

Hon. W. STEPHENS: You are not sincere about the Bill if you say that.

Hon. A. G. C. HAWTHORN: The hon. gentleman knows that there was a good deal

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of insincerity and playing to the gallery on his own side, and he thinks that we are going to be guided in the same direction.

The PRESIDENT: Order!

HON. A. G. C. HAWTHORN: The question has been raised as to the validity of this Bill from a constitutional point of view. That has been gone into fully by the Hon. Mr. Fowles, and, whether the Bill passes in any form, no doubt before it is assented to by the representative of the King it will probably be reserved, from the constitutional point of view.

HON. G. PAGE-HANIFY: That need not worry us.

HON. A. G. C. HAWTHORN: I am not attaching much importance to that aspect of the question. One or two hon. gentlemen have spoken about the Manitoba Bill, and as to whether it was on the same lines as this Bill. Personally, I think it was pretty well on the same lines, because it was an attempt to do away with the powers of Parliament. Under the Constitution Act of 1867, two Houses of Parliament were provided for.

The SECRETARY FOR MINES: We are not taking away the powers of the Crown.

HON. A. G. C. HAWTHORN: You are not going to eliminate the powers of the Crown, but you are going to eliminate the powers of Parliament. Under the clauses of this Bill, if the people say they want a certain measure, it immediately becomes law, and it may be presented for the assent of His Majesty, with the result that both Houses of Parliament are absolutely ignored and wiped out. That is a question that will be reserved, and which will get full consideration when it comes before the authorities in England.

The SECRETARY FOR MINES: If carried, would this Council take that action?

HON. A. G. C. HAWTHORN: I am not here to pledge this Council to anything.

The SECRETARY FOR MINES: Would they place their views before the Secretary of State for the Colonies?

HON. A. G. C. HAWTHORN: I have not the slightest doubt that our views, in the interests of the people of Queensland, will be fully placed before the Secretary of State. This Bill, if it becomes law at all, should certainly be amended by adding those two features which we emphasised on every occasion when the Bill has been before us. First of all, the recall or the right of the people to say, if they are dissatisfied with any member of Parliament, that he should be recalled and lose his seat. That we look upon as one of the most democratic principles that could be introduced into a Bill of this kind. I look upon the recall as one of the most important features of a Bill similar to this, and, in addition to that, I think the financial aspect should also be considered. Under the Bill any dealing with finance is absolutely cut out. I think that is wrong. If the people are not to be trusted with financial matters, as compared with the present Government, then I say the people will be very dense, indeed. Could anything exceed the utter incapacity of the present Government from a financial point of view? It is the only thing the people should be bothered about. They have to pay, and they should be considered. So much so is that the case that no loan can be borrowed by the representatives of the people in the local authorities without the question being submitted to the people who have to pay and

who should have the right of saying how the money should be spent. If you are going to have the initiative and referendum, give the people the full power of the purse as well. They have to pay, and they should have the right to call the tune. But, no; the Government are afraid of them. Could anybody be more incapable of carrying on the finances of the country than the present Government?

The SECRETARY FOR MINES: Yes, your Government.

HON. A. G. C. HAWTHORN: The Government I was connected with had the pleasure of being able to show a surplus every year, however small it was.

The PRESIDENT: Order!

HON. A. G. C. HAWTHORN: I am endeavouring to prove that the people could not go further wrong than the present Government.

The SECRETARY FOR MINES: Your Government had no droughts, no floods, and no cyclones, and you sweated the public servants.

HON. A. G. C. HAWTHORN: We never had the income that your Government have had.

The PRESIDENT: Order!

HON. A. G. C. HAWTHORN: I am endeavouring to prove that the financial question is one that should be submitted to the people. I am trying to prove that the people are better fitted to deal with financial matters than the present Government are. Seeing that there is a clause in this Bill to exclude financial questions being submitted to the people, I think I am perfectly justified in speaking on that question, and to compare the financial administration of the present Government with that of past Governments in order to show that they are utterly unfitted to hold the purse. We find that in their four years of administration taxation has increased from £1 8s. 2d. per head to £4 0s. 9d. per head.

The SECRETARY FOR MINES: The Prime Minister of Australia made that statement.

HON. A. G. C. HAWTHORN: And it is correct. We also find that the cost of living has gone up 64 per cent. in Queensland—far higher than in either New South Wales or Victoria.

The SECRETARY FOR MINES: We know that that is not correct.

HON. A. G. C. HAWTHORN: It is absolutely correct, according to "Knibbs."

The SECRETARY FOR MINES: We do not take any notice of "Knibbs."

HON. A. G. C. HAWTHORN: When it suits them the Labour party go nap on "Knibbs," and quote "Knibbs" extensively.

The SECRETARY FOR MINES: I say that I am not going to take any notice of "his nibs"—the Prime Minister. (Laughter.)

HON. A. G. C. HAWTHORN: The Prime Minister is going to be a big factor in Australia. Then, in addition, I think we ought to make provision in the Bill to enable the people to decide on a reduction of members of the Assembly, if they so desire.

The SECRETARY FOR MINES: They have this right under this Bill.

HON. A. G. C. HAWTHORN: If that is so, so much the better. I do not know that the initiative and referendum is going to be such a good thing as hon. gentlemen

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contend it will be, because we find that in America in about ten years they have had about 230 referenda, and only 34 per cent. of them were accepted, showing that, even although a petition is prepared and a large number of people say they want these reforms, when it comes to a vote of the general body of the people only 34 per cent. of them approve of what is asked for. Whereas we find in the Commonwealth that in a similar number of years 229 Bills have been brought in, and 76 per cent. of them have passed through Parliament, showing that parliamentary representation is very much better than the people's representation under the initiative and referendum. It is far less costly, and the way it appeals to me is that this initiative and referendum is merely a means of the Government trying to shirk their responsibilities. They want to throw upon the people the responsibility of saying whether certain things shall be done, instead of their being prepared from time to time, having gone to the electors every three years and got instructions from them, to put on the statute-book to the best of their ability the legislation foreshadowed or promised by them at the election. The people have not asked for this Bill. The mere fact that it is a plank in the Labour platform does not make it any more satisfactory, and, on the whole, my opinion is that the initiative and referendum will not be such a very satisfactory thing as hon. gentlemen say they expect it will be.

The SECRETARY FOR MINES: The people elected the Government, who put that platform before them.

HON. A. G. C. HAWTHORN: It is only one of a series of questions. You cannot say that any particular question on that occasion carried the Government in. On a former occasion the only cry that carried them in was the cheap food cry. They promised cheap food and financial reform; but food is dearer to-day than ever it was, and dearer in Queensland than in any other State in Australia.

An HONOURABLE GENTLEMAN: Give the price of beef.

HON. A. G. C. HAWTHORN: A few people are able to go to the State butchers' shops, but not 7 per cent. of the people of Queensland can get meat at the State meat-shops. The whole of the people have not received the advantage of those shops.

HON. G. LAWSON: What would be the price of meat to-day if it were not for the State shops?

HON. A. G. C. HAWTHORN: It would be considerably less than it is at the present time. On these two points on which the Government were returned originally they have not been a success. Food generally is dearer than ever before. However, I am quite prepared to pass the Bill with those two additions, and I have not the slightest doubt that amendments in that direction will be made when the Bill is going through Committee. I shall not oppose the second reading, in the hope that, when the Government get these amendments before them this time, they will see the advisability of putting the Bill to the country in that form; and it is rather an encouragement to us that two of the hon. gentlemen on the other side who have spoken on this Bill are in favour of the recall. There cannot be very much wrong with it, when it is supported by those

two hon. gentlemen, who are strong supporters of the Government—the Hon. Mr. Sumner and the Hon. Mr. Nevitt. I must compliment the Hon. Mr. Nevitt on his speech. He is an hon. gentleman who always endeavours to be fair; he gives good sound arguments, and he is always well worth listening to. I am prepared to support the second reading on the distinct understanding that, in Committee, we put in those amendments regarding the recall and financial questions.

Question—That the Bill be now read a second time—put and passed.

The consideration of the Bill in Committee was made an Order of the Day for to-morrow.

## STOCK FOODS BILL.

### SECOND READING.

The SECRETARY FOR MINES: This Bill is the outcome of representations and complaints from owners of stock who use the stock foods that are on the market. It is also the outcome of a conference of Ministers of Agriculture which was held in Sydney some time ago on this and other questions. That conference decided that legislation of this character should be passed in all the States of the Commonwealth. I believe that the only Act of this nature in force in Australia is in the State of Victoria. I may say that the Victorian Act is far more drastic than this Bill. It is wider in its scope. I am not saying that this Bill is drastic. Similar Acts are in force in Canada and also in the United States of America.

I want to emphasise the fact that the object of the Bill is to protect the consumer; but in protecting the consumer we have no desire to cause any injury to the primary producer, and this Bill does not do so. It rather protects the honest man against the unscrupulous man. While there may be some farmers who know how to put the small potatoes in the middle of the [8.30 p.m.] sack, I am firmly of opinion that the middleman who handles the farmer's produce is more responsible for the adulteration of food than the farmer. It is known to the Department of Agriculture that there is a good deal of adulteration in fodder in this State, but I am satisfied that the man who mixes the chaff—the man who stands between the producer and the consumer—is more responsible for that adulteration than the farmer. Chaff of good quality is sold by the farmer. Much of it is mixed in this city, where I believe there are mixing places, and there is nothing to prevent the adulteration of the chaff after it leaves the farmer's hands. I believe that, if the farmer sold his produce direct through the State Produce Agency, there would be far less adulteration. There have been cases of stock being poisoned through getting adulterated foodstuffs. In the Stanthorpe district two of the horses at the State arsenic mine died from poisoning. (Laughter.)

HON. A. G. C. HAWTHORN: I don't wonder at that. (Renewed laughter.)

The SECRETARY FOR MINES: It was afterwards discovered that the deaths were not due to the poison we are producing, but to the chaff that they were fed with.

HON. A. J. THYNNE: Was that chaff bought from the State Produce Agency? (Laughter.)

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The SECRETARY FOR MINES: I do not think so.

Hon. A. J. THYNNE: I hope the State Produce Agency has not gone in for the mixing of chaff.

The SECRETARY FOR MINES: I do not think so. In any case, I think this happened before they undertook the business of selling chaff. The hon. gentleman knows that stock often lose their lives through eating adulterated fodder. I know enough about the industry to be aware that it is quite possible for a weed or other deleterious matter to get into stock feed quite unknown to the producer, and it is only found out when the stock die. The difference between this Bill and the Victorian Act is that in Victoria mixed chaff is not allowed to be sold at all. The first Bill that was introduced in the Assembly here contained a similar provision, but it was thought by some hon. members that it would be a hardship on many of the farmers, and the Bill was then amended by omitting the provision which exists in the Victorian Act in that respect. Clause 3 provides—

“Every wholesale seller of any mixed, concentrated, or prepared stock food, or any prescribed stock food, before selling any such stock food, shall send or deliver to the Under Secretary a fair average sample of each stock food in which he deals.

“He shall also, on or before the thirty-first day of January in each year, send or deliver to the Under Secretary a fair average sample of each stock food in which he then deals or in which he proposes to deal during the current year.”

Hon. A. J. THYNNE: Can the State Produce Agency do that?

The SECRETARY FOR MINES: I think so.

Hon. A. J. THYNNE: How can they when the stuff that they handle changes from month to month? The same remark applies to any other agent.

Hon. W. STEPHENS: You cannot tell in January what sort of stuff you are going to sell all the year round.

The SECRETARY FOR MINES: If it can be done in Canada, in the United States of America, and in Victoria, surely it can be done here!

Hon. W. STEPHENS: You don't grow the same hay every month. How can a sample taken in January do for the whole year?

The SECRETARY FOR MINES: This Bill is the outcome of the knowledge that the experts of the Department of Agriculture have of the working of similar measures elsewhere.

Hon. W. STEPHENS: Men who have never been in business in their lives.

The SECRETARY FOR MINES: They know that the Act operates very well in other States.

Hon. W. STEPHENS: How do they know that?

The SECRETARY FOR MINES: The hon. gentleman knows as well as I do that a lot of very inferior stuff has been sold. Good lucerne chaff is made on the farms and sent to Brisbane and other cities, where it is mixed with a lot of cheap rubbish which spoils the whole lot, the object of the mixing

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being to get a bigger price. If there were some way for the consumer to deal direct with the farmer this Bill might not be necessary.

Hon. W. STEPHENS: How is it possible to supply chaff all the year of the same quality as the sample sent in in January?

The SECRETARY FOR MINES: If it can be done in other States, surely it can be done here! But that is a matter of detail which can be thrashed out in Committee. Subclause (3) of clause 3 provides that every sample shall be accompanied by a specimen copy of the invoice certificate relating to such food, together with all directions, if any, for the use of such food, and of the label which is to be affixed to every package, which label shall clearly certify the weight of a package, the distinguishing name or trade mark of the stock food, the name and principal address of the wholesale seller, and the chemical analysis of the stock food. The clause further provides that every wholesale seller who neglects or refuses to comply with any of the provisions of the clause shall be guilty of an offence against the Act. Clause 4 requires similar labels to be attached to the small packages put up by retailers. Clause 5 makes the seller responsible for the contents of each package corresponding with the description on the label. Clause 8 is a very important one. It prohibits the sale as chaff of any mixture of hay, chaff, or straw unless the invoices specify that the articles are mixed chaff or straw chaff, as the case may be.

Hon. A. G. C. HAWTHORN: Each package of straw chaff is to be marked with the letters “S.C.” Why has the mixed chaff to be marked with the letters “M.S.”? Why not mark it “M.C.”?

The SECRETARY FOR MINES: Perhaps they spell it with an “S” in the Department of Agriculture. (Laughter.) I have gone through the Victorian Act myself, and I notice that there is no mixing of chaff at all in Victoria. This clause is intended to put a stop to what may be called a trick of the trade with regard to the mixing of chaff. Clause 9 enables any officer of the Department of Agriculture to enter any seller's premises and take samples. Clause 10 is similar to the pure foods provision in the Health Act. It allows any buyer of stock food, on payment of the prescribed fee to the Under Secretary, to have such stock food analysed. Clause 13 sets out the penalties which are to be imposed. They are very substantial. Subclause (1) reads—

“Any person who, by any act or omission, is guilty of any offence against this Act shall be liable for a first offence to a penalty not exceeding twenty pounds, and for a second offence to a penalty of not less than twenty pounds and not more than fifty pounds, and for each subsequent offence to a penalty of not less than fifty pounds nor more than one hundred pounds or to imprisonment with or without hard labour for any period not exceeding six months or to both such penalty and imprisonment.”

The object of that is to prevent the adulteration of stock foods. The Secretary for Agriculture said in the Assembly that the Bill also deals with poultry foodstuffs, because a good many poultry raisers had approached him on the subject. I realise that the Bill may be dealt with in detail better in Committee, but I hope that it will be passed through its second reading

stage for the reason that it was well received in the Assembly.

HON. A. G. C. HAWTHORN: So was the payment of members Bill. (Laughter.)

The SECRETARY FOR MINES: It was well received here, too. This Bill had no opposition in the Assembly. I now move—That the Bill be now read a second time. If that motion is agreed to, we can take the Committee stage to-morrow.

HON. A. J. THYNNE: It is a somewhat strange commentary on the Bill that it should be introduced just at the present time, when fodder of any kind is almost unprocurable. Fancy prescribing the supply of samples when there is no fodder to be got! It would be a waste of money to send in samples of any kind just now, even if they were only 1 lb. in weight. I think that lucerne chaff is selling for about 3d. or 4d. a lb. at the present moment. Perhaps the department intends to put the samples to some useful purpose on the premises. (Laughter.) However well designed the Bill may be, I think it is only applicable, and is only intended to be applicable, to the manufacturers of foodstuffs. In the United States of America and Canada they have quite a recognised standard foodstuffs produced by manufacturers. There have been complaints about the varying quality of such foodstuffs, and no doubt it has been found necessary to pass a law prescribing some definite standard. The manufacturers of such foodstuffs are able to regulate the percentages and quantities of the various constituents in those foodstuffs; but I am afraid it will be almost impossible to apply such a measure to the ordinary course of business in this country, because people who buy and sell horse feed and cattle feed do not know from one week to another the quality of what they will be able to sell the following week. The Bill may prove a burden to these men, and I hope that in Committee it will be carefully considered whether the provisions of the Bill can be enforced with anything like justice all round.

HON. A. G. C. HAWTHORN: I think the Bill should meet with the approval of the Council. It is a necessary measure, because there is no doubt that a good deal of inferior chaff is sold from time to time in Queensland. From the fact that I feed horses right through the year I know, of my own personal knowledge, that the quality of the feed is very deficient at times. Possibly that may be pardonable at the present time, but this legislation is not going to be for the present time only, and it is just as well to bear that in mind when we are dealing with the Bill. I agree with the Hon. Mr. Thynne that it is rather an awkward thing to require men to send in samples of their produce in January if they are to be required to sell foodstuffs similar to those samples all the year round. Through some unforeseen circumstances a man may only be able to sell inferior stuff, and yet he may be required to keep up to the standard of his sample.

HON. G. PAGE-HANIFY: There is a proviso dealing with that.

HON. A. G. C. HAWTHORN: I do not know that the proviso goes far enough. There are a good many of these tricks of trade which I have no doubt will be met by the Bill. I think it is fair that there should be a proper average dealing between the seller and the buyer in regard to these

foods. There is one thing I notice: The other House will not conform to our suggestions in regard to regulations: they are continually trying to evade the clause which provides that either House shall have the right of vetoing the regulations.

HON. G. PAGE-HANIFY: It is there.

HON. A. G. C. HAWTHORN: Yes, but they are always trying to point on us. In this clause they say—

“If each House of Parliament . . . respectively resolves—”

which means that both Houses have to do it, or else the regulations are not disallowed. That will have to be altered, so as to make it read, “If either House,” giving this Council, if it desires, the right of vetoing the regulations. There may be some other slight alteration required in the regulation clause which we can deal with in Committee. I think that, on the whole, the Bill is a fair attempt to get for the public what they are supposed to be buying, and any legislation in that direction, I think, is good. I notice that the sampling is treated very much on the same lines as the milk sampling. Three samples are taken. One is delivered to the vendor, the other sent on for analysis, and the third is kept by the department. I think that is a very fair provision. On the whole, I think the Bill ought to meet with approval.

HON. E. J. STEVENS: I think the object of the Government in introducing this Bill is a good one. Anyone who has had to feed any number of stock with food of the kind indicated in the Bill must know that inferior food is sometimes foisted on to the public, perhaps in the first instance, by the farmer, or afterwards by the dealer. Every year there is a huge quantity of stuff foisted on to the public which should never reach the public at all. As the Hon. Mr. Stephens said, by interjection, you cannot keep up to one sample all the year round. That method, of course, would be valueless in a country like this, where the seasons are so erratic; but there is no reason why there should not be a provision that samples may be submitted from time to time. There is a scarcity of fodder now, but it is to be hoped that, with a better season, it will be as plentiful as usual. It is better for the persons who deal in produce to know what is coming than to wait and bring in legislation which will possibly inflict a good deal of harm upon them.

Question—That the Bill be now read a second time—put and passed.

The consideration of the Bill in Committee was made an Order of the Day for to-morrow.

#### ADJOURNMENT.

The SECRETARY FOR MINES: I move—That the Council do now adjourn. The first business to-morrow will be the consideration of the Stock Foods Bill in Committee, to be followed by the second reading of the Constitution Act Amendment Bill, consideration of the Popular Initiative and Referendum Bill in Committee, the resumption of the debate on the second reading of the Elections Act Amendment Bill, and after that the Workers' Homes Bill. If we conclude that programme of business to-morrow, I think we need not sit on Thursday. (Laughter.)

Question put and passed.

The Council adjourned at ten minutes to 9 o'clock p.m.

*Hon. A. J. Jones.]*