

Queensland

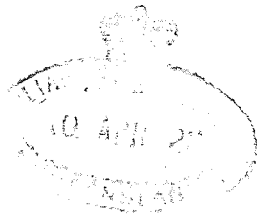


Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 25 AUGUST 1922

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QUEENSLAND PARLIAMENTARY DEBATES.

Legislative Assembly.

THIRD SESSION OF THE TWENTY-SECOND PARLIAMENT

APPOINTED TO MEET

AT BRISBANE ON THE FOURTH DAY OF JULY, IN THE THIRTEENTH YEAR OF THE REIGN
OF HIS MAJESTY KING GEORGE V., IN THE YEAR OF OUR LORD 1922.

[VOLUME 2 OF 1922.]

FRIDAY, 25 AUGUST, 1922.

The SPEAKER (Hon. W. Bertram, *Maree*)
took the chair as 3.30 p.m.

QUESTIONS.

APPLICATION OF "GAG" TO FINANCIAL STATEMENT.

Mr. SWAYNE (*Mirani*) asked the
Premier—

"1. Can he mention a single instance in the history of the Queensland Parliament where, prior to his doing it on Wednesday night, discussion on the Financial Statement was suppressed by the 'gag'?—If so, when?

"2. Is it in accordance with the chivalry he has talked about so much during the past few days, to 'gag' a debate when the last speaker was one of his own supporters, thus preventing any reply to statements and mis-statements contained in that speech?

"3. Is he aware, now that he has restricted discussion on the Address in Reply, so that with members taking their full time allowance, not more than half the members can have the opportunity of speaking, and with 'gagging' in the Financial Statement, Supply, and the want of confidence motion, that he has taken from members the right of speaking on those occasions which present the only opportunities of a full discussion on such matters as policy and finance?

"4. For the sake of reducing our yearly session to a few weeks' duration, and to escape criticism, is it right or in the interests of democracy to so deprive the people's representatives of freedom of speech?

"5. Can he mention one Parliament in the British Dominions where one member is allowed to exercise five votes on a single question, and how did he know that Messrs. Coyne, McCormack, Gillies, and Gilday wished to vote in favour of the application of the 'gag' on Wednesday night?

"6. Has he become so swollen with power, and saturated with arrogance that he does not realise the dangerous precedents he is creating?"

The PREMIER (Hon. E. G. Theodore, *Chillagoe*) replied—

"The statements will be inquired into."

FREE DISTRIBUTION OF "HANSARD."

Mr. COLLINS (*Bowen*) asked the Premier—

"In view of the garbled reports of parliamentary proceedings appearing in the Press, and in order that the people may be given a correct report, will he consider the advisability of making 'Hansard' free to all persons who apply for same?"

The PREMIER replied—

"The matter is worthy of consideration."

USE OF TERM "LEADER OF HIS MAJESTY'S OPPOSITION."

Mr. VOWLES (*Dalby*) asked the
Premier—

"1. Is he aware that on 26th October, 1921, I gave notice of motion under Standing Order No. 135, as 'leader of the Opposition,' and that in the journals of this House (page 401) the term is changed to 'leader of His Majesty's Opposition'?"

" 2. Is he also aware that Mr. Denham and the late Mr. Ryan, who have both been Premiers of this State, have used the term 'leader of His Majesty's Opposition'?"

" 3. Is he aware that the term has also been used by other eminent persons, including even Disraeli?"

" 4. Does he not therefore consider that his public criticism of my use of a term which, like many of our words, titles, and laws, has become established by usage, is exceedingly childish?"

The PREMIER replied—

" 1 to 4. I do not doubt that the witty Disraeli, to provoke laughter, employed the phrase in question, and that it has been often repeated, flippantly by those who have seen the joke and solemnly by those who have not. But to the hon. member belongs the glory of being the first to assume the title seriously in a communication addressed to His Majesty's representative, and therefore, it is presumed, not intentionally humorous. However, it would have been better if he had altered the wording to make it more in keeping with circumstances in Australia, where members of the Cabinet are called, not, as in England, 'His Majesty's Ministers,' but 'His Excellency's Advisers.'"

FAVOURITE AT COORPAROO RACES.

Mr. VOWLES asked the Premier—

" 1. Did he notice that on Tuesday last at Coorparoo Racecourse a horse called 'Theodora' was made a favourite prior to the race, but was left ten lengths and did not secure place distinction?"

" 2. Does he consider this has any political significance?"

The PREMIER replied—

" 1 and 2. Questions like these should not be answered hastily, and I trust the hon. member will pardon me if I defer definite replies to them until they have received the consideration they deserve."

SAVINGS BANK MONEYS AVAILABLE TO GOVERNMENT.

Mr. G. P. BARNES (*Warwick*) asked the Treasurer—

" 1. What was the aggregate total of Savings Bank money availed of by the Government prior to the passing of the Commonwealth Agreement Act—(a) What rate of interest was paid on this money to the Savings Bank; (b) what rate of interest is the Government now paying for this money?"

" 2. What amount of Savings Bank money was included in Government balances prior to or at the time of the passing of the Commonwealth Agreement Act?"

" 3. What was the amount of inscribed stock at the same period—(a) What were the terms and conditions on which the money was made available; (b) what rate of interest, if any, was paid on the respective amounts?"

The TREASURER (Hon. E. G. Theodore) replied—

" It is not clear to the Treasury officials exactly what information is desired, and I suggest that the hon. member call upon the Under Secretary and indicate clearly what he requires."

REMUNERATION OF MR. DANIEL JONES.

Mr. ELPHINSTONE (*Oxley*) asked the Secretary for Agriculture—

" 1. Has Mr. Dan. Jones been in the service of or received any remuneration from the Government during the past five years?"

" 2. If so, for what periods, and at what rates of remuneration?"

" 3. If allowed travelling expenses, on what scale was he reimbursed?"

" 4. What salary is it proposed to pay the cotton expert about to be appointed?"

HON. W. FORGAN SMITH (*Mackay*), in the absence of the Secretary for Agriculture (Hon. W. N. Gillies, *Eucham*) replied—

" 1. Yes.

" 2. 1st January, 1919, to 30th June, 1919, £150, with travelling expenses at 15s. a day. From 1st July, 1919, payment has been at the rate of £1 1s. a day when employed, and 15s. a day travelling expenses, the latter being increased to 17s. 6d. a day from 1st July, 1920. The periods of employment have been—1st January to 30th June, 1919, 182 days; 1st July, 1919, to 30th June, 1920, seventy days; 1st July, 1920, to 30th June, 1921, 111 days; 1st July, 1921, to 30th June, 1922, ninety-six days.

" 3. See No. 2.

" 4. This amount has not yet been finally determined."

ULTIMATUM TO COUNTRY PARTY BY PRESIDENT OF NATIONAL DEMOCRATIC COUNCIL.

Mr. KIRWAN (*Brisbane*) asked the leader of the Opposition—

" In view of the time occupied by him in preparing the memorial to His Excellency the Governor against the royal assent to the Legislative Assembly Act Amendment Bill, is it true that he has asked for an extension of time in order to reply to the ultimatum recently issued to him by Mr. Cribb, president of the National Democratic Council?"

Mr. VOWLES (*Dalby*) replied—

" The hon. member for Brisbane would be well advised if, instead of preparing silly questions to submit to hon. members, he devoted the time so occupied to studying the Standing Orders of the House."

(Loud Government laughter.)

SALARIES BILL.

THIRD READING.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I beg to move—

" That the Bill be now read a third time."

Question put; and the House divided:—

In division,

The PREMIER: I declare that in addition to voting in my own right, I vote for the "Ayes" as proxy for Messrs. Coyne, Gilday, Gillies, and McCormack.

AYES, 35.	
Mr. Barber	Mr. Jones, A. J.
" Brennan	" Kirwan
" Bulcock	" Land
" Collins	" Larcombe
" Conroy	" McCormack (Proxy)
" Cooper, P. A.	" Mullan
" Cooper, W.	" Payne
" Coyne (Proxy)	" Pease
" Dash	" Pollock
" Dunstan	" Rardon
" Ferricks	" Ryan
" Foley	" Smith
" Forde	" Stopford
" Gilday (Proxy)	" Theodore
" Gillies (Proxy)	" Weir
" Gledson	" Wellington
" Hartley	" Whistansley
" Huxham	

Tellers: Mr. Forde and Mr. Weir.

NOES, 30.	
Mr. Barnes, G. P.	Mr. King
" Barnes, W. H.	" Logan
" Bebbington	" Maxwell
" Bell	" Moore
" Brand	" Nott
" Cattermull	" Peterson
" Clayton	" Petrie
" Corser	" Roberts, J. H. C.
" Costello	" Roberts, T. B.
" Deacon	" Sior
" Edwards	" Swayne
" Elphinstone	" Taylor
" Fletcher	" Vesley
" Green	" Walker
" Kerr	" Warren

Tellers: Mr. Bell and Mr. Clayton.

Resolved in the affirmative.

SUPPLY.

RESUMPTION OF COMMITTEE—FIRST ALLOTTED DAY.

(Mr. Kirwan, Brisbane, in the chair.)

EXECUTIVE AND LEGISLATIVE.

HIS EXCELLENCY THE GOVERNOR.

The PREMIER: I beg to move—

"That £3,493 (balance of vote) be granted for 'His Excellency the Governor.'"

It will be noted that there is an increase in the travelling allowance this year for his Excellency the Governor, the amount being increased by £500. The amount actually expended last year was the amount appropriated. His Excellency has not drawn on the Treasury for more than the amount appropriated by Parliament, although I understand that he expended considerably more than that sum. The same thing happened in the previous year. I have not been approached by His Excellency, or anyone on his behalf, to increase the amount, but I think it is only right that a fair amount should be provided to cover His Excellency's travelling needs. It is recognised that His Excellency travels more than most of his predecessors did, and in travelling performs a very useful service to the State. For that reason, I think the Committee might well agree to the suggestion that a further £500 be placed on the Estimates for a travelling allowance. I should

like to say that His Excellency has shown very considerable activity in moving about various parts of the State, and bringing messages of hope and encouragement to citizens who live in those places.

Mr. ELPHINSTONE: They want it, too.

The PREMIER: At any rate, they are getting that encouragement from a Governor whose wisdom is very well recognised and appreciated. The Governor is a man who possesses very great wisdom and extensive knowledge, and he is a very courteous and tactful gentleman, and I think the Committee will not be agreeable to treating him niggardly in the matter of travelling expenses.

Mr. VOWLES: Have you asked the hon. member for Bowen?

The PREMIER: I would take the opportunity of making a reference to the letter which the leader of the Opposition sent to His Excellency within the last few days. I made a passing reference in an interview with Press representatives to the letter which the hon. member communicated to the Governor, in which I stated that the hon. member was adopting what appeared to me to be a very unusual practice in communicating advice to the Governor.

Mr. VOWLES: Not advice, only a suggestion.

The PREMIER: The reading of the letter, of which I have a copy, will show whether it was advice or a suggestion.

Mr. VOWLES: Read it; show where the advice is.

The PREMIER: The reading of the letter suggested to me that the hon. member was advising His Excellency as to the course he should take in regard to the assent to the Bill providing for voting by proxy. The following extract, which I will read from the letter, amply bears out what I am saying: that this letter was intended, not as a petition to the King, nor as a memorial from the subjects of the King to be communicated to the Secretary of State for the Colonies, but by the text of the letter it was obviously intended to influence the Governor in the exercise of his judgment and discretion in the giving or withholding of his assent to that particular Bill. The letter was couched in phrases that could only be interpreted in that manner. I will read a few extracts from the letter. It is dated 18th August, the day on which the Bill passed its third reading. That was last Friday. The hon. member wanted to get in very early to influence the Governor in his decision. The Bill was passed in this House at 10.30 p.m. on that date.

Mr. VOWLES: And that letter was signed at 11 p.m.

The PREMIER: Yes. The hon. gentleman wanted to get in early. That is what I said.

Mr. BRAND: Why should he not get in early?

The PREMIER: I will tell you why he should not get in early; because it is not his function to get in either early or late with advice to the Governor. I will now quote the letter—

"Your Excellency,—

"To-day an Act of Parliament entitled

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the Legislative Assembly Act Amendment Act of 1922, passed its third reading, and will, no doubt, be immediately presented to you for His Majesty's assent. I am directed by the hon. members who constitute His Majesty's Opposition in Parliament to request you to give serious consideration to this measure before giving such assent. I would point out to you, Sir, that the conduct of Parliament, particularly as to recording votes therein, is so much interwoven with the Constitution of the State as to be almost inseparable therefrom. . . . Apart from the main principle, we contend that in its present form the measure is impracticable."

Mr. J. JONES: Good advice.

The PREMIER: The letter also states—

"We respectfully suggest to you, Sir, that since the Government represents a minority of the electors of Queensland, only purely domestic legislation, if any, should be placed on the statute-book. The measure under consideration is a temporary expedient, and not in the best interests of constitutional government. . . . I am, therefore, directed to request you to consider whether, under the above circumstances, it would not be reasonable for you to submit this measure to the Right Honourable the Secretary of State for the Colonies for the signification of His Majesty's pleasure thereon."

Does the hon. gentleman allege that that letter was not intended to influence the Governor in the exercise of his discretion? I say that it was tendered as advice, and was not submitted as a memorial to be communicated to the Secretary of State for the Colonies. It was presented early before the Governor had made up his mind what action he was going to take.

Mr. ELPHINSTONE: Why should he not present it early?

The PREMIER: I can quite understand members standing up to it, but I cannot understand them attempting to evade the principle involved in this matter. Does the hon. member for Oxley stand up to that letter?

Mr. ELPHINSTONE: Yes.

The PREMIER: That is a different attitude from that taken up by the leader of the Opposition.

Mr. VOWLES: What are you talking about?

The PREMIER: Does the hon. gentleman say that this letter was not written to the Governor to tender him advice?

Mr. VOWLES: I say it was a suggestion.

The PREMIER: I say that it was intended as advice to the Governor.

Mr. VOWLES: You may say so.

The PREMIER: That interpretation is the only common-sense one. I do not raise this question for the purpose of initiating a heated debate, but for the sake of having a reasonable discussion on it. I invite hon. members to take part in this debate, because it is one which affects the rights and privileges of Parliament and the people. The

sovereign rights of the people of this State are bound up in this question.

Mr. EDWARDS interjected when the Premier was speaking.

The PREMIER: Neither myself nor any member of this Committee is likely to be influenced by anything the hon. member for Nanango might say. I do not suppose that he has given five minutes' consideration to this question. I am raising this question seriously, with a view to getting a discussion in regard to the propriety of advice being tendered outside the usual channels, which are through His Excellency's constitutional advisers. His Excellency dealt with this letter, in my opinion, in the only way that a gentleman occupying his position could deal with it. He referred it to his Ministers for advice as to what action should be taken.

Mr. VOWLES: Did he go past his Ministers?

The PREMIER: So far as I know the Governor did not go past his Ministers. Why should he go past his Ministers? If he did, he would be grossly exceeding his functions, and I am certainly not prepared to say that that would be done by the present occupant of the position in Queensland.

GOVERNMENT MEMBERS: Hear, hear!

The PREMIER: This letter was dealt with in the only manner in which the Governor could deal with it. He forwarded the letter to his Ministers, and subsequently he was advised simply to acknowledge it. The hon. member, I presume, received that letter of acknowledgment on the 23rd of August. In my opinion, it cannot be admitted that the Governor is open to receive advice on the question of assent to Bills or on questions affecting the political situation, from anyone except his advisers, unless he is acting under direct instructions from the Secretary of State for the Colonies on behalf of the Imperial Government.

Mr. VOWLES: Was he not asked to forward it to the Secretary of State for the Colonies?

The PREMIER: No. He was advised by myself, acting on behalf of his advisers, to give assent to the Bill. The hon. member practically asked him to disregard or set aside the advice tendered by his constitutional advisers. (Opposition dissent.) The hon. member, I say, had no standing, no grounds nor warrant for submitting that advice to His Excellency. (Opposition interruption.) That is what I am trying to explain. It seems to me that this matter concerns members on both sides of the House, without respect to party divisions. (Renewed interruption.)

The CHAIRMAN: I respectfully appeal to hon. members to refrain from interjections. The Premier is delivering a very important speech on a very important matter and other hon. members will have the opportunity of discussing it at a later time.

The PREMIER: I intend to deal with this question fully, because it seems to me that the situation with regard to the position which the Governor occupies wants clearing up. Members ought to understand what view the Government take upon this question and what is the recognised constitutional view

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with regard to the discretion or otherwise of a Governor when advice is tendered to him in that way. In my opinion—and I am basing my opinion on well established constitutional practice, backed up by authorities of the highest standing who are recognised in these matters—the Governor must, if a particular Bill comes within the four corners of the instructions given to him by the Secretary of State for the Colonies, act in accordance with those instructions. If it is a Bill not dealt with in the instructions, he must act—he has no alternative—on the advice of his Ministers; he cannot take the advice of anybody outside his Ministers. I say there is no alternative to that proposition. The Governor's instructions are set out in the statutes.

Mr. FELICER: Can he not reserve any Bill for the Royal assent?

The PREMIER: No. The Governor has no right to submit to the Home Authorities any Bill he wishes to submit, irrespective of advice of his Ministers or instructions of the Secretary of State for the Colonies.

Mr. ELPHINSTONE: Why not?

The PREMIER: That is what I want hon. members to consider—that, in his capacity as Governor, he can only act within the direct instructions which are set out or upon the advice of his advisers; he cannot act on his own judgment. In his own personal judgment, he might consider it a most evil thing to give his assent to a particular Bill not covered by his instructions, but if his Ministers tender him advice in respect of it, he must accept it.

Mr. CORSER: No.

The PREMIER: In my opinion he must.

Mr. CORSER: If you resign and suggest an election, he would not be bound to follow your advice.

The PREMIER: No—if we resigned and suggested an election—certainly not. But although that raises a different constitutional point from that with which we are dealing, I may as well say that there is very considerable authority to support this proposition—that while the Ministry control a majority in the Assembly, if they tender advice to the Governor for a dissolution, he must act upon that advice. At the present time, however, we are dealing with his right and discretion in the matter of assent to Bills.

Mr. FLETCHER: Did he not reserve the Bill for the abolition of the Upper House?

The PREMIER: He was advised to reserve that Bill because it came within the ambit of his direct instructions.

Mr. FLETCHER: Would not a proxy voting Bill come within the ambit of the instructions?

The CHAIRMAN: I ask hon. members on my left to allow the Premier to continue his speech without so much interruption. Hon. members will have an opportunity to debate this question at the proper time.

The PREMIER: I welcome a discussion because I think it will be a good thing for the Chamber and the State if we touch upon these important points. These are matters upon which members may have strong opinions, but I am going to quote authorities on which the Government are relying for their action in this matter.

[4 p.m.]

Mr. VOWLES: Is precedent to go for nothing.

The PREMIER: Precedent must not go for nothing.

Mr. VOWLES: We are disregarding precedent altogether; it has become of no account.

The PREMIER: The action of the Governor, to a large extent, is governed by precedent. The authority, or the diminishing authority, with respect to Governors of Australian States rests, to a large extent, upon precedent—which I will proceed to show. The instructions to the Governor will be found published in the volume of the statutes dealing with Imperial and other statutes, orders, and so on affecting our Constitution. These instructions were issued under the sign manual of the Queen on the 28th October, 1900. They read as follows:—

“The Governor shall not, except in the cases hereunder mentioned, assent in our name to any Bill of any of the following classes:—

1. Any Bill for the divorce of persons joined together in holy matrimony.

2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself.

3. Any Bill affecting the currency of the State.

4. Any Bill, the provision of which shall appear inconsistent with obligations imposed upon us by treaty.

5. Any Bill of an extraordinary nature and importance whereby our prerogative, or the rights and property of our subjects, not residing in the State, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced.

6. Any Bill containing provisions to which our assent has been once refused, or which have been disallowed by us.”

The matter is further dealt with in an Act known as the Australian States Constitution Act of 1907, which deals with the power to reserve, or the action of the Governor in regard to the reservation of, Bills. Subclause (1) of clause 1 reads—

“There shall be reserved, for the signification of His Majesty's pleasure thereon, every Bill passed by the Legislature of any State forming part of the Commonwealth of Australia which—

(a) Alters the constitution of the Legislature of the State or of either House thereof; or

(b) Affects the salary of the Governor of the State; or

(c) Is, under any Act of the Legislature of the State, passed after the passing of this Act, or under any provisions contained in the Bill itself, required to be reserved;

But, save as aforesaid, it shall not be necessary to so reserve any Bill passed by any such Legislature:

“Provided that—

(a) Nothing in this Act shall affect the reservation of Bills in accordance with any instructions given to the Governor of any State by His Majesty; and

(b) It shall not be necessary to reserve

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a Bill for a temporary law which the Governor expressly declares necessary to be assented to forthwith by reason of some public and pressing emergency."

The Australian States Constitution Act specifically limits the class of Bills which must be reserved by statute for the signification of His Majesty's pleasure thereon. Bills that are outside that statute and that are outside the specific instructions of the Governor he may assent to, and he must assent to if he is advised by his constitutional advisers to do so. That is the position as clearly as I can state it; and indubitably that is the position that is recognised in every self-governing dominion of the British Empire at the present time.

GOVERNMENT MEMBERS: Hear, hear!

The PREMIER: In order further to support that contention, I should like to quote from Jenkyns on "British Rule and Jurisdiction Beyond the Seas." This book was published in 1902. Since then, there has been a development in the direction of still further curtailing the discretionary powers of the Governor; but these references are very cogent to the present issue. He states—

"Considerable discussion has arisen, in the case of the Australian and Canadian colonies, as to whether the Governor, in exercising these powers of assenting to, vetoing, or reserving Bills, ought to act under the advice of his colonial Ministers.

"The old doctrine was that the Governor was bound to exercise his discretion upon his own responsibility as an Imperial officer, unfettered by the advice of his Ministers, but in accordance with the instructions of the Crown, and after consultation with his Ministers and (in case of assent) satisfying himself by legal advice that no legal objection exists to his assenting.

"This is still the case in colonies not self-governing. But in self-governing colonies the doctrine is, especially in the case of Canada, that the Governor must act as a constitutional sovereign—that is to say, act on the advice of his Ministers, unless he is prepared to dismiss or accept the resignation of those Ministers, and to obtain other Ministers to carry into effect his policy; and, as pointed out above, the dismissal or enforced resignation of Ministers is a reserve power which should be rarely exercised. In fact, the frequent exercise of the power would practically make it impossible to carry on the government.

"In the case of the Australasian colonies, though Royal instructions are still given to the Governors to reserve certain classes of Bills for the signification of the King's pleasure, the number of these classes has been reduced so that they relate almost exclusively to Imperial matters, and thus in all matters of local concern the Governor is not bound by his instructions to interfere, and ought to be guided by the advice of his Ministers as to the action he takes on any Bill."

Mr. VOWLES: That is only somebody's opinion.

The PREMIER: The Governor has not disputed the position which his advisers have taken up in the matter. In the usual course of events, as the hon. member ought to know,

the Bill was forwarded to the Governor, accompanied by a certificate from the Attorney-General informing the Governor that it was not a Bill that required to be reserved for the signification of His Majesty's pleasure; and, in the ordinary course of events, the Governor accepted that advice. What other alternative had he, may I ask the leader of the Opposition? I am showing that the action of the Governor's advisers in this matter is fully backed up by the constitutional authorities in regard to the subject.

Mr. ELLPHINSTONE: Is it not taken for granted that proper discussion takes place in this House on all matters?

The PREMIER: That is immaterial to the issue—as I will proceed to show if the hon. member will allow me to go on. Jenkyns, on page 116 of the same volume, says—

"If the Governor is not satisfied, and the matter is not one of purely local concern, he can take further counsel from the law officers in England through the Secretary of State. But if the question is one of purely local concern, it is not regular for him in a self-governing colony to take formal and official advice from any authority other than the law officers of the colony; and if he does so on a grave emergency he must personally take the risk, as he cannot shelter himself behind advice obtained from outside his Ministry."

In order to clarify the attitude which the Government have adopted, I lay this down—that, if Ministers tender advice to the Governor in regard to assent, and the Governor himself were doubtful about his action in the matter and desired to consult some outside authority—say, the Chief Justice of the Commonwealth—it would not be open to him to do it; and, if he did it, and acted upon it, he would be acting entirely upon his own responsibility, and would be taking the risks which were involved—which would mean that, if he persisted in such a course, and the House supported the Ministry, it would involve his own resignation as Governor. That is the clear and indubitable position which the Governor occupies in regard to that matter. Berriedale Keith, who is a recognised constitutional authority, especially in dealing with dominion constitutions and the institutions of the dominions, also has something to say about this important matter in his volume, "Responsible Government in the Dominions."

Mr. KING: Did not you dispute Keith's authority?

The PREMIER: Not on a constitutional matter. What I did—and what he acknowledged—was: I stated the facts of the case in the matter of the swamping of the Queensland Legislative Council, but did not contend with him in regard to the interpretation of the law or the constitutional authority relating to the matter. Mr. Berriedale Keith, in carrying on that correspondence with me in the London "Times," acknowledged in his last letter the courtesy I had shown him in the controversy.

Mr. Keith, referring to a dispute between a colonial Governor and his Ministers, says—

"A great dispute arose as to whether he had done it (refused his assent to a Bill) on his own responsibility . . . or whether he had done it on the advice of the Ministers. . . . It was agreed in the discussions in the Legislature that

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if the Lieutenant-Governor had done it, either on the instructions of the Secretary of State or on the advice of his Ministers, his action was proper, but that he should not act on his own responsibility."

A Governor should not act on his own responsibility. There is no doubt that all the authorities, and all those who have had occasion to consider the matter gravely, have arrived at the same conclusion; that whatever might have been the position fifty years ago, evolution of dominion constitutions and responsible government in the dominions have led up to this point, that the Governor in these matters, unless he is acting under specific instructions from the Secretary of State for the Colonies, has no other course but to accept his Ministers' recommendation and advice. There is only one exception, in my opinion. If he is satisfied that the Ministers have not the confidence of the elective House of Legislature, he can reject the advice, providing he can get someone else to form a Ministry who can get the confidence of the elective House of Legislature. In no other case would he be warranted, and in no other case would he be tolerated, in rejecting the advice of his Ministers. In support of that I would remind hon. members that Sir Gerald Strickland, the Governor of New South Wales, a few years ago was not upheld by the Secretary of State for the Colonies when he withheld the assent to a Bill extending the life of Parliament in that State. The Bill was submitted to him by the Nationalist Administration in New South Wales when Mr. Holman was Premier. The Governor thought he stood between the Executive and the people, protecting the rights of the latter, and upon what he considered high public grounds he declined to assent to the Bill without submitting it for the consideration of the law advisers of the Imperial Government. What was the result? Sir Gerald Strickland was directed to assent to that Bill, and he was recalled to England as a consequence of his disagreement with his Ministers on that subject.

Mr. ELPHINSTONE: Is that a forecast of what is going to happen here?

The PREMIER: No. I am not suggesting that there will be any grounds for recalling the present Governor of Queensland. I would be the last person to wish that.

Mr. ELPHINSTONE: Is that a forecast of future legislation?

The PREMIER: What does the hon. member mean by that?

Mr. ELPHINSTONE: It is freely circulated that the hon. gentleman is going to introduce a measure to increase the life of this Parliament.

The PREMIER: That statement is in keeping with many of the rumours that the hon. gentleman takes notice of. I will relieve that hon. gentleman's anxiety. I say it emphatically that there is no suggestion, and there never has been any suggestion, nor would any member of this party consider for one moment the extension of the life of this Parliament beyond the normal period.

GOVERNMENT MEMBERS: Hear, hear!

Mr. ELPHINSTONE: I am glad to hear that.

Mr. SIZER: We are all relieved to hear that.

The PREMIER: There has been evolution going on in regard to the diminution of constitutional responsibilities and powers or the free discretion of the Governor in British Dominions. That has been apparent to anyone who has studied the question. Any man in any British Dominion, or in any dominion, who asks that the Governor exercise more power than he is allowed at present, is not acting in the true interests of the self-governing rights of the community, but is acting contrary to the true interests of the community. I know how this question is regarded, even by the Imperial authorities. I had the privilege in 1920 of having a long conversation with Lord Milner, who was Secretary of State for the Colonies in that year, on this very question. I have already mentioned it in this House, when I have spoken on this matter before. I have no hesitation in saying that the view taken there is, that the Governor should and must on all internal and domestic matters act upon the advice of his Ministers while his Ministry retain the confidence of the Assembly; that is the only restriction. I question the propriety of the leader of the Opposition in writing the letter he did.

Mr. VOWLES: The hon. gentleman can keep on questioning that.

The PREMIER: I regret that the hon. gentleman takes up that attitude, because it has no parallel, and I do not think that there is an Opposition in the British Dominions who have taken up the same stand. I venture to say that you will find no Opposition in any dominion that takes up the same attitude—that is, to contend that the Governor had greater power than is recognised by constitutional authorities. That is really what the action taken amounts to. The Opposition were asserting that the Ministry have not a free discretion, and that this State has not so wide a sovereignty as I am claiming it has. The Opposition were conferring upon the Governor greater powers than are contained either in his instructions or in his authority.

Mr. FLETCHER: What Bills are to be referred to the Imperial authorities?

The PREMIER: Only those Bills that I have stated.

Mr. FLETCHER: The Legislative Assembly Act Amendment Bill, giving the right to report proxy votes, might have been one of them.

The PREMIER: It was not on those grounds that the question was raised. Is the hon. member saying that the Bill for voting by proxy comes within the range of Bills that must be reserved under the Governor's instructions?

Mr. FLETCHER: It might have done.

The PREMIER: It does not. If the hon. member contends that, I can understand his attitude. As a matter of fact, this responsibility rests in the first place on the Minister informing the Governor as to whether it is a Bill he should reserve in accordance with his instructions.

Mr. FLETCHER: That rests with the Governor's discretion.

The PREMIER: It does not. That, in the first place, rests with the Ministers. If the Governor expresses some doubt on those grounds, it is open to the Ministers to suggest

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that he take the advice of the Imperial Law Officers of the Crown, and not otherwise. That rests with the Ministers. But Ministers do not tender advice on legal questions without being fully supported by counsel's opinion.

Mr. VOWLES: The hon. gentleman had counsel's opinion?

The PREMIER: Undoubtedly. We always act upon counsel's opinion in legal matters.

Mr. VOWLES: Who was the counsel?

The PREMIER: I do not mind telling the hon. member, although I do not think that it is material to this discussion. The counsel were the Solicitor-General (Mr. Webb) and Mr. Macrossan who advised the Government.

Mr. VOWLES: Anybody else?

The PREMIER: No. It was upon that advice that the Attorney-General sent the necessary certificate.

Mr. FLETCHER: Assuming that he was wrong, or that he made a mistake?

The PREMIER: If the legal advice tendered to the Governor was wrong—a very improbable thing—and the Governor was advised to assent to the Bill, and he had no instructions that it should be reserved, he would, notwithstanding, have to assent to the Bill. If the Governor himself had some doubt, no doubt the Ministers would ask him to take the advice of the Imperial law officers.

Mr. FLETCHER: Why make such a fuss over this letter?

Mr. HARTLEY: It is a pity your leader did not take any advice about writing the letter?

The PREMIER: There is another phase of this question involved in the letter of the leader of the Opposition—that is, the propriety of referring to the Governor grievances that the Opposition feel against the Government, and which ought to be thrashed out in Parliament.

Mr. ELPHINSTONE interjected.

The PREMIER: The hon. member, who I think is a fairly knowledgable gentleman on most topics, has apparently given the most superficial consideration to this question.

Mr. ELPHINSTONE: We were deprived of discussing the Bill in the House.

The PREMIER: I would point out that any deprivation of discussion or limitation of debate here does not warrant the carrying of the grievance to the Governor, nor does it warrant a petition or memorial to the King on the part of the Opposition. I think that can be fairly borne out by the general practice adopted by British Parliaments in various parts of the British Empire. Todd, on "Parliamentary Government in the British Colonies," deals with this question, under the marginal note "Political Complaints to be Disposed of in Parliament," page 67, which, for the information of the Committee, I should like to quote. He says—

"Wherever parliamentary government has been established, the determination of all political and party questions, and the adjudication upon complaints against the existing Administration, should be reserved for the consideration of the Legislature, in Parliament assembled. A

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defeated minority is not entitled, after a prorogation or dissolution of Parliament, to appeal either to the Governor of the colony or to the Imperial Government to interpose for the purpose of giving immediate effect to an assumed change in public sentiment, and to place the reins of government in the hands of other leaders, on the plea that their party have obtained a majority at the polls"—

That is rather a pertinent reference—

"or that the remonstrants do, in fact, constitute a majority of the popular Chamber. Addresses or petitions, for such a purpose, although they may emanate from members of the Legislature in their individual capacity, are highly irregular, and objectionable in principle. Complaints against Ministers of the Crown, on matters affecting the performance of their public duty, ought not to be pressed upon the attention of the Governor or of the Imperial authorities during a parliamentary recess, but should be formulated in conformity with the ordinary rules of parliamentary procedure, and submitted to the consideration of the local Parliament at the first available opportunity, when they can be regularly investigated and decided upon, in accordance with the usages of the Constitution.

"In 1871, fifteen members of the parliamentary Opposition in Queensland addressed the Governor, remonstrating against the conduct of the Administration (who were only sustained in office by a majority of one). In their own defence, Ministers pleaded that the violence and obstructiveness of the Opposition had prevented them from proceeding with public business"—

How wonderfully history has repeated itself in these matters—

"and compelled them to ask for a dissolution of Parliament. A dissolution was granted.

"It resulted in a considerable increase of the Ministerial majority. Nevertheless, the Opposition continued to obstruct, and on 14th May, 1872, twelve of the Opposition members renewed their previous application to the Governor and invoked his interference. The Governor (the Marquis of Normanby) replied to this memorial on 18th May. He exposed the fallacy of certain arguments adduced by the remonstrants, and said he 'must decline to accept the opinion of twelve members as the decision of the House constituted of thirty-two representatives of the people.'

"He pointedly remarked that 'the Opposition may obstruct the passing of a Bill . . . by resorting to the forms of the House to prevent the progress of public business, but until they secure a majority they cannot alter the law; for, if there is one principle more firmly established than another in the British Constitution, it is that the majority, and not the minority, of the representatives of the people, in Parliament assembled, shall direct the conduct of public affairs'—

GOVERNMENT MEMBERS: Hear, hear!

The PREMIER: "Todd" goes on—

"and it is a perversion of the first rules of any constitutional government to say

that a minority have a right, by the obstruction of public business, through the forms of the House, to coerce the majority. Such a rule, once admitted, must evidently render representative government impossible."

I think the common sense of these remarks must appeal to everyone.

Mr. FLETCHER: But they do not apply to you.

The PREMIER: The attitude of an Opposition is always an attitude of unrelenting antagonism to a Government, and one can understand it and make due allowance for it; but I do deprecate an Opposition seeking to whittle down our constitutional rights and the wide sovereignty which this State has by attempting to confer upon the Governor powers that he does not possess; and I deprecate, in the same manner that Todd in his authoritative work does, the action of the Opposition in taking political complaints outside the Legislature and attempting to get them rectified by some other authority. It is practically asking that the Governor be set up as an authority over Parliament, that is constituted by the people. I think that, in the interests of responsible government in this State, we ought to deprecate the action of the leader of the Opposition in writing in these unguarded and unwise terms to the Governor of a British State.

GOVERNMENT MEMBERS: Hear, hear!

Mr. VOWLES (*Dalby*): On Friday last, when the Legislative Assembly Act Amendment Bill was going through the House, certain things occurred which, to my mind, were irregular. I claimed that the rights of members were being interfered with, that the debate was being curtailed, and, generally, that hardship had been inflicted on members of the Opposition by reason of the fact that they were unable to express their views. After the third reading had taken place, about a quarter to 11 at night, I wrote a letter on behalf of His Majesty's Opposition in Parliament. (Government laughter.) Our friend the Premier objected to it. That letter was posted before 11 o'clock.

Mr. FERRECKS: Did you write on behalf of the combined Opposition?

Mr. VOWLES: I wrote on behalf of the Opposition. The Premier takes exception to the fact that this was done by me so hastily.

The PREMIER: I do not take exception to that.

Mr. VOWLES: The hon. gentleman knows that it was necessary, if I wanted to get the thing before His Excellency the Governor, I was obliged to do it that night, because my train leaves at 8 o'clock on a Saturday morning, and I do not get back to Brisbane until the Tuesday following.

The PREMIER: I am not complaining about that.

Mr. VOWLES: You are complaining about the way in which it was done.

The PREMIER: Yes.

Mr. VOWLES: It was necessary that His Excellency should get that letter as soon as I could possibly get it into his hands, so that he could come to a decision before it was too late.

Mr. HARTLEY: Was it more important to catch your train or to write that letter? (Interjections.)

Mr. VOWLES: Mr. Kirwan, I would like you to see that order is preserved.

The CHAIRMAN: Order! I hope that the hon. member will address the Chair, and not reply to the interjections that are being made.

Mr. VOWLES: Mr. Kirwan, I appeal to you—

The CHAIRMAN: Order! I will not be lectured by the leader of the Opposition.

Mr. VOWLES: In that case, I refuse to speak. If I do not get the same treatment as the Premier does, I shall refuse to speak.

The CHAIRMAN: Order! I think the hon. gentleman gets fair treatment. It would be better if the hon. member would take less notice of interjections and go on with his own speech.

Mr. VOWLES: I thought it was the duty of the Chairman to stop interjections. The remarks of the Premier were based on the assumption that this letter which was written contains directions or advice to His Excellency.

The PREMIER: Advice.

Mr. VOWLES: It contains no word of advice or direction; there are merely two suggestions. I will read the letter itself, so that the hon. gentleman can see what it contains. The hon. gentleman has quoted an interview which he gave to certain reporters the other day, and he made a childish, churlish criticism on the letter. He is taking up this attitude to-day in order to justify what he did on that occasion, because he has been castigated in the public Press.

The PREMIER: I said in that interview that I was going to mention it in Parliament.

[4.30 p.m.]

Mr. VOWLES: The letter reads—

"Your Excellency,

"To-day an Act of Parliament entitled 'The Legislative Assembly Act Amendment Act of 1922' passed its third reading, and will, no doubt, be immediately presented to you for His Majesty's assent."

I wrote that letter on Friday last, then forwarded it to His Excellency so as to give him an opportunity of considering it. I considered that it was doubtful legislation, and I wrote that letter to give His Excellency an opportunity to give it that mature consideration which should be given to such an extraordinary piece of legislation as this. Then I continued in my letter—

"I am directed by the hon. members who constitute His Majesty's Opposition in Parliament to request"—

Mark the word "request"—

"request you to give serious consideration to this measure before giving such assent."

Is that supposed to be the advice given to the Governor by me? That is the advice that he should not give his assent, I suppose? I merely asked him to give serious consideration to this legislation. I am pleased to know that he did give it serious consideration, because we are told that, notwithstanding the fact that the Premier said that it was not right to have counsel's advice, he got Mr. Macrossan's advice himself to see if the Premier was correct.

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The PREMIER: He did not get it. The Government got that advice.

Mr. VOWLES: The Government got that advice after this letter was sent by the Governor to his advisers for their advice. The advice that they got confirmed the advice that they gave to His Excellency. Is that not so?

The PREMIER: No.

Mr. VOWLES: Do you get counsel's advice on every occasion?

The PREMIER: I did not receive your letter until Monday. The Bill was submitted to His Excellency on Saturday.

Mr. VOWLES: The hon. member thought it was necessary to tender counsel's advice to the Governor.

The PREMIER: We always get counsel's advice on matters involving legal questions before the Attorney-General signs them.

Mr. VOWLES: Why should you get outside counsel's advice? We are told that the Governor should take no notice of advice from outside counsel, yet the Premier himself approached Mr. Macrossan for the purpose of confirming the advice given to His Excellency by his Ministers. That looks as if the person responsible for advising the Governor was Mr. Macrossan and not the Premier.

The PREMIER: You are misrepresenting the position. The advice from outside counsel was not given to the Governor.

Mr. VOWLES: No, that was given to you. As a matter of fact advice was obtained from more than one counsel. There were two at any rate, and I believe that a third one was asked. Did you ask the judges?

The PREMIER: No.

Mr. VOWLES: We have heard all sorts of rumours.

The PREMIER: You should not take any notice of rumours.

Mr. VOWLES: That was because you got counsel's advice. Then, my letter to the Governor continues—

"I would point out to you, Sir, that the conduct of Parliament, particularly as to recording votes therein, is so much interwoven with the Constitution of the State as to be almost inseparable therefrom."

That question was raised in this House, and it was stated that it was not a constitutional question. I do not know that it is not an alteration of the Constitution. It is so interwoven with the Constitution that it is hard to separate it. If we look up the statutes, we will find that the Legislative Assembly Act comes under the heading of the Constitution. There is a suggestion, at any rate, that all these Acts can be included in the Constitution of Queensland, and are interwoven one with another.

The PREMIER: Even if a Bill amends the Constitution, it does not necessarily require to be reserved for the Royal assent.

Mr. VOWLES: In some cases it does. That is where it should be given the serious consideration of the Governor. I claim that in this case there is a suggestion that the Constitution is being interfered with. Then, my letter goes on—

"The principle contained in the measure—voting by proxy, in certain cases—is new"

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So it is new. The letter goes on—

"and we are unable to find where it has been agreed to in any other British community. Apart from the main principle, we contend that in its present form the measure is impracticable. During the passage of the Bill through the House the Premier limited our discussion in an arbitrary way, and in Committee the 'closure' was freely applied, with the result that several important amendments were not considered at all."

That is a mere statement of fact.

The PREMIER: Do you say that that is the reason why the Bill should not be assented to?

Mr. VOWLES: No. I am just telling you what was done. You said I was arrogating to myself the right to give advice to the Governor. My letter continues—

"We respectfully suggest to you, Sir, that since the Government represents a minority of the electors of Queensland"

That is a very important point.

"Since the Government represents a minority of the electors of Queensland, only purely domestic legislation, if any, should be placed on the statute-book."

That is merely a suggestion. I also said—

"The measure under consideration is a temporary expedient, and not in the best interests of constitutional government."

I am sure hon. gentlemen opposite will admit that it is only a temporary expedient, because the Premier himself said that he was prepared to withdraw the Bill if we would agree to enter into an arrangement with him to grant "pairs." That shows that it is only a temporary expedient, and therefore it is not in the best interests of constitutional government. My letter continues—

"At almost every stage this measure was carried by the casting vote of either the Speaker or Chairman of Committees, and we claim that under these circumstances it is unconstitutional—the officers of the House have voted to alter existing conditions."

The PREMIER: Do you say that is not advice?

Mr. VOWLES: They are facts. It is a statement of fact. If I had known that this matter was coming on this afternoon I would have been able to quote passages from "May," which I have quoted previously this session, telling you, Mr. Kirwan, that it was your bounden duty, if you exercised your casting vote—and the Speaker the same—that you should not alter existing conditions. In this Bill you are altering the existing conditions. I am not reflecting on you, Mr. Kirwan, or on Mr. Speaker. You claim to have the right to vote in the way you did, and I claim you have not got that right. I say that your action was unconstitutional. The Legislative Assembly Act is part and parcel of our Constitution, and your votes should have been given not to alter existing conditions. My letter concludes as follows:—

"I am therefore directed to request you to consider whether under the above circumstances it would not be reasonable for you to submit this measure to the Right Honourable the Secretary of State for the Colonies for the signification of His Majesty's pleasure thereon."

It was stated that, in doing that, I was doing something that was open to adverse criticism. While I am leader of the Opposition, I will stand up to what I think it is right for me to do. That letter is on record. If you look up the history of this House, you will see that in 1872 there were instances of memorials quoted by the Premier himself which have gone to different Governors.

The PREMIER: Memorials, yes.

Mr. VOWLES: What is the difference between a letter and a memorial?

The PREMIER: If it is tendered to the Governor as a memorial to be submitted to the Secretary of State for the Colonies, it is all right.

Mr. VOWLES: If I tried to influence the decision of the Governor, it would be irregular, but there is no suggestion of that. It was merely a statement of facts and that he should do certain things.

The PREMIER: Yes, that was it.

Mr. VOWLES: If you look up the records in 1868, you will see an opinion by the late Sir S. W. Griffith—then Mr. Griffith—on the Kitt case. They are different to the opinion quoted by the Premier.

The PREMIER: The hon. gentleman is wrong.

Mr. VOWLES: We have it on record. Mr. Griffith said that the Constitution is being altered every year because conditions alter. We know how they have altered it in the last seven years. Look at the alteration in our constitutional procedure and practice. You can hardly recognise them. If an old parliamentarian of ten years ago came into the House now he would not recognise the parliamentary procedure. Every day Parliament makes its own procedure.

We are living in extraordinary times; we have only one Chamber now. Our rights are limited, our privileges are interfered with on every occasion, and I say it is the duty of an Opposition to be very watchful and never lose an opportunity to put before people in authority, people of responsibility, the true position of affairs, so that they will not be trapped into doing things which they should not do. If, in my opinion, happenings in this House at any time, should be referred to His Excellency, in the interests of the State, the opinion of the Premier is not going to alter my decision or affect my attitude. I consider that there is in me, as leader of the Opposition, on behalf of the whole of the people of Queensland represented by gentlemen on this side, a trust to see that, at any rate, the truth and the facts are brought before people in authority, and that they are not misled. I did not suggest that there was anything irregular so far as the Governor was concerned. What the Cabinet did, they did in the ordinary course of affairs. The third reading of the Bill in question was passed under extraordinary circumstances. I do not know whether His Excellency takes the trouble to find out what hon. members opposite do. If so, I think he would be shocked. If he had been here last night, he would have seen things which would have made him wonder whether he was in an English-speaking country or amongst a lot of black-fellows.

The CHAIRMAN: Order! I ask the hon. member to withdraw that remark. It is a reflection on members of this House.

Mr. VOWLES: Very well, I withdraw it; but I say that he would have wondered whether he was in an English-speaking community.

The PREMIER: Do you think that the Governor ought to be set up as an authority over Parliament?

Mr. VOWLES: I do not say he should be. I am saying that if he saw the treatment meted out here to men who have certain rights, he would be shocked. As to how far the Governor should take notice of his Ministers, the hon. member is not giving this House the real law. The Governor is not a puppet. He can assert himself, as Governors have asserted themselves in the past.

The PREMIER: He cannot exercise any discretion without the advice of his Ministers.

Mr. VOWLES: The hon. member referred to Governor Strickland.

The PREMIER: Yes, and he was recalled to England.

Mr. VOWLES: He was; but he asserted himself.

The PREMIER: He restricted the rights and free judgment of the Government.

Mr. VOWLES: In the Kitt case, the Governor asked the Cabinet to release a prisoner, and they refused.

The PREMIER: And the leader of the Opposition, Mr. Griffith, agreed with Sir Thomas Mellwraith, and refused to advise the Governor otherwise.

Mr. VOWLES: The Governor refused to carry out the wishes of the Cabinet.

The PREMIER: And he was reprimanded by Lord Knutsford, and the unfortunate man died.

Mr. VOWLES: Conditions are changing so quickly here that all these old orders and precedents will have to be reviewed. I do not say that the Governor is not bound by the instructions he gets from home, and that his powers are not limited to a certain extent. He is bound to give his assent under certain conditions, but there are other conditions under which he is bound to submit Bills to the Secretary of State for the Colonies, acting on behalf of His Majesty.

The PREMIER: That is within his own instructions.

Mr. VOWLES: Within his own instructions! If he were able to say, in his own mind, that this particular Bill affected the Constitution of Queensland in any direction, he would have had that power.

The PREMIER: I say, absolutely not.

Mr. VOWLES: I say he would. The Premier says that this is a matter of domestic concern. It is a question of degree, but when the Government are, in the first place, representing a minority, when they are carrying on in the extraordinary way in which they are at present, when they are refusing the ordinary privileges of members, I say the Governor needs to be very careful in accepting the advice of his advisers. Have we not had, during the last two weeks, in Government offices, happenings which should make any man careful in accepting advice or even going into the offices of the members of the Cabinet? Look at what happens when men go in on private business, to have consultations or discussions with the

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Premier. He admits himself that he has a man secreted—a stenographer taking down private conversations, the reports of which he publicly uses. When you have that class of character developing in our public men, it is up to us to put the Governor, or anybody else, wise to what he is likely to fall in with under conditions such as that. These men are desperate. They will do anything to carry out their objects.

The PREMIER: No.

Mr. VOWLES: Yes, they are. It is all very well for the hon. member to sneer about the conditions being wrong, but when another Government had a majority of only one, the Governor gave them a dissolution.

The PREMIER: The Ministry got a dissolution.

Mr. VOWLES: Just as we should have a dissolution.

The PREMIER: We would get it if we wanted it.

Mr. VOWLES: And you know what you would get from the people. You would never come back again.

The PREMIER: We will go in our own good time.

Mr. VOWLES: When it suits you—when you have everything fixed up. Where that other Government had a majority of one, and they were unable to carry on, they went to the people. This Government refuse, and in order to stay there and protect their hides, they bring in legislation unheard of anywhere else—legislation by which the Premier, a man who has always advocated the principle of “one man one vote,” claims the right to vote for himself and for four other members. I do not want to waste the time of the Committee on this matter, because there are many other matters to be discussed on the vote that are more important than the point the Premier has raised.

The PREMIER: More important!

Mr. VOWLES: The Premier has put up an “Aunt Sally.” He made an exhibition of himself in the public Press, and now he is trying to rehabilitate himself by bringing forward in a learned way, not his own opinion, but the opinion of the Crown Law Office, reading it out, and posing as an expert when he knows just as much about it as one of those books.

The PREMIER: I would not set myself up to be a legal authority.

Mr. VOWLES: The hon. member does set himself up to be a legal authority. If anybody differs from him, he has the whole of the Crown Law Office at his disposal, and the other man is supposed to be annihilated. I want the public to know that the Premier to-day has read out the opinion of the Crown Law Office, whether it be right or wrong, and, by the way, I would like to know whether Mr. Webb, or whoever the officer may be, who prepared that information, can be regarded as a constitutional lawyer.

The PREMIER: Not in regard to my case this afternoon.

Mr. VOWLES: The hon. member told me that counsel advised the Cabinet, and that he advised the Governor. If that is so, did he not read the views of counsel?

The PREMIER: Not in regard to the case I am making out this afternoon.

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Mr. VOWLES: The hon. member read the advice of Mr. Webb and Mr. Macrossan.

Mr. FERRICKS (*South Brisbane*): A good deal has been said during the last few days about the use of the casting vote under the existing conditions in passing the legislation now being referred to. I would remind the leader of the Opposition and the Committee that in the Australian Parliament the practice has been carried on in regard to most vital questions. I think I have said on one or two occasions, by interjections, that from about July, 1913, to September, 1914, the Cook or Nationalist Government in the Federal Parliament carried on with a majority consisting only of the Speaker's casting vote, or of the casting vote of the Chairman of Committees when the House was in Committee.

Mr. FLETCHER: They did not represent a minority of the people.

Mr. FERRICKS: They were situated just as this Government are now, or rather, not in as good a position as this Government, for they had a majority of the Speaker's or Chairman's casting vote only. We have a majority of one, in addition to the casting vote. And the Speaker of the Federal Parliament, Sir Elliot Johnson, who is also Speaker at the present time, not only was a partisan in divisions, but was a most active partisan in the interests of the Nationalist party outside, particularly on the question whether he should exercise his casting vote or not. Objection was raised by some member to Sir Elliot Johnson's use of the casting vote, and it was freely suggested that he was so situated that he could not—in a spirit of approach to fairness—give utterance to the sentiments of a partisan nature which he was in the habit of doing frequently throughout the country, and at the same time properly discharge the functions of Speaker. In reply, not inside the House, but outside the House, he said that he would not only exercise his right to give a casting vote in support of the Government of which he was returned a supporter, but that he would also exercise his right of going about the country in prosecuting propaganda in support of that Government and their actions.

Towards the end of the fifteen months to which I have referred, the Speaker's casting vote was the deciding factor in what has been the most momentous constitutional occurrence in the annals of Australian Government from the National standpoint. It will be remembered that all had been done which was required, in consonance with section 123 of the Federal Constitution, regarding the obtaining of a double dissolution and the submission of certain referenda questions to the people of Australia. The then retiring Governor-General, Lord Denman, had left Australia before the matter was brought to a crisis, and all the conditions of the Australian Constitution had been complied with for the submission of those questions to the people, if a dissolution ensued. The succeeding Governor-General, Sir Ronald Munro Ferguson, was interviewed in London. I remember it well; it was reported in the columns of the Melbourne “Age” as coming from that paper's London correspondent. When “felt” as to what he should do regarding the granting of a double dissolution, Sir Ronald Munro Ferguson said there was only one thing for

a representative of the King in the Dominions to do and that was to follow the advice of his responsible advisers; notwithstanding the fact that those advisers were in a majority only by the casting vote of the Speaker. But this is where, I say, the Governor-General went even further—after having taken the advice of his advisers, with their casting vote majority, in granting a double dissolution, the same responsible advisers turned round and advised the Governor-General that he should not submit those referenda questions to the people. The terms of the section of the Constitution relating to the matter are pretty forcible—almost mandatory. But the Governor-General, after having written the minute for a double dissolution, followed that up by writing another minute saying that he refused the submission of those referenda questions to the people; that he was going to follow the advice of his advisers. Will the leader of the Opposition, or anyone else, contend that the Australian National Government had not taken opinion outside the ranks of the Cabinet to guide them as to whether they should go that far or not? In regard to this question of legal opinion, it appears to be pretty clear—as stated by the Premier—that it was not only on this occasion that this Cabinet—or any Cabinet—took legal opinion on any Bill which was to be submitted to the Governor, to ascertain whether that Bill came within or without the ambit of the directions which the Governor received when he was appointed; not as to whether the Bill was constitutional, not as to whether it was legal, but as to whether there was a lingering doubt on the question of whether it should come within the ambit of those instructions.

I am reminded, too, that on another occasion in Australian history—in Tasmania the occurrence took place—the then Governor, Sir Ellison Macartney, sent for the leader of the Labour Opposition. In 1917 Sir Ellison Macartney received from the then Government of Tasmania, which had resigned, advice to send for the leader of the Labour Opposition, Mr. Lyons. When Mr. Lyons went to the Governor, and said that he would form a Ministry, Sir Ellison Macartney reminded him that he was in a minority in the House. Mr. Lyons said he could carry on. Sir Ellison Macartney, before granting him a commission to form a Government, said, "I will give you the commission provided that, when you have formed a Government, you will obtain Supply and then go to the country." He stipulated certain conditions before he would grant a commission to the leader of the Opposition, who was in a position to carry on—which the present Opposition here have never said they could do. Mr. Lyons refused to accept such a condition; he said he could carry on, and there was no necessity to go to the country. Sir Ellison Macartney would not give him a commission to form a Government, but sent again for the leader of the Nationalist party. Sir Ellison Macartney was informed on that occasion, by the Secretary of State for the Colonies, that he had exceeded his duty; that he had no right to attach a stipulation to any commission to a leader to force him to the country, when that leader said he could carry on.

So, I say, there is not a shred of argument to be advanced in support of the letter of advice written by the leader of the

Opposition to the Governor. If the hon. gentleman says that it was only a letter of request for further consideration, what was behind that request? What was the aim, the object to be attained, except the defeat of the measure or delay for some considerable time? If it were feasible—and I contend that it is not—to say that requests or suggestions are not advice, or do not constitute advice, I would say that the object in advancing that letter of request and suggestion had behind it nothing more than the purpose of defeating an Act of legislation passed by this Government, who have a majority of one in addition to the Speaker's casting vote—which the Commonwealth Government did not have on the occasion referred to—and attempting to shear the self-governing powers of this State. It is an attempt to delegate to an officer of the Imperial Government—His Excellency the Governor—powers which belong to the people of Queensland, and are exercised, through this Parliament, by the Government—which contains a majority of the members of this Parliament.

GOVERNMENT MEMBERS: Hear, hear!

Mr. POLLOCK (*Gregory*): I have listened with some surprise to the leader of the Opposition attempting to justify the letter written on behalf of the Opposition to the Governor. Sir Samuel Griffith lays down very clearly what, in his opinion, the functions of a Governor should be. In a book, "Queensland Politics during Sixty Years," by C. A. Bernard, Sir Samuel Griffith is reported as having stated—

"That in practice, the Governor should not, even although his own opinion may differ from that of his Ministers, refuse to follow their advice, unless—

1. Imperial interests or policy are involved;
2. The offence is one against the laws of the Empire, which may chance to have been tried in a local court; or
3. He is of opinion that the proposed action is an abuse of the prerogative which he ought not to allow."

There is no suggestion that the Governor has in any way acted contrary to what Sir Samuel Griffith considers should be the matters in which the Governor should interest himself. The leader of the Opposition apparently made most of the very frivolous point that the Premier received legal advice. Why should he not receive legal advice? Does anybody imagine that the Premier, who is responsible for the carrying on of constitutional government in this State, and responsible for piloting the measures of the Labour party through this House, should not make himself conversant with every Act which has been passed and submitted to the Governor for his assent? Does anyone suggest that he should not secure the very best legal advice available within the State in order to make quite sure that those matters need not be reserved for the Royal assent? Or does the leader of the Opposition think he should merely have taken a risk and blundered in the same way as the Opposition probably blunder under similar circumstances. The Opposition have attempted to make a good deal of political capital out of the fact that the present Attorney-General is a layman. The Attorney-General secured the very

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best legal advice available on this matter—the advice of the Solicitor-General and Mr. H. D. Macrossan. Is anybody going to say that that advice is not as sound as any that could be obtained in the State? Does anybody say that if Mr. Macrossan had been Attorney-General his advice would have been sounder for that fact? This point remains: that legal advice should have been obtained, and was obtained; and the Premier would have been a very foolish man if he had not obtained that advice before this Bill went along to the Governor. I am somewhat surprised at the hon. member for Oxley. He is a young man, and no one expects a young man in this Assembly, or in this country, to be a confirmed Tory in his views. The hon. member for Oxley said, "Why should we not approach the Governor; he is a representative of the Crown?" The obvious retort to that is, that the Premier is the representative of the people.

MR. FLETCHER: He is not in this case.

MR. POLLOCK: He is. The Premier and his party represent a majority of the constituencies in this State. The Premier and his party hold the balance of power in this Parliament, and Parliament should be, and must be, supreme. I am glad to see that the Premier has taken this stand on the question. I would not be willing to allow the Opposition's letter to the Governor to pass without notice, because I realise that under no circumstances in any democracy must the people, or their representatives, permit any man, no matter whom he may be, to delegate even to the Governor authority which should be vested wholly in Parliament. In this case there was a deliberate attempt to endeavour to get the Governor to upset a motion passed by Parliament, which was passed constitutionally and in a proper way. That legislation was passed and was submitted to the Governor, and he had no alternative but to give his assent to it. What would it mean if the action of the Opposition became a practice? It would mean that, if the leader of the Government happened to be in opposition, he would have the same right to tender advice to the Governor as the Opposition has availed itself of. I am satisfied that that right does not exist, and it is clearly laid down in instructions to Governors that that right shall not exist. The leader of the Opposition quoted the Kitt case. In the Journals of the House for 1839 is a copy of a letter forwarded by the Secretary of State for the Colonies to the Administrator of the Government at that time. It is dated 30th October, 1838. The letter states—

"So long, however, as the present rules remain in force, the Governors of the Australasian colonies should be guided by Lord Carnarvon's despatch. According to that despatch, the Governor, not only in capital cases which are specially provided for in the instructions, but in all cases, must not act without having received the advice either of his Ministers, collectively in Executive Council, or of the Minister more immediately responsible for matters connected with the administration of justice. Having received that advice, he is to decide for himself how he will act, and he may (and, indeed, must, if in his judgment it seems right) decide in opposition to the advice tendered to him; but he will allow greater weight to the opinion of his Ministers in cases affecting the internal

administration of the colony than in cases in which matters of Imperial interest or policy, or the interests of other countries or colonies, are involved; and a Governor who, by acting in opposition to the advice of his Ministers, has brought about their resignation, will have assumed a responsibility for which he will have to account to Her Majesty's Government."

That lays down very clearly the functions of a Governor. By no stretch of imagination can any hon. member opposite say that the letter to the Governor was justified or in order. Take the general attitude of the Country party to the question of a Government not representing a majority of the electors. The Country party, in their memorial—in its advice or request, or whatever it might be termed, but which is, in effect, advice—to the Governor, state—

"The Government, representing the minority of the electors of Queensland, should place on the statute only purely domestic legislation, if any."

What stand do they take up in this Chamber? Dealing with the electoral franchise, they said, in effect, to this Government, and not to Governor, that the Electoral Districts Act of 1910 must immediately be amended so as to provide in city and suburban electorates, respectively, 40 per cent. and 25 per cent. more electors than in country electorates. They say that, in the future, a minority only of the electors of Queensland shall always be in power, provided that the Government are comprised only of members of the Country party.

MR. MOORE: The House agreed to it.

The PREMIER: That was the motion moved by the Opposition.

MR. POLLOCK: Apparently, if the Act was amended as they require, and the Country party were elected to govern this State, it would place on the statute only purely domestic legislation, if any. Of course, we know that that is absurd; that they would go the whole hog.

MR. VOWLES: But you agreed to it.

MR. POLLOCK: Of course, we agreed to it; we think it a fair thing. It shows the fallacy of the arguments which the hon. member adduced to the Governor—that a Government of that kind, constituted in such a way, should only pass domestic legislation, if any. The number of electors on the roll at the time of redistribution was 414,722. If the Electoral Districts Act is amended so as to provide that city electorates shall have 40 per cent. more, and suburban electorates 25 per cent. more, electors than country electorates, the quotas would be: City electorates, 7,062; suburban electorates, 6,251; and country electorates, 5,004 electors. That means that with thirty-eight country electorates, twenty-two city electorates, and twelve suburban electorates, it would be possible, if the Opposition had their desire, for an election to result in the return of thirty-eight members for country electorates, containing 5,004 electors each, or 190,152 electors. There would be altogether thirty-four members for suburban and city electorates. Of course, these representatives would be in opposition, we will assume for the sake of argument; but, while in opposition in a minority of four, they would be representing 224,574 electors, or 54,000 more electors than the Government

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were representing. That is what the hon. member has agreed to, and which he has insisted the Government should adopt by the passage of this latest Electoral Bill—to provide definitely that the Country party could be returned to office representing 34,000 fewer electors than the Opposition parties combined, and, of course—as they say to the Governor—representing only a minority of 34,000 electors they should be entitled to place only purely domestic legislation, if any, on the statute-book. The argument that the Opposition have adduced to the Governor—that a Government representing a minority of electors should only be entitled to pass domestic legislation, if any—is one that will not hold water. I think that the Premier deserves the thanks of the people of Queensland for bringing this matter before members of this House, and definitely stating that he, on behalf of this party, is not prepared to agree to any departure from the instructions issued to the Governor by the Secretary of State for the Colonies.

GOVERNMENT MEMBERS: Hear, hear!

Mr. MOORE (*Aubigny*): I wish to support the leader of the Opposition in his request to the Governor. I think he was acting perfectly within his rights in doing what he did. The Opposition are entirely behind him. We recognise that the conditions are unprecedented in a British community, inasmuch as an attempt is being made to carry out government by proxy in this House.

The PREMIER: I thought you said it was in force in the House of Lords?

Mr. MOORE: That has been abolished. I do not suppose that anybody will say that Sir Samuel Griffith was not a stickler for the rights of Parliament, and yet he had a good deal to say on the Kitt case, which has been quoted. I would like to give one or two quotations from what he said in 1888, when speaking on the Kitt case—

“So far as Sir Samuel Griffith’s experience goes, the accepted rule of practice has been for several years that laid down in Sir Hercules Robinson’s memorandum in answer to Sir H. Parkes’s memorandum of 31st May, 1884 (*‘Todd’s Parliamentary Government in the Colonies,’* p. 261)—‘That under a constitutional form of government the Crown is supposed to accept or reject the advice of responsible Ministers—that the Governor has an undoubted right to reject such advice if he is prepared to accept the consequences, but that, practically, he would never do so, except in cases which he considered to involve such a gross abuse of the prerogative that both the Secretary of State and local public opinion would be likely to support him in the exercise of extreme measures.’”

A little further on, he says, in regard to the case quoted by the hon. member for Gregory—

“Applying this rule, it appears to Sir Samuel Griffith that in practice the Governor should not, even although his own opinion may differ from that of his Ministers, refuse to follow their advice unless—

(1) Imperial interests or policy are involved; or

(2) The offence is one against the laws of the Empire which may chance to have been tried in a local court; or

3. He is of opinion that the proposed action is an abuse of the prerogative which he ought not to allow.

“In any of these cases it might become necessary for the Governor to have recourse to new Ministers, who would be prepared to defend his action in Parliament, which, of course, they could not do if they did not concur in its propriety. Kitt’s case does not, however, appear to Sir Samuel Griffith to be one of such a character in any respect that it was the Governor’s plain duty to depart from the ordinary practice of accepting his Minister’s advice; and he would not, therefore, be able to undertake to justify the Governor’s action in doing so.

“The Governor appears, however, to have been clearly within his legal and formal rights in declining to accept that advice, and if it is desired by his Ministers that the present rules should be made more definite, there can, as it appears to Sir Samuel Griffith, be no possible objection to their taking the necessary action to bring about that result in the ordinary and convenient way followed in all previous cases of a similar kind—namely, by addressing the Secretary of State on the subject.”

That was purely the request the leader of the Opposition made—that the request should be made to the Secretary of State for the Colonies. A little bit further on in the debate at that time Sir Samuel Griffith said—

“A good deal has been said in the course of the discussion with respect to constitutional law and constitutional government. I should like to observe that, in my opinion, a good many people who used those phrases did not appear to know quite what they mean. A great number of persons used the expression ‘constitutional government’ as if it meant simply government by majority, or by the Ministry representing the majority—as if that was the only element in constitutional government.”

He goes on to say—

“Of course, those who know more about the subject are aware that constitutional government—which, by the way, is quite a modern invention—is an elaborate system of checks, by which different persons or parts of the State are entrusted with different duties, each being to a certain extent a check upon the others.”

At 5.17 p.m.,

Mr. POLLOCK (*Gregory*), one of the panel of Temporary Chairmen, relieved the Chairman in the chair.

Mr. MOORE: We had the Legislative Council previous to this session, and that was a check. The Council has been abolished, and consequently there was all the more right to make a request to the Governor to give the matter full consideration before he assented to the Bill providing for voting by proxy.

The PREMIER: Sir Samuel Griffith was speaking there as leader of the Opposition. See how broad a view he took as leader of the Opposition.

Mr. MOORE: He did not take such a broad view as the hon. gentleman does.

The PREMIER: That was thirty years ago.

Mr. Moore.]

Mr. MOORE: It does not matter. There were checks then, and one of these checks has been done away with. Sir Samuel Griffith went on to say—

“In England the Queen, who has been described as a ‘perpetual President,’ represents the whole community, as distinguished from that part of the community which is specially represented by the majority in Parliament. She represents the minority as well as the majority; and in the colonies the Governor, as the representative of the Queen, is in the position of representing, not only one part of the community, but the whole.”

Consequently, the leader of the Opposition was perfectly justified in making a request to the Governor, because, although there happens to be a majority of members on the Government side, they represent 20,000 less electors.

The PREMIER: If the Opposition desired to make a request to the Governor, they should have done it through the Ministry.

Mr. MOORE: The leader of the Opposition was perfectly within his rights. Sir Samuel Griffith continued—

“He also acts in the capacity of representing Imperial interests where they may conflict with local interests. So that the position of the Governor is a very important one in the State. He is not the mere dummy that some people seem to think. The importance of that is quite plain, otherwise, instead of having constitutional government, we should practically have an oligarchy.”

That is apparently the position we are in to-day—we have an oligarchy in power. We have no checks, and now the Premier wants to deny the Governor the right of expressing his free and independent opinion, because it is not the opinion of his Ministers.

The PREMIER: Do I understand you to say that the Governor has a right to express his opinion upon political questions?

Mr. MOORE: The Governor has every right to refuse his assent to a Bill if he thinks the Government are abusing their authority. Sir Samuel Griffith also said—

“It has often been pointed out that constitutional government is in a state of development. One change, of which there are signs in many colonies, is that the position of the Premier among his colleagues is gradually becoming changed—his power among them is becoming greater and greater.”

Then Sir S. W. Griffith said—

“That is one change of which there are signs, though the signs may be erroneous. Of course, it is necessary that there should be some functionary who will represent the whole community and impose a check when a check is necessary, always remembering this—that the ultimate authority is the Parliament.

In England that check is imposed by the Queen, and here by the Governor. The check, however, must be only temporary.”

It was never suggested that it should be more than temporary. The request made by the leader of the Opposition was that mature consideration should be given to the question, and that it should not be rushed

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through, because we recognised that it was an important innovation, and an innovation that we disagreed with. It was bludgeoned through this Chamber in a way it had no right to be, and we know that public opinion outside is up against it. I think the leader of the Opposition was perfectly justified in sending his request to the Governor to give the matter mature consideration.

The PREMIER: Don't you think the Governor was right in sending that letter to me?

Mr. MOORE: The Governor was right in sending it to you, and I say that the Governor would also have been perfectly right if he had got outside legal opinion on the question.

The PREMIER: No.

Mr. MOORE: If the Governor liked he could have obtained outside legal opinion. He could have taken that upon his own shoulders, and then he could have let the people themselves decide whether another Government should come in and back up the stand he took or not. He would have been perfectly justified in doing that. The Governor is not supposed to be a dummy, and he would have been justified in getting legal advice. The leader of the Opposition was perfectly justified in sending the letter as he did. He did not do it single-handedly, because he was backed up by the whole of this party.

The PREMIER: That makes it worse.

Mr. MOORE: It is quite in accord with the opinion expressed by Mr. Griffith. The leader of the Opposition represents the whole party on this question.

The PREMIER: Did the Nationalist party back it up? Were the Nationalist party behind you, too?

Mr. MOORE: I think the Governor would have been perfectly justified in withholding his consent and getting further advice from the Secretary of State for the Colonies. Whatever is the opinion of members on this side of the House, there is no occasion for the Premier to get up and abuse the leader of the Opposition for something which we all acquiesced in.

The PREMIER: I never abused him.

Mr. MOORE: You endeavoured to ridicule and belittle him for doing something which we all believe in.

The PREMIER: Well, I will include you all in the ridicule.

Mr. MOORE: That quotation which I gave from “Hansard” of 1883 fully justified the leader of the Opposition in the stand he took.

The PREMIER: You should quote more modern opinions.

Mr. MOORE: At that time there was a greater check on the Premier than there is to-day, because we had a revising Chamber as well as the Assembly. If ever there was any need for a revising Chamber in Queensland we found the need for it to exist in the last week or two in this Parliament. We have had things rushed through this Chamber in a way that they should not have been rushed through. It is absolutely essential that we should have a revising Chamber to remedy defects in legislation rushed through this House in a most unseemly way. If we cannot get that check then we

have a right to memorialise the Governor in some way or another, and endeavour to uphold the rights of the community.

Mr. FLETCHER (*Port Curtis*): I suppose one could adduce a great deal of argument from a constitutional point of view if one had the opportunity and time to do it. It would not be possible for me, with my scanty knowledge of constitutional law, to reply to the Premier without first reading his speech and then getting advice upon it, and perusing authorities generally. But I wish to make some observations as they occur to me after what I have heard this afternoon. Notwithstanding the arguments that have come from the other side, I think that the leader of the Opposition was most advisedly justified in setting out the position of this Parliament before His Excellency. You must recognise that a most extraordinary situation has arisen, and it was a most extraordinary Bill that was being dealt with. In those circumstances the leader of the Opposition would not be doing his duty if he had not set the position before His Excellency. It must be remembered that those authorities that have been quoted, from a constitutional point of view, have all based their opinion on countries and States that have two Houses of Parliament. We are the only State or country in the world that has one House.

Mr. COLLINS: That is not true.

Mr. FLETCHER: Those constitutional points cannot be made to apply to Queensland. The position is very different here. As I said the other night, I consider that the present Governor of Queensland is in a different position to previous Governors, and he has considerably more responsibility than any Governor in Queensland previously had. No one says that the Governor should take any advice or suggestion that might come from the leader of the Opposition. The leader of the Opposition did not give any advice. He was merely drawing attention to the serious state of affairs that existed, and His Excellency would then naturally act in whatever way he considered right. It was certainly the duty of the leader of the Opposition to state the position to the Governor. The leader of the Opposition and his party represent certain electors. His Excellency is the Governor for those electors just the same as he is Governor for the Premier and his followers. He is our Governor just the same as yours. In a matter of such extreme importance, don't you think we have the right to approach the Governor from a common-sense point of view? No notice might have been taken of any suggestion or advice put before him, but that does not make it impossible for us to approach him. The Premier seems to think that the leader of the Opposition was wrong in approaching His Excellency, whereas I contend that he had every right to do it. It was his duty to set the position before His Excellency. Hon. members opposite, and you yourself, Mr. Pollock, referred to the position of the party in that you have a majority. The hon. member for South Brisbane quoted certain authorities and examples from the Federal House, but the position there was totally different, because they did not represent a minority of the people as the present Government of Queensland do. The position is quite different. It must be remembered that that Bill was to extend the life of this Parliament, because without the protection of that

Bill, the Government could not have got through this week. The position, therefore, was very serious, and we were justified in going to any extent to try to prevent it from becoming law. Whether we were successful or not is a different matter. I cannot see what the object is in giving so much publicity to this matter. I think it is a trivial thing. It was most trivial on the Premier's part to bring it forward, and the leader of the Opposition was perfectly right and justified in the action he took.

Mr. FERRICKS (*South Brisbane*): I would just like to correct the hon. gentleman. Regarding the instances I quoted in the Federal Parliament, the Governor-General had just been appointed, and he granted a double dissolution on the advice of his constitutional advisers, but he refused to put to the country the referendum resolutions which had been put through one House of Parliament in accordance with that Constitution. The Governor-General granted a double dissolution on the advice of his Ministers, and also, on the advice of his Ministerial advisers, he refused to put the referendum questions to the people. When I was dealing with that point the hon. gentleman interjected that the Commonwealth Government then represented a majority of the people. The conditions in the Commonwealth Parliament, he said, were not the same as the conditions in Queensland to-day. He repeated the same statement a moment ago. On the occasion that I speak of, there were thirty-eight members supporting the Government in the House of Representatives and thirty-seven opposed to the Government. That accounted for the full House of seventy-five members, and the Government had to carry on with the casting vote of the Speaker, because they only had one more member than the Opposition. Here we have two more members than the Opposition.

Mr. FLETCHER: One of whom was not here to vote.

Mr. RIORDAN: We had a majority of four when we came back from the people.

Mr. FERRICKS: The House of Representatives was so constituted that there was only a difference of one in the number of members. In the Senate, however, members of which are elected on a block vote, so that the relative strength of parties is easily ascertained, the Labour party numbered twenty-nine, and the Nationalist party, or

Government party but seven, with [5.30 p.m.] a total of thirty-six members.

Which side had a majority of votes in the electorates? We contend that there is nothing in the argument advanced by the hon. member for Port Curtis, because at the time when the Government did all these things to which I have referred, the figures against them in the Senate were as twenty-nine to seven, and when they went to the country in a double dissolution, the Government party in that House came back with only five. Can the hon. member for Port Curtis tell us which side had the preponderance of votes in the electorates? The Government then were in a worse position than this Government. That is my reply to the objections of the hon. member for Port Curtis.

Mr. FLETCHER: There is only one House here.

Mr. Ferricks.]

Mr. FERRICKS: Notwithstanding that the figures were twenty-nine to seven against them in the Senate, the Government had a majority of one in the House of Representatives. What becomes of the hon. member's objections now?

Mr. SIZER (*Numb.*): I think this discussion is a very important one, and I agree with the leader of the Opposition that probably, in view of the extraordinary circumstances and the attitude of the Government recently, his action was quite justifiable, for, although I hold that, as a self-governing State, we must govern ourselves and Downing street has no right to interfere in any shape or form, so long as we conform to our Constitution, still it is incumbent on the Government of the day to carry on in accordance with established precedent, and the usages of good government, which have been laid down from time immemorial—which have been departed from, I maintain, by the Government in power. Could one imagine that any constitutional authority would contemplate a position in any duly elected Parliament by which members would be deprived of opportunities of discussing measures of vital importance, or contemplating that governments could exist which represented such large minorities as the present Government? Therefore, I say that their writings and opinions on this subject may, to a certain extent, be astray, taking the local conditions into consideration; and the leader of the Opposition was probably justified, in view of that local atmosphere, in acting in the way he did. On the general principle of self-government, I do not think there is any doubt whatsoever. The Premier quoted very extensively from Todd, as his chief authority, and certainly to some extent he seemed to make a case. I just want to place an interpretation on the quotations also. I have looked very carefully through Todd, and I find no passage in which he recognises the principle of proxy voting in Parliament.

The PREMIER: If another edition of Todd came out next year, you would find some reference to it.

Mr. SIZER: I maintain that the Government have established a principle of proxy voting which no constitutional authority would recognise, and that the absence of any such recognition of the principle takes this case out of the authority of the constitutional writers, because the question has never been raised since the practice was abolished in the House of Lords. And I maintain that the authorities of that day recognise that, by its abolition in the House of Lords, an objectionable system had been cast away for ever. They never contemplated that it would be reintroduced under the misnomer of a democratic Bill.

The TEMPORARY CHAIRMAN: Order!

Mr. SIZER: I must raise that question to get to the point of my argument. I say that none of these authorities has ever discussed the question of proxy voting, and that, since we are now dealing with an innovation in a democratic country, which was discarded long since by the House of Lords, it may be possible for the Premier to find authority for his proposition, for the simple reason that it was thought that the practice had been definitely discontinued as objectionable. I maintain, however, that after this innovation the question will undoubtedly be raised by

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the authorities, and I am very doubtful whether authorities, even such as Todd, will uphold the principle of proxy voting. Taking Todd's quotation on page 68—

"If there is one principle more thoroughly established than another in the British Constitution, it is that the majority, and not the minority of the representatives of the people, in Parliament assembled"—

I want to put some emphasis on that word "assembled"—

The PREMIER: Not the people.

Mr. SIZER: I am going to put before the Premier the question of a majority of members in Parliament against a minority of members in Parliament. I have gone to the trouble of looking up Webster's definition of the word "assemble." Webster says it means, "To meet or come together as a number of individuals." I maintain that Bills are not now passed by a majority of members in Parliament assembled. Reading that definition into Todd's quotation, it is justifiable for us to say that the Government are carrying on unconstitutionally by means of proxy voting. When a division took place last night, the members in Parliament assembled numbered thirty-four against the Government and thirty-two for the Government.

The PREMIER: The figures were thirty-six to thirty-five.

Mr. SIZER: If we accept Webster's definition, when that vote was taken last night thirty-two members were assembled for the Government and thirty-four members were assembled against the Government. By no stretch of imagination or juggling with the dictionary can the Government reconcile "assembled" with "proxy." There is no connection between voting in Parliament assembled and voting by proxy. Although we uphold the principle of self-government, it is incumbent upon the Government to govern according to that principle. Immediately they step outside that function—which I maintain they have been doing—we on this side are justified in taking measures which might appear somewhat extraordinary. The hon. gentleman said no authority could be found for the withholding, by the Governor, of his assent to measures. Todd does not say it is not permissible. He certainly says it is very bad form, and bad practice. Well, the practices of the Government during the last few days have been worse; and probably one offence justifies another. Undoubtedly, the Governor has power to withhold his assent. I quote from Todd, page 169, dealing with the question of the Governor's discretion in assenting to Bills. He says—

"Whenever Bills are tendered to a Governor of a colony for the purpose of receiving the Royal assent, he is bound to exercise his discretion in regard to same; and to determine, upon his own responsibility, as an Imperial officer, unfettered by any consideration of the advice which he has received from his own Ministers upon the subject, the course he ought to pursue in respect of such Bills; whether to grant, or to withhold, the Royal assent, or to reserve any particular Bills for the signification of the Royal pleasure thereon."

Then he goes on to quote two or three cases where it has been used—one in connection with a despatch in 1865, in Victoria. The hon. gentleman quoted this authority to support his argument.

The PREMIER: Not on that point.

Mr. SIZER: Todd says—

"In a despatch addressed by Mr. Secretary Cardwell to the Governor of Victoria, on 24th January, 1865, in reference to a Bill to authorise certain proceedings against Customs officers, to which the Royal assent had been given by the Governor in the preceding session, he expressed his opinion that, owing to obvious irregularities in this enactment and especially to its being 'repugnant' to Imperial legislation, the Governor ought to have withheld the Royal assent from it. Even now its disallowance would have ensued were it not that, being expressly of temporary duration, the order of disallowance could scarcely arrive in the colony before it would have expired; but the Governor was expressly enjoined on no account to assent to its revival or continuance. This despatch was immediately communicated to the local assembly."

There are any number of precedents of Oppositions approaching His Majesty's representative.

The PREMIER: Do you not know that the instructions to Governors have come out so lately as 1900?

Mr. SIZER: I am not raising that question at all. The hon. gentleman has no right to attempt to belittle us or to say that we have no right to petition His Excellency.

The PREMIER: I did not say that.

Mr. SIZER: His Excellency has a perfect right to ignore them, or treat them in whatever manner he thinks fit. In this matter he pleased himself.

The PREMIER: No, he did not please himself.

Mr. SIZER: To say that we have no rights is going far beyond the mark.

The PREMIER: I have not said that.

Mr. SIZER: I will admit that the policy of the Government—particularly the Premier—has been in that direction: that members on this side, in Parliament assembled, have no rights—or very few. On these points we can justify the attitude of petitioning the Governor, without in any degree assailing the general principle of our own right to govern. Such questions must be determined in Queensland. The question of the abolition of the Legislative Council was a matter purely for us to deal with. To say that we have to run to England to ask whether or not we should assent to a Bill is to admit that we are not competent to govern ourselves. I am not prepared to admit that. At the same time, I want to emphasise the point that the Opposition were justified in their attitude by the fact that the Government themselves have established a bad precedent in that they have gone outside what is generally recognised to be the functions of a Government. The Government should recognise that the Opposition have rights. So long as they continue to deny members their rights in this House, we are justified in exercising those rights in whichever way we possibly can.

Mr. F. A. COOPER (*Bremer*): I would like to say a word or two, particularly with regard to the remarks that have fallen from the hon. member for Port Curtis and the hon. member for Nundah. The hon. member for Port Curtis was concerned regarding the number of votes cast for the various parties in this House. I would like to point out to him that in 1920 an election was held. After that election certain officers went to His Excellency; and since that date, His Excellency has not been advised that there has been any change in the conduct of this House. Therefore, the number of votes cast by the people would not affect His Excellency in any way; he is affected only by the Ministers who meet him and the advice that they give him; and the Ministers have not tendered him any advice that the Theodora Ministry do not possess the confidence of this House. He cannot take notice of anything else, fortunately. The hon. member for Port Curtis was well answered in that regard by the hon. member for Nundah, who pointed out—very decently—that the ground he took up was very poor ground and that he was advancing an infirm argument. But the hon. member for Nundah himself was upon very shaky premises when he said that it was a very wrong thing to introduce anything new or novel in the matter of legislation—that this was extraordinary legislation and therefore it should not have been introduced.

Mr. SIZER: I did not say that.

Mr. F. A. COOPER: I would point out to the hon. member that extraordinary cases need extraordinary measures; and some of the things which have been happening in this Chamber led to extraordinary measures. In the past the "closure" was not always an institution of the British Parliament. It is quite a recent thing; it was born somewhere about the year 1832.

Mr. SIZER: It became fully matured in 1922.

Mr. F. A. COOPER: I do not know that it is matured yet. It is quite an infant. A man does not need to be a seer to say that no Government in the future will operate without the use of the closure. It is quite a parliamentary institution now.

At 5.50 p.m.,

Mr. WALKER (*Cooroora*), one of the panel of Temporary Chairmen, relieved Mr. Pollock in the chair.

Mr. F. A. COOPER: Prior to the year 1831, there was practically no means of limiting discussion and limiting obstruction in the House of Commons. The obstruction on the part of the Opposition in 1831 led to the introduction of the closure. In that session there were 935 points of order decided by the Speaker and 935 points of order decided by the Chairmen of Committees. On each point of order a member was allowed to speak for five minutes, which meant that 150 hours of that session was spent in deciding points of order.

Mr. FLETCHER: What is the point that the hon. member is trying to make?

Mr. F. A. COOPER: Because of the absence of rules and regulations and Standing Orders, eight weeks of that session were taken up in deciding points of order. Mr. Gladstone decided to introduce the closure. He was asked to define at that time what

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obstruction was, and he said obstruction was—

“The disposition either of the minority of the House or of individuals to resist the prevailing will of the House otherwise than by argument.”

If nothing new or novel was to be introduced into the British House of Commons, we would not have had such a thing as the closure. The prerogative of the Crown is also an interesting thing. I am sure that hon. members opposite have much to learn in regard to that. Every schoolboy knows something about the prerogative of the Crown. I do not think it is out of place to say, that the views regarding it are inconsistent. We regard the Crown as a perfect person and an irresponsible person, still it is defined in the terms “George IV., by Divine Providence of the United Kingdom of Great Britain and Ireland, King.” At the same time we limited his powers. That was done by Act of Parliament as far back as the thirteenth century, and further limitations have taken place since then. We have limited the prerogative of the King.

Mr. FLETCHER: The Parliaments in those days showed greater wisdom than this Parliament.

Mr. F. A. COOPER: Very likely. Perhaps more wisdom than when hon. members opposite were in power. Since then powers have been eliminated by Magna Charta, the Commission of Rights, the Habeas Corpus Act, the Bill of Rights, and the Act of Settlement. If hon. members opposite say that they had no opportunity to look up authorities to find out where they stood, I say it is all nonsense. In the eleventh edition of the “Encyclopedia Britannica” it is stated—

“In theory Parliament only exists at his will, for it is summoned by his writ, and the vote for a member of Parliament is only a franchise, not a right existing independently of his grant. He can refuse his assent to a Bill passed by the House of Parliament. This right has, however, not been exercised since 1707.”

The right of veto, so far as the British Parliament is concerned, is practically dead.

Mr. FLETCHER: Because they have more wisdom to-day than you.

Mr. F. A. COOPER: Does the hon. member mean me personally?

Mr. FLETCHER: No, the Government.

Mr. F. A. COOPER: The “Encyclopedia Britannica” further states—

“It is scarcely necessary to point out that all these prerogatives (except the conferring of honours and such as are purely personal) are exercised through responsible Ministers, practically in these days members of the party to which the majority of the House of Commons belongs.”

I do not think that we can have anything more definite than that with regard to the exercise of the prerogative. There are a lot of authorities which I am sure the Opposition could have found by referring to the library index. A. V. Dicey, in “The Law of the Constitution,” says—

“The general answer, therefore, to the inquiry, how colonial liberty of legislation is made legally reconcilable with Imperial Sovereignty, is that the complete recognition of the supremacy of Parliament

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obviates the necessity for carefully limiting the authority of colonial legislatures, and that the Home Government, who in effect represent Parliament, retain by the use of the Crown's veto the power of preventing the occurrence of conflicts between colonial and Imperial laws.”

I have listened with a great deal of attention to the argument by hon. members opposite on the question of reservation for Royal assent. The most important principle in connection with that matter is with respect to “Conflicts between colonial and Imperial laws.” R. W. Anson, in “Law and Custom of the Constitution,” dealing with the Crown, says—

“The King may assent to the Bill, but even then it must be reported to the Secretary of State for the Colonies, who may within two years from its communication advise the King to disallow it. In such cases the King's pleasure is signified to a self-governing colony by Order in Council, to a Crown colony by despatch; but disallowance is of rare occurrence, and would only take place where Imperial interests are involved.”

This Royal prerogative is only exercised principally where the local law might interfere with Imperial legislation. The legislation recently passed by this Government interferes in no way with Imperial legislation. The fact that the leader of the Opposition said that he had no opportunity of consulting authorities to find out the actual rights of a Governor, does not seem to be a valid or decent excuse.

Mr. TAYLOR (Windsor): I think that we are all indebted to the Premier for the exposition he gave this afternoon on the Constitution as it affects the Governor with respect to the memorial that was presented to him. We on this side of the Chamber are just as keen in our desire to preserve our rights as a self-governing community as are members opposite. We realise that these self-governing rights must be retained, and that by no Act of this Parliament must anything be done which will have the tendency to whittle away those rights in any direction. I stand for that every time. In matters affecting domestic legislation we fight our battles in Queensland, and in our own Parliament. I think it is a wise and sane principle, because governments come and governments go, as a result of the will of the people. I stand for that which is in the best interests of the whole of the community, and we are just as much prepared to trust our fate, as an Opposition, to the will of the people, as are hon. members opposite. The instructions given to Governors, when they accept responsible office in a State such as Queensland, are laid down quite clearly and definitely in the authorities that have been quoted. It is laid down that there are certain things which they must do, and certain things that they certainly cannot do. It is a wise thing that they should not be allowed or permitted to do certain things. I think that the Governor must take the advice of his responsible advisers, unless such circumstances prevail as has been enumerated by the Premier this afternoon, which would compel the Governor to take action in a different direction. I stand for the preservation of our self-governing rights in the community all the time. The discussion has been a little off the track, but it has been very interesting and should have a good effect in this Chamber. In

discussing the vote, the Premier mentioned that an extra sum of about £500 had been allowed the Governor for travelling expenses. It is quite right and proper that that amount should be allowed the Governor. I think he has done good work in our State by finding out exactly for himself what are the conditions prevailing in remote parts of the State. The present Governor certainly has done that.

At 7 p.m.,

The CHAIRMAN resumed the chair.

Mr. BEBBINGTON (*Drayton*): Whilst we uphold our leader in the course he has taken, we say that he did not wish to interfere with the Governor, or to offer any advice whatever, but merely asked the Governor to give the matter his serious consideration. That is a very different thing to interference. I want to compare the action of the leader of the Opposition with that of the "Council of Action" of the Labour party in New South Wales, which is representative of hon. members here. Only last week, the Australian Labour Party passed a resolution that a certain motion be forwarded to the Government of Great Britain asking them to interfere with the responsible Government of South Africa in regard to sentences passed on men who have taken up arms against the recognised Government of South Africa. That was a direct request to the British Government to interfere in the responsible government of South Africa, and is a very different thing to the action of our leader, who has merely asked the Governor to take the matter into consideration. The whole of our party stand behind our leader in this regard. I want to tell the Premier that no autocrat can lead our party. In a party where every man is qualified to be a leader—(Government laughter)—an autocrat cannot lead it. The leader must be willing to carry out the will of the party, and not to insist on his own will being carried out. We are asked to believe that the version of the Premier is correct, and that the method he indicated is the only course to take where you have responsible government. What is the use of giving a State sovereign powers to make its own laws and then allowing some other country outside to decide whether those laws shall have effect or not? The people of the State, who are responsible, select representatives to make their laws. If the Government passed a resolution to-night abolishing private ownership it would be law immediately it was passed, and nothing in the world—neither Commonwealth power nor British power—could save the people of Queensland from its effect. I want to quote from a British paper in reference to the Doucan case—

The CHAIRMAN: Order! I would point out that I hardly think that case is apropos to the present vote.

Mr. BEBBINGTON: I only wanted to refer to it, and quote the remarks of the first Law Lord of the Privy Council to show that the Premier is right, and that when the people of the State elect a Government they are responsible for the laws which that Government pass. The first Law Lord of the Privy Council said in that case—

"This is not a matter for this Council but for the people of Queensland to decide. Queensland is a sovereign State, and has been given the right to make its

own laws. This law was made by the people of Queensland, and, until they rescind the Act, must remain the law of Queensland."

I think that puts the responsibility on the people of Queensland, and shows that nothing will save them from the operation of Acts of Parliament, either good or bad, passed by this House.

Mr. COLLINS (*Bowen*): This debate is very interesting to me. I have listened attentively to the authorities quoted by both sides of the House in reference to what the Governor may do and what he may not do. I have listened to the arguments from members of the Opposition about their rights and privileges. Coming from the race we all belong to, I say that there should be no question at all about the rights of the people. If the Government have got a majority in this House, then they are supreme. There is no getting away from that. That is a right that does not require any debating. The rights of the Governor have been debated this afternoon. The Governor gets his instructions from a higher authority—the Imperial authority—and, so far as I know, Governors have not been allowed to go against those instructions. That attitude was taken up long before the advent of Labour Governments. Anyone acquainted with the history of the States of the Commonwealth, when they were colonies, must know full well that when any Governor has attempted to interfere with the domestic policy of the State or colony they were immediately called to account: and rightly so, too. The people are supreme. Why should any Governor—it does not matter if he is the Governor of this State or of any other part of the Empire—why should he attempt to lay down what policy is best for the people's representatives? About a fortnight ago an hon. gentleman on the Opposition side, the hon. member for Auburn, was referring to what the Governor said about the "Golden Casket," and I interjected, "The Governor ought to be put into his proper place, and told to mind his own business." I am not going to go back on that. No Governor must be allowed to interfere with the domestic policy of the Government.

Mr. MOORE: He is allowed to express his opinion.

Mr. COLLINS: He is not allowed to express his opinion on the policy of the Government.

Mr. MOORE: Of course, he is.

Mr. COLLINS: The Imperial Government did not send him out for that purpose. I have been accused by a member opposite of abusing the Governor. I have never done anything of the kind. I am not in the habit of abusing hon. members opposite, let alone the Governor. I have too much respect for the Governor to do that. But, if he departs from his instructions, then I, as a representative of the people, am here to protect the rights of the people. That is what I am in this House for.

Mr. MOORE: Then why do you vote for the "gag"?

Mr. COLLINS: The other day, when the hon. member for Murilla was speaking, the following took place, according to "Hansard":—

"Mr. MORGAN: I hope the hon. member for Bowen will not abuse the Governor again.

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"Mr. COLLINS: I did not abuse the Governor.

"Mr. MORGAN: In referring to the remarks made by the Governor in connection with 'Golden Caskets,' the hon. member said that the Governor ought to be put in his place.

"Mr. COLLINS: And so he ought to be.

"Mr. MORGAN: The hon. member should not say that after what has happened to-day."

I claim that the hon. member for Murilla's remarks are a greater criticism on the Governor than anything I said in the House, because he referred that day to the action of the Governor in giving his assent to the Bill providing for proxy voting. I am surprised at the hon. member for Aubigny. He does not seem to realise that we live in the twentieth century. He puts me in mind of the period dealing with the days of Charles I. Had the hon. gentleman been living at that period he might have met with the same fate that Charles I. did for his conservatism. I am surprised at the arguments used by hon. members opposite, because they carry me back a long way to the dark ages. They will never get on the Treasury benches unless they have more progressive ideas than they have got at the present time. I am one of those who believe that "Weak men follow precedents, strong men make them." I agree with the Opposition that this Government have done things which other Governments have not done; but that is what we were sent into Parliament to do. The world must keep marching on and on, and if Governors get in the way we may have to deal with Governors. I belong to the race of people mentioned by the hon. member for Bremer. The hon. member pointed out that the King has not exercised his veto since the eighteenth century. Why? Because the people are really the sovereigns of Great Britain.

Mr. FLETCHER: He would exercise it in this country.

Mr. COLLINS: In England the people are the masters. On reading the papers in the library, I find that the average Britisher expresses his opinions freely, and we would be called traitors in this House if we gave expression to similar opinions. In Great Britain they are moving on and on, and will continue to move on and on. They would not allow the King to interfere with the people's rights. Twelve months ago or more, I sounded a note of warning in reference to the Governor. I said he should not talk quite so much, and I say so still. He must not interfere, at any rate, with the domestic policy of the Government of this State. I have a respect for him as an individual. I read his career as Governor of the Gold Coast, and perhaps I know more about him than most hon. members. So far as I know, there is nothing wrong with him as Governor, and I am not going to be accused in this House of having abused him. I never did abuse him, either as a man or as Governor. I am here to protect the rights of the people. They are more important to me than half a dozen Governors—than all the Governors in Australia.

The debate has been very interesting. I agree with that portion of the remarks of the hon. member for Nundah in which he said that, if we had any differences, we should settle them here in Queensland and not go to Downing street. I hope we shall all maintain that position. I am satisfied that

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the remark I made when I interjected that the Governor ought to be put in his proper place was practically backed up by the Premier in that splendid speech in which he outlined the duties of the Governor and duties of the Opposition, and the rights of the Governor and the rights of the Opposition.

Hon. W. H. BARNES (*Bulimba*): I would like to say straightaway that I recognise that in an important matter like this we may not all see eye to eye; but, for my part, I think the leader of the Opposition would have been wanting in his duty if he had not sent that letter to the Governor, because we all have to realise that circumstances have changed very materially in Queensland. The hon. member who has just resumed his seat made a very suggestive remark, which I would like to use at this juncture. He said that strong men make precedents; in other words—I think the inference was—when certain circumstances arise which necessitate very direct and prompt action, then it is the duty of anyone in the position of leader to take that action. Let me just hark back for a while to the position which arose in connection with this matter. It arose in a very marked and extraordinary way, and I want to say right at the jump that I am not making a single remark concerning His Excellency the Governor. I think the Premier has made it perfectly clear that he rendered certain advice to the Governor, and that he is responsible for what has happened. There is no question that the Premier took an extraordinary stand. What has been happening during the last few weeks in this Chamber? Things have been happening that have never happened before in the history of Queensland. One of the things we have to recognise is that at one time it was possible to get a review of legislation in another Chamber, but that time has gone by. I am not aware that the Government of this State ever received a mandate from the people to abolish the Legislative Council, and, as a matter of fact, if they had followed the footprints of democracy, they would not have done what they did. They appealed to Caesar, and Caesar said, "I do not endorse this action."

Mr. STOFFORD interjected.

Hon. W. H. BARNES: The hon. member for Mount Morgan is inconsistent. If you believe in arbitration for one thing, you must believe in it for another. In that case, the people were the tribunal, and they turned down the Government's proposal. The Premier has admitted that he gave certain advice. I venture to say that, if public opinion counted for anything in connection with this matter, it would have been in the direction of saying that the particular Bill which was protested against—the "Proxy" Bill—should not have been passed. I think I have heard someone throw a charge over to this side of the House that an hon. member had been quoting something that was ancient. Have not the Government, in resurrecting the proxy in the form in which they have resurrected it, brought into being something that is absolutely ancient and extremely conservative? I say, therefore, that it was only right that steps should be taken to present to His Excellency the Governor the views which were held by most members on this side of the House; it was a very fair and a very proper thing to do. Some of us know that, in connection with past Governors, when questions have arisen similar to this, they have very wisely gone outside the Cabinet and consulted other

people. I do not know what the present Governor may have done—please dissociate any of my remarks from that—but I do know that, when previous crises have arisen, the Governors very wisely have gone outside and consulted some of the highest authorities—absolutely non-political authorities; such, for instance, as judges of the Supreme Court.

The PREMIER: I say it is absolutely outside his duty or function.

HON. W. H. BARNES: I am not suggesting that the present Governor has done that.

The PREMIER: I am sure that he has not.

HON. W. H. BARNES: Speaking as an ex-Minister of the Crown, I know that that has been done. A person who wanted to avoid making a mistake naturally would do that in order to fortify him in his opinion. What is the position to-day? It was the duty of the Government to have seen that, in advising His Excellency, they proceeded upon right and safe lines. After all, the Governor is in the hands of the Premier and his Cabinet in that particular direction. A number of cases have been referred to this afternoon on both sides. Some references have been made to men holding office and getting Supply when they have had a majority, say, of one. In the majority of such cases those men have said, "We cannot go on. We want Supply, and we are getting Supply so that we may appeal to the country."

Mr. WINSTANLEY: Your leader went without Supply.

HON. W. H. BARNES: "Yes," and "No." (Laughter.) It is perfectly true that Supply was refused by a majority of the House. It is also perfectly true that His Excellency the then Governor gave an assurance that certain warrants would be signed by him. It is no use trotting that out now; because, ultimately, those warrants received the endorsement of the House. It all comes back to this—that desperate things sometimes require desperate remedies.

Mr. WINSTANLEY: Quite true.

Mr. WELLINGTON: You say nasty things by innuendo sometimes. (Laughter.)

HON. W. H. BARNES: The hon. member for Charters Towers usually is very quiet, but to-night he is not. It would not be nice for me to take any notice of him; I think it would be very unfair. I want to look at this from the position of the State. I venture to say that there never has been a time in the history of Queensland when the position has been as it is to-day; when a Government, practically in extremis, have resorted to bringing in a measure such as the "Proxy" Bill. Let me be quite fair in saying that, if it were not for that Act, the Government would not be sitting in this Chamber as a Government to-night.

Mr. COLLINS: More innuendo against the Governor.

HON. W. H. BARNES: I want to dissociate from the Governor any remarks that I am making. I want to deal with facts. That is the exact position. I do not care what his politics are, no man can rejoice in the fact of another man being ill. I say emphatically that I hope those members who are absent from this House through illness will soon be back again. This Government had previously adopted such

methods that it was impossible for this side of the House to get into line with some of the suggestions which they made. I repeat, had it not been for the "Proxy" Bill the position would not have been as it is to-night. I never hesitate about expressing myself. I believe that the leader of the Opposition was quite right in presenting the memorial to His Excellency the Governor. Surely we have a right, as part of the British community, to feel that we have an opportunity of getting the ear of British authorities.

The PREMIER: The Opposition have the right to petition the Governor, but they have no right to tender advice to the Governor.

HON. W. H. BARNES: The hon. gentleman is quibbling. The Opposition were quite justified in doing what they did, more especially after recent happenings. I am not making any reflection upon anyone in connection with this matter. I have never known important matters before to have been introduced and without debate "gagged" and carried on the casting vote of the Chairman.

Mr. PAYNE (*Mitchell*): It is surprising to anyone in this House, who has heard the hon. member for Bulimba speak when he was supporting a Government, to hear him speak now. The hon. member for Bulimba supported the Government which could not carry an adjournment of the House. They were defeated on every motion they moved, and yet they clung on to office as long as they possibly could.

HON. W. H. BARNES: No. We went to the country.

Mr. PAYNE: During that constitutional crisis, there was something done that was not within the four corners of the Constitution of the British Empire, with the result that the Governor had to go.

HON. W. H. BARNES: No.

Mr. PAYNE: I think it is only fair that hon. members who were not here then should know the truth. Money was provided by an Appropriation Bill for expenses in connection with the election, which had not been passed by this House at the time the Government went to the country. Eventually, it was passed, and was only passed by a man acting the part of traitor.

Mr. G. P. BARNES: The friends of the hon. member withheld the men's wages.

Mr. PAYNE: Why did the Government not get out, and allow the Opposition to go across and give the men their wages? We hear a lot of talk about British fair play. The Appropriation Bill was slipped through the House in the most dishonest way possible. Mr. Kidston promised the Labour Government at that time, when he came back to power, that under no consideration would that appropriation be passed, unless it was by means of a separate Appropriation Bill. Different amounts were wedged into various items of expenditure, and the appropriation was passed by the House before anyone knew that it had passed at all. There had been a distinct pledge that the appropriation would be dealt with by a separate Bill. It ill becomes the hon. member for Bulimba to get up and chide this Government with hanging on to office by a majority of one. He talks about the "gag." We have not yet resorted to the "guillotine." If the occasion arises, I hope the Premier will resort to the "guillotine." I sat here and saw the

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hon. member for Bulimba support a Government which moved that a Bill of forty or fifty clauses should be passed through all its stages by a certain time. He "guillotined"

that through; yet they talked as [7.30 p.m.] much as they liked. They could take the whole of the time of debate on the first clause of the Bill, and, at half-past 10, the "guillotine" came down and the whole thing was rushed through. This Government have not resorted to that practice yet; but, if the necessity arise, the Premier will not be doing anything out of the way if he uses the "guillotine." I can remember the time when the Philp Government, of which the hon. member for Bulimba was a member, sat on the Treasury benches with no majority at all. They went to the country, and spent money on the election which was never passed by this House. Yet, the hon. member for Bulimba says this Government are doing something out of the way because they are using the "gag." The thing is monstrous. If we compare the treatment meted out to the Labour party when in opposition with the treatment meted out by the Premier to the present Opposition, we find hon. members opposite are treated very well indeed. (Opposition laughter.)

THE SECRETARY FOR RAILWAYS (Hon. J. Lacombe, *Kippis*): I consider that the discussion has been of an elevated character, because of the masterly and tolerant manner in which the Premier introduced the subject. The Opposition endeavoured to justify their extraordinary and almost unprecedented action in pre-arranging to advise the Governor, on three grounds; firstly, that the Government do not possess the confidence of the majority of the electors of the State; secondly, because the Bill to provide for voting by proxy, which has been passed, was of an exceptional and extraordinary nature; and, thirdly, because free speech has been stifled.

MR. VOWLES: All those statements are facts—they are true.

THE SECRETARY FOR RAILWAYS: It is quite simple to say they are all matters of fact, but it is more difficult to prove. Regarding the suggestion that the Government do not possess the confidence of a majority of the electors of the State, I say that if an election took place, the Government would have an overwhelming majority.

MR. J. H. C. ROBERTS: Why don't you take the chance?

THE SECRETARY FOR RAILWAYS: Is it not self-evident that the Government possess the confidence of a majority of the electorates of Queensland? The Government came back from the last election with a majority of four, and that majority has been reduced because of the defection of a member who was returned as a Government supporter—a member who subsequently left the party without sanction, approval, or authority of his electors.

AN OPPOSITION MEMBER: Even previous to that you represented a minority of electors.

THE SECRETARY FOR RAILWAYS: I am speaking about the representation of the constituencies. There are three parties here, and the Government party is the strongest.

MR. CORSER: Sometimes you argue that we on this side are all one.

THE SECRETARY FOR RAILWAYS: Essentially, I believe that you are one in

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policy and method, but the electors have not so far connected you up. I believe they will connect both sections up, and realise that they are one; but there has been a good deal of camouflage, which has succeeded in misleading the electors. As hon. members opposite know, the position occupied by the Labour Government is not unique. Why do they repeat the statement that the Government do not possess the confidence of the majority of the electors? Is it not a fact that in New South Wales, the Government is depending on a third party for existence? and the Tasmanian Government is in a similar position. The same thing applies to the Federal Government, and also to the West Australian and Victorian Governments. There are only two Governments in Australia with a distinct majority behind them—the South Australian Government and the Queensland Government. Hon. members will find that from reading "Hansard" and examining the evidence available. Therefore, there was no justification for the appeal to the Governor, on the ground that the Government do not possess the confidence of the majority of the electors. What the Constitution recognises is a majority of the constituencies, and the Government possess the confidence of a majority of the constituencies, notwithstanding the desertion of one of their members; and no other party can carry on. That has been demonstrated recently. It seems to me to be a remarkable volte face for hon. members opposite to assert a few weeks ago that we could not maintain our position in this House, and then to complain a few days after that they were brutally "gagged." How could the Government do that if they had not a majority? The two arguments are contradictory. We have the confidence of a majority of members in this House, and we are exercising power, as we are entitled to do, constitutionally and according to precedent.

MR. VOWLES: The casting vote of the Speaker is what you depend on.

THE SECRETARY FOR RAILWAYS: No, we have more than that. Our majority has been depleted by a desertion which has not been approved by the electors. Ever the "Courier" admits that when a parliamentarian changes his policy and platform, he should resign.

AN OPPOSITION MEMBER: Do you believe in the "Courier"?

THE SECRETARY FOR RAILWAYS: I agree with the "Courier" on that point. It is a sound viewpoint to take, that if a member changes his policy he should resign.

MR. VOWLES: What about the reduction in the public service? You should resign on that.

THE SECRETARY FOR RAILWAYS: The leader of the Opposition is trying, by an extraordinary stretch of imagination, to link up things that have no real connection.

MR. VOWLES: What did the Secretary for Mines say at the Paddington election?

THE SECRETARY FOR RAILWAYS: The hon. member for Paddington can defend himself, and I am certain that he will have no hesitation in doing so. I am not going to be led into a discussion which will end in the Chairman reproving me.

MR. VOWLES: You cannot get out of that.

The SECRETARY FOR RAILWAYS: The Hon. Thomas Glassey at one time had a difference with the Labour party and resigned, and placed his case before his electors at Bundaberg. The hon. member for Normanby and the hon. member for Oxley should do the same, and the hon. member for Port Curtis, also.

Mr. BEBBINGTON: You say that, because you know no member of this party would come over to you.

The SECRETARY FOR RAILWAYS: I think you are all one in ideal and policy, but you have different programmes before the electors in order to get their support. It is a well-known fact that in some districts the Nationalists can get support where the Country party cannot get it, and vice versa. At the present time the Opposition have two programmes before the country. During the last election they had three programmes. We all know that the hon. member for Townsville came here as the leader of the Northern Country party, but since his arrival here he has been swallowed up by the Country party. (Opposition dissent.) When the hon. member for Townsville came into this Chamber, he sat on the cross benches, and enunciated an independent policy based upon the Northern Country party's programme. He was returned on that programme, and now he has gone over to the Country party.

Mr. GREEN: The electors of Townsville endorsed my action, because they returned me as mayor since then.

The SECRETARY FOR RAILWAYS: Members opposite are all one in ideals and policy, but the two parties were returned on different platforms. That is a proof to the electors that members opposite have no right to change their position in this Assembly.

Mr. VOWLES: Tell us the difference between nationalisation and socialisation.

The SECRETARY FOR RAILWAYS: These shibboleths will not upset my argument. It would be interesting if the hon. gentleman would give us the difference between nationalisation and socialisation.

Mr. BEBBINGTON: I will give it to you quick if you will sit down and let me.

The CHAIRMAN: Order! I appeal to the hon. member for Drayton to respect my call to order.

The SECRETARY FOR RAILWAYS: There is no need, as the Premier intimated earlier in the day, to impart any heat into this discussion. (Laughter.) This cry that the Government represent only a minority of votes is an old one. I have here a copy of "Australia's Awakening," written by Mr. W. G. Spence, now a member of the Federal Nationalist party. This is what he says, on pages 231-2—

"The results of the May contest, 1893, showed that Ministerialists got 29,144 votes, and non-Ministerialists, 49,128—or a majority against the Government of 19,984 votes. Out of sixty-two contested seats the Government got thirty-four, the others twenty-eight. The thirty-four Ministerialists represented 554 votes each, and the sixteen Labour members 1,713 votes each. The result proved that the country was against the Government. They stuck to office, however."

So far back as 1893, the Government did not have a majority behind them, but they had a majority of the constituencies, and they carried on.

I come to the second point. It has been suggested that the "Proxy Voting" Bill was of an unusual and exceptional character.

Mr. EDWARDS: Do you agree with that?

The SECRETARY FOR RAILWAYS: No. It is simply preserving the principle of democratic government and majority rule. The present Government have a majority of the constituencies behind it, and a few of our members are away temporarily suffering from sickness. If we had to give way to a party which is in a minority, that would be unsound in principle. It cannot be seriously contended that a small Act which gives the Government, and the Opposition, the right to use proxy votes is not of a democratic character. By being able to use those proxy votes we can carry out the wishes of the party on this side of the Chamber.

Mr. EDWARDS: How do you know how men who are sick want to vote?

The SECRETARY FOR RAILWAYS: It is just the same as the principle of "pairs." The principle of using "pairs" in this House was laid down by hon. members opposite, and not by the present Government. "May" lays it down that there is a similarity between "pairs" and proxy voting. It was members opposite who sanctioned "pairs" in the first place, and they allowed that system to go on so that a member could go away to any part of the world, and his vote would be recorded in his absence, no matter how little knowledge he had of the question which was then being decided. A slight extension of that system to allow sick members to vote cannot be challenged.

Mr. VOWLES: Do you allow it in your unions?

The SECRETARY FOR RAILWAYS: We allow it in the Electoral Act.

Mr. VOWLES: Do you say that voting by proxy is allowed in the Electoral Act?

The SECRETARY FOR RAILWAYS: No, but the right is given to a sick elector to record his vote. It is the principle and not the method itself that counts. No one can seriously contend that elected representatives should not have the same rights in Parliament when they are sick or when they are well.

Mr. VOWLES: The only time that proxy votes were allowed was during the war, when the soldiers voted by proxy.

The SECRETARY FOR RAILWAYS: We provided effective means for the soldiers to vote by proxy, and we got a very effective vote from them.

Mr. CORSER: You made provision for it when it was too late.

The SECRETARY FOR RAILWAYS: We know that the returned soldiers thanked the late Premier, Mr. T. J. Ryan, when he went to Western Australia, and he was congratulated by the Returned Soldiers' Association. They said that they only wished they had in Western Australia a Government like the Queensland Government. (Hear, hear!)

Mr. FLETCHER: Did you say that "May" laid it down that "pairs" and proxy votes were the same?

Hon. J. Larcombe.]

The SECRETARY FOR RAILWAYS: Yes.

Mr. FLETCHER: Proxy voting is not mentioned by "May" at all.

The SECRETARY FOR RAILWAYS: Yes, it is mentioned by "May." I have only to remind the hon. member, Mr. Kirwan, that you quoted ably and effectively from "May" on that point last week. I am surprised at the hon. member for Port Curtis offering such unsound advice. He should not take such liberties. (Laughter.) "May" contains particular references to this matter. When we have an authority like "May" to uphold our action, how can it be contended that our action is unusual and exceptional. "May" recognises the similarity between "pairs" and proxy votes.

Mr. VOWLES: He does not give you any instance where proxy voting took place.

The SECRETARY FOR RAILWAYS: There is a relationship between "pairs" and proxy voting. "Pairs" have been built up on the foundation laid down by the party of which hon. members opposite are members, and by their predecessors in the British Parliament. I have now got the quotation from "May," and I will read from page 336 of the 12th edition—

"A practice, similar in effect to that of voting by proxy, has for many years been resorted to in both Houses."

I need not proceed any further. (Laughter.) I could quote the whole page, but I would only be wasting time. You gave the whole of the quotation yourself, Mr. Kirwan, and that is indisputable evidence that there is nothing exceptional in our Proxy Voting Bill. Therefore, the second objection raised by hon. members opposite has fallen to the ground.

Now, let me come to the third point, of stifling free discussion. That argument is a very old friend. It is an argument I used myself when in opposition. I want to emphasise the fact that this party have not been the pioneers of the machinery under which we have been operating. Hon. members opposite provided the machinery: they sanctioned the "gag"; and the precedent was provided for them by their predecessors in the House of Commons. (Opposition interruption.) The hon. member for Albert, the hon. member for Bulimba, the hon. member for Dalby, the hon. member for Burnett, and other hon. members were in this Chamber when that machinery operated against the present Government, then in opposition. It is not peculiar to Queensland or to Australia. It come down through British history, from the times of great stone-masons like Charles Stewart Parnell and John Biggar—they were responsible for the tightening up of methods to save unnecessary delay. And not only have hon. members opposite established the principle of the "gag" and the curtailment of speech, but they have applied the principle with brutal frankness. They created a Frankenstein monster, which they say has devoured them. There is no example in the history of the present Government where the "gag" has been used with such brutal and callous frequency as it was between 1912 and 1915. (Opposition interruption.)

Hon. J. G. APPEL: Do you say that you are merciful in comparison?

The SECRETARY FOR RAILWAYS: We are merciful in comparison. As the hon.

[Hon. J. Larcombe.

member for Mitchell says, it might be necessary and justifiable to apply the "guillotine." We have not resorted to all the powers we might use in preventing obstruction and unfair discussion. Time after time the leader of the Opposition has demanded a division and sat down chuckling. The hon. member for Bulimba last night rose to move an amendment on the short title of a Bill—pure obstruction after five hours had been spent on the measure. And yet hon. members complain about the curtailment of free speech! Not only were members on this side of the Chamber "gagged," but they were also expelled. If an hon. member coughed or sneezed out of his turn in those days he was expelled from the House. The present Chairman of Committees was expelled, the present Secretary for Public Instruction was expelled, the present Premier himself was expelled—expulsions were common between 1912 and 1915. This party who complain about our "gagging" them, about the curtailment of free speech, not only "gagged" us, but "guillotined" us, and expelled us on every conceivable opportunity. Let me read one or two extracts from "Hansard" to show how these very generous and considerate members opposite treated members on this side. On the Industrial Peace Bill, in 1912, page 2258 of "Hansard," I find the following:—

"The PREMIER: Under Standing Order 140, I move—

That the question be now put.

"Mr. COYNE: 'Gag!'

"Mr. THEODORE rose and asked if the Chairman thought that the question had been sufficiently debated.

"The TEMPORARY CHAIRMAN: The question is, 'That the question be now put.'

"Question—That the question be now put—put: and the Committee divided."

No discussion! A brutal application of the "gag"! (Opposition interruption.) Let me proceed to read from page 2259—

"Mr. THEODORE (protesting)—

"The TEMPORARY CHAIRMAN: On that question there can be no debate, and you cannot even rise to a point of order."

That is the party who are contending now for the glorious principle of freedom of speech. That is the party who leave this Assembly and go down to the Market Square to establish a new Parliament to get freedom of speech and their other rights. (Opposition interjections.) The hon. member for Oxley was the leader—the new Premier of this unpaid Parliament—and I notice he found that he did not have your protection from interjections, Mr. Kirwan. (Laughter.) I want to emphasise that point, that the Chairman said—

"There can be no debate, and you cannot even rise to a point of order."

Mr. VOWLES: Quite right.

Hon. J. G. APPEL: Tell us how far the debate had proceeded.

The SECRETARY FOR RAILWAYS: Let me go on—

"Mr. THEODORE: We have rights in this Committee the same as any other members, and if you rule that we cannot rise to a point of order, I move that your ruling be disagreed to.

"The TEMPORARY CHAIRMAN: You cannot move that at all."

You could not rise to a point of order, you could not continue the debate. The Premier of the day, Mr. Denham, pointed out that there could be no discussion on the question—That the question be now put. These are concrete examples; we have had enough of generalities. I am going to get into "Hansard" some record of the brutal and tyrannous tactics that were employed by hon. members opposite, who are now complaining about the limitation of free speech. (Opposition interruption.)

The CHAIRMAN: Order!

The SECRETARY FOR RAILWAYS: On the Elections Bill in 1913, page 1718, the following occurred—

"The PREMIER (Hon. D. F. Denham) moved—That the question be now put.

"Mr. Fihelly: Was the Chairman satisfied that the question had been fully discussed?

"The CHAIRMAN: Order! The question is—That the question be now put.

"Question put, and the Committee divided."

Then, again, on the same Bill, page 1727—

"The CHAIRMAN: The question is—That clause 9, as read, stand part of the Bill.

"The PREMIER: I beg to move—That the question be now put.

"Opposition Members: It has not been before the Committee yet.

"Question put."

As the Premier pertinently reminds me, some of the younger members, like the hon. member for Nanango, who has been interjecting, do not know of these brutal and unscrupulous tactics. (Opposition dissent.)

The CHAIRMAN: Order!

The SECRETARY FOR RAILWAYS: Hon. members may endeavour to prevent me from getting in these extracts, but I am going to do it, and they will prove very nice reading for "Hansard" students. On page 1728, on the same Bill, I find the following—

"Mr. THEODORE: You have not given your ruling since I raised the point of order.

"The CHAIRMAN: I rule that it is within the discretion of the Chairman to decide whether he should put the question or not.

"The PREMIER (rising): Mr. Stodart—

"Mr. THEODORE: Wait till I have had my say. (Continued uproar.)

"The PREMIER: There was no question before the Committee, and, therefore, there could be no point of order." (Hear, hear!)

I could go on for another hour giving further extracts and further proof.

Mr. SIZER: Where is the Premier who did these things?

The SECRETARY FOR RAILWAYS: These incidents expose the methods of hon. members opposite, who now contend that they are being deprived of the right of free speech. They prove, I submit, that point three of the Opposition case also fails.

Mr. VOWLES: How many speakers had spoken on that occasion?

The SECRETARY FOR RAILWAYS: I am not going to be sidetracked. I have told the leader of the Opposition that [5 p.m.] yesterday five hours were spent on a Bill containing a small and simple principle. After that discussion, a policy of obstruction was pursued.

The CHAIRMAN: Order! The hon. member has exhausted the time allowed him by the Standing Orders.

Mr. WARREN (Murrumba): I quite agree with the hon. member for Bulimba in saying that, had the leader of the Opposition not done what he did he would have failed in his duty. The Premier has merely quibbled on this matter. The real motive of this is to waste one day out of the seventeen days allowed for discussion of the Estimates; it is a deliberate attempt to cut down the discussion on the Estimates. (Disorder.)

Mr. W. COOPER: What are you stonewalling for?

Mr. WARREN: Of all the things that we have seen during this session, none has been so mean, or so dangerous to the people of Queensland, as this. When the Secretary for Railways rose to speak, he said, "Let us review this case as calmly as the Premier did"; and the hon. gentleman went on for all the world like that mechanical figure—

The CHAIRMAN: Order!

The SECRETARY FOR RAILWAYS: I did not get a chance owing to the interruption of members opposite.

Mr. WARREN: The hon. gentleman was never calm and collected; he discussed the matter in the most wild way possible. Instead of bringing argument to bear, he brought up the actions of past Governments. Whether they were right or wrong in those days does not matter; what difference does it make what Noah did, or what Gladstone did? It is a positive fact that the Government are exceeding the excesses of all the Governments that have been in power up to date. It is not because they want to preserve the sovereign right of Queensland. Not a member on this side wishes to fritter away the sovereign rights of the people of Queensland. We all stand for democracy; we all stand for our rights. But we do not think that the leader of the Opposition in any way jeopardised those rights; neither does the Premier of Queensland. The hon. gentleman knows perfectly well that there is nothing in his contention, and that all that he has done in this debate has been to waste the time of the Committee. Most of us have come into this Chamber within the last five years. When I first came into this House the Opposition numbered about twenty members; to-day that number is considerably bigger.

Mr. W. COOPER: It is no more effective.

Mr. WARREN: Most of us are new members; consequently, we have not to answer for what was done by past Governments. We are out to do our best to govern the State in a democratic manner. While Governments in the past may have exceeded what we think is the proper thing, this Government have exceeded what we know to be the proper thing; in one session they have committed all the acts which were committed by all the other Governments over a period of fifty years. We are going to stand up for our rights. I have no time for a person who wants to obstruct the business of this House.

Mr. HARTLEY: Sit down, then.

Mr. Warren!

Mr. WARREN: No, I will stand here. I represent more electors than the hon. member does.

Mr. HARTLEY: You misrepresent them.

Mr. WARREN: I have certain rights; and while I have those rights I am going to stand up for them. One of my rights is that I am not to be "gagged" on all measures that come before this House. One of the things we stand for is fair, open debate on all questions. There has not been that fair, open debate. Had there been an indiscretion on the part of the leader of the Opposition, there would have been nothing in it; it would have been a mere mistake. (Ironic Government laughter.) One portion of the memorial asked His Excellency to give the fullest consideration to the matter; that was the whole point.

Mr. DUNSTAN: What right had he to ask him?

Mr. WARREN: He had every right. I have the right to approach the Governor. If I felt like it, I would. What is more, he is gentleman enough to listen to me as a subject of the King. Every hon. member knows perfectly well that the leader of the Opposition did what he ought to have done.

Mr. GLEDSON: He has no right to approach the Governor on anything that is passed by this House.

Mr. WARREN: While there is a Governor representing the King here, and while there is need for us to approach him and point out things as they are, the Governor is the very person who would receive us; and it is his duty to do so. We have wasted seven precious hours of the time allowed for discussion of the Estimates; and only the hon. member for Windsor has spoken on the question that is actually before the Committee.

Mr. DASH: What about you?

Mr. WARREN: I am going to touch on it, because that is what I am here to do. I am going to support anybody who will stand up for freedom of speech and freedom of action. In supporting the leader of the Opposition in the action which he has taken, I am doing that.

Nobody in Queensland respects the Governor more than I do. But we have no right to increase the travelling allowance of His Excellency while we are taking away from the poor section of the community. I am not going to support that. With those few remarks I shall take my seat.

Mr. CORSER (*Burnett*): It is all very well for hon. members on the Government side to tell us what the past Government did to them when they were in opposition. But we must remember that, when they were in opposition, they were telling the people of the State that they would not deal with an Opposition in the way in which they were being dealt with. Now they are endeavouring, through "Hansard," to prove that they were dealt with in the same way by the application of the "gag" or "guillotine" when they were on the Opposition benches. First of all, let us keep them to the point that, in opposition they were against the introduction of the "gag"; that they always applied for freedom of speech and always claimed that, representing the people in Parliament, they should have the opportunity of expressing their opinion. What was the attitude of the past leaders of the Labour

movement—men to whom Queensland looked up and whose principles we hope will be followed by the Labour party in the future? When the provisions for the application of the "gag" were going through Committee, Mr. W. H. Browne, the then leader of the Labour party, absolutely condemned the system. This is his statement—

"The hon. member says the day may come when I shall occupy his position; but, if it ever does come, I shall never hang on to it by trying to 'gag' my fellow men."

That is a statement made by a true democratic Labour leader, leading a section of men worthy of the name of the Labour party. The principles that prompted those men to found a policy in Queensland have gone, and so have those men, unfortunately. A number have come to this side of the House, and to-day, all that is existing of the Labour party, is the name. We find hon. members opposite at that time obstructing the business and stonewalling the Estimates in order to provide for themselves quite an amount of time to debate very many matters. It has been stated by Government members that when they were in opposition sufficient consideration was not given to them during the Committee stages of a certain Bill. Another Labour member at the time said—

"Can members opposite, by any act of theirs, abrogate the Constitution, and, by depriving me of the rights I hold under it, make a farce of parliamentary government? Also, I say it is an outrage on our system of parliamentary government. I resent it, not only as a direct insult to myself, but to the people who sent me here. It will place us in the position that we cannot open our mouths without the permission of hon. gentlemen."

They are the statements of Labour men. Far better would it be for hon. members opposite to explain why they have thrown over the principles and sentiments of Labour men who went before them. When the Labour Government got into power, they said, "past Governments 'gagged' us and past Governments put on the 'guillotine.'" The Secretary for Railways made a statement, big in volume, but which on analysis was found to contain very little. Very probably he has put something into "Hansard" which will suit his purpose, which is to deliberately deceive—

The CHAIRMAN: Order! The hon. gentleman is not in order in stating that a Minister of the Crown made a statement to be put into "Hansard" for the purpose of deliberately deceiving, and I ask the hon. gentleman to withdraw the statement.

Mr. CORSER: I withdraw it. I did not think I would get as far as that. The Secretary for Railways, with a flourish of his arm, made a statement which he intended to put into "Hansard," and which is something which is not going to convey the true effect of the position at all. He made a statement to show that when they were in opposition they have been harshly dealt with by past administrations. I have no brief for past administrations. I am going to show the difference between the way the "gag" was put on in those days and the position which exists to-day.

The PREMIER: Why do you not discuss the Estimates?

[Mr. Warren.]

Mr. CORSER: I am answering the charges made by one of the Ministers. The Secretary for Railways quoted "Hansard" for 1913, at page 1762, or 1723. On looking at the divisions appearing on those pages, one can see that there was some discussion. There was a debate on the Committee stages of the Bill from page 1647 to 1746. At that time the Elections Bill was going through the House. The hon. gentleman put a wrong construction upon the true position at the time. The Opposition at that time had an opportunity of discussion on the Committee stages. The discussion is continued from page 1864 to page 1875 of the same volume. Although they had that opportunity, the Secretary for Railways, with a wave of the arm, tries to convey the impression that the Government dealt with the then Opposition the same as the present Government are dealing with this Opposition.

Mr. HARTLEY: There are divisions on every page the hon. gentleman quotes.

Mr. CORSER: Since the Government have been dealing with the Opposition, in very many instances not one hon. member is allowed to discuss a particular clause. Past Governments gave the Government members when they were in opposition too much leniency and consideration. Government members told the electors at the last elections that they did not believe in the "gag."

Mr. RIORDAN: What did they tell the hon. member at Market Square?

Mr. CORSER: They told us by their sentiments that they were waiting for an opportunity to put someone else on the Treasury benches.

Mr. W. COOPER: It will not be the hon. member.

Mr. CORSER: We are getting closer to the time.

Mr. RIORDAN: The Opposition were close last Monday.

Mr. CORSER: The Government "gagged" the Opposition no less than fifty-two times during the last session.

Mr. W. COOPER: They were quite justified.

Mr. CORSER: When the Government members were in opposition they said there was no justification for the "gag." These people who said that the "gag" was not justified are now trying to justify it. What obstruction could there be on a debate on the Financial Statement? The Standing Orders provide that each member shall be allowed to speak for a certain amount of time. How can the Government say that the Opposition have been guilty of unjustifiable obstruction when on practically all occasions a Government member has spoken after every Opposition member?

Mr. W. COOPER: No; the hon. gentleman is wrong. Not every occasion.

Mr. CORSER: I said on almost every occasion, not all occasions. After the hon. member for Brisbane had finished his speech on the Financial Statement, the Premier would not allow any Opposition member to follow him. A great amount has been said about the rights of the Opposition, and we have been condemned for our audacity to communicate our views to His Excellency the Governor. It is a right which I claim is the privilege of democratic people. Hon. members opposite do not stand for demo-

cratic government; they want an autocratic government, with a dictator at the head of affairs, and they deny the Opposition all rights. The Opposition have every right to approach His Excellency. The authorities show that the Governor is not necessarily to be led by the majority of members of the House, or those following the Government, but that he should be guided by the wishes of the majority of the people in the State. That is the principle of constitutional government, and is contained in the instructions received by the Governor.

Mr. W. COOPER: Eels are not a patch on you people for wriggling. (Government laughter.)

Mr. CORSER: The hon. member will want to be an eel before long. As an excuse for putting on the "gag," we are told that in the past, when the Standing Orders were amended, the "gag" was still left there to be used. But we remember in 1910 the Standing Orders being amended to provide for limitation of debate. The "gag" was introduced long before that time. It was in the time of Labour leader Browne that the Standing Orders were amended to provide for the "gag," but, at that time there was no limitation of discussion. The Premier said, in the debate on the amendment of the Standing Orders in 1910, that he did not believe in the limitation of debate, and that a member should not only have an hour on the Financial Statement, but he protested against half an hour being given in Committee, and moved an amendment to provide that an hour should be allowed to members in the Committee stage.

The SECRETARY FOR RAILWAYS: Where there was no obstruction.

Mr. CORSER: How can there be obstruction on the Financial Statement, when there is no amendment? The hon. member is only making himself ridiculous. The present Premier, when speaking in 1910, said that every member should have full opportunity to say what he had to say, even if it took him an hour or two hours, and why should he curtail debate on the Financial Statement? The present Government cannot justify their action in doing what they so strongly condemned previously, and in now exceeding the past Tory Governments in dealing so drastically with the Opposition. I hope that in the near future the Government will give an opportunity to the people to say whether they approve of their actions or not.

Hon. W. FORGAN SMITH: You won't be back here after the next election.

Mr. CORSER: If the hon. gentleman gets back it will be more than we expect; he was very nearly blown out last time. It is a wonder that he ever had a majority.

Hon. W. FORGAN SMITH: I increased my majority by 45 per cent. at the last election.

The CHAIRMAN: Order! I would ask the hon. member for Burnett to deal with the vote under discussion.

Mr. CORSER: When hon. members opposite were "gagged" by a past Government at one time, after having sufficient time for discussion, there was a further time in which discussion could take place; but now there is not another chance, and Bills are pushed through without sufficient discussion. This Government claim to be a democratic

[Mr. Corser.]

Government, but we know that they are not, and will cling to office by any means they can.

Mr. PEASE (*Herbert*): The hon. member who has just sat down claimed that Opposition members have only occupied the same time in debate this session, man for man, as Government members. As usual with Opposition members, they have not taken the trouble to verify the statement. I have analysed "Hansard" for this session—pamphlet issues, 1 to 13—and this is what I find. Excluding questions, the Opposition have occupied 884 pages of "Hansard" in debate, while members on the Government side—including Ministers introducing Bills, and the Premier in making important statements—have only occupied 222 pages. That is not stifling discussion by the Opposition. We will deal with the members who have spoken. The leader of the Opposition has occupied seventy-one pages of "Hansard," while the Premier—including the measures introduced by him as Treasurer—has only occupied thirty-four pages. The hon. member for Murilla has occupied thirty-four pages, the hon. member for Oxley twenty-eight pages, and the hon. member for Aubigny twenty-six pages. Then we come to the Nationalist members. The leader of the Nationalist party, the hon. member for Windsor, has occupied twenty-eight pages, and the hon. member for Bulimba, who is always the champion of free speech, has occupied no less than forty-three pages. (Government laughter.) The leader of the Country party and the leader of the Opposition have occupied 100 pages, as against the Premier's thirty-four pages, or three to one.

An OPPOSITION MEMBER: Have you measured it with a tape? (Laughter.)

Mr. PEASE: If the Opposition claim that they are entitled to two pages of "Hansard" as against one by Government members, and that that is stifling discussion, it is just as well that the people should understand what is taking place.

Mr. J. H. C. ROBERTS (*Pittsworth*): I do not intend to enter into an argument with the Premier with regard to the remarks he made in connection with the action of the leader of the Opposition in sending a letter to His Excellency the Governor. While I am ready to admit that the Premier had good reasons for stating his case, at the same time it seemed to me that he was permeated with the idea that the leader of the Opposition had done something which was radically wrong and against the dignity of the Chamber. I think the leader of the Opposition acted quite in accordance with the wishes of the majority of members of this Chamber. (Government dissent.) He has a perfect right, in my opinion, and also in that of a good many people outside, to take all necessary steps to bring before the people who take an interest in the affairs of the State the methods employed by our friends opposite. I listened with very great interest to

the speech made by the Secretary [8.30 p.m.] for Railways. He said he dealt with three points in the objections raised by the Opposition, which were: (1) That the Government represented a minority of the electors; (2) that proxy votes were used; and (3) that free speech was stifled. Will the Secretary for Railways tell me that free speech has not been stifled in this Chamber? Will he for one moment

[*Mr. Corser.*

argue on the lines that free speech has not been denied to members sitting on this side of the House? Last night, as you know, we had the spectacle of a Bill being put through this House, "gagged" through, not beautifully, but in a blackguardly fashion.

The CHAIRMAN: Order! The hon. member is reflecting on the Committee, and I ask him to withdraw that expression.

Mr. J. H. C. ROBERTS: I will withdraw it, and will say it was put through in anything but a gentlemanly way. (Opposition laughter.) We had the spectacle last night of the leader of the Opposition getting up in Committee to speak on one of the clauses of the Bill, but he was no sooner on his feet than the Premier moved—"That the question be now put." The Chairman of Committee was asked whether it was his opinion, as Chairman, that the question had been fully debated? Will you tell me, Mr. Kirwan, or will any member of this Committee, or the Secretary for Railways, tell me, that when the leader of the Opposition stands up to speak, and the Premier immediately "gags" him, and the Chairman of Committees says that the Bill has been fully debated, that that was the correct procedure to adopt?

Mr. POLLOCK (*Gregory*): I rise to a point of order.

Mr. J. H. C. ROBERTS continued speaking.

The CHAIRMAN: Order! I would remind the hon. member for Pittsworth that when an hon. member of this Committee rises to a point of order, the hon. member speaking must resume his seat.

Mr. POLLOCK: I would like to know if the hon. member for Pittsworth is in order in referring to any action of the Speaker, or of the Chairman of Committees, on the motion for the closure? If the hon. member has any doubt as to whether he can refer in that way or not to the action of yourself, Mr. Chairman, or of the Speaker, I refer him to page 254 of "May."

OPPOSITION MEMBERS interjecting.

The CHAIRMAN: Order! I point out to hon. members of the Opposition that it is a generally accepted practice in this Chamber that when the Speaker's ruling is disagreed with in the House, or when the Chairman's ruling is disagreed with in the Committee, certain action must be taken by hon. members under the Standing Orders. I cannot allow the hon. member to discuss now any decisions which were given last night.

Mr. J. H. C. ROBERTS: I respectfully point out to you that last night, in a period of about an hour and a-half, we had twenty divisions taken, and nine of them were on the "gag."

The PREMIER: You looked extremely foolish.

Mr. J. H. C. ROBERTS: We did not look nearly as foolish then as the Premier does at the present time. Do you tell me that when twenty divisions are taken in an hour and a-half or one and three-quarter hours, and when nine of them are "gagged," that that represents free speech in this Chamber?

Hon. W. FORGAN SAHTE: You do not want free speech; you want licence.

Mr. J. H. C. ROBERTS: The second point raised was in regard to the proxy votes. We

have the Premier putting in four proxy votes before anyone else has a right to vote. Last night the Government were beaten on more than one occasion by a legitimate vote of 34 to 22 in this Chamber.

OPPOSITION MEMBERS: Hear, hear!

Mr. J. H. C. ROBERTS: When we consider that the Government represent a smaller number of electors than are represented by the Opposition, is it not a ridiculous thing that we should have the spectacle of a Bill being carried by the aid of four proxy votes which the Premier carries in his pocket? I suppose he has got them in his pocket to-night.

Mr. VOWLES: He has got them up his sleeve.

Mr. J. H. C. ROBERTS: I was pleased that the Premier should see fit to get the Secretary for Railways to point out that there were some members on the Opposition side of the House who were not members of this House at the time he was referring to when the "gag" was so brutally used. I am one of those members. I have a very vivid recollection, however, of what took place last session. Towards the end of the session—to be correct, on the Tuesday night, about two days before we adjourned—the Treasurer, Mr. Fihelly, rose in his place at half-past 10 or quarter to 11 and moved the first reading of the Income Tax Act Amendment Bill. He said, in reply to the leader of the Opposition, that it was his intention to put the Bill through all stages that evening. Why, the thing became a farce under those conditions. Just imagine an important Bill of such a nature as an amendment of the Income Tax Act being placed before this Committee at 10.30 p.m., when we were told the Treasurer was going to put it through all stages the same night! The Premier took his place on the front bench and suggested to the then Treasurer that he might give four or five hours to consider the Bill. Consequently, we had the second reading postponed until the next day. When the second reading of the Bill was moved there were only about three speakers allowed to speak and it was then "gagged," and it was "gagged" through the Committee stage. Fancy an important Bill like an amendment of the income tax being "gagged" through in that way! In my humble opinion, and in the opinion of a good many members on this side of the House, that Bill should have received consideration for a week rather than a few hours. I ask the Secretary for Railways and hon. members opposite if they think we are getting free speech on this side of the House under those conditions? A Loan Bill was introduced last year giving the Government power to borrow £9,000,000, and it was "gagged" through in a few minutes. What chance have we got of having free speech under those conditions? It is because we realise that we are not allowed free speech in this Chamber that we are told that we are setting up another Parliament in Market Square.

OPPOSITION MEMBERS: Hear, hear!

Mr. J. H. C. ROBERTS: We were hoping to see the hon. member for Brisbane taking the chair there, and I am sure he would be doing more good for the people there than he is here. I would like to ask the Premier whether he read an article which appeared in the "Courier" of the 24th of this month. It rather leads me to believe that we are

getting close to the methods that they are employing in Bulgaria. (Opposition laughter.)

The CHAIRMAN: Order!

Mr. J. H. C. ROBERTS: Other members have been allowed to refer to China and Japan and Timbuctoo, and I do not know why I should not be allowed to refer to Bulgaria. (Laughter.) The Government got themselves into such a position in Bulgaria that, owing to misdemeanours and the misuse of money, they are going to put the Ministry on their trial over there, and are actually beheading a lot of them. (Opposition laughter.) I recommend to the Premier to give serious consideration to the question of whether we should not adopt the same practice so far as the Government of this State is concerned. In Bulgaria they have only got a single Chamber, just as we have got here; and I take it that if we adopt the same conditions that they adopt in Bulgaria altogether, we should operate on the Premier first for the proxies that he holds. (Laughter.) We will give it to him piece by piece when his time comes. I bring that under the notice of the Premier.

Mr. RIORDAN: There is no doubt you would like to tear us to pieces.

Mr. J. H. C. ROBERTS: I do not know why the hon. member says that, because I am only putting forward some constructive ideas. (Opposition laughter.) I say, "Why not?" I listened to the Secretary for Railways with very keen interest on the proposition that when a man comes from that side of the House to this side of the House he should resign his seat. I do not agree with that idea in any shape or form. I believe that the man who came from that side to this side was the one man on that side who showed that he realised that his duty was to Queensland and to Australia, and not to the Government on the Treasury benches—the one man who showed that he appreciated the fact that his duty was to Queensland first and to Australia next, and probably to the Labour Government afterwards. If the proposition of the Secretary for Railways is correct, then I say that every member on the other side should go to the country as early as possible, first of all because I believe that members over there represent a very large minority of the people of the State. In the second place, in the Premier's policy speech, delivered in the Exhibition Hall on the 10th September, 1920, he said, on the wages problem—

"There can be no permanent solution of the difficulty until a way is found to prevent the basic wage, as determined by the court, being immediately nullified by material increases in the cost of the necessities of life."

The Premier to-day makes a boast that he proposes to increase considerably the cost of all the foodstuffs of the State under schemes which he has evolved.

The PREMIER: No.

Mr. J. H. C. ROBERTS: Yet in 1920, he proposed to nullify the possibility of increased cost of foodstuffs! What humbug it is, to be sure! (Opposition laughter.) Then he goes on to say—

"The Government considers that a practical solution can be found for this difficulty and will give immediate attention to it. The Government is of opinion

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that a basic wage should be determined for Queensland, and that instead of such wage being based on the consideration of what is required to maintain a man and his wife and three children as provided at present in the Arbitration Act of this State, the wage should be determined on what is required to maintain a man and his wife and that, in order to establish a thoroughly equitable system and to encourage the rearing of families, the wife of each worker who has a family should receive from a central fund a subsidy with respect to each child dependent upon her. It is hoped that a Bill embodying this scheme will be submitted to Parliament at an early date."

Everyone knows that the Premier is pledged to the policy outlined in his Exhibition speech, and that being so, I say that the Ministry have not carried out the pledges which they gave in 1920 to the electors of Queensland per medium of that speech, and, therefore—having failed to put that policy into operation, and, what is more, having made no attempt to do so—any man who comes from that side to this side of the House is not under an obligation to carry out the high ideals enunciated by the Secretary for Railways, that is, to resign. We know very well that already in the Commonwealth service there is provision that each man shall receive an allowance for each child.

The CHAIRMAN: I have allowed a very wide range of debate on this matter for various reasons, but I hope the hon. member is not going to get further from the subject. I would ask him kindly to connect his remarks with the vote before the Committee.

Mr. J. H. C. ROBERTS: Very well; but I never heard you ask the Secretary for Railways to connect his remarks with the vote.

The CHAIRMAN: Order! Order!

Hon. W. FORBES SMITH: A reflection on the Chair.

The CHAIRMAN: I ask the hon. member to withdraw that reflection on the Chair.

Mr. J. H. C. ROBERTS: Of course I will withdraw it if you demand it, but I want to say, all the same, that I believe it is correct.

The CHAIRMAN: Order! I now call on the hon. member to withdraw and apologise for his reflection on the Chair.

Mr. J. H. C. ROBERTS: Yes, it is a pleasure for me to withdraw and apologise. (Opposition laughter.) I would just like to point out that on listening to members on the other side on the question of free speech, one cannot help acknowledging that they are certainly not playing the game. Last session the Premier applied the "gag" to us forty-one times in eleven weeks, and this session, in the short period of seven weeks, we have had the "gag" applied thirty times. I suppose one would not find a record of that kind if he searched the whole of the annals of every Parliament in Australia. Fancy being "gagged" thirty times in seven weeks, and then having the Premier finding fault or trying to tell us that the leader of the Opposition had done something almost against the Constitution! (Opposition laughter.) Surely the people of Queensland, if they realise that we have been "gagged" thirty

times in seven weeks, will see that we are not getting a fair deal from the Government so far as the expression of our opinions is concerned. Surely the fact that members on this side represent 20,000 electors more than members on that side should give us an absolute right to freedom of speech, provided, of course, that we keep within the Standing Orders, as understood by you! We have never tried to waste the time of the House. We have always tried to give matters intelligent consideration, but I defy any body of men to give consideration to the laws of this country under the conditions under which we worked last session. There we were sitting from half-past 10 in the morning till half-past 10 or 11 at night, and the Loan Bill was "gagged" through at 1.17 a.m.—a nice sort of time to "gag" through a Bill of that importance. What an absolute farce it is! Why could the House not meet for six months in the year? It should be compulsory for it to meet some time in April and continue till some time in October to let us give reasonable consideration to the Bills that come before us.

The PREMIER: You are not able to do that.

Mr. J. H. C. ROBERTS: The Premier is so afraid that we can and will do that, much to his detriment, that he is not game to give us the chance. (Opposition cheers.) He repeatedly keeps important measures back till the last minute. I suppose, since he has threatened to carry through the whole of the sessional programme outlined by the Governor's Speech, that the Tramways Bill will come on in the last hour of the session, and will be "gagged" through, and that then he will say that we have given intelligent consideration to the matter. The thing, I am sorry to say, is becoming an absolute farce, and the sooner we get done with it the better. As the leader of the Opposition points out, the only Bill which the hon. gentleman gave us a chance of discussing at any length was the Primary Producers' Organisation Bill. The Secretary for Agriculture—a strong, healthy man at that particular time—saw fit to accept nineteen or twenty amendments one after the other. I have seen some literature in the country which points out that the Bill was considerably improved owing to the fact that the Minister in his wisdom had accepted amendments from the Opposition. (Laughter.) That being the experience of the Secretary for Agriculture, as a result of which he is proud of the measure and is prepared to father it either into poverty or prosperity, why should not the Government give us the chance to discuss other Bills more advantageously and in the interests of the people, rather than "gag" them through as they are doing at the present time? We, as members, should be proud, and you, Mr. Kirwan, as Chairman of Committees should be proud of the fact that, within seven weeks we have had the "gag" applied to us thirty times. I suppose that last session was almost a record—forty-one applications of the "gag" in eleven weeks. This time we are going to break all records. I for one stand right behind the leader of the Opposition in his action in addressing a letter to His Excellency the Governor. I sincerely hope that that letter will have the result of getting His Excellency to look a little more closely into matters and to ascertain whether the leader of the Opposition is wrong in his contention that we are not getting a

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fair deal so far as the debates are concerned in this Chamber.

OPPOSITION MEMBERS: Hear, hear!

Mr. HARTLEY (*Fitzroy*): I want to say a word or two in support of this vote before it goes through. I think that, in the present Governor, Queensland is fortunate in having a man with such ability as to take a very keen interest in every branch of the development and welfare of the State. He is able to look after the welfare of the State, not only in regard to its industries, but also in regard to its administration. I think that he showed he was one of the foremost statesmen of the English thinking people in the attitude which he took up recently, after having been approached by the leader of the Opposition under the prerogative of a private citizen. That is the only way in which the hon. gentleman could have approached the Governor and the King's representative. I think it is a reflection upon the intelligence of the community and of the Governor for the hon. gentleman to think that he could use that private capacity to approach His Excellency on a question connected with the vital administration of this State. His Excellency certainly estimated the hon. gentleman's action at its true value when he refused to take any notice of the letter.

Mr. VOWLES: He did take notice; I have an acknowledgment from him here.

Mr. HARTLEY: There seems to be a great deal of trouble in the application of the "gag" in the conduct of the business of this Chamber. It is just as well to admit that it is not a motion that anybody cares very much about; but it certainly is a necessary motion to enable the Government to get through a good deal of business. If people set a bad example, they cannot blame other people when they get a little of their own medicine back. As far as I have seen, nine times out of ten when the "gag" has been applied the Opposition have deserved it.

Mr. KERR: What about the Salaries Bill yesterday?

Mr. HARTLEY: I think the hon. member ought to have got it about ten minutes before he did. One motion I do not like voting for is closure of any debate in this Assembly; but when I saw the hon. member for Bulimba get up and deliberately try to waste the time of the Chamber in altering a figure from "two" to "three" in relation to the time when the Bill should come into operation, I knew he was out purely to provoke—

Hon. W. H. BARNES: You are absolutely wrong.

Mr. HARTLEY: Can the hon. member show what possible good effect there would have been in altering the date of the application of that measure from 1922 to 1923? It was purely provoking, enticing, and exciting the Premier to apply the closure. It was the same with the hon. member for Enoggera. That hon. member got up with a supposititious amendment; and, when he had the opportunity of moving it after the hon. member for Bulimba had withdrawn, he did not know on what line he was going to move it, and he was promptly "gagged." If anybody offended in relation to this, it was the previous Administration. The hon. member for Burnett, commenting on the remarks of the Secretary for Railways, cheerfully quoted the number of pages in "Hansard" to show the

amount of space that had been allowed by the Denham Government to be taken up on an Elections Bill. As I interjected at the time, the pages were filled with divisions, mostly the "closure" and the different clauses. That shows how ruthless the Denham Government were, supported by the hon. member for Bulimba and several others on that side. I am going to give a few of those pages which the hon. member for Burnett held up showing how forbearing they were and how they allowed free discussion. On page 1717 there is one division; on page 1718 there is one division; on page 1719 there are two divisions; on page 1721 there are two divisions; on page 1723 there are four divisions; on page 1725 there are three divisions; on page 1727 there are two divisions; on page 1731 there are two divisions; and on page 1736 there are two divisions. There were two and three divisions on nearly every page when that Bill was in Committee.

Mr. FORDE: The "gag" each time.

Mr. HARTLEY: Yes, but that was not enough; they were not satisfied with the "gag." This was an Elections Bill to place in the hands of people the power of choosing their own representative, to enlarge the franchise, so that the best system of representative government could be evolved. Of course, we know that, "under the curb" the Government were using the elections law to get their own representatives in; that is our private view of it. The Government of that day, supported by the hon. member for Bulimba and several others, could not get that measure on the statute-book quickly enough. The "gag" was not ruthless enough or brutal enough. I think the hon. member for Albert was a member of that Administration.

Hon. J. G. APPEL: Of course, he was; he gave you four weeks on that Bill.

Mr. HARTLEY: In Rockhampton I did a lot to undo what the hon. member had done by putting names on the roll. It was very pleasant to do it. They were not content with using the "gag"—that ruthless instrument for the suppression of free speech—they had another instrument, Standing Order 251, under which they automatically put through every clause without discussion. On every clause the axe automatically came down chop, chop, chop.

Hon. J. G. APPEL: Because you occupied the whole time on the early clauses.

Mr. HARTLEY: Those apostles of freedom of speech and liberty invented this, and, instead of having the question put to the House each time as to whether the debate should be "closed," every clause as it came up was "gagged" through automatically without discussion. The only right the Opposition had then was to call "Divide."

[9 p.m.]

Mr. VOWLES: How many hours' discussion did they get beforehand?

Mr. HARTLEY: They did not get an opportunity of discussion at all.

Hon. J. G. APPEL: Now, now!

Mr. HARTLEY: In Committee, the then Opposition never had an opportunity of moving amendments on some clauses. The closure was applied automatically. It is no good talking about how much time there was

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for discussion. When the Government got to clause 25 of the Bill they put on the "guillotine."

Hon. J. G. APPEL: The Opposition then had three weeks to discuss it.

GOVERNMENT MEMBERS: No, no!

Mr. HARTLEY: It is no good saying that the Opposition had three weeks or three years. Hon. members opposite claim that they do not get an opportunity of discussing the clauses. They claimed that they had not an opportunity of discussing a Bill which contained only one principle. They had five hours' discussion on the second reading.

Mr. VOWLES: When hon. members opposite were in opposition they would stonewall one clause and never go beyond it.

Mr. HARTLEY: I heard the hon. member for Pittsworth complaining that the Opposition had been "gagged" forty-one times in one session. When we were in opposition we were "gagged" about forty times in one day, and on one Bill. I have not counted the number of times, but it must be about that. The then Government were not content with applying the closure in the ordinary way, but when they got to clause 25 of a Bill of seventy-nine clauses, they put on the "guillotine," and every clause went through without discussion. The hon. member for Burnett quoted certain pages to show what discussion had taken place to illustrate how forbearing the Government of the day were. I find that on page 1854 there were two divisions, on page 1856 three divisions, on page 1857 five divisions, on page 1858 four divisions, on page 1859 four divisions, on page 1860 four divisions, and then the Bill was passed. The Government of the day found that the ordinary closure was not sufficiently effective in preventing the Opposition voicing their sentiments in the interests of the people in order to devise an Elections Bill acceptable and of benefit to the people, and they brought in the more drastic closure of the "guillotine," enabling the remaining clauses to go through automatically.

Hon. J. G. APPEL: It was done in the same way as the Estimates are put through at the end of seventeen days. That is exactly the position.

Mr. HARTLEY: It is no good the hon. gentleman taking up an attitude like that. He surely does not say that if a Government can pass the remainder of the Estimates after seventeen days without discussion, that they can possess a monopoly of the "gag."

Hon. J. G. APPEL: If the Government would only give us the time that we are allowed, we would be satisfied.

Mr. HARTLEY: The present Opposition are receiving more time than was allowed us when we were in opposition. Anyone can see that by reading through "Hansard." That was the treatment that we received, not on one Bill, but on many Bills. The Industrial Peace Bill was another Bill on which the Government brutally silenced the representatives of the people who were then in opposition, and finding that the ordinary closure was insufficient the "guillotine" was instituted.

Mr. POLLOCK (*Gregory*): Mr. Kirwan—

Mr. VOWLES: What, again?

Mr. POLLOCK: Just exercising some of the rights of free speech. The hon. member

[*Mr. Hartley.*]

for Pittsworth made many allusions to what he termed the Government's unfair method of "gagging" business in this Chamber. He stated that the Opposition had been "gagged" thirty times in seven weeks. I find that in 1910, on the Mines Regulation Bill the Labour party, which was then in opposition, was "gagged" forty-one times in about an hour.

Mr. VOWLES: What?

Mr. POLLOCK: I was "gagged" forty-one times in about an hour.

Mr. VOWLES: It could not be done. It takes four minutes to have a division, and four forties are 160.

Mr. POLLOCK: I have the figures here.

Mr. VOWLES: The figures are wrong.

Mr. POLLOCK: Perhaps the hour is wrong. At any rate, the Opposition were "gagged" forty-one times within the space of three hours. (Opposition laughter.)

Mr. EDWARDS: The hon. member should look again, and see whether it was not six hours.

Mr. POLLOCK: The present hon. member for Albert, who was at that time Home Secretary and Minister for Mines, in introducing a Bill, said that it was a short Bill of seventy-one clauses, and had schedules containing several divisions.

Hon. J. G. APPEL: That is so.

Mr. POLLOCK: On this Bill an order was made by the then Tory Government that the Bill should be passed through the Committee by the following day.

Mr. VOWLES: By means of the "guillotine."

Mr. POLLOCK: It does not matter whether you call it the "gag" or the "guillotine," the fact remains that everyone of those clauses went through the House without any hon. member being allowed to speak upon them.

Mr. VOWLES: They could have spoken if they had wanted to.

Mr. POLLOCK: Free speech was stifled.

Hon. J. G. APPEL: Give the time that was allowed on the discussion.

Mr. POLLOCK: Two days.

Mr. VOWLES: We are not allowed two seconds.

Mr. POLLOCK: After the thirtieth clause had been discussed, the hon. member for Albert said, "This is a most important Bill, and one that requires serious consideration."

Hon. J. G. APPEL: But did not get it.

Mr. POLLOCK: Forty-one of those clauses were ruthlessly "gagged" through this House. What does it matter whether the closure is termed the "gag" or "guillotine"? It does not matter to a man who is going to be hanged whether the process of execution is called the rope, the knife, the axe, or the bullet. The man is going to die. (Loud laughter.)

Those forty-one clauses—from clause 31 to clause 72—were put through in one evening. On those divisions, the members who voted for the "guillotine" and to "gag" members of the Labour party forty-one times in one evening, were Messrs. Appel, G. P. Barnes, W. H. Barnes, Kidston, Macartney, McIntosh, Morgan, Petrie, T.

R. Roberts, Swayne, Walker, and Wienholt. Why is there this belated cry about the Labour party stifling free speech? Practically the same thing occurred in the debate on the Electoral Districts Bill of 1913, when many clauses were "gagged" through.

Mr. CORSER: There was any amount of discussion first of all, though.

Mr. POLLOCK: The hon. member made an awful noise a few minutes ago about the Government's prevention of free speech. In November, 1913, when the Elections Bill was being put through the Chamber, quite a large number of the clauses were "gagged" through by the then Government after less than two days' discussion.

Mr. CORSER: After days and days of discussion.

Mr. POLLOCK: The hon. member for Burnett, who has made such a noise, was one of those who voted to apply the "gag" over twenty times to the Labour party in one evening. The division list shows that, amongst those who voted for the motion to "gag" the Labour party, were Messrs. Appel, G. P. Barnes, W. H. Barnes, Bebbington, Bell, B. H. Corser, E. B. C. Corser, Grant, Cribb, Hodge, Luke, Morgan, Petrie, T. R. Roberts, Swayne, Vowles, Welsby, and White. They all voted to apply this ruthless guillotine method time after time to the Labour party. Hon. members opposite have said that they have had no opportunity of discussing the clauses of a Bill. When it has been shown that they wanted to intelligently discuss a clause, and not to obstruct, they were always permitted to discuss it; but never since I have been a member of the House has there been any attempt by this Government to utilise the "guillotine" on any Bill before the Chamber.

Hon. J. G. APPEL: Last session a lot of Bills were put through in one day at the end of the session—first reading, second reading, third reading, and Committee stages.

Mr. POLLOCK: Since I have been here there has never been any case in which an attempt was made to pass a Bill through all its stages at a certain time by the "guillotine."

Mr. VOWLES: No; but it has been worse than that.

Mr. POLLOCK: The Estimates only last seventeen days, and at the end of that time it has been the custom for years for the Estimates to go through automatically without discussion. The hon. member knows that; I do not want him to camouflage the discussion.

Mr. CORSER: We are not camouflaging it. You put it through without the "guillotine."

Mr. POLLOCK: The "gag" let alone the "guillotine," has never been applied when hon. members opposite have shown that they desired to intelligently discuss a question. I have seen the hon. member for Nundah getting up in the House without any idea of what he was going to talk about.

Mr. VOWLES: He had circulated amendments.

Mr. POLLOCK: Amendments were handed to him after he commenced to speak. He did not know what to do; he got up to "hold the fort," and hon. members opposite were sneaking round while

he was on his feet to give him amendments. Hon. members opposite say they have been "gagged" on the Financial Statement this session. On this side the members who have spoken are the Premier, and Messrs. Forgan Smith, Ferricks, A. J. Jones, Collins, Bulcock, Payne, Ryan, Foley, Pollock, Stopford, and Kirwan, and on the Opposition side Messrs. Kerr, G. P. Barnes, Maxwell, W. H. Barnes, Vowles, Fletcher, Green, Deacon, Clayton, Bebbington, Edwards, Morgan, J. H. C. Roberts, Appel, Swayne, J. Jones, and Carrernull. There have been seventeen speakers on the Opposition side as against twelve of ours, yet hon. members opposite complain that they do not get sufficient opportunity to discredit the Government, because, after all, that is what they are trying to do. They have no constructive criticism to offer of this Government. Hon. members are coming along at rather a late hour to complain of the "gag," considering what they did when they were in power.

Mr. TAYLOR (Windsor): We have been told how many times the "gag" has been applied on various occasions in connection with different Bills and various discussions, but what we want to know from hon. members opposite is this: When the "gag" was applied at the times mentioned, did they think that the right thing was being done by the then Government? Not one of them is game to say that the Government on those occasions did the right thing. If that was their opinion then, what is it now? Why should they change their opinion now and say that the "gag" at the present time is right when they say it was wrong a year or two ago when other Governments brought it in? Then, with regard to the discussion on the Financial Statement and matters generally, Government members naturally do not usually speak as much as Opposition members, because it is not necessary for them to do so. They discuss Bills in caucus and know all about them before they come into the Chamber. The Opposition are here to point out the weaknesses of measures and try by amendments to improve them, but it is not necessary for Government members to move amendments in Bills which the Government introduce, as the Bills are thrashed out in their caucus meetings. Hon. members opposite know perfectly well that they do not hold any brief for the "gag." They know that quite well. But, in order to suit the purpose of the Government at the present time, they brought in the "gag." They have not given us a fair chance, either during last session or the present session, to consider the legislation they have introduced.

The ATTORNEY-GENERAL: Do you say that we brought in the "gag"?

Mr. TAYLOR: No, you did not bring it in, but you made jolly good use of it. (Laughter.) You did not forget that it was in existence, and you have not forgotten to use it when you thought it was in the interests of your party to do so. I consider that the use of the "gag" by any party is a thing to be deprecated, but there are cases, when wilful obstruction occurs in regard to a measure, that it becomes necessary for the Government to move—"That the question be now put." But, with regard to the Bill we discussed last night, we were not allowed to discuss the last two clauses at all.

The ATTORNEY-GENERAL: You stonewalled clause 1.

Mr. Taylor.]

Mr. TAYLOR: It was not the "guillotine," but what was the difference? We were not allowed to discuss them when the Premier moved the closure, and the clauses were carried.

Mr. W. COOPER: You walked out of the Chamber.

Mr. TAYLOR: We felt that it was no use protesting in the ordinary way, and it was necessary to draw the attention of the people to the way in which legislation was being carried out. We found it necessary to make some kind of demonstration so that the people would know how legislation was being passed in this Chamber. Is there a member in this Chamber who will not say that the whole of the proceedings in Parliament yesterday were a disgrace? If members only realised their responsibility such scenes would not occur. Parliament should be a place to set an example to the whole community; but yesterday we showed how parliamentary business should not be conducted.

Mr. VOWLES (*Daly*): We started an academic debate this afternoon on the constitutional question, and we have drifted down to the history of the "gag," and all sorts of recollections are being indulged in. While speakers on the Government side were quoting various matters, they really overlooked what members do not generally understand—that is the difference between the application of the "gag" and the "guillotine." They forgot to explain that on one occasion when the "guillotine" was used the Home Secretary of that time allowed three solid days to debate the matter, when they were to get to a certain point. However, the Opposition of that time were stubborn and mulish—I beg your pardon, Mr. Kirwan, I forgot you were one of them.

Mr. F. A. COOPER: No, he was not one of them.

Mr. VOWLES: Then I apologise. The others were very mulish. Instead of allocating the time and getting as far as they could, they hung around one clause and debated it all the time. We used to go outside, and when we came in again we found them still debating it. They cut off their noses to spite their faces. In some cases they had as much as nine days before the "guillotine" was used. The hon. member for Gregory referred to a Bill of seventy-two clauses being put through. I have a vivid recollection of the Industrial Arbitration Act being passed here in 1915. It was a Bill of ninety-four clauses and two schedules of twenty clauses. After sitting here all night I spoke twenty-seven times.

The ATTORNEY-GENERAL: That was proof that you were stonewalling.

Mr. VOWLES: I was asked to speak on the second reading at 5 o'clock in the morning, and I spoke for one and a-half hours.

The ATTORNEY-GENERAL: After being up all night?

Mr. VOWLES: Yes. We had to work it in relays, and we relieved each other in batches. Under the "guillotine" you have a certain amount of time to debate the question. It is like the Government handing over a bone, and you wrangle over it for as long, for as little, as you like. But we find ourselves in a different position to-day. We are not here to put on record the application of the "gag." What I want to emphasise is the breaches of promises made to us.

[*Mr. Taylor.*

Earlier in the session, when the Opposition were compelled to submit to an alteration of the Standing Orders, with the result that the discussion on the Address in Reply was curtailed, I pointed out the injustice that was being done to us because many members would be deprived of the right to ventilate their opinions. The Premier made a compact, and said that we would be all right, as everyone would have a chance to speak on the Financial Statement. The hon. member for Gregory quoted the names of those who spoke on the Financial Statement; but the Premier broke his promise and applied the "gag," although he made a promise in this Assembly that members would be allowed to discuss the Financial Statement. Last night, because hon. members were denied the right to ventilate their opinions here, they had to have recourse to the public streets. They went down to the Market Square and made their speeches there, which they were not permitted to make here.

Mr. EDWARDS (*Nanango*): With regard to the letter which the leader of the Opposition sent to His Excellency, I am of opinion that he was perfectly within his rights. The attitude of hon. members opposite calls to my mind a remark I once heard passed by Andrew Fisher many years ago, long before I ever thought I would become a member of Parliament. Andrew Fisher said that when a new man enters Parliament every opportunity is given to him. He emphasised that very strongly. He said that for the first two or three sessions of Parliament every opportunity was given to a new man.

The ATTORNEY-GENERAL: That is, if he shows any promise.

Mr. EDWARDS: Andrew Fisher said that after that time they showed the new member no mercy. He said that it depended on the member himself whether there was anything in him or not. I remember those remarks just as if they were made yesterday.

Mr. COLLINS: They were very sensible remarks.

Mr. EDWARDS: Exactly. I think they were very sensible remarks. Having heard the Hon. Mr. Fisher make that statement, I fully expected when I came into this House that I would meet with that kind [9.30 p.m.] of consideration; but, from the first day we entered this Parliament as new members, we were jeered at and sneered at by every member on the other side, from the Premier down.

Mr. W. COOPER: You were not.

Mr. EDWARDS: It is the same to-day. If we pass a remark, the Premier himself will refer in a sneering manner to a new member that he does not understand what he is saying. I say without any hesitation that this is a cowardly attitude on the part of men who have had years of experience, and I would think myself contemptible if I adopted it towards a man who did not know the ropes. Perhaps, after all, it has been a good thing, because new members who came into this House in large numbers in 1920 have learned the ropes pretty well, and are beginning to understand. I thought when I entered this House that I would be able, as I had done in country meetings, to advance common-sense arguments that would be listened to, but members opposite listen to nothing in a common-sense state of mind—it is party, party all the time—and the Premier has

brought forward this question to-day to try to cover his tracks and make party capital, a thing which I consider is not very creditable to him or the members behind him. Hon. members opposite argue that the "gag" was used as far back as 1910. Surely that is not a reason why it should be applied to-day? If we are going to advance, as the hon. member for Bowen is everlastingly telling us we must, surely free speech should be given to members of this Assembly? I say without any hesitation that most of the hon. members on the other side speak against their consciences entirely when they back up the Premier when he moves the "gag." Clauses in the Bill before us last night were not debated at all. No member on this side of the Committee was allowed to get on his feet even to move an amendment, because immediately the Premier moved—That the question be now put. Surely hon. members opposite have no idea of what is a fair and square deal or what is British fairplay! The hon. member for Fitzroy, who I am sorry is not in his place, the other night invited the Premier to accept an amendment from this side of the House, but the Premier looked at him and said it would not do, and the hon. member voted with the Premier absolutely against his own conscience. This state of affairs has become a disgrace to the State, and I appeal to hon. members on the other side to drop these severe party tactics and look at these things from a common-sense point of view. The most ridiculous thing that has ever been carried out in any public institution—I think one might say in the world—is the spectacle of the Premier with four proxy votes in his pocket on every occasion.

Mr. W. COOPER: That is what hurts you.

Mr. EDWARDS: It does hurt me. I am not one of those who want to get on to the Treachery benches. I do not care two straws about that, but when you can let men stay away from a Chamber and bring in their votes and use them when they have heard no arguments, I think it is ridiculous, it is scandalous. It is not a fair deal; there is nothing British about it. Let us face the position like men, let us stand up for what we consider is right. The hon. member for Rosewood represents a farming constituency. He is pledged to the socialisation of everything that the farmer produces.

Mr. W. COOPER: You are wrong.

The CHAIRMAN: I hope the hon. member will address himself to the vote before the Committee, and not deal with the Government party programme.

Mr. EDWARDS: Getting back to the question, I am one of those who believe that the increase in this vote should be given. I have taken a keen interest in His Excellency's doings ever since he has come to the State, and I quite agree with the remarks of the Premier. I am sure that many of his utterances attract a lot of notice on the other side of the world and do Queensland much good. When I mentioned that fact in this House first, the hon. member for Bowen laughed and jeered. He does not laugh or jeer to-day. Hon. members opposite realise that His Excellency is doing a lot for this State. He is doing his utmost to keep it British.

Mr. COLLINS: Do you mean to say that we are not British?

Question put and passed.

EXECUTIVE COUNCIL.

The PREMIER: I beg to move—That £110 be granted for "Executive Council." The vote requires no explanation.

Question put and passed.

LEGISLATIVE ASSEMBLY.

The PREMIER: I beg to move—That £19,619 be granted for "Legislative Assembly."

Mr. VOWLES (*Dulby*): I think everyone will agree with me that the officers of the House deserve their salaries.

Mr. COLLINS: Particularly the "Hansard" men.

Mr. VOWLES: They all do their duty, and they do it well, particularly the "Hansard" staff. I want to refer to the question of clerks and stenographers. I am not referring to the secret officers who hide behind curtains or anything of that sort, but to the fact that we recently decided to employ two men for the benefit of the members of Parliament. It seems to me, from what I can gather, that those officers are practically monopolised.

Mr. COLLINS: That is not so.

Mr. VOWLES: I do not know. They are used in preparing letters, or whatever they may be called—circulars of all kinds, political propaganda. They are called upon to do all kinds of political propaganda. This House should not employ stenographers for the purpose of helping a prospective candidate for a Federal seat.

Hon. W. BERTRAM: It is not being done.

Mr. VOWLES: I think the Premier himself knows that it has been done, if it is not being done now.

Hon. W. BERTRAM: It is not being done now.

Mr. VOWLES: There is an admission from the Speaker himself that it has been going on. If the stenographers are to be converted into a political agency and their time monopolised by one individual while others who have business letters to attend to cannot obtain their services, the sooner we get rid of them the better. The object in having these stenographers is to enable members to get their correspondence replied to quickly. The only object in having these men paid out of the public purse is to enable members to have their typing done for them. I strongly object to the class of work that has been done by these men until quite recently.

Mr. DASH: Why complain; you have a secretary yourself.

Mr. VOWLES: I have a secretary as leader of the Opposition. The Premier has a secretary as Premier. My secretary does nothing but parliamentary work. If one member of this Assembly is using these stenographers for the purpose of doing propaganda work and is monopolising their services, it is high time the matter was brought before the House.

Mr. BRENNAN: Do not Opposition members use those stenographers?

Mr. VOWLES: I have had complaints from members on this side that they cannot get their correspondence attended to. I am pleased to have an assurance from no less a person than the Speaker that that does not obtain now; although he admits that it did obtain quite recently.

Mr. Vowles.]

Mr. TAYLOR (*Windsor*): I think this matter is worthy of consideration. These stenographers have been appointed to assist members of this Parliament to carry out their duties and not to assist any member in connection with Federal matters. Those stenographers should be under the control of the Speaker or some responsible officer, so that their duties may be directed.

Hon. W. BERTRAM: They are under the control of the Speaker now.

Mr. TAYLOR: I am very pleased to hear it. No individual should have a monopoly of their time while others cannot obtain their services. I have not found it necessary to call on their services, but there are members who do, and it is only fair that those members should have a turn in getting their work done.

Mr. W. COOPER: Have they been turned down?

Mr. TAYLOR: I am not in a position to say. I have heard complaints. From what the Speaker has said it is quite evident that there have been abuses. I am pleased to know he is controlling them.

Mr. BRENNAN (*Toowoomba*): It is highly unfair to attack the hon. member for Rockhampton for being energetic. It is the duty of members to attend to all matters they are called upon to look after. The hon. member for Rockhampton is an example to other members of what might be done. Federal members do not give State members a fair "spin"; we have to do a large portion of their work.

Mr. W. COOPER (*Rosewood*): I quite agree with the hon. member for Toowoomba that any member of this Chamber should carry out the duties of his position regardless of whether it is a State or Federal matter. The State members do 80 per cent. of the Federal members' work; they are compelled to reply to correspondence not only in their own electorate, but in the electorates adjoining theirs which are comprised in the Federal electorate. In six months I received 2,600 letters; and 50 per cent. related to Federal matters. Except on about half a dozen occasions I have not gone to the stenographer to typewrite any letters for me. If hon. members opposite are too dilatory to look after the interests, not only of their own electorate, but of the Federal electorate of which their electorates are a portion, that is no fault of the Government. They have the same privilege and right to apply for the services of these stenographers as members on the Government side have.

Mr. MOORE (*Aubigny*): There is a difference between a man looking after his own electorate and sending circulars and other matter out in a Federal publicity campaign. We know what is going on at the present time. The hon. member for Rockhampton contemplates contesting a Federal electorate. Ministers are endeavouring to help him in his campaign. When the member for any electorate which is in the Federal electorate of Capricornia makes application for a new school, the Minister replies saying that Mr. Ferde has already seen to the matter and it has been agreed to.

The CHAIRMAN: Order! I do not wish to restrict the hon. member's discussion, but if he has any specific cases of that kind I hope he will deal with them on the particular votes.

[*Mr. Taylor.*

Mr. MOORE: That is the sort of letter that is sent out by these stenographers. They deal with matters, not in hon. members' own State electorate, but in a Federal electorate; it is merely propaganda work in a Federal campaign. These men are monopolised to an extent that they should not be.

Hon. W. BERTRAM: That is not so.

Mr. MOORE: I am quite prepared to accept the assurance of the hon. member for Marree.

Hon. W. BERTRAM: The hon. member for Rockhampton has no more privileges than the hon. member for Aubigny.

Mr. MOORE: I am quite prepared to accept the hon. member's word. A little while ago those men were monopolised.

Mr. W. COOPER: That is not so.

Mr. MOORE: It is time that that sort of thing was stopped.

Mr. FRY (*Kurilpa*): Members of the Nationalist party have utilised the services of these men. We all agree that they are very energetic and capable, and carry out their work well; they do everything that is expected of them. Still, there is more work put on them than should be the case. The hon. member for Rosewood said that he received 2,600 letters in six months. That works out at over fifteen a day. When the Nationalist party have tried to get work done it has been found that a certain member's work has been on the machine. As "whip" of the party, I have several times gone to have work done, and although the men assured me that they would be only too willing and pleased to do it, they had this work of one individual. When this House is paying enormous sums of money for work in connection with this House, the services should not be monopolised by one individual, in connection with work which is not strictly the work of this House. When those stenographers leave this House at night they are very, very tired, and hon. members should give to them that consideration which is due to them, and not request them to do work which can very well be done outside—the work that is not legitimately connected with this Parliament. I am very pleased to have the assurance of the hon. member for Marree that they will in the future not be burdened as they have been in the past.

Mr. COLLINS (*Bowen*): I think the Opposition would have been arguing on sounder lines if they had suggested that there should be an additional appointment when they found that they could not get their work done. The hon. member for Rosewood said that he received 2,600 letters in six months. I am always at this House, and I have seldom seen the hon. member for Rosewood having his work done here, so presumably he has it done outside. Since 1909, 1910, 1911, when I sat in opposition, my work as a parliamentarian has increased, and I take it the work of hon. members opposite has increased also. We have now to deal with matters that we had not to deal with then. The stenographers should be supplied with the most up-to-date machines. The machines that we have now are not the most up-to-date. What we want is efficiency. I agree with the hon. member for Kurilpa—I do not often agree with him—we have two as good men as we can possibly get; but if we are going to get the best out of them, they must be

provided with the best machines known to man, and I hope whoever is responsible for that will have those machines supplied. I do not think that two stenographers are sufficient for seventy-two members. I am told that in other Parliaments they have anything up to half a dozen men. Too long have we disregarded the rights and privileges attached to our position as representatives of the people.

Mr. VOWLES: The hon. member will be a Tory very shortly: he wants all the privileges.

Mr. COLLINS: I believe that when I am making use of the services of the stenographer I am looking after the interests of my electors. I, with the hon. member for Rockhampton, can be found here every day in the week, looking after my electors' interests. Hon. members opposite should not "throw off" at an hon. member who is so energetic and who is showing an example to the Opposition. I say to the Opposition—"Go thou and do likewise." I do not mean that they should go and do exactly what that hon. member is doing. The hon. member for Aubigny said that certain circulars had been issued. I would ask him to prove his case.

Mr. BRENNAN: The leader of the Opposition said that they were love letters.

Mr. VOWLES: The hon. member I referred to, I understand, is a great ladies' man.

Mr. FORDE: What the hon. member for Dalby has said is untrue.

Mr. COLLINS: Hon. members should not be so much concerned with finding fault with the hon. member for Rockhampton. If the present stenographers have too much work, another stenographer should be appointed in order that our work should be done in an up-to-date way. In the different Government offices there are up-to-date machines. At one time half my time was occupied in writing letters to my electors; that was before the appointments were made in this House. If I am to be an up-to-date legislator I must have time to read the different works which come into the library, so that I will know what the rest of the world is doing. (Opposition laughter.) As I said this afternoon, the Opposition are behind the times, and they do not know it. Times are moving, and moving very rapidly indeed. If we are going to be up to date we have got to keep pace with what is going on in the other parts of the world. Everybody knows that members of Parliament have not time to write all their letters, and require the assistance of up-to-date machinery, such as typewriting machines. I believe in up-to-date machinery, and not in old methods, and the typewriters are of great assistance to us. It is time we had all the help we can get in connection with our work, so as to give us opportunity to read what the rest of the world is doing, and to study the different measures which come before the House.

Mr. PETRIE (*Toombul*): I am glad that the leader of the Opposition has brought this matter up. Some time ago we only had one typewriting machine at the other end of the building, and the time of the typist was so much monopolised by Government members that hon. members on this side had no opportunity of getting work done by the typist at that time. However, I am glad to say that there are now two machines in use. I have had some work done by the

two stenographers who type for us, and I can say they are doing their work well.

HONOURABLE MEMBERS: Hear, hear!

Mr. PETRIE: But their typewriting machines are not up to date, and we require to get new ones for them, when they will be able to do their work much better. The hon. member for Rockhampton has been very diligent—I don't know whether it is altogether in connection with the Federal campaign—and has taken up a good deal of the time of these typists. I am glad to have an assurance from the Speaker that that state of things has been altered. We all know the need to economise at the present time, but if it is necessary to have additional stenographers, it will be wise expenditure. We cannot always find time to write our correspondence in longhand. Then, again, when our letters are typewritten, people can read them. I sent two letters to a lady, one in my own handwriting and the other typewritten, and she said she could read the typewritten letter very much better than the other. (Laughter.) I think it is only fair that hon. members should have the assistance they require from stenographers in connection with their correspondence. We have plenty of business to attend to, and have not the time we need to devote to letter-writing. I hope that the hon. member for Rockhampton will not take up so much of the time of the stenographers in future. There is no doubt that the hon. member monopolised a good deal of the time available when there was only one stenographer employed.

Mr. FORDE (*Rockhampton*): I am sorry that the leader of the Opposition and certain other Opposition members should show resentment at my diligence in attending to the wants of my electorate. Since my election to Parliament I have thrown my whole energy into my work. My electors write to me very frequently, and it takes up a good deal of my time attending to correspondence. I was one of those who first advocated that stenographers should be appointed in Parliament House to assist members.

Mr. VOWLES: And you worked them to death!

Mr. FORDE: I knew what a great saving of time would result from having stenographers. One stenographer was appointed at first, and later on a second one was engaged. I work as hard as I possibly can in order to do my best for the people who sent me here. If I devote more time attending to the work of my electorate than other hon. members, surely that is no reason why I should be chastised in this House.

Mr. VOWLES: Your own men object to you monopolising the stenographers as you do.

Mr. FORDE: I do not monopolise them. Frequently when members have been waiting I have refrained from dictating my letters, but have typed them myself, because I have a typewriter of my own. Some hon. members were not content with saying that I occupied too much of the time of the stenographers, but they said I was having typed electioneering circulars and all that sort of thing. That is absolutely untrue. If any man writes to me from Central Queensland, he is going to get a reply, despite what the leader of the Opposition says.

Mr. VOWLES: Did you not use the House telephone to dictate a letter?

Mr. Forde.]

Mr. FORDE: Yes. When I was ill with influenza two years ago I dictated a letter over the phone. Surely there is nothing wrong with that. I attend to the wants of the people who sent me here, and despite what hon. members say I shall go on with that. If hon. members opposite think that additional typists are required, let them say so.

Mr. BEBBINGTON: No, certainly not.

Mr. FORDE: I am satisfied with the good work being done by these men downstairs. They are very efficient, and I support the hon. member for Bowen when he says the most up-to-date machines might be given to them with which to do their work. I take up a good lot of time in attending to the wants of my electorate. If hon. gentlemen opposite object to my spending ten or twelve or fourteen hours a day looking after the interests of my electorate, I cannot help it. I am going to do it all the same. If hon. members opposite like to come along to the House at the lag end of a day after spending their time in business—after making profits all day—then it is only petty jealousy which makes them object to me staying here and attending to my parliamentary duties. If they came here at 9 a.m. in the morning they could get the services of the typists. However, I am prepared to give of my best for the people of Central Queensland. (Hear, hear!)

Mr. WARREN (*Murrumba*): Judging by the remarks made by the hon. member for Rockhampton, his correspondence must be enormous.

Mr. FORDE: I pay the postage myself.

Mr. WARREN: The hon. gentleman represents an electorate about a mile square. You also represent a city electorate, Mr. Kirwan, and you know a man representing a city electorate does not get more than one letter a month, or, at any rate, more than one a week. (Laughter.) Look at the hon. member for Rosewood, who gets 2,600 letters in six months. Perhaps hon. members could use the typewriters in a more satisfactory manner. I am not speaking in a personal sense. I get about £500 a year to do this work, and I certainly do it myself. I do not ask anyone to write a letter for me. (Hear, hear!) We are making reductions in the salaries of public servants, and yet members suggest putting on extra stenographers and getting better machines for them to do their work. This is not the right time to do it at all.

Mr. SIZER (*Nundah*): I heard the hon. member for Bowen approving of the work of the stenographers because it gave him time to go into the library and keep up to date regarding the politics of the world.

Mr. KING: On one side.

Mr. SIZER: During the last day or two, the hon. member for Bowen has had an opportunity of seeing some advanced legislation introduced into this House—legislation which was discarded in the House of Lords over sixty-eight years ago. (Opposition laughter.)

The CHAIRMAN: Order! The hon. member cannot discuss that matter. He will have an opportunity of discussing anything that appears in the Estimates, but he will not be in order in raising a discussion on the proxy votes.

Mr. SIZER: I was going to point out that the introduction of that legislation did not give much evidence of advancement, which the hon. member for Bowen talked

about. I think he is something like Rip Van Winkle in that direction. On the general principle of the employment of stenographers, I want to say that I see no serious objection to it: but I do share the complaint of other hon. members that the hon. member for Rockhampton uses them in forwarding volumes and volumes of Federal electioneering campaign material.

Mr. FORDE: That is not true. I reply to every elector who writes to me.

Mr. SIZER: It is true; and I say it is unfair. Probably the hon. member replies to every person who nods to him, even a Chinaman on the road, or the lady or alleged lady, in a motor-car.

The CHAIRMAN: Order! I would like to point out to the hon. member that this is an important vote, and I hope he will seriously consider it.

Mr. SIZER: I am giving those as reasons why the hon. member takes up so much time. Other hon. members have to write their letters while the hon. member is continually writing to people in his electorate, many of whom, at times, he only imagines are electors. There is only one consolation the Committee may have, and that is, that it is a good thing they are not lady stenographers, because in that case, probably nobody else would ever have a chance. (Laughter.)

Mr. VOWLES (*Deiby*): I notice that we are to purchase a cash register. I took up the question last year, and I want to ask the Premier again whether he thinks it is reasonable that we should have Committees dealing with the refreshment-rooms and other institutions who keep their doings secret, so that we have no reports for the House. Last year I asked some questions about outstanding accounts of members who had left the House nearly three years ago. I understand that about £40 or £50 was owing by a member, or alleged member, and I was told that I could not get the information except secretly. We have a member of this party on the Committee, and we are told he cannot get the information.

Hon. W. BERTRAM: Who is the member?

Mr. VOWLES: The hon. member for Burnett.

Hon. W. BERTRAM: The hon. member for Toowong got the information at the last meeting.

Mr. VOWLES: I am talking about information for this House. I ask now, will the hon. member put a list of outstanding accounts on the table?

Hon. W. BERTRAM: Certainly.

Mr. VOWLES: I ask for it now. I was told that I was casting aspersions on existing members when I made my remarks last year. I would like to ask the Speaker, who is in his seat as a private member now, whether that account has been settled.

Hon. W. BERTRAM: Unfortunately, it has not.

Mr. VOWLES: Although we have rules that no person is allowed to run an account of over £2, and that they have to be liquidated every week or every month.

Hon. W. BERTRAM: Every two months.

Mr. VOWLES: I do not run up a penny myself, but I understand there is an account in the vicinity of £50.

Hon. W. BERTRAM: The hon. member was informed last year that the account was in the vicinity of £12.

[Mr. Forde.]

Mr. VOWLES: I believe it was reduced immediately after the question was raised. If men come here and do not pay for their "tucker" and get free drinks, and leave these debts behind them, it is a public scandal, and it is high time their names were made public. Once these matters are brought up, a reflection is thrown on every individual in this Chamber till the names are published. I understand that the individual I have in mind is going to have the impudence to contest an electorate at the next election, and although he retired two years ago, he still owes money for drinks and "tucker." Such a person is not a fit person to contest an election for this House.

Hon. W. BERTRAM (*Marsic*): I should like to say that, in all my experience of these matters, extending over seven or eight years, there has been only one defaulter.

Mr. VOWLES: It should not be so. Why are you getting a cash register?

Hon. W. BERTRAM: For the last two or three years there have been suggestions by the Auditor-General's Department that we should purchase a cash register.

Mr. VOWLES: You are paying £170 for the luxury.

Hon. W. BERTRAM: The hon. member is wrong again. For the past two or three years, attention has been drawn to the need for a cash register, and at the last meeting it was decided to purchase one. Mr. Berners made inquiries and found that an up-to-date machine could not be got for less than £160. The Treasurer made that amount available. Since then, however, we have been able to purchase an up-to-date machine for £60.

Question put and passed.

PREMIER AND CHIEF SECRETARY.

CHIEF OFFICE.

The PREMIER: I beg to move—

"That £12,455 be granted for 'Chief Office.'"

The reduction has been principally brought about on the items "Railway fares and freights, printing, stationery, etc.," and "incidentals and miscellaneous expenses."

Mr. VOWLES (*Dalbys*): I would like to ask the Premier if it is his intention to proceed with the Estimates in the order in which they are printed.

The PREMIER: That is the present intention.

Mr. VOWLES: On other occasions when the Estimates have been presented to this Committee certain votes have not been debated. We complained previously about the deliberate stonewall which was put up by Government members in order to prevent our discussing the trust and loan votes, in connection with which huge sums of money are involved and in comparison with which this is only a fleabite. When you get to the big items you are dealing with amounts running into three-quarters of a million.

The PREMIER: It is the fault of hon. members. They have seventeen days for discussion of the Estimates.

Mr. VOWLES: After this vote has been dealt with let us take the trust and loan votes. Will the hon. gentleman do that?

The PREMIER: No, the Estimates-in-Chief must be passed.

Mr. VOWLES: Everything will be passed eventually. That is only an excuse on the part of the Premier.

The PREMIER: You have seventeen days. If you cannot discuss all the votes in their proper order, it is your own fault.

Mr. VOWLES: The hon. gentleman on a previous occasion put up his men to talk about water conservation and irrigation to prevent our coming on to the votes dealing with State enterprises and railways. There are important matters which we want to discuss, and we will not have an opportunity of discussing them if the votes are discussed in this order. I ask the Premier to give us an opportunity of dealing with the Trust and Loan Accounts.

The PREMIER: You have that opportunity. You have seventeen days.

Mr. VOWLES: I could see from the beginning that we were not going to get that opportunity. Anybody who knows parliamentary methods could see that there was a stonewall put up to-night by members on the Government side: they did not want us to get along too far the first day. It was patent. The Secretary for Railways and the hon. member for Gregory were jostling one another to get up for fear the vote would go through. Do hon. members mean to tell me we are so blind that we do not understand their methods? I claim the right now to discuss the Trust and Loan Estimates. I ask the Premier to make arrangements so that there will be no uncertainty about it. His statement that the Estimates-in-Chief must be passed is all moonshine. Estimates-in-Chief, Trust and Loan Estimates—everything which is outstanding on the seventeenth day will go through as a matter of form.

This vote deals with the Premier's own office. There is very little in it that we can criticise, except one matter. It will be noticed that provision is made for one typist at £190 and one at £150. The vote also deals with clerks. It was in this office that the public service of Queensland was degraded when the Premier descended so low as to permit one of these individuals, whose salary we are being asked to agree to—a man who had to do as he was told, because his superior officer demanded it—to do that which, in our opinion, was disreputable.

The PREMIER: How did you degrade Sleeman with his bag of money?

Mr. VOWLES: I would not know Sleeman if I saw him. I never saw Sleeman in my life.

The PREMIER: If you start those tactics you will hear the truth.

Mr. VOWLES: We want to hear the truth.

OPPOSITION MEMBERS: Hear, hear!

Mr. VOWLES: Let me tell the Premier that, as soon as these proceedings which are sub judice are over, that I am going to demand that the hon. gentleman's statements be dealt with by a Royal Commission as to their truth or otherwise.

The PREMIER: The hon. gentleman will not do much demanding by that time.

Mr. VOWLES: I will make that demand. I can see that the hon. gentleman knows that I am referring to this system brought into our public service of having urgers, cavedroppers, and keyhole listeners.

The PREMIER: And bribers for the Opposition.

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Mr. VOWLES: And secret stenographers, and everything that is low and mean. We are consenting to the employment of individuals who are compelled to do these things against their better judgment, and it is the Premier of Queensland who is the man who places them in the invidious and miserable position of having to play the part that they play by being behind the door.

The PREMIER: Who gave the briber the money?

Mr. VOWLES: Which briber?

The PREMIER: The hon. member knows. He knows all about it.

Mr. VOWLES: Is the hon. gentleman prepared to substantiate his statement?

The PREMIER: Yes. In due course I will do it.

Mr. VOWLES: I challenge the hon. gentleman to do it.

The PREMIER: Never fear, it will be done.

Mr. VOWLES: I venture to say that it will not be done unless the hon. gentleman gets people to give false evidence. The Premier has made a definite statement. Is he going to stand up to it? He cannot stand up to it. I have never seen Sleeman or Connolly in my life. I defy the Government and all their agents, perjurers, suborners, eavesdroppers, and every one else that they can bring forward, to bring me into this matter in any way at all. That is a direct challenge. I know that the hon. gentleman is surrounded with urgers, perjurers, and every one else to prove his case. I have had experience of him in the past.

The PREMIER: What happened to the want of confidence motion? Did it not go astray in the House?

Mr. VOWLES: The hon. gentleman is trying to draw me off the track. The want of confidence motion, as is known to every hon. member of the Country party, was agreed to when the Government were unable to carry on and had to adjourn just before the Exhibition. It was decided on the Wednesday before Exhibition week that the want of confidence motion would come at the time that I moved it.

The PREMIER: That is too thin.

Mr. VOWLES: Every hon. member of the Country party can support that.

The PREMIER: Does the hon. member know what Mr. Boyce told me?

Mr. VOWLES: He said that the hon. gentleman was not telling the truth.

The PREMIER: The hon. member knows better.

Mr. VOWLES: I know that everyone knows that the hon. gentleman is not telling the truth. Mr. Boyce and Mr. Garbutt and everyone connected with that matter says that the hon. gentleman is not telling the truth. The hon. gentleman tried to say by suggestion that I had approached him. His agents approached me, but I turned them down, and said that I would not touch pitch.

A Voice in the Ladies' Gallery: Who would believe your word before the Premier's?

Mr. VOWLES: Oh! Good evening.

Mr. ELPHINSTONE: She was in Albert Square last night.

Mr. VOWLES: I thought I recognised the voice. I want to look out that I do not get

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some red pepper on my head. The Premier has been interjecting—

The PREMIER: Because the hon. member made some blackguardly statements about the public service.

Mr. VOWLES: I am making some blackguardly statements about the hon. gentleman for bringing the public service down to the mud.

The CHAIRMAN: Order! I do not think the hon. gentleman is justified in making that suggestion about the Premier.

Mr. VOWLES: The Premier said that I made blackguardly statements. I said that I was making blackguardly statements about him because he was bringing the public service down into the mud. If I am compelled to withdraw, the Premier also should be compelled to withdraw. I am not referring to the individuals; I pity them, they are being humiliated. When a man in a position of authority compels his subordinates to do certain things which are low and mean, and causes them to act the miserable part of eavesdroppers, keyhole-listeners, and spies, then I am sorry for the public service and I am sorry for the people who put the public servants in the position in which they are placed. There is more than one stenographer in the department, and there is the private secretary of the Premier, who is also a stenographer. Do you not think that, in the interests of these individuals, it should be publicly stated who the victim was who was made a tool of by the Premier, and who had to take down the private correspondence which the Premier was evidently using for the purpose, and which he deliberately made public, contrary to all honour and usage?

The PREMIER: You are getting away from the real issue. Where did the money come from?

Mr. VOWLES: We shall probably find that out when the case comes on.

The PREMIER: We shall.

Mr. VOWLES: It never came from the Country party. (Government laughter.) I may tell you confidentially that we have not got one shilling, let alone £3,500. The only funds we have are those which, as individual members, we subscribe out of our own pockets.

The PREMIER: Money came from the same source to support the Country party.

Mr. VOWLES: We make a levy on our members periodically, even for postage stamps. When the disbursements amount to a "fiver," the hon. member for Mirani tells us, and we make it up. Those are the funds which are supposed to be representative of the pastoralists, the "beef barons," and all the big institutions. It is suggested that we were able to find £3,500, in order to bring over a man from the opposite side of the House whom we would not be associated with. (Government dissent.)

At 10.30 p.m.,

The CHAIRMAN said: Under the provisions of Standing Order No. 307, I will now leave the chair and make my report to the House.

The House resumed.

The CHAIRMAN reported progress.

The resumption of the Committee was made an Order of the Day for Tuesday next.

The House adjourned at 10.31 p.m.