



VICTORIA

PARLIAMENTARY  
DEBATES.

SESSION 1889

VOL. 60.

ASSEMBLY CHAMBER



VICTORIA.

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PARLIAMENTARY DEBATES.

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SESSION 1889.

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Legislative Council and Legislative Assembly.

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VOL. LX.

*(Comprising the period from April 9 to August 14.)*

MELBOURNE: ROBT. S. BRAIN, PRINTER.

— 6  
1889.

# ACTS OF PARLIAMENT PASSED IN SESSION 1889.

(LIII. VICTORIA.)

No. of Act.

1. An Act to apply out of the Consolidated Revenue the sum of £2,480,600 to the service of the year 1889-90	1012
2. An Act relating to Moneys recovered or recoverable for Breaches of The Legislative Council Act 1881	1013
3. An Act to consolidate and amend the Law relating to Fraudulent Marks on Merchandise, and for other purposes	1014
4. An Act to authorize the raising of money for certain purposes by increasing the amount of Victorian Government Stock	1015
5. An Act to effect an exchange between the Victorian Railways Commissioners and the Board of Land and Works of certain Public Lands at Elsternwick	1016
6. An Act to indemnify the councillors of various municipalities for Borrowing Moneys by Overdrafts on Bankers for the purposes of their municipalities contrary to the provisions of the Local Government Act 1874, and for other purposes	1017
7. An Act to apply out of the Consolidated Revenue the sum of £1,419,400 to the service of the year 1889-90	1018
8. An Act for granting to Her Majesty certain Duties of Customs in lieu of certain other Duties, and for other purposes	1019
9. An Act to provide for the acquisition of certain lands situate in the City of Melbourne by the mayor, aldermen, councillors, and citizens thereof, and for the erection of a new Police Court therein, and for other purposes	1020
10. An Act to further amend the Police Offences Statute 1865	1021
11. An Act to ratify a Lease of certain land granted by the Government of Victoria to the Colonial Ammunition Company Limited for the purposes of an Ammunition Factory	1022
12. An Act to further amend the Law relating to Education	1023
13. An Act to amend the Public Service Act 1883	1024
14. An Act to amend the Passengers, Harbours, and Navigation Statute 1865	1025
15. An Act to amend the Tobacco Act 1880	1026
16. An Act to amend the Life Assurance Companies Act 1873	1027
17. An Act to provide for the Destruction and Suppression of Rabbits and other Vermin	1028
18. An Act to continue various Expiring Laws	1029
19. An Act to apply out of the Railway Loan Account 1888 or temporarily out of the Public Account certain sums of money for Railway Works and other purposes	1030
20. An Act to authorize the Melbourne Tramways Trust to construct a Branch Tramway along Market-street to Collins-street, in the City of Melbourne, and for other purposes	1031
21. An Act to authorize the Raising of Money for Railways and Irrigation Works, and for other purposes	1032
22. An Act relating to the Publication and Sale of Newspapers on Sunday	1033
23. An Act to consolidate and amend the Law concerning Letters Patent for Inventions	1034
24. An Act for the Relief of Widows and Children of certain Intestates, and for other purposes	1035
25. An Act to amend the Law relating to Fencing	1036
26. An Act for the better encouragement of the Cultivation of Wattle Trees	1037
27. An Act to provide for the vesting of certain lands on certain conditions in the Melbourne Harbour Trust Commissioners	1038
28. An Act to sanction the issue and application of certain sums of money as Loans for Irrigation Works and Water Supply in the Country Districts, and for other purposes	1039
29. An Act to further amend the Mallee Pastoral Leases Act 1883	1040
30. An Act to enable persons other than natural-born or naturalized subjects of Her Majesty to be registered as legally qualified Medical Practitioners, and for other purposes	1041
31. An Act to amend the Post-office Act 1883, and for other purposes	1042
32. An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the 30th day of June, 1890, and to appropriate the Supplies granted in this Session of Parliament	1043
33. An Act to create a Department of Public Health and to further amend the Law relating to Public Health	1044
34. An Act relating to Crown Lands permanently reserved from sale and vested in Trustees	1045
35. An Act relating to certain Grants for promoting Agricultural and other Industries	1046
36. An Act to amend the Irrigation Act 1886 and to extend the provisions of the same, and for other purposes	1047
37. An Act to provide for the Suppression of the Nuisance arising from the Port Melbourne Lagoon, and for other purposes	1048
38. An Act to amend the Water Conservation Act 1887	1049
39. An Act to enable the Trustees of the Melbourne Retreat for the Cure of Inebriates at Northcote to transfer the lands and premises vested in them to Her Majesty, and for other purposes	1050
40. An Act to refer certain matters to the Federal Council of Australasia for the exercise of Legislative Authority thereon	1051
41. An Act to enable the mayor, councillors, and citizens of the City of Collingwood to sell and convey certain lands situate in the said city	1052
42. An Act to amend the Duties on the Estates of Deceased Persons Statute 1870, and for other purposes	1053
43. An Act to amend the Railway Melbourne Lands Exchange Act 1888, and for other purposes	1054
44. An Act to further amend the Local Government Act 1874	1055

# List of Members of Parliament.

SESSION 1889.

## LEGISLATIVE COUNCIL.

NAME.	PROVINCE.
Abbott, J. H. ... ..	Northern.
<i>(Vice Mr. Sterry, resigned.)</i>	
Austin, Sydney ... ..	South-Western.
Balfour, James ... ..	South-Eastern.
Beaney, J. G. ... ..	North Yarra.
Bell, James ... ..	North-Western.
Benjamin, Sir Benjamin ...	Melbourne.
<i>(Vice Sir James Lorimer, deceased, Sept. 2.)</i>	
Brown, Frederick ... ..	North-Eastern.
Buchanan, James ... ..	South-Eastern.
Butters, J. S. ... ..	North-Eastern.
Clarke, Sir W. J. ... ..	Southern.
Connor, J. H. ... ..	South-Western.
Cooke, S. W. ... ..	Western.
Coppin, G. S. ... ..	Melbourne.
<i>(Elected under Act No. 955.)</i>	
Coutts, David ... ..	North-Western.
Cuthbert, Henry ... ..	Wellington.
Davies, J. M. ... ..	South Yarra.
<i>(Elected under Act No. 995.)</i>	
Davis, George ... ..	Gippsland.
Dobson, F. S. ... ..	South-Eastern.
Dowling, Thomas ... ..	Nelson.
Fitzgerald, Nicholas ... ..	North-Central.
Fraser, Simon ... ..	South Yarra.
Gore, Henry ... ..	Wellington.
Ham, C. J. ... ..	Melbourne.
Ham, David ... ..	Wellington.
Illingworth, F. ... ..	Northern.
<i>(Vice W. P. Simpson, resigned.)</i>	

PRESIDENT: SIR JAMES MACBAIN, K.C.M.G.

NAME.	PROVINCE.
James, C. H. ... ..	Southern.
Le Fevre, G. ... ..	North Yarra.
MacBain, Sir James ... ..	South Yarra.
MacPherson, J. P. ... ..	Nelson.
McCulloch, William ... ..	Gippsland.
Melville, Donald ... ..	Southern.
Morey, Edward ... ..	Wellington.
<i>(Elected under Act No. 995.)</i>	
Osmand, W. H. S. ... ..	Nelson.
Pearson, William ... ..	Gippsland.
Pratt, J. M. ... ..	North-Western.
<i>(Elected under Act No. 995.)</i>	
Roberts, W. H. ... ..	North Yarra.
Sargeant, Charles ... ..	Gippsland.
<i>(Elected under Act No. 995.)</i>	
Sargood, F. T. ... ..	South Yarra.
Service, James ... ..	Melbourne.
Simmie, George ... ..	Northern.
<i>(Elected under Act No. 995.)</i>	
Stanbridge, W. E. ... ..	North-Central.
Thornley, Nathan ... ..	Western.
Wallace, D. S. ... ..	South-Western.
<i>(Vice F. Ormond, deceased.)</i>	
Wallace, J. A. ... ..	North-Eastern.
Winter, W. I. ... ..	Northern.
Wynne, Agar ... ..	Western.
Young, George ... ..	North-Western.
Zeal, W. A. ... ..	North-Central.

CHAIRMAN OF COMMITTEES: DR. DOBSON.

## LEGISLATIVE ASSEMBLY.

NAME.	DISTRICT.
Anderson, William	... Villiers and Heytesbury.
Andrews, Charles	... Geelong.
Armytage, Harry	... Grant.
Bailes, A. S.	... Sandhurst.
Baker, Richard	... Lowan.
Beazley, W. D.	... Collingwood.
Bennett, G. H.	... Richmond.
Bent, Thomas	... Brighton.
Best, R. W.	... Fitzroy.
Brock, John	... Benalla and Yarrawonga.
Burrowes, Robert	... Sandhurst.
Butterly, Matthew	... Windermere.
Calvert, R. B.	... Korong.
Cameron, E. H.	... Evelyn.
Carter, G. D.	... Melbourne.
Carter, W. T.	... Williamstown.
Cheetham, James	... Dunolly.
Clark, W. M.	... Footscray.
Craven, A. W.	... Benambra.
Davies, D. M.	... Grenville.
Davies, M. H.	... Toorak.
Deakin, Alfred	... Essendon and Flemington.
Derham, F. T.	... Port Melbourne.
Dixon, E. J.	... Prahran.
Dow, J. L.	... Kara Kara.
Duffy, J. Gavan	... Kilmore, Dalhousie, and Lancefield.
Duncan, Walter	... Borung.
Dunn, J. N.	... Ballarat East.
<i>(Vice James Russell, deceased.)</i>	
Ferguson, Joseph	... Ovens.
Forrest, C. L.	... Polwarth.
Foster, Henry	... Gippsland East.
Gardiner, John	... Carlton.
Gillies, Duncan	... Eastern Suburbs.
Gordon, W. J. S.	... Castlemaine.
Graham, George	... Numurkah and Nathalia.
Graves, J. H.	... Delatite.
Groom, A. C.	... Gippsland West.
Hall, G. W.	... Shepparton and Euroa.
Harris, Albert	... Gippsland Central.
Harris, Joseph	... South Yarra.
Hihett, J. M.	... Mandurang.
Hunt, Thomas	... Anglesey.
Keys, John	... Dandenong and Berwick.
Kirton, J. W.	... Ballarat West.
Langridge, G. D.	... Collingwood.
Laurens, John	... Melbourne North.
Leonard, W. H.	... Carlton South.
Levien, J. F.	... Barwon.

SPEAKER: MR. M. H. DAVIES.

NAME.	DISTRICT.
Madden, Walter	... Horsham.
Maloney, William	... Melbourne West.
Mason, F. C.	... Gippsland South.
McCull, J. H.	... Gunbower.
McIntyre, John	... Maldon.
McLean, Allan	... Gippsland North.
McLellan, William	... Ararat.
Methven, David	... East Bourke Boroughs.
Mountain, W. J.	... Melbourne South.
Munro, James	... Geelong.
Murphy, Edward	... Warrenheip.
Murray, John	... Warrnambool.
Nimmo, John	... Albert Park.
Officer, C. M.	... Dundas.
O'Loghlen, Sir Bryan	Port Fairy.
Outtrim, A. R.	... Maryborough.
Parfitt, H. S.	... Wangaratta and Ruther- glen.
Patterson, J. B.	... Castlemaine.
Peacock, A. J.	... Clunes and Allandale.
Pearson, C. H.	... East Bourke Boroughs.
Richardson, Richard	Creswick.
Shackell, James	... Rodney.
Shiels, William	... Normanby.
Smith, Charles	... Jolimont and West Rich- mond.
Smith, L. L.	... Mornington.
Smith, Thomas	... Emerald Hill.
Smith, W. C.	... Ballarat West.
Staughton, S. T.	... Bourke West.
Sterry, D. C.	... Sandhurst South.
Stewart, J. S.	... Talbot and Avoca.
Stuart, Frank	... Melbourne East.
Taverner, J. W.	... Donald and Swan Hill.
Taylor, C. F.	... Hawthorn.
Trenwith, W. A.	... Richmond.
Tucker, A. L.	... Fitzroy.
Turner, George	... St. Kilda.
Tuthill, F. H.	... Bogong.
Uren, W. H.	... Ripon and Hampden.
Webb, W. T.	... Rodney.
Wheeler, J. H.	... Daylesford.
Wilkinson, W. J.	... Bourke East.
Williams, H. R.	... Eaglehawk.
Woods, John	... Stawell.
Wrixon, H. J.	... Portland.
Young, Alexander	... Grenville.
Young, Charles	... Kyneton.
Zox, E. L.	... Melbourne East.

CHAIRMAN OF COMMITTEES: MR. McLELLAN.

## The Cabinet.

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PREMIER, TREASURER, MINISTER OF RAIL- WAYS, AND MINISTER OF MINES ... }	}	THE HON. DUNCAN GILLIES.
CHIEF SECRETARY AND MINISTER OF WATER SUPPLY ... .. }	}	" ALFRED DEAKIN.
ATTORNEY-GENERAL ... .. }	}	" H. J. WRIXON.
MINISTER OF JUSTICE ... .. }	}	" HENRY CUTHBERT.
MINISTER OF PUBLIC INSTRUCTION ... }	}	" C. H. PEARSON.
MINISTER OF DEFENCE ... .. }	}	" SIR JAMES LORIMER,* Succeeded by JAMES BELL.
MINISTER OF TRADE AND CUSTOMS .. }	}	" J. B. PATTERSON.
MINISTER OF LANDS AND AGRICULTURE... }	}	" J. L. DOW.
MINISTER OF PUBLIC WORKS ... .. }	}	" D. M. DAVIES.
POSTMASTER-GENERAL ... .. }	}	" F. T. DERHAM.

\* Death announced September 4.

NOTE.—When Parliament was opened by Commission, April 9, the office of Minister of Public Works was held by Mr. John Nimmo.

### ERRATA.

Page 1495, col. 2, line 5, for "agreed to" read "negatived"; same page and column, lines 7 to 11, for "glycerine pure" read "glycerine crude."

Page 1746, col. 2, under head "Colonial Governors," for "presented a message from the Acting Governor" read "presented by command of the Acting Governor."

Page 1812. The following was inadvertently omitted:—"Mr. LAURENS said he very much objected to the Minister of Railways insulting him by saying, because he made a pertinent interjection, that he was 'always chattering.' The point raised on that interjection was an important one, and he would refer to it again on the report. It would become the Premier better, if he thought an honorable member was not in order, to rather seek the intervention of the Chair than to cast a personal insult."

Page 1888, col. 2, in Mr. Balfour's remarks on the Duties of Customs Bill, for "we have a right to 'alter' a Bill of this kind" read "we have a right to 'reject' a Bill of this kind."

Page 2521, col. 2, line 4, for "one" read "half."

VICTORIA.

PARLIAMENTARY DEBATES.

First Session of the Fourteenth Parliament.

LEGISLATIVE COUNCIL.

Tuesday, April 9, 1889.

Opening of Parliament by Commission—New Member—  
Adjournment.

The Fourteenth Victorian Parliament was opened this day by Commission. The Commissioners appointed by His Excellency the Acting Governor for the purpose were His Honour the Chief Justice (Mr. George Higinbotham) and His Honour Mr. Justice Williams.

At noon, the Clerk of the Parliaments (Mr. J. Barker) read the following

PROCLAMATION.

“By His Excellency Sir William Cleaver Francis Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of Victoria and its Dependencies, &c., &c., &c.

“WHEREAS by the Constitution Act it was amongst other things enacted that it should be lawful for the Governor to fix such places within Victoria, and, subject to the limitation therein contained, such times for holding the first and every other session of the Council and Assembly, and to vary and alter the same respectively in such manner as he might think fit; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he should deem it expedient: And whereas the said Council and Assembly are called ‘The Parliament of Victoria,’ and it is expedient to fix the time for holding the next session thereof:

Now therefore I, the Administrator of the Government of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation fix Tuesday, the ninth day of April instant as the time for the commencement and holding of the next session of the said Council and Assembly, called ‘The Parliament of Victoria,’ for the despatch of business, at twelve of the clock at noon, in the Parliament Houses, situate in Parliament-place, Spring-street, in the city of Melbourne; and the honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

“Given under my hand and the seal of the colony, at Melbourne, this second day of April, in the year of our Lord One thousand eight hundred and eighty-nine, and in the fifty-second year of Her Majesty’s reign.

“W. C. F. ROBINSON.

“By His Excellency’s command,

“D. GILLIES,

“Premier.

“GOD SAVE THE QUEEN!”

The Commissioners immediately afterwards entered the chamber, and directed that the attendance of the members of the Legislative Assembly should be requested.

The members of the Assembly having appeared at the bar,

The CHIEF JUSTICE said—Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly, His Excellency the Administrator of the Government, not thinking fit to be present in person this day, has been pleased to cause letters patent to issue under the seal of the



colony, constituting us his Commissioners to do in his name all that is necessary to be performed in this Parliament. This will more fully appear from the letters patent, which will now be read.

The letters patent having been read by the Clerk,

The CHIEF JUSTICE said—Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly, we have it in command from His Excellency to let you know that on a future day, of which due notice will be given, His Excellency will declare to you in person, in this place, the causes of his calling this Parliament together; and, Gentlemen of the Legislative Assembly, as it is necessary, before you proceed to the despatch of business, that a Speaker of the Legislative Assembly be chosen, His Excellency requests that you, in your chamber, will proceed to the choice of a proper person to be Speaker.

The Commissioners and members of the Legislative Assembly then withdrew.

The PRESIDENT (Sir James MacBain) took the chair, and read the prayer.

#### DECLARATIONS OF QUALIFICATION.

The following members delivered to the Clerk the declarations required by the Act No. 702:—The Honorables the President, J. Balfour, J. Bell, J. Buchanan, J. S. Butters, Sir W. J. Clarke, J. H. Connor, S. W. Cooke, D. Coutts, H. Cuthbert, G. Davis, F. S. Dobson, H. Gore, C. J. Ham, C. H. James, Sir James Lorimer, W. McCulloch, D. Melville, W. H. S. Osmand, F. T. Sargood, J. A. Wallace, A. Wynne, and W. A. Zeal.

#### NEW MEMBER.

The PRESIDENT announced that, during the recess, he had issued a writ for the election of a member of the Legislative Council for the Northern Province, in the room of the Hon. D. C. Sterry, who had resigned, and that it had been returned with an endorsement showing that Mr. Joseph Henry Abbott had been elected.

Mr. Abbott was introduced and sworn, and presented to the Clerk the declaration required by the Act No. 702.

#### ADJOURNMENT.

The Hon. H. CUTHBERT stated that, as the meeting of the Council that day was merely formal, and as the meeting of another Chamber was only intended to enable honorable members to be sworn, and to

elect a Speaker, the Government did not mean at present to proceed with the despatch of any public business. Indeed, it would be out of place for them to attempt to do so, as His Excellency had already notified to the House that on a future occasion, of which honorable members would have due notice, he would take an opportunity of stating the reasons why he had called Parliament together. He (Mr. Cuthbert) therefore begged to move that the House, at its rising, adjourn until Tuesday, June 4.

The motion was agreed to.

The House adjourned at nineteen minutes past twelve o'clock p.m., until Tuesday, June 4.

### LEGISLATIVE ASSEMBLY.

Tuesday, April 9, 1889.

Swearing of Members—Election of Speaker—Presentation of the Speaker to the Governor—Adjournment—Seating Accommodation for Members.

Proceedings commenced at noon precisely, by the Clerk of the Assembly (Mr. G. H. Jenkins) reading the Acting Governor's proclamation convoking Parliament.

The Usher of the Legislative Council then appeared at the bar, and intimated that the Commissioners appointed by the Acting Governor to open Parliament requested the attendance of members of the Legislative Assembly in the chamber of the Legislative Council.

The members present, accompanied by the chief officers of the House, at once proceeded thither. On their return, His Honour the Chief Justice (Mr. George Higinbotham), one of the Commissioners, was introduced, and took his seat in the Speaker's chair.

The letters patent appointing the Chief Justice to administer the oath of allegiance were then read, and the members present were sworn in the following order:—

Albert Park	...	John Nimmo
Anglesey	...	Thomas Hunt
Ararat	...	William McLellan
Ballarat East	...	James Russell
Ballarat West	...	{ W. C. Smith
		{ J. W. Kirton
Barwon	...	J. F. Levien
Benalla and Yarra-	...	John Broek
wonga	...	
Benambra	...	A. W. Craven
Bogong	...	F. H. Tuthill
Borong	...	Walter Duncan
Bourke East	...	W. J. Wilkinson

Bourke West	...	S. T. Staughton
East Bourke	...	{ C. H. Pearson
Boroughs	...	{ David Methven
Brighton	...	Thomas Bent
Carlton	...	John Gardiner
Carlton South	...	W. H. Leonard
Castlemaine	...	{ J. B. Patterson
	...	{ W. J. S. Gordon
Clunes and Allandale	...	A. J. Peacock
Collingwood	...	{ G. D. Langridge
	...	{ W. D. Beazley
Creswick	...	Richard Richardson
Dandenong and Berwick	...	{ John Keys
	...	{ J. H. Wheeler
Daylesford	...	J. H. Graves
Delatite	...	J. H. Graves
Donald and Swan Hill	...	J. W. Taverner
Dundas	...	C. M. Officer
Dunolly	...	James Cheetham
Eaglehawk	...	H. R. Williams
Eastern Suburbs	...	Duncan Gillies
Emerald Hill	...	Thomas Smith
Essendon and Flemington	...	{ Alfred Deakin
	...	{ E. H. Cameron
Evelyn	...	E. H. Cameron
Fitzroy	...	{ R. W. Best
	...	{ A. L. Tucker
Footscray	...	W. M. Clark
Geelong	...	{ Charles Andrews
	...	{ James Munro
Gippsland Central	...	Albert Harris
Gippsland East	...	Henry Foster
Gippsland North	...	Allan McLean
Gippsland South	...	F. C. Mason
Gippsland West	...	A. C. Groom
Grant	...	Harry Armytage
Grenville	...	{ D. M. Davies
	...	{ Alexander Young
Gunbower	...	J. H. McColl
Hawthorn	...	C. F. Taylor
Horsham	...	Walter Madden
Jolimont and West	...	{ Charles Smith
Richmond	...	{ J. L. Dow
Kara Kara	...	{ J. Gavan Duffy
Kilmore, Dalhousie, and Lancefield	...	{ J. Gavan Duffy
Korong	...	R. B. Calvert
Kyneton	...	Charles Young
Lowan	...	Richard Baker
Maldon	...	John McIntyre
Mandurang	...	J. M. Hightett
Maryborough	...	A. R. Outtrim
Melbourne	...	G. D. Carter
Melbourne East	...	{ Frank Stuart
	...	{ E. L. Zox
Melbourne North	...	John Laurens
Melbourne South	...	W. J. Mountain
Melbourne West	...	William Maloney
Mornington	...	L. L. Smith
Normanby	...	William Shiels

Numurkah and Nathalia	...	{ George Graham
Ovens	...	Joseph Ferguson
Polwarth	...	C. L. Forrest
Port Fairy	...	Bryan O'Loughlen
Port Melbourne	...	F. T. Derham
Portland	...	H. J. Wrixon
Prahran	...	E. J. Dixon
Richmond	...	{ G. H. Bennett
	...	{ W. A. Trenwith
Ripon and Hampden	...	W. H. Uren
Rodney	...	{ James Shackell
	...	{ W. T. Webb
Sandhurst	...	{ Robert Burrowes
	...	{ A. S. Bailes
Sandhurst South	...	D. C. Sterry
Shepparton and Euroa	...	G. W. Hall
South Yarra	...	Joseph Harris
St. Kilda	...	George Turner
Stawell	...	John Woods
Talbot and Avoca	...	J. S. Stewart
Toorak	...	M. H. Davies
Villiers and Heytesbury	...	{ William Anderson
	...	{ H. S. Parfitt
Wangaratta and Rutherglen	...	H. S. Parfitt
Warrenheip	...	Edward Murphy
Warrnambool	...	John Murray
Williamstown	...	W. T. Carter
Windermere	...	Matthew Butterly.

On the completion of the ceremony of swearing members, the Chief Justice quitted his seat, bowed to the House, and retired.

#### ELECTION OF SPEAKER.

Mr. OFFICER rose, and, addressing the Clerk of the Assembly, said—Mr. Jenkins, I beg to move that Mr. M. H. Davies do take the chair of this House as Speaker. Those of us who had the honour of sitting in the last Parliament will bear me out in saying that although Mr. Davies was then new to the work which the Speaker is called upon to perform, he conducted the business of this House in a very creditable manner; and I have no doubt that, with enlarged knowledge and experience, he will give further proof, if it is necessary, that he is the right man in the right place.

Mr. MUNRO.—Mr. Jenkins, I have great pleasure in seconding the nomination of Mr. M. H. Davies for the position of Speaker of this House. Many of us, as the honorable member for Dundas has said, have had experience of Mr. Davies as Speaker during last session and a portion of the previous session, and he has given entire satisfaction to the members of the House. During the present Parliament he will have a larger house to preside over,

comprising a great number of new members. I have not the least doubt that he will ably assist them in understanding the forms of Parliament and carrying on the business of the Assembly in a satisfactory manner. I wish to say one word in explanation, as the press has put a wrong construction on a remark I made when addressing my constituents at Geelong. I stated then what I will repeat now, namely, that with a firm and capable Speaker, getting the assistance of the leader of the House, the business of the House would be carried on quite satisfactorily under the present standing orders. I believe so still; but, in saying that, I did not intend, nor do I now intend, to reflect in any way on Mr. Davies as Speaker. I think that the honorable gentleman did his work in the last Parliament, as Speaker, in an admirable manner, and the best proof I can give of my belief in that direction is the fact that I now have very great pleasure in seconding his nomination to the chair.

No other nomination being made,

Mr. M. H. DAVIES rose in his place, and said—Mr. Jenkins, I desire to convey to the House my sense of the honour which it is proposed to confer upon me, and especially to thank those honorable members who have been good enough to submit the motion now before the House. I can assure honorable members that should they do me the honour to confer upon me the position of Speaker, I will endeavour to faithfully discharge the duties appertaining to that office to the best of my ability. I now beg to submit myself to the will of the House.

Mr. Davies was then conducted by his proposer and seconder to the chair, on reaching which

The SPEAKER said—I desire to convey to the House my humble acknowledgments for the great honour which it has bestowed upon me in unanimously electing me to the position of Speaker. I can assure honorable members that I appreciate the honour all the more on account of the way in which it has been conferred; and I shall endeavour in the future to discharge the high and honorable duties in connexion with the office to the best of my ability. I am sure that honorable members on both sides of the House will give me that indulgence in the future which they have shown me in the past; and with the great assistance of the Clerk of the House, and the assistance of honorable members, I trust that I may be able to discharge those duties to the satisfaction of honorable members generally.

Mr. GILLIES.—Mr. Speaker, I have much pleasure in congratulating you upon being unanimously elected to the high and distinguished position of Speaker of this House. I concur with the honorable members who proposed and seconded you in the belief that you will fulfil the duties of the office in a manner creditable to yourself and honorable to the Legislative Assembly. I can assure you that honorable members on this (the Ministerial) side of the House—and I believe I may say honorable members on both sides of the House—will endeavour to assist you in every possible way, and will do all that they can to aid you in maintaining the character and dignity of the House. You will, I am confident, show fair play to all parties, and to every honorable member who may address the House, no matter under what circumstances.

Mr. BURROWES.—Sir, I have great pleasure in rising on behalf of honorable members sitting on this (the opposition) side of the House to endorse all that has been said in regard to your election to the honorable position of Speaker. I do not know of any Speaker—any gentleman who has been placed in the honorable position which you now occupy—who has been elected with more of the good will of the whole House than you have been on this occasion. As an old member of this House, and one who has sat under many Speakers, I am very pleased to be able, not as leader of the Opposition, but as an old member, to congratulate you upon your re-election to the very honorable office which you now hold. I can assure you, on behalf of the gentlemen sitting around me, that it is their desire—their sincere wish—to afford you every facility to fill that position creditably to yourself and satisfactorily to them. I do not know that it is necessary to say more. Although I was one of those who, on a former occasion, opposed your election to the chair, I am pleased to now have the opportunity of congratulating you on being chosen as Speaker for the second time.

Mr. GILLIES announced that His Excellency the Acting Governor would receive the Speaker, and such members as chose to accompany him, at the Government Offices, at two o'clock that day.

The House then adjourned during pleasure.

On honorable members re-assembling at half-past two o'clock p.m.,

The SPEAKER said—I have to inform honorable members that I presented myself to the Acting Governor as the choice

of the House, and that His Excellency was pleased to address me in the following terms:—

“Mr. Speaker,—I learn with much pleasure that you have a second time been chosen to fill the high office of Speaker, and I congratulate you on the distinguished position in which the confidence of the Legislative Assembly of this great colony has again placed you.”

#### ADJOURNMENT.

Mr. GILLIES.—Mr. Speaker, it is my duty to inform the House that His Excellency the Administrator of the Government proposes to attend in person the Houses of Parliament on the 4th June next, for the purpose of informing honorable members of the causes which he has for calling Parliament together. Under these circumstances I beg to propose that the House, at its rising, do adjourn until Tuesday, the 4th June, at two o'clock. I think it would be convenient for honorable members generally to have a little “breathing time” before they are asked to proceed to the despatch of business—to deal with the number of important measures which the Government propose to submit for the consideration of Parliament. I venture to submit that, under all the circumstances, the adjournment which the Government propose cannot be considered too long. I believe that at the time at which we propose we shall resume our sittings the Government will be in a position to present the business which Parliament will be called upon to consider in such a perfect form as will cause the least possible loss of time. Might I also be allowed to suggest that, in view of the crowded state of the chamber, you, Mr. Speaker, should consult, during the adjournment, with those gentlemen who, during last session, were members of the Parliamentary Buildings Committee, with the view of ascertaining whether some better arrangement could not be come to for the better seating accommodation of honorable members? I believe that could be done without any trouble or inconvenience.

Mr. McINTYRE.—There is plenty of room over here.

Mr. GILLIES.—Possibly the honorable member opposite looks forward to a time, at no distant date, when there will not be so much room there, but it is necessary to provide for the present circumstances, and I think it is always wise to consult, as far as possible, the convenience of honorable members. I do not suppose there would be any idea of making such a serious and radical change as might cause alteration afterwards, and I

would understand that any alteration suggested would be of such a character as would allow of a further change if it did not quite suit the convenience of honorable members, after some experience. I believe that all the change necessary could be carried out without any considerable cost or trouble. Probably, in the first instance, it would be in the nature of an experiment, and no doubt no radical change should be made without honorable members having first had an opportunity of expressing their opinions on the subject. I trust, therefore, Mr. Speaker, you will accept the suggestion to consult with those gentlemen of long experience to whom I have referred—the Minister of Public Works and others—who will perhaps be in a position to advise you as to what alterations may be necessary.

Mr. LANGRIDGE.—Sir, I wish to take the opportunity of calling the attention of the Government to a matter of very great importance. I am aware that this is not the time to discuss matters of public business generally, but the urgency of the case is my justification for referring to the subject to which I desire to call attention. The matter to which I allude is the health of Melbourne and the suburbs at the present time. During the last session and previous sessions it was stated that we were to have a Metropolitan Board of Works, but we seem now to be as far off the establishment of such a body as we were five or six years ago. The Government are now asking for an adjournment until June, so that unless they devote their attention to the state of the metropolis during the interval, there will be another two mouths wasted. I therefore hope that they will immediately give grave consideration to the subject. In fact, it would be almost criminal any longer to allow the metropolis to continue in its present condition.

Mr. BURROWES.—Why does not the City Council deal with it?

Mr. LANGRIDGE.—It is not a question affecting the city of Melbourne alone, but also the suburbs. Day by day disease is entering into the homes of the people, and unless something is done a very great calamity will fall upon the citizens of the metropolis generally. What I desire to ask the Government is whether, during the two months' adjournment, they could not themselves carry out this work of sanitation on the same principle that they have carried out railway and irrigation works? I believe that the Government are the only parties who can deal successfully with the matter. Let them first carry out the sanitary works

which are absolutely necessary, and then they can hand them over, if they wish, to any body which may be established. In London the Metropolitan Board of Works has proved an utter failure, and within the last few months it has been superseded. I sincerely hope that the Government will see that it is their duty to take action in this matter. Unless they do, I shall certainly feel it my duty, when the House re-assembles, to bring forward some measures dealing effectively with the question.

Lt.-Col. SMITH.—Mr. Speaker, I regret that a new House, consisting of a larger number of members than any previous Parliament in Victoria, should be asked to enjoy virtually a four or five months' recess immediately after its election. I regret this for several reasons. In the first place, I may point out that of late years a practice has been growing up—a practice which, I venture to say, is not constitutional nor in accordance with the practice of the old country—of not calling Parliament together for the transaction of business until almost the close of the financial year. The consequence is that when the Budget speech is delivered, the House is called upon to vote money on account for two or three months, and has no proper control over the expenditure of the public funds. This is a practice which, as I have said, has grown up of recent years, and I hope that a newly-elected Parliament, comprising over 30 new members, will alter it if possible. Moreover, I think that the special circumstances connected with the present occasion should cause the House to revert to the old practice, and see that it has time to consider the Estimates before being called upon to pass them. I believe that we would not have had this cry of obstruction, of which we have heard so much, had Parliament been called together earlier in the year, so that members could have an opportunity of considering the details of the Estimates, instead of being asked to rush them through at the last moment. Every representative would then have had an opportunity of fully considering the public expenditure, whether as affecting his own district or other parts of the colony. That is an advantage of which we have been deprived in the Assembly for many years, and I think we have now a magnificent opportunity of reverting to the good old English practice.

Mr. GILLIES.—That is quite a mistake.

Lt.-Col. SMITH.—I expected the Premier to say that; but I may remind him that no one spoke more strongly on the subject

of the Assembly having a proper opportunity of considering the Estimates than did the honorable gentleman himself when he sat on these (the opposition) benches. The Attorney-General also when he sat in the opposition corner was a strong advocate for adopting the practice of the English House of Commons by appointing a Committee of Public Accounts, consisting of members who knew something of the subject, to go through the finances of the various departments. Mr. Gladstone, who must be acknowledged to be one of the most perfect Chancellors of the Exchequer that England has ever had, has admitted that this system has worked admirably, although he originally opposed its introduction. We have no such committee in this House, and honorable members are asked to meet here to-day simply in order to sign their names and to be enabled to draw two months' "screw" for doing nothing. I venture to say that what I have stated will be the feeling throughout the country—that honorable members have only been called together to-day in order to be enabled to draw their salaries. If honorable members were left to go through their various election contests without any pecuniary consideration to follow, no doubt it would not be pleasant, and I commend the Government for their action in calling Parliament together so soon; but, while doing so, I would remind honorable members that they have a duty to perform. Are they not prepared before the lapse of two months to go into matters affecting the interests of the people? Do they not think that financial matters should be discussed before voting away the public moneys? Again, there was one question which the two heads of the Government placed before the country as a question of paramount importance above all others—namely, the question of the alteration of the procedure of this House. Do honorable members not think that it would be wise for Parliament to meet earlier than June next to consider the proposals of the Government on that subject as well as for the despatch of public business generally? I would remind honorable members that one-third of the present House consists of new members who are not pledged to allow the Government to adjourn for any period they like. I can tell those members that on occasions in the past Ministers have taken office, gone to the country and come back and met Parliament with a policy to submit to it within one month. Considering that the members of the present Ministry have been in office for three years, and two of them

for six years, why should they require from now until June to prepare their policy? Besides, old members know that after Parliament meets it requires something like a fortnight or three weeks for it to get into working order before substantially any public business is done. Therefore, while I am not prepared to move any amendment, I desire to express my opinion as one of the oldest members of the House—I think there are only three or four senior to me—that the Government should be prepared to meet Parliament in a month, instead of adjourning until June, so as to deal with the question of parliamentary procedure. Again, as an old member of the House, I think I am entitled to ask the Chief Secretary for some explanation of the position he assumes in view of the fact that fully two-thirds of the House declared themselves on the hustings—I have copies of their speeches—to be liberals in every acceptation of the term. I want to know what the liberal members have done—in whatever part of the House they sit—that they were not called together before the opening of Parliament by the presumed leader of the party. The Chief Secretary, in a speech which he delivered at Flemington early in February, declared in effect that if a working majority of liberals were returned to this Parliament he would consider that the coalition was at an end, and that party Government would be re-established. I may not quote the honorable gentleman's exact words, but I believe I have interpreted him correctly; and what more does he want than the present liberal majority? Over two-thirds of the House are liberals, and why should we not have had an opportunity of showing our colours, and of being placed in a position to state whether we would accept the honorable gentleman as leader of the liberal party in this country? Perhaps the honorable gentleman has some reason for retaining his position as a leading member of a coalition Government—a position he has occupied in two coalition Governments for six years—but, if so, I think it is due to the liberal majority in the House that he should explain it. There are many honorable members sitting on the Government side of the House who declared, when before their constituents, that if there was a majority of liberals returned, they would go in for party Government. I could name those members, yet they are now sitting as supporters of a coalition Government. It is true that some of those gentlemen said that if there was not a majority returned in favour of party

Government they would support a coalition, but they did not say what sort of coalition—whether the present or another coalition. Personally, I do not think that since I have been a member of this House I have ever voted on any question against liberal principles, but, on the contrary, have always voted for those principles, and therefore I complain of being absolutely forced into a position of appearing to be in antagonism with some of my old friends who worked with me for so many years. It cannot be said that the Opposition are now obstructing, because the House has not yet commenced the transaction of business. We are asked to postpone the transaction of any public business until June, and therefore there could not be a more opportune time than the present—when discussion cannot affect the progress of business—for considering the propriety of endeavouring to revert to the good old rule of Parliament meeting earlier in the year. As an old member, who have shown by my recent contest that I have not in any way lost the confidence of my constituents, I protest against the waste of public time in members being asked to meet here in order to draw their salaries without performing their duty to the public. It would be far better in the interests of the country, and far more to the credit of this new House, if honorable members were to insist that they should have an opportunity of discussing the expenditure of public money before being called upon to vote it, so that the House might be enabled to deal properly with the finances of the country. I would again put it to the Government that it would be far wiser for the House to meet a month earlier than they propose, in order to deal, first, with the question of parliamentary procedure, if the Government mean that question to be dealt with, and then with the Estimates, before proceeding to the transaction of the ordinary legislative business. In conclusion, I repeat that I think that we are entitled to some explanation from the Chief Secretary as to his present position, in view of the fact that two-thirds of the House are liberals. Why does he not come out from among the coalition—he and the other liberal members of the Ministry—and form a true liberal Government? I think we have a right to complain of the position he has taken up, and, now that I have put the matter to him fairly, I hope he will give some reason why he thinks proper to continue a member of a coalition, and especially of a coalition such as the present.

Mr. SHIELS.—Mr. Speaker, the honorable member who has resumed his seat is certainly consistent with what he said three years ago, but I think it will be found that his own practice during a period anterior to that is inconsistent with what he now advocates. Why, as a Minister, in 1877, he was very glad to get the grace of five weeks—an adjournment of the House from about the 20th or 21st May to the end of June. Now what I want is fair play. I conceive there is no gain at all to the transaction of public business by bringing in measures hurriedly; and I desire to deal out to the Government what I would wish dealt out to me if I were in office. It is only proper that this and every other Government should have sufficient time for the preparation of their measures, so that those measures, when they are brought on here for discussion, may be in a complete state. In fact this is the only way in which to really expedite business. No doubt the Government will find it necessary to bring before Parliament many measures which they cannot have had time to adequately prepare. The honorable member for Ballarat West (Lt.-Col. Smith) says there is no precedent for the course now proposed; but I think there is. That most eminent parliamentary champion, Mr. Gladstone—probably the most experienced parliamentarian of modern times—obtained an adjournment of the House of Commons for over two months, from December to the middle of February, for the purpose of enabling his Government to bring forward their measures in a complete state. And I think nothing can be gained by our re-assembling in May to consider measures submitted in a bald and incomplete condition. As to the parrot cry about our having no control over the public finances, I have said over and over again that there is no bigger myth than that of this House having control over those finances. I have been a member of the Assembly for nine or ten years, and I have seen no practical control exercised by this House over a single pound of State expenditure.

Mr. GILLIES.—The financial statement cannot be submitted before the middle of July.

Mr. SHIELS.—I do not approve of denying to this Government any more than I would to any other Government reasonable time for the preparation of those measures which they may deem necessary for the welfare of the country; and I am not for meting out one measure to them now, and perhaps at another time asking for my

friends, or for myself, a different measure. I did not approve of the objection taken three years ago to the adjournment then asked for. The situation then was different from the present in that most of the members of the Government were at that time new to office. An adjournment of eleven weeks was then asked for, and it was granted. Now an adjournment of only seven or eight weeks is desired. Here I beg to ask the indulgence of the House while I call attention to the demand for a measure of extreme urgency, and that is a reform in the administration of the rabbit law. There has been no announcement on the part of the Government as to what measure they intend to propose in that direction or whether they intend to propose anything. There is an old adage to the effect that between two stools one comes to the ground. As a matter of fact the administration of the rabbit law is between three stools, and, in consequence, it has practically come to the ground. The rabbits are increasing; and great dissatisfaction upon the subject prevails everywhere, and especially among the municipal councils.

Mr. GILLIES.—The Government announced last session what they intended to do in that respect.

Mr. SHIELS.—I am not aware what the intentions of the Government are; and I feel it necessary, at the very earliest moment, to bring before the House the pressing urgency of a complete and radical alteration in the system of rabbit extirpation. At present, the shire councils, although over-burthened with their own proper work, have cast upon them an invidious duty which they cannot and do not adequately perform. Then we have the Government expending a large sum of money—some £20,000 per year—on rabbit extirpation. Lastly, there are local committees, called vermin boards, who have to see to the extermination of rabbits from mallee pastoral lands. Under these circumstances, the administration of the three Rabbit Acts—the original Act and the two amending Acts—is wholly unsatisfactory. I don't think that either the shire councils or the Government are able to do anything efficiently in the way of clearing this country of rabbits. The worst "stroke" of all is the "Government stroke"; and, therefore, I do hope the Government will not attempt to take over—as it was said last year that they intended—the whole administration of the rabbit law.

Mr. DOW.—The municipal councils wish to be relieved of the administration.

Mr. SHIELDS.—They want to be relieved of the duty because they find they cannot adequately perform it, and also because it is a terrible burthen on their own finances. The rabbits are increasing, much to the public dissatisfaction and consternation, in all rabbit-infested districts. Probably the colony is at present worse off, with respect to the rabbit plague, than it has ever been before; and a number of members—some of them new members—have been returned to this House charged with the important duty of pressing the matter upon the attention of the Government. I am inclined to think that one outlet of safety would be some change in the constitution of the local committees. In South Australia, after many attempts, legislation is now in force from which more good is expected than from any other Rabbit Acts previously passed. It is practically on the lines of local committees. The go-by is given to the Government, and the principle of municipal institutions is applied to all rabbit-infested districts. In every district of the kind members are elected to a council which has one sole duty to undertake—the work of rabbit extirpation. These councils have powers of rating and powers to undertake the work of rabbit extermination, or enforce that duty on land-holders; and each council is empowered to watch a neighbouring district, and, if that district fails in its duty, to come in and take whatever steps may be deemed necessary to suppress the plague. Practically, that system exists, to some extent, in connexion with our local committees. There is more hope of good being effected under such a system than under a system which imposes the work upon shire councils or upon the Government. The Government are charged with sufficiently arduous, multifarious, and responsible functions without adding to them work of this description; and I have always had the feeling that the “Government stroke” is the most mischievous, the most expensive, the most idle, and the worst of all “strokes.” I would like, in this connexion, to bring before the House the conclusions of the commission of representatives of the various colonies that was appointed to consider this question. The first conclusion of that commission, unanimously arrived at, was “that the responsibility for the destruction of rabbits, whether on freehold or leasehold land, must rest on the landowner,” and “that, with respect to unoccupied Crown lands, the State must accept a similar responsibility.” Now, the complaint everywhere is this—that areas of Crown land held by the

Government, which are generally of a poor character, are so many rabbit nests, a source of infection to the good freehold land in the neighbourhood; and that the Government are the parties mainly responsible for the inefficient carrying out of the work of rabbit extirpation—that the operations of Government parties are a mere farce; that not only do they not do the work properly, but that they endanger the work attempted to be done either by land-holders or by shire councils. Another conclusion of the commission was “that no finality in rabbit destruction will be obtained without making the erection of rabbit-proof fences compulsory.” It has been strongly urged, and especially in the territory recently added to the electorate of Normanby, that the Government ought to adopt some scheme of importing rabbit-proof fencing, and of selling it to the various landowners, especially the owners of poor land, on reasonable terms. I am not saying that I have come to that conclusion; I merely state that there are men who urge that the only solution of the difficulty—the only effectual way of coping with the rabbits—is by a system of isolation by means of rabbit-proof fences. Unfortunate landowners, if they go to market themselves, have to pay from £20 to £25 per mile for rabbit-proof fencing; but I know, from my own experience, that the Government can have rabbit-proof fencing landed in Melbourne for £13 10s. per mile, including all expenses. Seeing that the Government do many things much more hazardous, I don’t understand why they cannot come to the help of the landowners in connexion with this great national question—a question which affects the whole colony. Among the other conclusions to which the commission came were the following:—

“That there are very large areas of land so poor that the erection of rabbit-proof fences around individual holdings might cause financial failure. That the department administering the Rabbit Destruction Act should be empowered to permit the fencing of such poor holdings in groups. That in dealing with land of very poor carrying capacity the State should show special consideration to the lessees in respect of tenure.

“That in all infested country, but especially in such poor districts, simultaneous operations for the destruction of rabbits should be made compulsory.

“That netting fencing 3ft. high, with a mesh of 1½ in., forms a practically efficient barrier against the incursions of rabbits.”

Another conclusion was “that the system of compulsory trapping, with professional trappers and State bonuses, is radically



bad"; and the final conclusion was in these terms:—

"That legislative measures should be taken compelling landowners or lessees in districts infested by rabbits to join, subject to the above provisions, in payment of the cost of rabbit-proof netting fences, or in the addition of such netting to existing fences."

These were the conclusions arrived at by this commission of eminent experts, appointed by the several colonies, that met at Sydney. I feel it incumbent on me, because the matter has been so strongly impressed upon me by the electors in the new part of my district, to bring it before the House at the earliest possible moment; and I say the Government will not be doing their duty unless they propose some complete and radical change in the rabbit law. No Rabbit Act hitherto passed in New South Wales, Victoria, or South Australia has been wholly satisfactory; but I see some outlook of hope if the Government will give the go-by to the administration of the rabbit law, first, by the shire councils, and, secondly, by themselves. Indeed, I am satisfied the Government will be found less capable for the work than the shire councils. The work must be undertaken by men on the spot, who are animated by motives of self-interest, and who should be made aware that, unless they adopt efficient measures to secure rabbit destruction, they will have to pay for some one else doing the work. Each landowner should be a watch on his neighbour. Each should make it his duty to see that his neighbour does his share of the work. Each rabbit-infested district should not only do its own rabbit extirpation, but should take a keen interest in seeing that neighbouring districts do their share also. It is only by simultaneous action of this kind that we can ever hope to cope with this grave peril, so inimical to the public interests of Victoria.

Mr. MASON.—Mr. Speaker, I have had the privilege of being outside this House for the last three years, and it is by the will of the electors of Gippsland South that I again occupy a seat within these walls. Sir, I had the honour of knowing you before you were elected Speaker of this Assembly. I had the honour of being a co-partner with you in the introduction of a very important Bill to this House; and I only express my honest conviction when I say that it gives me infinite pleasure to see you presiding over the deliberations of the Chamber. I sincerely hope you may live long to adorn that position. I think it only fair to honorable members, and especially new members, that they should know exactly where they are

travelling. I am delighted, as I am sure other honorable members must be, to see the honorable member for Ballarat West (Lt.-Col. Smith) back in his old place, and enjoying improved health. At the same time, I think the honorable member ought to deal fairly with those who are "new chums" among us. The honorable member objects to the adjournment asked for by the Government, but does not the honorable member recollect that when he was one of the leaders of the liberal party—when Mr. Berry went to England as ambassador—Parliament did not sit for seven months? At the close of that long recess, the honorable member for Ballarat West met us as Treasurer of the colony, having previously proclaimed the discovery of a surplus of £2,000,000. It turned out that there was no substance about those two millions. We looked in vain for them. It was said that they had filtered, somehow or another, through the honorable member's boots. At all events I don't think the country benefited very much by that grand surplus. As to the question of adjournment, what is the most recent precedent? Three years ago, the Assembly met on the 16th March, and adjourned until the 1st June; so that the House then adjourned over nearly three months. We are now asked to adjourn for less than two months. I think the proposition a most reasonable one. The honorable member for Ballarat West need not sneer about honorable members being called together in order that they may draw their £300 per year, because he is one of the fathers of the system of payment of members. I may inform those gentlemen who are new to this House that we have to thank the honorable member for Ballarat West, to a large extent, for the Payment of Members Act. And in all probability, if the honorable member had happened to be the Premier of this colony, he would have proposed something like what has been proposed to-day. Possibly he would have asked for an adjournment until July or August, instead of June. And for this very good reason: that the financial statement cannot be submitted until after the month of July has been entered upon. Therefore I say the honorable member for Ballarat West ought to deal fairly with men who have not the parliamentary knowledge that he possesses. If the House were to meet earlier than the Government propose, the proceeding would only lead to an immense amount of unnecessary discussion, "stone-walling," and talking against time. Certainly it would not conduce to the transaction of public business.

The House of Commons, which has to deal with such things as declarations of war, the pacification of the world, the affairs of nations, does not hold as lengthy sessions as we do here; and yet we are no more to be compared to the House of Commons than a municipal council is to be compared to this Chamber.

Mr. MUNRO.—They have longer sittings.

Mr. MASON.—I don't object to long sessions; but I do object to sittings which extend to one or two o'clock in the morning, and which can only be attended by injury to the health and constitution of those who take part in them. As to the question of rabbit extirpation, I can assure the honorable member for Normanby that he will have the co-operation of the members for Gippsland—and I am glad to find that Gippsland is now more largely represented in this House than it used to be—if he will only assist them in exterminating the wallaby, wild dog, and fox from that part of the colony. And I take this opportunity of telling the Minister of Lands that if the Government propose to deal effectually with the question of rabbit extermination, they must also make provision for assisting selectors and settlers in the work of destroying wallaby, foxes, and warrigals. I beg, also, to tell the honorable gentleman, with regard to the timber reserves in Gippsland which he has shut up against selection, that he will have to run roads through those reserves to enable Crown tenants to travel to and from their holdings. I have only to add that I consider the Government justified, both by precedent and circumstances, in asking for the adjournment they propose. The interval since the close of the last session has been occupied by a general election; Ministers have not yet been able to give any time to the preparation of measures; and, therefore, it is only fair and reasonable that the adjournment now sought should be granted.

Mr. MUNRO.—Sir, I don't think there is much to be gained by a long discussion this afternoon. I simply rise to enter my protest, as I did three years since, against such an adjournment as is now proposed. Three years ago there was some excuse for a proposal of the kind, because the Government were then newly formed, and had to prepare measures before they could submit any to Parliament. But that is not the case now. We were told the other day, by a member of another Chamber, that the whole of the business which that House had to transact was not submitted until the end of

the session was approaching, and that then it was thrust upon them in a crude form, and had to be passed without the consideration necessary to enable them to deal effectively with it. The Treasurer has been good enough to tell us that he cannot make his financial statement before July; but the honorable member for Collingwood (Mr. Langridge) and the honorable member for Normanby have called attention to two very important matters which are not at all affected by the financial statement, and which could be taken into consideration by this House before that statement is brought forward. We know, also, that the Government have declared to the country—this, in fact, has been their trump card—that they could not carry on the public business because of obstruction. The honorable member for Gippsland South has informed us that the House of Commons does not occupy much more time over public business than we do.

Mr. MASON.—Not so much.

Mr. MUNRO.—But does not the honorable member know that the House of Commons meets every day in the week? Does he not also know that, when an attempt is made here to induce the Assembly to meet on Fridays, country members object?

Mr. MASON.—I don't.

Mr. MUNRO.—I am talking of what is within my own personal knowledge. When I asked the Premier, last session, to call the House together on Fridays, instead of meeting at two or three o'clock on the ordinary sitting days, country members objected to the idea. But business men in Melbourne cannot afford to attend Parliament earlier than four o'clock. They are not, like members of the House of Commons, independent men who can be in their places at any hour, if need be, every day of the week. The result is that the number of hours we devote to public business is limited. Under these circumstances, we ought to begin the session as early in the year as we can. Besides, it is unpleasant and unhealthy for honorable members to be sitting after the hot weather commences. The Government have complained that they were unable to submit to Parliament, last session, all the measures which had then been prepared. If those measures were ready last session, surely they are ready now. I merely want to enter my protest against this proceeding of the House going to the country, of honorable members being elected and being called together by the representative of the Crown to transact business, and of their then being told by Ministers, who are the

advisers of the Crown, that they are not in a position to submit business. For that, I say, Ministers should take the responsibility. I enter my protest against this House being called together on the 9th April, and then being told that it must adjourn to the 4th June. It appears that although the Government went to the country with the statement that they could not obtain the passage of measures through Parliament on account of obstruction, they are not prepared to submit those measures now. That state of affairs is not creditable to the Government. And I say it is a state of affairs which they cannot justify before the country or look upon with satisfaction to themselves. They asserted in the last Parliament, over and over again, and they stated it upon the hustings, that they had measures ready to bring in last session, but, in consequence of obstruction, they could not submit them to the House. If the Government have their measures ready, there is nothing to prevent them submitting them to Parliament at once. I am quite sure that honorable members on this (the opposition) side of the House are prepared to give fair consideration to any measures which they may bring before the House; but we are not prepared to admit statements which cannot be borne out by facts.

Mr. McLELLAN.—Sir, I did not intend to say a word upon the present occasion, but, as a member of the Ventilation and Lighting Committee, I must inform honorable members that, if they desire to meet for business within the next two months, they must find another building to meet in, because it is impossible that the carpenters, masons, bricklayers, plasterers, and other mechanics who are in possession of the Assembly chamber can have it ready for the use of members before the date to which the Government have asked the House to adjourn.

An HONORABLE MEMBER.—Nonsense.

Mr. McLELLAN.—It is perfectly true. I may tell honorable members, if they are not aware of the fact, that they are now sitting upon skeletons—that all the seats and other arrangements connected with the chamber have been merely temporarily fitted up, to enable members to meet here for the purposes for which they have assembled together to-day. If they come into the chamber to-morrow morning they will find the whole apartment dismantled and again in the hands of the mechanics. I wish to add nothing further to this discussion except to say that, the Speaker being the chairman

of the Ventilation and Lighting Committee, and other members of the committee not being present, I thought that it devolved on me to make the explanation which I have just given to honorable members, and particularly to new members, who are here for the first time. It is impossible, I say, that this chamber can be ready for the transaction of public business within the next two months. It is now in the hands of mechanics, who are carrying out the necessary alterations as speedily as they can.

Mr. DUFFY.—Mr. Speaker, it is, I take it, a happy augury for the transaction of public business to find that, instead of obstructing, the Opposition on this occasion actually want to force Ministers to go on with business. The new rules of procedure with which we are threatened, judging from what has occurred to-day, will be rules which will compel the Government to bring in business rather than rules to prevent members from obstructing its despatch. For my own part, I do not wish to press unduly on the Ministry in any shape or form. I consider that every Ministry are entitled to a reasonable time to prepare their measures, and, further, I am of opinion that it is the greatest curse to this Legislature and this country to have crude and ill-prepared measures thrust upon them. What I would like to say to the Government is this: let them take whatever time they consider necessary, in the interests of this House and the country, to prepare their measures, and let them then bring those measures down properly prepared early in the session, so that there may be ample time for Parliament to consider them. Let us not have a repetition of what occurred last session. We know that last session public measures were kept back until the session was almost at an end, when they were rushed through this House and another place—the moment that any one attempted to discuss them in any way, the cry of obstruction was at once raised. If the Ministry require further time to perfect the measures which they intend to submit to Parliament this session, I say let them have it; but, having the time they require given to them, let them bring down their measures properly prepared, and at the beginning of the session, so that there may be opportunity for honorable members to fairly consider them. I sympathize deeply with the statement of the honorable member for Ballarat West (Lt.-Col. Smith), who reminded the older members, and informed the younger members, that the control of the public finances is gradually slipping

from this House. No doubt that is so. It has been so in the past, and if something is not done, the evil will become worse in the future. I know that there is a difficulty about bringing down the Estimates for the next financial year until the current financial year is closed, but I do say that as soon as one year is closed the Government are bound to bring down their Estimates and to proceed with them at once. When the time comes, I shall certainly do my part in endeavouring to see that no undue Supplies are given to the Government unless they are prepared to go on promptly with the Estimates for the next financial year, so that the Assembly may fairly and fully discuss them, and thus have as much control over the finances of the country as the nature of things will allow. I am sick and tired of the sham of discussing items of expenditure when we are told that there is no use in discussing them, because either the money has been spent already or the credit of the country has been pledged to spend it. That is a state of things which ought not to be allowed to prevail in future. I desire to say a word or two in relation to the question which has been opened up by my honorable friend, the member for Normanby—the rabbit question. That is a subject of much greater importance than probably a number of honorable members either understand or believe. But honorable members who, like myself and others, have had to traverse large and important country constituencies during the last month, are fully aware what a plague and a pest the rabbits have become. Instead of diminishing in number they are actually increasing; and if the Government are not prepared to deal with the nuisance effectually—if they do not understand how to deal with it—let them at once appoint a Royal commission on the subject. If they are prepared to deal with the question, let them do so trenchantly. Let them adopt any system for exterminating the rabbits—I don't care what it is—so long as it is a uniform system put in operation all over the country, and put in operation at once. Let them especially deal with the rabbits on Crown lands, because the Crown is still the largest landed proprietor in the country, and the landed proprietor upon whose estate there are more rabbits than there are on that of any other landed proprietor. I believe that if the system advocated by myself and some other members eight or nine years ago, when rabbits first became a pest in Victoria, had

been carried out, namely, compelling the Crown to destroy its own rabbits, the evil would have been overcome.

Mr. ANDERSON.—You were Minister of Lands at the time.

Mr. DUFFY.—I am sorry that political exigencies prevented me from preparing a Bill on the lines which I advocated, and submitting it to the House. The public health is also a question of great importance to the country at the present moment. I do trust, whatever course is adopted now—whether we proceed with business at once or adjourn for two months—the Government will take this matter into serious consideration. If the adjournment is carried, I hope that when they meet the House two months hence the Government will not say that they have had much more important work to attend to in keeping their majority together. If they are not prepared to deal with the question, or do not understand how to do so, let them at once appoint a Royal commission to inquire into it.

Mr. BAILES.—Sir, I think there is a very great difference between the circumstances attending the opening of the present Parliament and those which existed at the commencement of the last Parliament. Just before the meeting of the last Parliament the Ministry had been reconstructed, but at the present time the Ministry is almost identically the same as at the close of the past session. Therefore, I think that there is no necessity now for so long an adjournment as took place at the beginning of the session of 1886, or, at any rate, that there is not the same political necessity for such an adjournment. Personally, however, I would not care if this House adjourned for six months if at the end of that time the Government came down with properly prepared measures for the public benefit. During the last Parliament a great deal was said on behalf of the farmer, and both now and on other occasions the necessity of stamping out the rabbit pest, in the interests of the farmers, has been forcibly advocated. While not wishing to differ from the views which have been expressed in this direction, I must urge very strongly the necessity for something being done for the benefit of another industry than the agricultural industry—an industry of paramount importance to this country. I refer to the mining industry, which is of greater importance to the welfare of Victoria than the farming industry ever was or ever will be. It is absolutely essential that something should

at once be done to relieve the mining industry from its present depression. No doubt during the last Parliament the Ministry provided an increased sum for prospecting; but if the prospecting vote were ten times larger than it is, that alone would not place the mining industry in the position which it ought to occupy. I believe that there is only one way of restoring the mining industry to the prosperity which it enjoyed in days gone by. The Mining department ought to be placed under the control of a responsible head, who would devote his whole time to the development of the mining interest. If the department would set to work to deal with the tribute system, the mining industry would again be as flourishing as it was in 1870 and 1871. I hope that the Government will undertake, during the adjournment, to prepare a Bill making it compulsory for leaseholders to let every portion of the ground which they are not working themselves on tribute, and fix a sliding scale of percentage to be paid by the tributers, so that they may be sure of getting some return for their labour, instead of being, as at present—having no legal tenure—liable to be turned adrift after doing all the “dead” work and prospecting. I admit the importance of the farming industry; but the mining industry, I contend, has done more than any other to build up the prosperity of this colony, and I would strongly urge that it is the duty of the Government to initiate legislation to resuscitate it from its present languishing condition.

Mr. TAVERNER.—Mr. Speaker, I have been given to understand that any member who makes any remarks to-day will be looked upon as being hostile to the Government; but, under ordinary circumstances, sitting where I do, it cannot be supposed that I am friendly to them. I have, in fact, been returned as an opponent of the Government, but I must, of course, bow to the will of the majority of the country, and I am quite prepared to respect the Ministry so long as they do justice to the farming districts. I wish, on this occasion, to earnestly appeal to the Government to do something to remedy what is a very serious affair, namely, the rabbit pest. In the northern districts the shire councils and the people generally have come to the conclusion that it is a national calamity, and that it is the duty of the Government to deal with it as such, just as they did with the *phylloxera* when it attacked the Geelong vineyards. Only last Wednesday a large number of my constituents

waited on me and asked me to urge the Government to adopt some means to keep the rabbits in the mallee from overrunning the adjoining cultivated country, or otherwise the labour of the farmers would be wholly destroyed. The Minister of Lands has been furnished with the names of a large number of farmers in the shire of St. Arnaud who last year had nearly the whole of their crops devoured by rabbits. If this state of things continues, what will become of the farmers? I trust that the Government will lose no time in dealing with this question. I would like them to fence off the mallee country from the settled country; if they do that, the farmers will be perfectly safe from the inroads of rabbits. Let the Government show their sincerity in the matter by taking some steps in that direction. The Minister of Lands was good enough to tell the local bodies some time ago that he would supply wire netting to keep the rabbits from leaving the mallee country and entering upon the cultivated lands, provided that the shire councils became responsible for the repayment of the cost, and intimated that if it was not paid it would be stopped out of the annual subsidy. I contend that no Minister has the power to stop one penny out of the subsidy to any municipal body after it has been voted by this House. I would again urge that it is the duty of the Government to adopt prompt and active measures to suppress the rabbit nuisance. In the course of this discussion it has been asserted that country members strongly object to Friday sittings. I beg to say that I am quite prepared to come here at six o'clock in the morning; in fact, that is the hour when people in the country commence their daily work. I will be pleased to attend the House at any time that the Government, in their wisdom, think it necessary to call honorable members together in order to do the business of the State.

Sir B. O'LOGHLEN.—Mr. Speaker, the honorable member for Ararat has informed the House that we are sitting here on skeletons. I beg to assure the honorable member that the skeletons are not on this (the opposition) side of the House. If there are any skeletons in the chamber, they are on the other side—under the Ministerial benches. We have heard something in the air about a reconstruction of the Ministry; I don't know whether that is a skeleton. We have certain legacies from the last Parliament; perhaps they are skeletons. Undoubtedly there is some reason why the Ministry want this unusual adjournment.

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I join with the honorable member for Ballarat West (Lt.-Col. Smith) and the honorable member for Geelong (Mr. Munro) in protesting against an adjournment for eight weeks under existing circumstances. The honorable member for Ballarat West has been twitted with the fact that in 1877 the Government of which he was a member obtained an adjournment for five weeks; but what were the circumstances under which that adjournment was asked for? The statement made on that occasion is thus recorded:—

“Mr. GRANT called attention to the peculiar circumstances under which Parliament had assembled—the general election having been followed by a change of Ministry—and intimated that it would be necessary for the House to adjourn over several weeks, to enable the new Ministers to go to their constituents and to frame measures for presentation to the Legislature.”

The adjournment asked for in 1877 was for only five weeks, although there had been a change of Ministry, and the new Ministers had to go to their constituents for re-election, as well as to prepare their measures. Not only, however, have the present Government been in office for the last three years, but some of them have been in office for the last six years; yet they want an adjournment for eight weeks before introducing Bills which they say were prepared last session, but not carried into law in consequence of obstruction. For a personal reason, I am glad of the present opportunity of calling attention to a peculiar circumstance which I determined to allude to on the first occasion that offered. Last session was closed by a Governor's speech in the usual way, and Parliament having been prorogued, there was no opportunity for any member to make any observation on anything in that speech. The Government, and not His Excellency, were responsible for the speech, which contained the following words:—

“A happy accident gave the Legislative Assembly an occasion of testifying its loyalty to the Crown.”

Sir, that was an imputation, inferentially, of disloyalty against myself, against the honorable member for Warrnambool, and against the present honorable member for Warrenheip. It was also an inferential charge of disloyalty against Sir Henry Parkes, and the whole of the Government of New South Wales, as well as against Sir Thomas McIlwraith, the Hon. Mr. Moorhead, and the Legislature of Queensland, and the Hon. Thomas Playford and the Legislature of South Australia. Moreover, it inferred a charge of disloyalty against our present Acting Governor, who has

expressed an opinion in favour of views that I have entertained in this House. Sir, I have always said that that glorious anthem, the “National Anthem” ought to be sung upon national, social, and friendly occasions, but it ought not to be degraded into a party emblem. I hold that it was so degraded in this House. It was made use of as an insult to members who have stood up in this House in support of certain views, and all of whom have been again returned to the House. I had a walk-over at the recent election, the honorable member for Warrnambool was returned by a majority of 450 votes, and the honorable member for Warrenheip by a majority of between 700 and 800. We have all been re-elected, notwithstanding the charge of disloyalty, inferentially, made against us, as well as against the Ministries and Legislatures of other colonies in Australasia, by a Government the members of whom are sacrificing their views on the stock tax on the ground of promoting federation. Could anything more tend to postpone federation than the very paragraph I have quoted, which was inserted intentionally and on consideration, in the speech which Ministers dared to put into the mouth of the representative of Her Majesty, and in which they dared to charge me and other members of this House, inferentially, with disloyalty? Sir, I repudiate the charge. For 26 years I have been in the service of the Queen in this colony. I have held official positions; I have held high and responsible political office—the highest that can be held in this colony by a Member of Parliament. I still hold office under the Crown, and, as holding that office, I brought the accusation of the Government, and my answer to it, before His Excellency the Governor prior to his departure from the colony. I have not been able to put before the public my memorandum and His Excellency's reply, but on a fitting occasion I will move that an address be presented to His Excellency, requesting that he will be so good as to publish the memorandum and answer. To come back to the question of the proposed adjournment of the House. I think it only reasonable that an adjournment should be granted over the Easter holidays—say to Thursday fortnight. That would afford the Government an opportunity of sending any gentleman who may accept office with them to his constituents, and meeting the House with a reconstructed Ministry. I don't know whether they are able to manage a reconstruction. I put it to the late House, and I have been of this opinion

ever since I came back again into political life, that we are governed by a press-ridden Government, and I don't know what their masters—the *Age* and the *Argus*—will do. The Government are ruled only by the three Melbourne morning daily newspapers; the rest of the press is free. The *Daily Telegraph* does not take up exactly the same position as it did three years ago, but the *Argus* and the *Age* will not allow the Government to sacrifice their particular pets. It is impossible to say what direction may be given to the Premier by either of those papers. It is a pity that the papers don't quarrel, because then the Government would not be able to reconstruct, and they would only meet the House to resign and allow other members to take their places. I say that the adjournment which the Ministry now ask for should not be granted. The House has met under most peculiar circumstances—under circumstances for which there is no exact precedent—in fact, they appear to me to be almost fundamentally unconstitutional. Seven months ago the Government were beaten by their own supporters; and what occurred afterwards? I am not going into the details of the circumstances under which their supporters were befooled; but I may mention that, after the Government were beaten by their own supporters, a caucus was held, and at that caucus a most unholy compact—politically unholy—was entered into. The compact was that the Government were to pass the Estimates, the two Electoral Bills, and some technical measures; but that no more work was to be done, and Parliament was to be kept in existence until the very last day on which it would expire by effluxion of time. The latter condition was strictly adhered to, but the compact was stretched by the Government, who, before Parliament was prorogued, passed a number of Bills which were not included in the arrangement originally entered into. When the Ministry were defeated they had three courses open to them to pursue, any one of which would have been constitutional. They might have accepted the decision of the House, and increased the stock tax, without resigning; they might have refused to accept the vote of the House, and have gone to the country; or they might have asked the House to pass the Estimates, the Appropriation Bill, and the Electoral Bills, and then have dissolved Parliament. They took none of these courses. But what did they do? They withdrew the Budget, although as to most matters contained in it the House was

*Sir B. O'Loghlin.*

nearly unanimous. They said they were stopped by obstruction, whereas they were defeated on one or two items by their own supporters. If that Budget, on which the Government have gone to the country, had been pressed on the House, the House would have passed it, because on the main points both sides were agreed, although no doubt details would have been altered. We are ready to pass it now, seven months afterwards, yet that Budget, which was to be of such incalculable advantage to the country, the Government will not allow us to see again for another two months, and I suppose it will be three months before it is passed. So that the country is to be twelve months without the incalculable benefit of this Budget—and all because the Government would not take the constitutional course they ought to have taken. The course the Government adopted was most unconstitutional, and the political compact they entered into was the most unholy I ever heard of. The result is that we shall be landed face to face this year with the very same difficulty from which the Government ran away last year. There is not the slightest doubt about that, because although a majority may have been returned against an increase of the stock tax, it is now felt by the country that the question is free-trade or protection, and that free-trade has "scored one." It may have been under the guise, or disguise, of federation, but it is felt by the country that free-trade has scored a decisive victory over protection. We were told during the elections that unless the Ministry were returned a financial crisis would take place. There was but one road out of a financial crisis, and that was the return of the Premier at the head of the poll, and all his supporters with him. I fancy that the best thing that has happened to take us out of any crisis has been the welcome rain which has been falling in this and the other colonies during the past few days. But what will be the result of that? In twelve months—certainly before two years—if we have no increased stock tax we shall find fat bullocks selling at £7 per head and fat sheep at 5s. per head in the Melbourne market. If the favorable weather continues, we shall have a large surplus of fat sheep coming down from Riverina and of fat bullocks from Queensland, either alive or as chilled meat, and the result will be that the country lands of this colony will be depreciated in value 50 per cent. If you deduct the value of the land arising from its being able to fatten stock, you will reduce its value to the extent I have mentioned.

Several HONORABLE MEMBERS.—No.

Sir B. O'LOGHLEN.—I heard the same "No" when free-trade was preached at home, and what do we see now? In the agricultural counties of England the finest lands have gone down 50 per cent. in value. If that is the case in a large and magnificent country like England, what will be the case in a small colony like Victoria if we are flooded by fat sheep from Riverina and fat bullocks from Queensland? I have made a prophecy, and I know it is a dangerous thing to prophesy, but for the last dozen years I have studied this question, and I have convinced myself that my prophecy will come true unless there is an increased stock tax. Honorable members have spoken about the necessity for the establishment of a Metropolitan Board of Works, the suppression of the rabbit pest, and other things; but the reply of the Government is, "You must wait another two months," although the Minister of Lands has stated that a Rabbit Bill has been prepared. I have seen rabbits in crowds on the roadsides and in the fields, washing their faces with their paws, and so tame as hardly to be disturbed by passers-by. It is also well known that the worst-infested lands are those which belong to the Government. Crown lands, and the fringes abutting on them, have populated the lands of the farmers. But all these practical questions have to be postponed for two months. I have also a practical question, which has been postponed in the same way by the Government for a considerable time. I refer to a national work in my own district—the completion of the improvement of Port Fairy Harbour, according to the scheme of Sir John Coode. I have seen that the Premier is going to give £60,000 towards carrying on works in another harbour, but there is not a word about Port Fairy. Last year the matter was brought before the Government, and a deputation waited on the Minister of Customs owing to the Premier being too busy to receive it. Subsequently, on the 27th November, I called the attention of the Government to the immediate necessity for completing the works, and the Minister of Customs then stated that he had already promised to send down an officer within three days—the statement can be seen in *Hansard*—to inspect the work and report. But, although two or three deputations afterwards waited on the Government on the subject, no officer was ever sent down until last week, and even now we do not know whether a sum of

money is to be included in the new loan for the completion of that harbour—the best natural harbour in Victoria outside Port Phillip Heads. What I would urge on the House is that the Government should not postpone the whole business of the country for eight weeks, but should call the House together again in two or three weeks. If the Treasurer then finds that he cannot get on with his Budget, there is plenty of other business to proceed with.

Mr. TUTHILL.—Sir, I think the Government are entitled to the adjournment they ask for, which is in accordance with the usual custom on the opening of a new Parliament. I would ask the Government, however, during the adjournment, to give careful attention to an important matter, namely, the administration of the Mining department. Since the Assembly last met, that department has lost the services of a most valuable officer in the person of the secretary, Mr. Langtree. During the last Parliament it was considered that the department was not so well administered politically as it should be, as the exigencies of the Government would not allow them to give a Minister entirely to it. The trouble is now intensified by the department losing the services of Mr. Langtree, who, as secretary for Mines, was unsurpassed. I congratulate Mr. Langtree on his promotion to a higher position, but his promotion is at the expense of the mining industry. I would ask the attention of the Minister of Mines to an attempt which is now being made on the part of the Water Supply department to interfere, to a very serious extent indeed, with the mining industry. A circular has lately been sent out from the Mining department stating that, owing to the unsettled state of the irrigation schemes, it is proposed to limit the term of water-right licences to one year instead of ten years. Now, as mining members are aware, the very existence of alluvial mining depends on a proper supply of water. Originally, water-right licences were issued for fifteen years, and under those licences the licensees went to a very considerable outlay in cutting races to carry water to their claims. Afterwards the term was reduced to ten years, and now it is intimated that those licences which are expiring are not to be renewed, but in lieu of them the department will issue an annual licence. The effect of that will be that not only will men not feel themselves justified in going to an expense of £5,000 or £10,000 in cutting races, but there will be a scare among the banks and other institutions which have advanced money for such



undertakings, and the present licence-holders will be called upon to pay up. This is a matter which affects the very existence of alluvial mining, and I trust that the Minister of Mines will consult with the Minister of Water Supply and see that the matter is set right. I sympathize with the efforts of the Minister of Water Supply to perfect the various schemes of irrigation, but care must be taken that irrigation is not carried out at the cost of an important industry. I trust, therefore, that the Government will see their way, without waiting for the end of the two months' adjournment, to intimate to those mine-owners who have gone to great expense under their licences that the arbitrary alteration proposed will not be carried out, and that they will get a renewal of their licences for at least the term of ten years. I know one or two claims already seriously affected by the issue of the circular I have referred to, and unless something is done at once others will be similarly injured, and a financial crisis will be brought about.

Mr. RICHARDSON.—Mr. Speaker, I rise in the first place to make an explanation as to the position which I am occupying in this chamber. I may say that that position is almost a pure accident. I do not think I am called upon to make any apology for it, but I feel that it would be almost unfair to say anything in opposition to the Government—to make any attack on them—on the present occasion, as they are in such a position that they cannot reply.

Mr. BURROWES.—Why not?

Mr. RICHARDSON.—I think the Speaker will say that the Government cannot reply to any remarks made to-day. The honorable member for Ballarat West (Lt.-Col. Smith) drew attention to the delay in calling Parliament together for the despatch of business. I think that rather a wrong construction has been put on the honorable member's remarks. He did not complain at some adjournment being asked for by the Government, but merely submitted that the adjournment should not be of such duration as is proposed. I think that was a very fair way to put the matter. The Premier did not ask for an adjournment until June on the ground that the Government were not ready with measures to go on with, but on the ground that "breathing time" should be allowed to new members who have taken their places in the House. No doubt that is a consideration which new members may desire and may be entitled to, but I do not think that new members require the length of "breathing time" which is proposed. I

believe that it would be perfectly within the power of the Government to make a reply on the mallee question, the works question, and the rabbit question, which have been referred to by honorable members. As to the rabbits, the Minister of Lands would say that the landowners have power now to destroy the rabbits on their lands, and the Government to destroy those on theirs. No doubt the question of rabbit suppression is one which requires more than passing consideration, but I do not wish to prolong this discussion. I only desired to place the intention of the honorable member for Ballarat West fairly before honorable members. None of us want to place the Government in the position of having to bring forward measures immediately. It is necessary that some delay should be given to them, but I think the Government might have told us something of what they intend to propose—what proposals for instance it is intended to submit with regard to parliamentary procedure. The experience of the House is that that is a most difficult question. It has been complained by the honorable member for Port Fairy that the press has been urging for some time that some new rules of procedure must be made. I, however, hold the opinion that the Government will not require to submit any alteration of the procedure during this Parliament. I trust that all honorable members here are prepared to assist the Government in the measures they will submit, so as to render them as acceptable as possible, and that the Government proposals will be received and dealt with in such a way as to render any alteration of the rules of procedure unnecessary. It may be that there will be more discussion, owing to the greater number of members, but if that discussion is only carried on in a legitimate and constitutional manner, I believe the Government will hesitate to ask the House to alter the rules of procedure. However, if the Government do intend to submit any proposals on the subject, they might take us into their confidence now, and give us an idea as to what they contemplate submitting. The "breathing time" which we are to have would then enable us to consider their propositions and to deal with them in the interests of Parliament and the country. I desire to call the attention of the Government to a question of administration which is of serious import to the country. I refer to the distribution of the prospecting vote. The last Parliament sanctioned a very considerable increase in the amount of that vote, and, so far as I

can see, there was an honest intention on the part of the Government to see that the vote was fairly and legitimately distributed. But I think it must be patent to every honorable member and to the Government that the distribution was a failure. The Government have now called together the prospecting boards to take counsel as to the future distribution of the vote, and I think that if the Government were to lay down the lines on which that discussion should take place, and were to formulate a policy on the subject, it would greatly help the consideration of the subject, and, in all probability, the mining interest. I would suggest whether the Premier should not consider whether the different kinds of prospecting should not be classified, and the distribution of the vote placed altogether outside political influence. What is required is a really national policy, which should include dealing with new gold-fields and auriferous leads in deep country. If the Government will turn their attention in this direction, and formulate a policy that prospecting should be carried out on certain principles, I think they will be acting wisely. The mode in which the vote has been distributed up to the present has chiefly given satisfaction to companies which have been brought to a stand-still. No doubt those companies may be legitimately assisted, but the money should be advanced subject to certain conditions as to repayment where gold has been found.

Mr. FOSTER.—So it is.

Mr. RICHARDSON.—Only in very few cases has any money been returned to the State.

Mr. FOSTER.—It is the rule in Gippsland.

Mr. RICHARDSON.—The rule is not an invariable one, and a great deal of dissatisfaction has been caused by the variable-ness in its application. Then the prospecting vote also wants to be expended in helping small companies to prospect in places which have been apparently worked out. I do not wish to extend my remarks on the subject on the present occasion, but I trust that the Premier, in the exercise of his functions as Minister of Mines, will give his best attention to it, and, when the prospecting boards meet together, will give a tone to their discussion which will benefit the mining industry and the country at large. As I have already stated, I occupy my present position more by accident than anything else. There are some questions on which I have pledged myself to my constituents in harmony with the views of the Government, and when

those questions come up for consideration, the Government shall have my support in dealing with them. Probably that will not be acceptable to some honorable members connected with the Opposition. But the position which, as a parliamentary representative, I take up is this: that while I disapprove of coalition Government, I feel bound, as an independent member, to give support to honorable members on the Treasury bench when I think they are going in the right direction. I trust that the Opposition, of which I intend to be a member, will pursue a constitutional course, and seek to retard measures only when, in their opinion, those measures are not in the interests of the country. No doubt the Government are as well disposed towards the country as we are, but they must give us the credit of being as well disposed towards the country as they are. While I take up this position I must say that I think the time has come when we should altogether cast aside the term "coalition Government." I no longer regard the present Government as a coalition Government. They must see that they have now become a consolidated Government. They are drawn from only one side of this House; and they must be prepared to stand by their own actions. I suppose the Government will state that they have been prepared at all times to stand by their own actions. However, when a majority of the members of this Chamber come to the conclusion that the Government no longer represent them or the country, the Government will have to give place to others, and we will have to make a fresh start in politics.

Mr. MADDEN.—Mr. Speaker, before this debate terminates, I desire to join with the other honorable member from the north-western part of the colony who has spoken in impressing upon the Ministry and the House the fact that the rabbit question is again assuming very serious proportions. I do not concur with the honorable member for Normanby as to the remedy which he thinks necessary. In my opinion, the principal remedy is for the Government to take the administration of the whole of the law into their own hands. That is the only way by which the plague will ever be thoroughly got rid of. One other matter I desire to refer to. The country members of this House have been favorably disposed, in the past, to the Melbourne Harbour Trust because they were of opinion that one of the works that trust would carry out was the bringing of shipping to Spencer-street, so that goods from the

country might be put on board at that point. But what do we find stated in the press recently? Why that the connexion between the State railways and the Harbour Trust works in Melbourne is to be done away with—that the railway which at present runs along the Australian Wharf is to be taken up, and that, for the future, goods which come from the country to Spencer-street will not be shipped there. This may not seem, at first sight, to be a serious question; but honorable members must be aware that the alteration means several additional handlings of goods; and the object of country members in the past has always been to secure an avoidance of those handlings. They never thought that the operations of the Harbour Trust would result in this state of things.

Mr. LANGRIDGE.—Is it not only a temporary arrangement?

Mr. MADDEN.—It is stated as intended to be a permanent arrangement; but I trust the Premier will see that no alteration of the kind is made without very serious consideration indeed.

Mr. McINTYRE.—Mr. Speaker, I intended to have taken an earlier part in this debate, and it so happens that much of what I contemplated saying has been said already. I am glad to observe that in this new Parliament there is not to be a conspiracy of silence on the Ministerial side of the House, and that honorable members on that side are prepared to rise in their places, and express their sentiments. The honorable member who initiated this discussion called attention to the declaration made by the leader of the liberal section of the Ministry when before his constituents, and appealed to that gentleman to say why he had not called the liberal members of the House together. I submit that it was the bounden duty of the honorable gentleman to have responded to this challenge; but it would appear that the honorable gentleman is sufficiently acquainted with the ropes to feel that his policy is to say nothing. I call upon new members of the House to note that fact. I am under the impression that this debate will end, as such debates usually do, in smoke; and probably it will be alleged in the press to-morrow that those honorable members who took part in it were guilty of obstruction. But what have we obstructed? Nothing more than we had to obstruct during the last Parliament. When the Government brought before the House, last session, anything in the shape of legislation, this (the opposition) side of the House was ready to

render assistance, and that will be our course in the future. I have experienced a number of surprises this afternoon—some pleasant, and others unpleasant. I have been a straight opponent of coalition Government ever since its inception, and on the ground that a coalition Government does not perform its duty so well as a Government formed on proper party lines. For some reason or other two honorable members—the honorable member for Melbourne, and the honorable member for Castlemaine (Mr. Patterson)—have left the opposition corner and taken up their places in the Ministerial corner. Of course it is impossible to guess what their object is. But I would like to know what the Government mean by hanging a bunch of carrots before a number of gentlemen so long as they have? What do they mean by not having filled up the portfolio of Customs before this? Why has not the reconstruction of the Government, which we were assured some time since was about to take place, been effected before now? We are told, one day, that the honorable member for Castlemaine has the Customs portfolio in his pocket; and, on another, that no overtures have yet been made to the honorable member. But is it proper for any Ministry to be in this position, and especially a Ministry of all the talents? I have heard propositions, with regard to changes in the Ministry, which I would regret to see adopted. For my part I would not like to see any changes among them, because I think that, on the whole, they have filled their offices remarkably well. But I would be glad to know how long this coalition system is likely to last? Are we to have a new Government every three years, with the same two heads that we have now? Do honorable members realize the fact that under coalition Government the public expenditure amounts to £9,000,000 annually, although the population of the colony is only one million? Deducting the outlay on railways and water supply works, which is reproductive, the public expenditure amounts to £6,000,000 per annum, or £6 per head of the population. How can the country be prosperous under a Government that indulges in such an expenditure? For my part I consider the present Government to be the biggest sham ever known. Why if a party Government were in office, care would be taken that every shilling which could be saved should be saved. I believe that a Government formed on anything like respectable lines would do something in the way of keeping back

£1,000,000 of the present expenditure for the future rainy day which is bound to come.

Mr. MADDEN.—We have a surplus of £1,000,000.

Mr. McINTYRE.—And the Government are going to spend it. Not only so, but they propose to raise £1,000,000 by the sale of the lunatic asylum reserves, and to spend that too. The sooner the Government are out of office, the sooner will the country be out of the difficulty in which they have placed it. Talk about the collapse of the land boom, who brought that about? Why the present Government. (Laughter.) Honorable members may laugh, but what I state is the absolute truth. I trust that in the next Budget which the Treasurer submits to this House, he will take care to have the receipts and expenditure connected with the railways and other reproductive works set out separately from the receipts and expenditure connected with the government of the colony. Let us know what our railways cost, what revenue we derive from them, and what our indebtedness in connexion with them amounts to. Let us have a proper balance-sheet, such as a public company requires, and let us see whether the railways are yielding the profits which were anticipated when the change of management took place.

Mr. TUCKER.—What the honorable member asks for is supplied already.

Mr. McINTYRE.—The public are, so to speak, shareholders in the State railways, and also in the water supply works, and they as shareholders ought to be furnished, every year, with a balance-sheet, showing the revenue derived from those undertakings and how the money is expended.

Mr. TUCKER.—So they are.

Mr. McINTYRE.—In conclusion, I may mention that at the close of the last Parliament I gave notice of motion for leave to introduce a Bill relating to a railway in my district, and I beg to intimate that I shall renew my proposal on that subject when the House re-assembles.

Mr. BAKER.—Mr. Speaker, I am very glad that a number of new members have been returned to assist in legislating for the more effectual suppression of the rabbit plague. The honorable member for Normanby has discovered, by the addition to his district of a portion of my former electorate, that the members for the old district of the Wimmera had to contend with for a very long time. He now realizes the fact that there are rabbits in that particular part of the country. I desire to say that, while I

think the Lands department might have done more in the way of fencing, I consider it has done some excellent work in the direction of rabbit extirpation. The shires have also done excellent work. The whole machinery available has been put in motion, and, in consequence, the rabbit plague has been reduced to a very narrow limit. Therefore I feel it is not right that the statement should go abroad that we are now in the same position with regard to the rabbits, if not a worse position, than we were in before. It is not right to say anything of the kind. I admit that the rabbit pest in many parts is still very bad, but those are places where the land is still Crown land, and the Government should set to work to fence that land as quickly as possible. If the Minister of Lands will see that this is done, he will earn the gratitude of settlers who are unable to put sheep on their land because of the rabbits, and who cannot apply that land to agricultural purposes because of the wild dogs. If the Minister of Lands will deal in a drastic way with this matter—if he will relieve the shires from responsibility and take the whole responsibility upon himself—he will earn the gratitude of thousands of men, who are on the verge of ruin, in those parts of the country where rabbit extirpation has not been carried out effectually. There is one other matter which I desire to bring under the Minister's notice. Fresh legislation is needed with reference to the mallee, and I submit that if the permanent settlement of that country is desired, the legislation must be in the direction of giving freeholds to the people who have gone there in hundreds to live. Those people, under their present tenure, are not able to borrow money. They want help in that direction, and this, I am sure, the Minister of Lands will be prepared to give them. One word with respect to the outbreak of typhoid fever. I had an interview with the Premier on this subject yesterday, and I hope a big effort will be made on the part of the Government to establish permanent hospitals in the country districts, and to maintain those institutions in such a way as to fully meet public exigencies.

Mr. LAURENS.—Sir, past experience in this Chamber helps me to know that the motion now before the chair will be carried, and therefore I will take advantage of the only opportunity which I shall have for two months to call the attention of the Government to what is a source of great danger to Melbourne and the suburbs. I refer to the condition of the Moonee Ponds Creek.

I was very much pleased to notice, in the *Argus* newspaper, a sub-leader directing the attention of the Government and the colony to this matter. The other day, a very influential deputation, including the Chief Secretary, waited upon the Minister of Public Works, on the subject of the dangerous condition of the creek, and pointed out that its improvement was essentially a national work, and that the cost should be met out of the national exchequer. I trust that during the two months over which we are about to adjourn, the Government will give their attention to this matter, and not rely upon what the local municipalities can do. Those bodies might just as well be expected to remove all insanitary matter from the River Yarra. It is impossible for the municipalities abutting on the Moonee Ponds Creek to meet the large expenditure which must necessarily be incurred in putting it into such a condition that it will cease to be a source of danger to Melbourne and the suburbs.

The motion for the adjournment of the House until the 4th June was agreed to.

#### SEATS FOR MEMBERS.

The SPEAKER.—With regard to the suggestion made by the Premier earlier in the afternoon, I desire to mention that I will be glad to take all the steps in my power in order that honorable members may be comfortably seated in the House.

The House adjourned at five minutes to five o'clock p.m., until Tuesday, June 4.

### LEGISLATIVE COUNCIL.

*Tuesday, June 4, 1889.*

State Opening of Parliament by the Acting Governor—Representation of the South-Western Province—Life Assurance Companies Act Amendment Bill—Federal Council of Australasia: Victorian Representatives—Address in Reply to the Acting Governor's Speech.

The PRESIDENT (Sir James MacBain, K.C.M.G.) took the chair at three minutes to two o'clock p.m.

#### DECLARATIONS OF QUALIFICATION.

The following members delivered to the Clerk the declarations required by the Act No. 702:—The Honorables S. Austin, J. G. Beaney, F. Brown, T. Dowling, S. Fraser, D. Ham, G. Le Fevre, J. P. MacPherson, W. H. Roberts, N. Thornley, and G. Young.

#### STATE OPENING OF PARLIAMENT.

The Usher announced the approach of His Excellency the Acting Governor, and immediately afterwards His Excellency entered the chamber, attended by his suite.

The members of the Legislative Assembly having been summoned,

His EXCELLENCY addressed the following speech to both Houses of Parliament:—

“MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

“MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

“I have called you together after the shortest interval compatible with the due preparation of measures to be laid before you. The proportion of representatives to the different parts of the country has been re-adjusted; and it may be expected that the two Houses will therefore give more complete expression to the wishes and wants of the country.

“The prosperity which this colony has so long enjoyed happily still continues, aided as it is by political quietude and prevailing public confidence.

“In the late session of the Federal Council a resolution was passed recommending that the necessary steps be taken, as provided by the Constitution of the Council, for increasing the number of its members. My advisers will take an early opportunity to invite your consideration of an address to Her Majesty on the subject.

“The energy and thoroughness with which Victoria has prepared to resist foreign aggression have attracted the warm praise of statesmen and competent critics in Great Britain. The progress made during the past year has been steady and gratifying. The re-arming of the forts has been pushed on; a new corps of Victorian Rangers has been formed from the rifle clubs in country districts; and private liberality has contributed a half-battery of horse artillery. The Easter encampment of this year was largely attended, and the manoeuvres, which were of

more than common interest, showed that our officers and men are acquiring the initiative and efficiency of trained troops.

“The report of the Royal Commission on Public Health has thrown additional light on the insanitary state of Melbourne. It is evident that the law is insufficient, or that its administration by local bodies is not vigorous enough to meet the wants of a great and growing city. On Parliament will devolve the duty of seeing that one of the wealthy cities of the world does not expose itself to conditions of disease or death which have been successfully combated in poor countries.

“The exhibition of last year attracted a good many persons from other countries who possessed a knowledge of what has been done elsewhere to promote technical education. The evidence of these gentlemen and of some of our own employers of labour was collected and reported on by a committee, which has pointed out in what way certain desirable changes may best be introduced. Meanwhile, technical schools are springing up in new places, and are crowded with eager students wherever they are established.

“The important duty of representing the Australian colonies at the Paris Exhibition has largely devolved upon Victoria, my advisers feeling that they were bound to disregard all difficulties and considerations of inadequate space in view of the assistance unsparingly given by France to our own exhibition. It is gratifying to know that, in spite of delays, for which neither France nor this country is responsible, our court was among the first to be ready, and our exhibitors have attracted favorable and discriminating notice.

“The area under the operation of the Irrigation Act is being rapidly extended, and excellent results are being obtained wherever the farmers are able to use the water upon their holdings. Henceforward, the yields from land under the new system, which has been so readily adopted throughout the colony, may be relied upon to increase steadily from year to year as the schemes already

projected by the Trusts are brought into working order. Meanwhile, outside their limits, boring for water is being undertaken upon a definite plan, prepared under the best professional advice, while the gauging of running streams and the determination by surveys of the boundaries of districts of distribution are being energetically pushed forward. By the scientific practice of irrigation the value and productiveness of our agricultural lands will be permanently enhanced, and the wealth of the community increased, in consequence of the prosperity which it will ensure to a large body of our farmers.

“The important farming interests of the colony are receiving careful attention, and in this connexion the travelling dairy, established by the Department of Lands and Agriculture, is profitably supplementing the excellent educational work done by this department in the Exhibition building, so as to greatly improve and materially increase the national value of the dairying industry generally. In the same way, arrangements are being made to introduce a complete system of technical agricultural education, by which experts will visit all parts of the colony for the purpose of introducing the growth of new products, giving instruction upon their culture and the processes of preparing the raw material for market, as well as imparting information connected with the improvement of existing farming methods.

“The conservation of our forests has received the special care of the department, and it is anticipated that the measures taken will not only provide for our wants in the present, but secure the re-forestation of denuded districts.

“The liberal aid granted by Parliament to the mining industry has been productive of some good results. The subsidies to prospecting parties have led to several discoveries, and the use of the diamond drill has proved of great value in prospecting for alluvial gold, though less markedly successful in the search for quartz lodes. None the less, it is an encouraging augury for gold-mining in Victoria that gold-bearing

reefs, payable at great depths, have been discovered in several parts of the colony.

“MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

“The Estimates which will be submitted to you have been framed with the utmost economy which the provisions of the law and the requirements of the public service will permit.

“MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

“MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

“The Tariff of last session was postponed that certain disputed points in it might receive the consideration of the country. It will be submitted again with such amendments as have been suggested by experience.

“The necessity of enabling the municipalities in the metropolitan area to deal with a number of important questions which could not be dealt with by any single municipality has within the last few years become more evident. The municipalities themselves have become alive to the necessity of establishing a Board of Works in which they would all be represented, and a Bill embodying their views has been drafted. This Bill has been carefully considered, and will be submitted to you with important amendments.

“The Public Service Act of 1883 has now been some years in operation, and several defects have become apparent which only experience could have revealed. A Bill will be submitted to you with a view to remedy those defects and improve the working of the Principal Act.

“A measure for the permanent endowment of our State school system out of Crown lands has already been before Parliament, and was received with considerable favour, though circumstances prevented it from becoming law. Scarcely anything was more noticeable in the late appeal to the country than the attachment evinced for the State school system established in 1872. It is desirable that this

question of its permanent endowment should receive prompt attention, so that the lands set apart for endowment may be made revenue-producing.

“My advisers propose to submit for your consideration a measure to extend our railway system. Settlement throughout the country has progressed so extensively that it is all-important that our producers should be placed in close communication with their markets, and nothing but further railway extension can do this. Our railways are commercially successful, and so long as new lines are projected into districts where there are both population and produce, extensions will not only promote the general welfare of the community, but will still further increase the profitableness of the main lines by bringing them new traffic.

“Several Bills will be submitted to you that are designed to meet the requirements of the community for progressive legislation, and among those which will claim your early attention are measures to reform the Local Government Act, to amend the Rabbit Act and the law relating to Patents, to assimilate the provisions of our Trades Marks Statutes to those of the Empire generally, to mitigate the incidence of probate duties and charges upon small estates, to adjust and secure the rights of contractors and workmen, and to obviate the harshness of the existing power of distress for rent. Important amendments of the law relating to the formation and management of companies will demand mature consideration. The consolidation of the Statutes has engaged the attention of my advisers, and they hope to be able, with the assistance of a jurist eminently fitted for the work, to submit to you a series of Bills that will command general approval.

“It would be rash to assume that the marvellous prosperity of the last three years will be continued indefinitely. Thus far, however, there is only a general tale of well-being—large imports, increased production, an influx of capital seeking investment, the promise of a good season, and important discoveries in the coal-bearing districts of

the colony, the value of which the Government has taken steps to test. The peace of Europe seems more solidly assured than has been the case for years past, and the great armaments on which England has resolved are rather a guarantee of honorable peace than an augury of war.

"I trust that your deliberations, by the blessing of Divine Providence, may advance the welfare and happiness of the community."

Copies of the speech were handed by the Acting Governor's private secretary to the President and to the Speaker.

The members of the Assembly withdrew, and His Excellency and suite also left the chamber.

The PRESIDENT then resumed the chair, and read the prayer.

#### SOUTH-WESTERN PROVINCE.

The PRESIDENT announced that he had issued a writ for the election of a member to serve for the South-Western Province in the room of the Hon. F. Ormond, deceased.

#### LIFE ASSURANCE COMPANIES' ACT AMENDMENT BILL.

The Hon. H. CUTHBERT moved, without notice, for leave to introduce a Bill to amend the Life Assurance Companies Act 1873.

Leave was given, and the Bill was brought in, and read a first time.

#### FEDERAL COUNCIL OF AUSTRALASIA.

The Hon. H. CUTHBERT presented the following message from His Excellency the Acting Governor:—

"WILLIAM C. F. ROBINSON,  
Administrator of the Government.

"In accordance with section 5 of the (Victorian) Federal Council Act 1885, the Administrator of the Government notifies to the Legislative Council the resignation and appointment of representatives in the Federal Council of Australasia, as follows, viz:—

Date.	Whether Resignation or Appointment.	Name.
1889.		
Jan. 21	Resignation ...	Hon. H. J. Wrixon.
" 22	Appointment...	" Alfred Deakin.

"Government Offices, Melbourne,  
3rd June, 1889."

The message was ordered to lie on the table.

#### THE GOVERNOR'S SPEECH.

##### ADDRESS IN REPLY.

The House proceeded to the consideration of the speech delivered by His Excellency the Acting Governor to both Houses of Parliament.

The Hon. J. S. BUTTERS moved—

"That a committee be appointed to prepare an address to His Excellency the Administrator of the Government, in reply to His Excellency's opening speech, such committee to consist of the Honorables A. Wynne, F. T. Sargood, S. W. Cooke, C. J. Ham, F. Brown, N. Thornley, D. Coutts, H. Cuthbert, and the mover."

The Hon. A. WYNNE seconded the motion, which was agreed to.

The committee retired and were absent some time. On their return, they brought up the following report:—

"To His Excellency Sir William Cleaver Francis Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of Victoria and its Dependencies, &c., &c., &c.

"We, Her Majesty's most dutiful and loyal subjects, the members of the Legislative Council of Victoria, in Parliament assembled, beg leave to approach Your Excellency with renewed expressions of loyalty and attachment to Her Majesty's throne and person.

"We thank Your Excellency for having called us together after the shortest interval compatible with the due preparation of measures to be laid before us. The proportion of representatives to the different parts of the country having been re-adjusted, we agree with Your Excellency in the expectation that the two Houses will, therefore, give more complete expression to the wishes and wants of the country.

"We are glad to receive Your Excellency's assurance that the prosperity which this colony has so long enjoyed happily still continues, aided, as it is, by political quietude and prevailing public confidence.

"We thank Your Excellency for informing us that in the late session of the Federal Council a resolution was passed recommending that the necessary steps be taken, as provided by the Constitution of the Council, for increasing the number of its members. We learn with satisfaction that Your Excellency's advisers will take an early opportunity to invite our consideration of an address to Her Majesty on the subject.

"We are gratified to learn that the energy and thoroughness with which Victoria has prepared to resist foreign aggression have attracted the warm praise of statesmen and competent critics in Great Britain. We also learn with pleasure that the progress made during the past year has been steady and gratifying; that the re-armament of the forts has been pushed on; that a new corps of Victorian Rangers has been formed from the rifle clubs in country districts; and that private liberality has contributed a half-battery of horse artillery. It affords us gratification to learn that the Easter encampment of this year was largely attended, and that



the manœuvres, which were of more than common interest, showed that our officers and men are acquiring the efficiency of trained troops.

"We thank Your Excellency for inviting our attention to the report of the Royal Commission on Public Health, which has thrown additional light on the insanitary state of Melbourne. It is evident that the law is insufficient, or that its administration by local bodies is not vigorous enough to meet the wants of a great and growing city; and we concur with Your Excellency in the view that on Parliament will devolve the duty of seeing that one of the wealthy cities of the world does not expose itself to conditions of disease or death which have been successfully combated in poor countries.

"We learn with satisfaction that the Exhibition of last year attracted a good many persons from other countries who possessed a knowledge of what has been done elsewhere to promote technical education; that the evidence of these gentlemen and of some of our own employers of labour was collected and reported on by a committee, which has pointed out in what way certain desirable changes may best be introduced, and that meanwhile technical schools are springing up in new places, and are crowded with eager students wherever they are established.

"The important duty of representing the Australian colonies at the Paris Exhibition having largely devolved upon Victoria, we are glad to be informed that your advisers felt that they were bound to disregard all difficulties and considerations of inadequate space in view of the assistance unsparingly given by France to our own exhibition. It is gratifying to us to know that, in spite of delays, for which neither France nor this country is responsible, our court was among the first to be ready, and that our exhibits have attracted favorable and discriminating notice.

"We are gratified to learn that the area under the operation of the Irrigation Act is being rapidly extended, and that excellent results are being obtained wherever the farmers are able to use the water upon their holdings. We concur with Your Excellency that henceforward the yields from land under the new system, which has been so readily adopted throughout the colony, may be relied upon to increase steadily from year to year as the schemes already projected by the Trusts are brought into working order. It also affords us satisfaction to know that meanwhile, outside their limits, boring for water is being undertaken upon a definite plan, prepared under the best professional advice, while the gauging of running streams and the determination by surveys of the boundaries of districts of distribution are being energetically pushed forward. We agree with Your Excellency that by the scientific practice of irrigation the value and productiveness of our agricultural lands will be permanently enhanced, and that the wealth of the community will be increased, in consequence of the prosperity which it will ensure to a large body of our farmers.

"It affords us satisfaction to learn that the important farming interests of the colony are receiving careful attention, and that in this connexion the travelling dairy, established by the Department of Lands and Agriculture, is profitably supplementing the excellent educational work done by this department in the Exhibition

building, so as to greatly improve and materially increase the national value of the dairying industry generally; also that, in the same way, arrangements are being made to introduce a complete system of technical agricultural education, by which experts will visit all parts of the colony for the purpose of introducing the growth of new products, giving instruction upon their culture and the processes of preparing the raw material for market, as well as imparting information connected with the improvement of existing farming methods.

"We thank Your Excellency for informing us that the conservation of our forests has received the special care of the department, and that it is anticipated that the measures taken will not only provide for our wants in the present, but secure the re-forestation of denuded districts.

"We learn with satisfaction that the liberal aid granted by Parliament to the mining industry has been productive of some good results, that the subsidies to prospecting parties have led to several discoveries, and that the use of the diamond drill has proved of great value in prospecting for alluvial gold, though less markedly successful in the search for quartz lodes. We agree with Your Excellency that none the less it is an encouraging augury for gold-mining in Victoria that gold-bearing reefs, payable at great depths, have been discovered in several parts of the colony.

"The Tariff of last session having been postponed, that certain disputed points in it might receive the consideration of the country, we are glad to be informed that it will be submitted again with such amendments as have been suggested by experience.

"We agree with Your Excellency that the necessity of enabling the municipalities in the metropolitan area to deal with a number of important questions which could not be dealt with by any single municipality has within the last few years become more evident. We are glad to learn that the municipalities themselves have become alive to the necessity of establishing a Board of Works in which they would all be represented, and that a Bill embodying their views has been drafted; also that this Bill has been carefully considered, and that it will be submitted to us with important amendments.

"The Public Service Act of 1883 has now been some years in operation, and we agree with Your Excellency that several defects have become apparent which only experience could have revealed. We are pleased to learn that a Bill will be submitted to us with a view to remedy those defects and improve the working of the principal Act.

"A measure for the permanent endowment of our State school system out of Crown lands having already been before Parliament, and having been received with considerable favour, though circumstances prevented it from becoming law, and scarcely anything having been more noticeable in the late appeal to the country than the attachment evinced for the State school system established in 1872, we concur with Your Excellency that it is desirable that this question of its permanent endowment should receive prompt attention, so that the lands set apart for endowment may be made revenue-producing.

"We are gratified to be informed that Your Excellency's advisers propose to submit for our consideration a measure to extend our railway

system. We coincide with Your Excellency in the view that settlement throughout the country has progressed so extensively that it is all-important that our producers should be placed in close communication with their markets, and that nothing but further railway extension can do this. We learn with satisfaction that our railways are commercially successful, and concur with Your Excellency that so long as new lines are projected into districts where there are both population and produce, extensions will not only promote the general welfare of the community, but will still further increase the profitableness of the main lines by bringing them new traffic.

"We thank Your Excellency for informing us that several Bills will be submitted to us that are designed to meet the requirements of the community for progressive legislation.

"We agree with Your Excellency that it would be rash to assume that the marvellous prosperity of the last three years will be continued indefinitely. We are pleased to be informed that thus far, however, there is only a general tale of well-being—large imports, increased production, an influx of capital seeking investment, the promise of a good season, and important discoveries in the coal-bearing districts of the colony, the value of which the Government has taken steps to test. We note with satisfaction that the peace of Europe seems more solidly assured than has been the case for years past, and that the great armaments on which England has resolved are rather a guarantee of honourable peace than an augury of war.

"We trust that our deliberations, by the blessing of Divine Providence, may advance the welfare and happiness of the community."

The Hon. J. S. BUTTERS moved the adoption of the report. He said—Mr. President, I rise with considerable satisfaction to move the adoption of the address in reply to the speech of His Excellency the Administrator of the Government. The second paragraph of the speech calls attention to the prosperity which this colony has been enjoying for several years back, and which still, it is stated, happily continues. No doubt it must be gratifying to the members of the Legislature and the community generally to find that such is the case, but to my mind that prosperity is not quite unalloyed, because, although the prosperity generally has been marvellous in extent, still we have had the drawback of a severe drought, which has produced serious results, while we have also suffered from the prostration caused by undue speculation in real estate, which has to a certain extent threatened the financial equilibrium of the colony. Happily this difficulty, by wise adjustments and judicious postponements, has been surmounted to such an extent that we can now feel that the normal equilibrium of our financial affairs is once more fairly established, and we may fairly look for a continuance of prosperity. It only requires crisp and effective

legislation to secure to the colony the full benefit of the prosperity which the colony is at present enjoying, and of which a continuance is predicted. With regard to the reference in His Excellency's speech to the Federal Council, it is gratifying to know that the whole of the Australian colonies, save one, are now represented on that body, and let us hope that the remaining colony will soon join with the others, so that the whole of Australia may speak as one nation, and may be enabled, through her Federal Council, to formulate a foreign policy which will be respected by the whole of the civilized world. It is satisfactory to be told that the defences of the colony are in such a thorough and forward state, and it speaks well for preceding Governments and for the present Ministry that they are able to hold out to the community a prospect of security in connexion with the defence of the country. At the same time it must be borne in mind that the science of warfare, both naval and military, is undergoing such rapid changes and making such marvellous strides that it is necessary for the Government to keep pace with the times in these matters, so as to enable the colony to give a good account of itself in case of attack, and also to relieve the mother country of any cause for anxiety on our behalf. The question of the public health is one of the most important subjects referred to in the speech. The dire scourge which has been raging throughout the colony has increased the death rate of Victoria above that of the other colonies, and it is to be hoped that no effort will be spared to place Melbourne once more in the position of the Queen City of the South, so that people from other communities will not be deterred from visiting it by the dread of disease. The subject of the public health was prominently brought before this Chamber some years ago by my honorable friend, Dr. Beaney, who urged that the creation of a new department was necessary to deal effectively with the question. It is gratifying to know that the Government feel that the establishment of a department of Public Health, presided over by a Minister of Public Health, is a question which requires grave consideration. The existing state of affairs has not arisen of late, and the present Government are not to be blamed for the insanitary condition of the metropolis. The evil has been going on for a period of at least 30 years since the Sewerage and Water Commission held the control of affairs in this respect. That commission in taking charge took good care to look after the funds derived from that

splendid source of profit, the water supply of Melbourne, but they ignored the difficult portion of their duty, and allowed the sewerage of the metropolitan area to lie in abeyance, until now the question has forced itself on the public attention in a manner which is so disagreeable. It is satisfactory to learn that the question of the sanitation of the metropolis is now to be taken up with vigour by the Government, and I hope that that vigour will not be relaxed until the scourge is removed from our midst. The reference to technical education and the establishment of technical schools is also gratifying, and in alluding to the question of education I may be pardoned, at this, the first meeting of the Council since his decease, for offering a small tribute of respect to our late colleague, Mr. Francis Ormond, whose work and liberality in connexion with the education of the working classes of the colony have made for him a name which will be handed down from generation to generation in this country with reverence, respect, and admiration. The fact that the Centennial Exhibition of last year attracted to the colony many persons from other countries possessed of knowledge in connexion with technical education was of much service to the Technological Commission in gaining information as to what has been done elsewhere in this matter, and it must be a source of satisfaction to us to learn that so far as the work of technical education has already gone in this colony it has been appreciated to such an extent that all the technical schools already established are "crowded with eager students." Exhibitions generally have been of the utmost service to the colony, and the last held here no doubt attracted to Victoria a larger number of visitors than any previous one. The action taken by the Government in having Victoria so freely represented at the Paris Exhibition, which is now being held, will no doubt still further bring this colony into notice on the continent of Europe and elsewhere. It is satisfactory to know that the control of the Victorian court has been entrusted to such able hands as those of Mr. Walker, the late Minister of Customs. A very important part of His Excellency's speech is that which refers to the farming interest. While considerable efforts are being made by the Government for instructing the farmers in the best methods of dealing with their farms, and also for providing them with technical education, water supply, travelling dairies, and other educational advantages, which no doubt will be productive of good results ultimately, I am

*Hon. J. S. Butters.*

bound to say that to my mind what the farmers require most at present is more immediate relief in the shape of rapid and cheap communication with our markets, ample storage for their produce at our railway stations, an abundant supply of rolling-stock to take away all their produce, and also an extension of our railway lines into the rich recesses of Victoria which are at the present time cut off from the markets altogether. The supply of these requisites is no doubt shadowed forth in a portion of the Governor's speech, and I sincerely trust that, in view of the splendid surplus which is available, this matter will receive more than ordinary attention during the present session. In addition to this the farmers claim—and it appears to me that their claim has a right to be considered—to have an equal share of that protection which is the established policy of this colony. These are the things which will afford the farmers the immediate relief which education will scarcely give, and which will be more satisfactory to the agricultural community than the establishment of any technical schools. Such schools of course will be ultimately productive of good results, but more immediate relief is also required by the farmers of the colony. It is a matter of surprise to me to find no reference made in a speech of this kind to one of our leading industries, and an industry which at no distant date will take a still more prominent position—I refer to viticulture. We know from the latest publication of the Board of Viticulture that this industry is advancing by leaps and bounds. The production was over £1,250,000 in value during the past year, and that is no small amount of produce to be overlooked. The Board of Viticulture has done good work for this colony, as has also the Phylloxera Board, which has practically eradicated from Victoria that dire pest which has cost France, it is difficult to say how much, probably £50,000,000 or £100,000,000, and has reduced the production of wine in that country 500,000,000 gallons per annum, so that France has now to import from Spain and the colonies the wine which is required to meet the demand which the French were previously able to supply from their own vineyards. However, although no mention is made in His Excellency's speech of the wine industry of this colony, I feel sure that, in view of its importance, the Government have in no way overlooked it, and that they will afford it the same encouragement and support accorded to farming and other industries. There is

one point in connexion with this subject, which, I think, should receive the attention of the Government. While the phylloxera has been eradicated from Victoria, it is rampant in New South Wales, and I think it would be a very proper thing for our Government to offer the scientific knowledge which the Victorian Phylloxera Board has acquired to the neighbouring colony, so as to enable it to get rid of the scourge. This would be equally as advantageous to this colony as to New South Wales, and I trust that the Government will take into their serious consideration the propriety of offering the New South Wales Government all the scientific knowledge which has been gained in Victoria in eradicating the pest. The reference to forest conservation in the speech is timely, because there is no doubt that the vast destruction of timber which has taken place in the colony has denuded portions of the country to such an extent that the climate has been seriously affected, and greater protection ought certainly to be afforded to the forests which still remain, while planting ought to be largely encouraged, and to a certain extent made compulsory. In this matter we may well follow the example set by South Australia, and adopt the system of planting a large number of trees every year, which would in the future become a source of great profit to the colony. The aid which was granted to the mining industry has been, we are informed, productive of some good results. No doubt some very important discoveries—one or two of very recent date—have been made through the assistance of the prospecting vote, but I very much fear that the supervision which has been exercised over the expenditure of the vote has scarcely been sufficiently close to give us the full benefit which might have been derived from it. It is quite possible that a different mode of distribution and a different mode of inspection might, with the same amount of money, be productive of still greater results. I have no doubt that the Government have seen that themselves from what has taken place of late, and I trust that they will give the matter their careful consideration in the future, because the expenditure of even double the amount that has been voted for prospecting lately would be well incurred on such an industry as that of mining. The use of the diamond drill has also been of the utmost benefit to this colony, and I would be glad to see a larger amount of money expended in that direction than there is at the present time. But that expenditure, it seems to me, is of

sufficient importance to justify the importation of an inspector, or the appointment, if there is one in the colony qualified for the position, of a man who would be directly responsible for the work done by these drills. On a recent visit to a portion of the colony where drills were at work, I was able to gather sufficient evidence to satisfy me that, in connexion with one of the largest bores in the colony, the portion of the bore which was of the greatest importance was scarcely able to be reported on through the incapacity of the man in charge of the drill. The Government might very well, in view of the large amount of money expended in connexion with boring, consider the propriety of having a responsible head, who would be constantly watching the operation of these drills, and seeing that the strata through which they were forced were more carefully noted than is the case at present. In this way information would be acquired which would make the bores of ten times the value which they are under the present system. The question of boring for coal is one of great importance, as it must have a material effect upon the independence or otherwise of this colony either in times of peace or in times of war. It is within our knowledge during the last 30 years that the supply of coal in Melbourne has been reduced within 48 hours to such an extent that the city has been plunged in total darkness. Having no coal production of our own to fall back upon for steaming, and more especially for lighting purposes, it is a matter of sufficient importance to justify almost any expenditure in reason to secure the independence for the colony which the development of our local coal-fields will entail. While it may be demonstrated that coal exists in Gippsland to a very large extent, it has scarcely yet been proved to our entire satisfaction that the seams which exist there are sufficiently payable, in some portions of the district at all events. In one or two places, no doubt, coal in sufficient quantity, and of sufficiently good quality, exists to justify a large expenditure for its development; but for some reason or other the local production of coal has not had the support of the press of the colony, and until very recently no attention of any consequence has been given to the matter by the various Governments of the day. I feel quite sure that a portion of the large surplus of revenue now available might be very profitably expended in the development of the Victorian coal-fields. Reference is made in the speech to the re-adjustment

of representation and the increase in the number of members of the Legislature. In connexion with this subject, it must be borne in mind that the time is not far distant when the legislation of this country will be entirely in the hands of the native-born population. In the natural course of things that must soon take place, and let us hope that the increase in the number of the representatives will bring with it increased knowledge, increased wisdom, and an increased desire to do the best for the country. Let us hope also, that the Victorian natives will cultivate a national feeling—a desire to create a great Australian nation—but that at the same time they will, like their forefathers, the pioneers of this great colony, endeavour also to cultivate a desire to remain an integral portion of that great empire which, under the benign rule of Her Gracious Majesty, boasts a record unparalleled in the history of the civilized world.

The Hon. A. WYNNE.—Mr. President, I feel honoured in being asked to second the motion for the adoption of the address in reply to the Governor's speech. During the short time I have been a member of this House I have been able to observe that there is here no factious or organized opposition—that members of this Chamber sit more as a body of review, with an earnest endeavour to look at all measures with careful consideration for the benefit of the whole colony. I trust that His Excellency's advisers will bring forward for our consideration as many Bills as they possibly can early in the session. In previous sessions this House has been kept idle for months, and then at the last moment Bills are rushed through at lightning speed. They have to be swallowed whole or else thrown over until the next session, no time whatever being allowed for their consideration. To this practice is due a great deal of the patchwork legislation which has characterized recent sessions. I think important measures might be submitted to joint committees of both Houses, so that they might be well drawn and thoroughly thrashed-out before they were submitted to either Chamber. If that were done, the amendments which are now required to be made from time to time to correct the errors caused by bad legislation in prior sessions would be obviated, and the evils would be remedied instead of being multiplied. Honorable members have no doubt been pleased to see the warm praise which has been given to the defence works of this and the other Australian colonies, which have taken great

pains in fortifying their ports. Victoria especially has been picked out as an example of energy in this respect to be copied by older states. The question of railway communication, which is referred to in His Excellency's speech, is one of the greatest importance to the colony. Railways are the best means of opening up the country. They should be pushed on ahead of population, and population will follow them. You cannot build up a great nation by adding house to house or street to street, or by centralizing the whole population in the capital. You want population settled on the country, and the only way to do that is by spreading out our railways. There are thousands of acres of good land in this colony ready for the plough, but which it is impossible for men to settle on or cultivate unless they have easy communication with the markets and seaports. Our railway system at present is paying well, and its extension is absolutely necessary. We know that agriculture is one of the mainstays of the country, and if you wish to foster that industry the best and simplest means—in fact the natural basis of the industry—is to have men on the soil who till it and are the owners of it. You will then have bone and sinew settled on the country—a healthy race of men and women—and the large estates will be thrown open and cut up as soon as railway communication is established. The question of the sanitation of Melbourne has already been touched upon by the gentleman who moved the motion, but I would like to offer one or two remarks upon that subject. It seems to me a monstrous and a cruel shame that hundreds of valuable lives should be annually sacrificed to preventable diseases, and I am sure that the members of this Chamber will support the Government in any wise measure which it may be deemed necessary to adopt for improving our sanitary legislation, and securing the establishment of a Metropolitan Board of Works. The farming industry is one which is sometimes considerably overlooked, but I am glad to see that earnest attention is now being given to it. The Budget of last session was the first Budget in which the interests of the farmers were properly considered. The farmers have been a long-suffering race, but at last they have spoken out boldly, and they are now receiving that attention from the Government to which they are justly entitled. But in addition to all that is promised by the Government, still more is needed. Agricultural colleges and experimental farms should be established in all the large farming

centres throughout the colony. Encouragement should be offered to farmers to send their children to the schools of agriculture to learn technical farming, and to submit samples of their soils for analysis; and, in fact, every assistance should be given that can legitimately be given to foster this great industry. Another matter that has been occupying the attention of His Excellency's advisers is the subject of forestry. City members as a rule do not travel much through the more remote country districts, but those honorable gentlemen who have gone far into the back blocks of the colony, as I have done in some parts, must have been shocked to see large tracts of country denuded of timber. More State nurseries should be established, trees should be freely given to farmers and others who are willing to plant them, and one way of making good use of some of the unused roads of the colony would be to plant them with trees, which would materially increase the rainfall, afford a great deal of shelter, and improve the face of the landscape on the plains in various parts of the country. The colony ought to grow a large proportion of the timber that is required for building, fencing, and other purposes. One has only to walk along the Yarra-bank to see thousands of pounds worth of timber that has been imported, and that is to take the place of timber which ought to have been grown in the colony. The Railway department is scarcely able to obtain a sleeper that has been grown in this colony, and the construction of many railways has been greatly delayed owing to the want of sleepers. If we had given as much attention to this question of growing timber as our neighbours in South Australia have done, we would, by this time, have been independent of other countries for our supplies of sleepers and other timber. I am glad to see that the mining industry is receiving considerable attention, but I think that it needs still more. A geological survey of the whole colony should be made, diamond drills should be more extensively used to test auriferous districts, and bores should be put down from one end of each district to the other. And instead of small sums of money being frittered away, as at present, by being doled out to prolong the death throes of a number of no-liability companies, I would much prefer to see large sums given to one or two companies in each district, to search for continuations of well-known leads and reefs in a legitimate manner. I have no doubt that this Chamber would support the Government in any endeavour to extend

the no-liability system to trading companies. Many people have suffered severely through taking shares in land and other companies, without understanding the full extent of their liability, and not anticipating the further liabilities which, to their great surprise, they subsequently found they had unwittingly incurred. It would be a wise and prudent thing to extend the no-liability principle to trading companies, and I do not think that the credit of these companies would be injuriously affected by this desirable change, which could be brought about by incorporating into the Companies Act the no-liability principle contained in the Mining Companies Act. Allusion is made, in the speech of His Excellency the Administrator of the Government, to the marvellous prosperity which this colony has enjoyed during the past three years. Although the present outlook is reassuring, we are told it would be rash to assume that the prosperity of the past three years will be indefinitely continued. With that opinion we shall all agree, because we know that, at one time or another, every country suffers from a passing wave of depression. I trust, however, that that day is still far distant in the experience of this colony, and that whenever it does come we shall display the pluck and spirit for which Australians are renowned, and dash boldly through it.

On the motion of the Hon. J. H. CONNOR, the debate was adjourned until the following day.

The House adjourned at nine minutes to four o'clock.

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## LEGISLATIVE ASSEMBLY.

*Tuesday, June 4, 1889.*

State Opening of Parliament—Swearing of Members—Representation of Castlemaine: New Member—Patent Law Consolidation and Amendment Bill—Address in Reply to the Governor's Speech—Mr. Nimmo's Retirement from the Ministry: Explanations.

The SPEAKER (the Hon. M. H. Davies) took the chair at two o'clock p.m.

Shortly afterwards, the Usher of the Legislative Council brought a message from His Excellency the Acting Governor, requesting the attendance of honorable members in the chamber of the Legislative Council.

The members present, headed by the Speaker, and attended by the Clerk, the

Assistant Clerks, and the Serjeant-at-Arms, proceeded to the chamber of the Legislative Council.

Business was afterwards suspended until half-past four o'clock, when, the Speaker again took the chair.

#### SWEARING MEMBERS.

The SPEAKER informed the House that he had received a commission from the Acting Governor, empowering him to swear members who had not already taken the oath of allegiance.

#### REPRESENTATION OF CASTLEMAINE.

The SPEAKER announced that, since the adjournment of the House in April, he had issued a writ for the election of a member for Castlemaine—rendered necessary by the acceptance, by Mr. J. B. Patterson, of the office of Minister of Trade and Customs—and that the return to the writ showed that Mr. Patterson had been re-elected.

Mr. Patterson was then introduced and sworn.

#### PATENT LAW CONSOLIDATION AND AMENDMENT BILL.

Mr. WRIXON stated that, in accordance with the ancient usage of Parliament, he desired, before the House proceeded to transact any business, to move for leave to introduce a Bill to consolidate and amend the law concerning letters patent for inventions.

Mr. GILLIES seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

#### THE GOVERNOR'S SPEECH.

##### ADDRESS IN REPLY.

The SPEAKER reported that, pursuant to the summons of the Acting-Governor, the members of the Assembly attended in the chamber of the Legislative Council that afternoon, when His Excellency delivered his speech on opening the session.

Mr. PEACOCK moved—

“That this House do now resolve that a respectful address be presented to His Excellency the Officer Administering the Government, expressive of our loyalty to our Most Gracious Sovereign. Thanking His Excellency for having called us together after the shortest interval compatible with the due preparation of measures to be laid before us. Concurring with His Excellency that the proportion of representatives to the different parts of the country having been re-adjusted, it may be expected that the two Houses will therefore give more complete expression to the wishes and wants of the

country. Informing His Excellency that we are glad to know that the prosperity which this colony has so long enjoyed happily still continues, aided, as it is, by political quietude and prevailing public confidence. Thanking His Excellency for informing us that in the late session of the Federal Council a resolution was passed recommending that the necessary steps be taken, as provided by the Constitution of the Council, for increasing the number of its members; informing His Excellency that we are glad to learn that His Excellency's advisers will take an early opportunity of inviting our consideration of an address to Her Majesty on the subject. Informing His Excellency that it affords us gratification to know that the energy and thoroughness with which Victoria has prepared to resist foreign aggression have attracted the warm praise of statesmen and competent critics in Great Britain, and that the progress made during the past year has been steady and gratifying. Stating also that we are glad to be informed that the re-armament of the forts has been pushed on; that a new corps of Victorian Rangers has been formed from the rifle clubs in country districts; and that private liberality has contributed a half-battery of horse artillery. Informing His Excellency that we learn with satisfaction that the Easter encampment of this year was largely attended, and that the manœuvres, which were of more than common interest, showed that our officers and men are acquiring the initiative and efficiency of trained troops. Thanking His Excellency for calling our attention to the report of the Royal Commission on Public Health, which has thrown additional light on the sanitary state of Melbourne. It being evident that the law is insufficient, or that its administration by local bodies is not vigorous enough to meet the wants of a great and growing city, informing His Excellency that we recognise the fact that on Parliament will devolve the duty of seeing that one of the wealthy cities of the world does not expose itself to conditions of disease or death which have been successfully combated in poor countries. Informing His Excellency that we are pleased to learn that, the Exhibition of last year having attracted a good many persons from other countries who possessed a knowledge of what has been done elsewhere to promote technical education, the evidence of these gentlemen and of some of our own employers of labour was collected and reported on by a committee, which has pointed out in what way certain desirable changes may best be introduced, and that meanwhile technical schools are springing up in new places, and are crowded with eager students wherever they are established. Stating that we are pleased to be informed that the important duty of representing the Australian colonies at the Paris Exhibition having largely devolved upon Victoria, His Excellency's advisers felt that they were bound to disregard all difficulties and considerations of inadequate space in view of the assistance unsparingly given by France to our own Exhibition. Informing His Excellency that it is gratifying to us to know that, in spite of delays, for which neither France nor this country is responsible, our court was among the first to be ready, and that our exhibitors have attracted favorable and discriminating notice. Stating that it affords us satisfaction to know that the area under the operation of the Irrigation Act is being rapidly extended, and that excellent

results are being obtained, wherever the farmers are able to use the water upon their holdings. Agreeing with His Excellency that henceforward the yields from land under the new system, which has been so readily adopted throughout the colony, may be relied upon to increase steadily from year to year as the schemes already projected by the Trusts are brought into working order. Informing His Excellency that we are also gratified to learn that meanwhile, outside their limits, boring for water is being undertaken upon a definite plan, prepared under the best professional advice, while the gauging of running streams and the determination by surveys of the boundaries of districts of distribution are being energetically pushed forward. Concurring with His Excellency that by the scientific practice of irrigation the value and productiveness of our agricultural lands will be permanently enhanced, and that the wealth of the community will be increased in consequence of the prosperity which it will ensure to a large body of our farmers. Thanking His Excellency for informing us that the important farming interests of the colony are receiving careful attention, and stating that in this connexion we are glad to learn that the travelling dairy, established by the Department of Lands and Agriculture, is profitably supplementing the excellent educational work done by this department in the Exhibition building, so as to greatly improve and materially increase the national value of the dairying industry generally. Informing His Excellency that it also affords us gratification to know that, in the same way, arrangements are being made to introduce a complete system of technical agricultural education, by which experts will visit all parts of the colony for the purpose of introducing the growth of new products, giving instruction upon their culture and the processes of preparing the raw material for market, as well as imparting information connected with the improvement of existing farming methods. Informing His Excellency that we learn with satisfaction that the conservation of our forests has received the special care of the department, and that it is anticipated that the measures taken will not only provide for our wants in the present, but secure the re-forestation of denuded districts. Stating that we are glad to be informed that the liberal aid granted by Parliament to the mining industry has been productive of some good results, that the subsidies to prospecting parties have led to several discoveries, and that the use of the diamond drill has proved of great value in prospecting for alluvial gold, though less markedly successful in the search for quartz lodes. Concurring with His Excellency that none the less it is an encouraging augury for gold-mining in Victoria that gold-bearing reefs, payable at great depths, have been discovered in several parts of the colony. Thanking His Excellency for informing us that the Estimates which will be submitted to us have been framed with the utmost economy which the provisions of the law and the requirements of the public service will permit. Stating that we are glad to learn that the Tariff of last session having been postponed that certain disputed points in it might receive the consideration of the country, it will be submitted again with such amendments as have been suggested by experience. Agreeing with His Excellency that the necessity

of enabling the municipalities in the metropolitan area to deal with a number of important questions which could not be dealt with by any single municipality has, within the last few years, become more evident. Stating that it affords us satisfaction to know that the municipalities themselves have become alive to the necessity of establishing a board of works in which they would all be represented; that a Bill embodying their views has been drafted; and that this Bill has been carefully considered, and will be submitted to us with important amendments. Concurring with His Excellency that the Public Service Act of 1883 having now been some years in operation, several defects have become apparent which only experience could have revealed, and stating that we are pleased to be informed that a Bill will be submitted to us with a view to remedy those defects and improve the working of the principal Act. A measure for the permanent endowment of our State school system out of Crown lands having already been before Parliament, and having been received with considerable favour, though circumstances prevented it from becoming law, agreeing with His Excellency that scarcely anything was more noticeable in the late appeal to the country than the attachment evinced for the State school system established in 1872, and concurring in His Excellency's view that it is desirable that this question of its permanent endowment should receive prompt attention, so that the lands set apart for endowment may be made revenue-producing. Thanking His Excellency for informing us that His Excellency's advisers propose to submit for our consideration a measure to extend our railway system. Concurring with His Excellency that settlement throughout the country has progressed so extensively that it is all-important that our producers should be placed in close communication with their markets, and that nothing but further railway extension can do this. Informing His Excellency that we are glad to learn that our railways are commercially successful, and that we share His Excellency's opinion that so long as new lines are projected into districts where there are both population and produce, extensions will not only promote the general welfare of the community, but will still further increase the profitability of the main lines by bringing them new traffic. Thanking His Excellency for informing us that several Bills will be submitted to us that are designed to meet the requirements of the community for progressive legislation, and that among those which will claim our early attention are measures to reform the Local Government Act, to amend the Rabbit Act and the law relating to Patents, to assimilate the provisions of our Trades Marks Statutes to those of the Empire generally, to mitigate the incidence of probate duties and charges upon small estates, to adjust and secure the rights of contractors and workmen, and to obviate the harshness of the existing power of distress for rent. Agreeing also with His Excellency that important amendments of the law relating to the formation and management of companies will demand mature consideration, and expressing our satisfaction that the consolidation of the Statutes has engaged the attention of His Excellency's advisers, and that they hope to be able, with the assistance of a jurist eminently fitted for the work, to submit to us a series of



Bills that will command general approval. Concurring with His Excellency that it would be rash to assume that the marvellous prosperity of the last three years will be continued indefinitely, and stating that we are gratified to learn that thus far, however, there is only a general tale of well-being—large imports, increased production, an influx of capital seeking investment, the promise of a good season, and important discoveries in the coal-bearing districts of the colony, the value of which the Government has taken steps to test. Agreeing with His Excellency that the peace of Europe seems more solidly assured than has been the case for years past, and that the great armaments on which England has resolved are rather a guarantee of honorable peace than an augury of war. Expressing our trust that our deliberations, by the blessing of Divine Providence, may advance the welfare and happiness of the community."

I am sure (said Mr. Peacock) that the same kind indulgence which has hitherto been vouchsafed to young members like myself will be granted to me on this the first occasion on which I have risen to speak within these walls. As one of the latest additions to this House, permit me, Mr. Speaker, in the first place, to congratulate you on your unanimous re-election to the chair. I am pleased to see you re-elected. The fact that you were re-elected unanimously shows that you must have secured the esteem of the members of the late House. I believe that you will enjoy the esteem of the new members of the Assembly, and that when your term of office expires you will be held in the same respect that was entertained for you when you were elected two months ago. The Governor's speech, which we are now considering, gives promise of much practical legislation during the coming session. We are invited to deal with many matters which will require the serious attention of both the Houses of Legislature. The speech commences with an allusion to the general prosperity which has been vouchsafed by a kind and beneficent Providence to this colony. We are all rejoiced to find ourselves in the position of not having seriously to consider proposals for new taxation, but rather with having to deal with the remission of taxation—in the position of having, what is denied to other colonies, a large surplus available for distribution. Another early paragraph of the Governor's speech refers to the necessity for increasing the number of members of the Federal Council of Australasia. I am pleased to state that the younger generation of Victorians are not at all behind-hand in pushing forward the great cause of federation. In this matter, the younger generation has worked and is still willing to work, side by side with the

*Mr. Peacock.*

older generation. I am glad to find in the Governor's speech a recognition of the proper tribute which has been paid by the statesmen of Great Britain to what we have done for our own defence. If there is one thing in connexion with public affairs more gratifying than another it is the readiness with which money is voted by Parliament for the proper defence of the colony; and when the day arrives for the testing of the value of that expenditure—I hope the day is far distant—I believe it will be found that the expenditure has been in the right direction. I think it important that we, in this portion of the British Empire, should be fully alive to the responsibilities of our position, and that we should take care to make due preparation for the time when the mother country may be engaged in war, so that we may then be able, with very slight assistance from the Imperial authorities, to defend our own shores. Reference is made in the speech to the insanitary condition of the metropolis, and the promise is given that the Government will, this session, submit to Parliament a Health Bill and also a Bill for the creation of a Metropolitan Board of Works. It is to be hoped that that measure will be introduced without delay. It is indeed greatly to the discredit of the colony that so little attention has been paid to this matter. The present state of the capitals of the sister colonies shows that there more forethought in this respect has been displayed—that more consideration has been given to the requirements of large populations—than has been done in Melbourne. I sincerely trust that the Government will deal properly with the question of sanitary reform, not merely as concerns Melbourne, but also as concerns the whole length and breadth of the colony. The matter is one of serious moment to my own district. There industries border one upon another; and the water supply of towns has been affected by the drainage from farms and mines, and in consequence the health of the people has been seriously impaired. Therefore I trust that whatever amendment the Government may propose in the laws relating to the public health will deal with the question in all its aspects—that it will provide for the requirements of the whole colony, and not be limited to those of Melbourne. Naturally, from its great importance, the agricultural interest occupies a prominent position in the Government programme. Years since, the efforts of some of our older politicians, and of others who have passed away, were directed to the unlocking of the public lands, and the settling

of the people on those lands; and the question as to what can be done to retain our farmers on their holdings is one which should now receive our serious attention. The Governor's speech promises that the agricultural industry will receive consideration. While I have the greatest possible respect for honorable members who may differ from me as to the best way to secure the desired end, I am pleased to find that the proposal advanced by the Victorian Farmers' Association does not meet with the approval of the colony. The colony has declared straight that it is not in favour of raising barriers between the different colonies; and there can be no question that to increase the stock tax is not the way to assist the farmer. Unfortunately, the very class whom it is the desire of representatives in this House to assist are divided among themselves as to the best means for furthering their interests. I contend that it is for the interests of the farmers, and of the colony generally, that the idea of an increased stock tax should be abandoned. The farmer can be better assisted by further extending the policy of irrigation; by inducing him to withdraw from the cultivation of cereals, and to devote himself to the raising of other products; by such a revision of the Tariff as would enable him to obtain his implements at less cost than he can obtain them at present, without affecting our protective policy; and by pushing forward railway construction, so that the offices of the middleman might be dispensed with, and the farmer be enabled to bring his produce to market at as little cost as possible, whereby he would derive a larger profit and the consumer would obtain a better article. In this way I believe much could be done for the farming interest. As a protectionist I do not believe in an increase of the stock tax. I consider that such a step would not be at all in the interests of protection. If I understand the principle of protection aright, it is that such a policy shall be pursued as will give people employment. A policy which has the effect of withdrawing land from cultivation, and thus contracting the area of employment, is against protection. It is on this ground that I object to any increase of the stock tax. Moreover, it should be our desire to bring about a better feeling between the different colonies, instead of seeking to impose taxation which would have the effect of closing to us the markets of our neighbours. A short time ago I was travelling in the Great Western district, one of the greatest wine-producing districts in the colony, and, in the course of conversation

with several wine-growers there, I gathered that they had derived much advantage from the knowledge imparted to them by the expert brought out from Italy by the Viticultural Board. They admitted that what they had learnt from him in three months was of greater value than the experience they had acquired in perhaps twenty years. And if we can get the assistance of trained experts in connexion with the proper raising of certain products—and certainly our colony is suited to the raising of almost everything—we will be able to secure to our cultivators a good price for what they grow, and retain here a great deal of money which is now sent elsewhere. The Governor's speech contains, and very properly, an allusion to the conservation of forests. Representing as I do what is primarily a large mining district, I can speak feelingly when I say that our forests have been ruthlessly destroyed. It would seem as if the destruction had been carried on without any attention being paid to the requirements of the future; and I believe that the mining industry has suffered more from the reckless destruction of timber than from anything else. Though a great deal is now being done in the way of forest conservation, I consider that much more can and should be done. I was very pleased to see in the press, a short time ago, a reference to the suggestion that the Minister of Agriculture should institute, in this colony, what is known as an "arbor day." I look forward to the institution of such a day. I consider it will be in the interests of the colony to teach the rising generation the advantage of our having good forests. I recollect the governing body of my own native town obtaining certain trees from the metropolis, and planting them in the recreation reserve, and then handing them over to the care of the leading residents who, in time, transferred the responsibility to their children. The result of those trees being carefully looked after by two generations may now be seen in the splendid avenue which graces the Prince Leopold Park at Creswick. I trust that the Minister of Agriculture will do all he can to see a similar policy generally carried out, and that we shall have the institution of an "arbor day" which we may look back upon hereafter with pleasure and pride. Reference is made in the Governor's speech to the fact of the mining industry having revived. This is certainly correct; but, so far as my district is concerned, I don't think it can be honestly said that the revival is owing to the distribution

of the prospecting vote. As a mining representative, and also as one who has been connected with the mining industry for some years, I can claim to speak with some authority on this subject. It has been too much the policy to dole out miserable local grants, instead of going in for a national system. Personally, I would have much preferred never to have seen the local prospecting boards brought into existence. I believe that if the public money appropriated for prospecting had been placed in the hands of an independent body of commissioners, who would have made every inquiry into the requirements of the mining industry, and acted on the information they so acquired, the object in view would have been far better served. No doubt the money expended on diamond drills has been of great advantage to the mining community; no doubt their use has been the means of saving tens of thousands of pounds; and no doubt the senior member for Ballarat West (Lt.-Col. Smith) will long be kindly remembered as the Minister who was the means of introducing those drills to the colony. In the large and important district which I represent there are quartz mines which have been worked for 25 years, and there is also a large extent of alluvial country; but the greater proportion of the profit flowing from mining operations in that district has come down to Melbourne, and much of it has gone outside the colony. Some people are under the impression that mining does good only to the immediate vicinity of the place in which it is carried on; but the fact is that the benefit derivable from the industry spreads throughout the community. Why, two-thirds of the profits from mining have been poured into the metropolis to help the building up of "Marvellous Melbourne." In my district the mining interest has had to meet with difficulties which probably have had to be encountered in other auriferous centres, and therefore my experience in connexion with this matter is very likely to correspond with the experience of other gold-fields members. In my opinion the local prospecting boards have failed in their duty to the Allandale and Kingston districts, in not stepping in and doing something towards compelling companies to pay their proportion of the cost incurred in drainage operations. In the case of the Madame Berry Company's No. 2 shaft, there was an expenditure of £70,000 before the gold was reached. That company has paid away over £1,000,000 in wages and dividends. The large expenditure

*Mr. Peacock.*

of £70,000 was caused by the difficulties connected with deep sinking, and the drainage of a large area. The Berry No. 1 Company, whose works are situate less than a mile away, has expended £80,000 in a similar manner, without any return to the shareholders. And the companies in the vicinity of that large mine are virtually "loafing." They do not pay their fair quota of the expense attendant on drainage operations. What I would like to see the Government do is to step in and undertake the drainage of large areas, and compel the companies interested either to pay a fair proportion of the cost, or to surrender their rights, which could be taken up by other investors who would not think of shirking their proper responsibilities. Then again I would like to see a bonus offered as an encouragement to persons of inventive genius to contrive some means of saving the gold which is known to exist in the debris that is at present not amenable to the processes employed in the extraction of gold from quartz. I find that proposals for the revision of the Tariff, which is one of the subjects that the Government appealed to the country about, will be submitted for our consideration. Here I may say that while it is gratifying to find such a large surplus placed at our disposal, I trust that in dealing with it we will behave as prudent individuals who prepare for a rainy day, and make due consideration for the future. It appears that the Government propose to get rid of what is known as the large barrack system in connexion with our lunatic asylums. That is a step in the right direction. In the future the victims of insanity will be sent to other and more healthy portions of the colony, and that will be a measure in the direction of decentralization. It is satisfactory to know that a large Railway Bill is among the measures which the Government contemplate submitting to Parliament. The railways have yielded such large profits since they have been under the control of commissioners that they have come to be regarded as the best investment which the colony has made. I trust the contemplated measure will fully recognise the rights and privileges of people in the settled portions of the colony, whose claims to railway inter-communication have not received due consideration in the past. We are also promised an amendment of the Public Service Act. A measure abolishing political patronage, by providing for the transfer of the control of the public service from the Government of the day to a board

of commissioners, must necessarily contain certain anomalies; and I am pleased to find that we will have an opportunity of dealing with those defects, and at the same time of seeing that the rights and privileges of the public servants are properly conserved. Notice has been given this evening of a motion on the subject of the limitations as to age and height imposed by the law with regard to persons entering the public service; and I must say that it seems most absurd that because one man is one year older, or an inch shorter than another, he is in consequence to be deprived of the opportunity of obtaining employment from the State. The Governor's speech alludes to the great benefit which the State educational system, established in 1872, has been to the people of this colony. So highly is that benefit appreciated that I am sure the people will never allow any tampering with the three main principles of the Education Act. I trust, however, that the "cram" system, which is a corollary to the "result" system, will soon be abolished; and that thus our educational agency may be made more perfect, and its cost, if possible, reduced without affecting the main principles of the Act. The principle of land endowment for educational purposes is one which meets with the approval of my constituents; and I believe if similar provision were made to meet the expenditure connected with our defences and charitable institutions it would command general approbation. There is an absence from the Governor's speech of any allusion to an alteration of the rules regulating the procedure of this House. Probably that is because the matter applies to the Legislative Assembly alone. However, I trust that the Government will deal with the question carefully, so that while our rules may be altered to facilitate the conduct of public business, the individual rights of honorable members will not be sacrificed. Certainly, this House should jealously guard the privileges possessed by the representatives of the people. For some time past the Samoan question has been before the public; and I submit that that question is one which deserves our attention. Very properly, public men in Victoria have united with public men in the other colonies in the endeavour to preserve the islands in the neighbouring seas from any foreign power; and although we are not yet acquainted with the result of the deliberations of the international conference at Berlin, yet it is very gratifying to us to learn that British interests, which include our

own, will not be made subsidiary to those of any other power. With regard to another important question, I believe the Government have but spoken the wish of the people of this colony in expressing to the people of Western Australia their hearty sympathy in their desire to secure responsible Government. I believe the younger generation of Victorians desire that the people of Western Australia may possess the same privileges that we now enjoy. Although it may be urged that to hand over the large territory known as Western Australia to 50,000 people would be wrong, it must be remembered that those 50,000 people, with their interests bound up with the progress and prosperity of their colony, must be better judges of their own interests than people who are situated on the other side of the globe. As far as my position in this House is concerned I desire to say that, if the Government submit liberal measures, framed on liberal lines, they will receive my hearty co-operation and support. While I might prefer to see a Liberal Government brought into existence under the Chief Secretary, still I am here to judge measures, and not to judge men; and I repeat that if the measures proposed by the Government are framed on liberal lines they will receive my support. So far as their general policy is concerned, I was an advocate for it at the general election, and I have been returned here to do all I possibly can to see that policy given effect to. Before I sit down, I desire to tender my personal thanks to the House for the kind reception it has accorded to me, a new member. I hope a similar reception awaits other new members. Older members recognise the necessity for the younger members of the community taking their share in the work of legislation. That feeling prevails throughout the colony, and it is in response to that feeling that so many young Australians have been returned to this House. I have no doubt the old members will gladly assist the young members in properly performing their duties. In conclusion, permit me to express the hope that our deliberations will prove to be in the best interests of the colony, which, I may remark, are identical with the best interests of Australia, so that, when we go back to our constituents, we may be able to say that we did all we possibly could to promote liberal legislation, and to bring about a better feeling between the people of the different colonies.

Mr. FOSTER.—Mr. Speaker, I desire also to congratulate you on your unanimous

election. I am sure it is a matter of pleasure to young members, as well as to old members, to see you in the position you now occupy; and I hope that our deliberations will continue to be presided over with the same firmness and fairness that have hitherto characterized your action. I desire to say that I can scarcely agree with a number of the ideas propounded by the honorable member for Clunes. Although I second the motion for an address in reply to the Governor's speech, I think it necessary I should clearly define my position. I sit here behind a Government that I am pledged to support except upon one item of their Tariff. We are told in the speech of His Excellency the Administrator of the Government that the Tariff of last session was remitted to the country for further consideration, and the disputed point which the electors had to deal with was as to whether the farmers' demands should be complied with or not. We find that, by an overwhelming majority, the people of this colony say "No, we will not have any increase of the stock tax, especially," and I believe that was the vital question submitted to the country for reconsideration. Well, sir, the fact of the electors of the country saying "We don't want any extra tax on stock" is my justification for sitting behind this Government, for I think it would be churlish and bad business tactics, and that I should probably injure the prospects of my constituency, if I were to obstruct a Government which I am willing to support loyally and heartily except on that particular question. Honorable gentlemen will therefore understand exactly how I am situated here. If it were possible for the proposed increase of the stock tax to be voted upon as a separate question, I will go this far, and say that if my vote would oust the Government, and that ousting of the Government would give us the increase in the stock tax which the farmers desire, I would cast my vote against the Government. But I am certain that, under the circumstances, seeing that the people of the colony generally have so unmistakably expressed their determination not to have any further increase of the stock tax, I am justified in promising the Government a hearty and a liberal support with regard to the rest of their programme. In regard to the increase of the stock tax, I only desire to say two or three words more, and this is probably the last time I shall refer to it, as I consider the question is practically dead, at all events for the present. What I want to say is simply this: I believe that the question of increasing the

*Mr. Foster.*

stock tax was not thoroughly understood by the electors of this colony. If we are a people who believe in a policy of protection, if protection is to be the policy of this country, I fail to see where the principle comes in, if the permanent occupiers of the soil, who will be the backbone and sinew of this colony in the future, are not to be allowed to participate in the benefits of protection as well as the people in the towns and cities of the colony who gain their living by their labour. It appears to me that if protection is good in principle it is surely as good for those who labour in the country as for those who work in the cities and towns of the colony. The people in these towns and cities virtually say to the farmers—"We know that, in the interests of protection, we make you pay through the nose and up to the hilt for everything you wear and everything you touch, from the time you rise in the morning until the time you retire to bed at night; we make you pay like that, because it enables the manufacturers and employers of labour in our large towns and cities to pay our artisans high wages;" but when it comes to increasing the price of meat a farthing per lb. for the purpose of giving a fair share of the benefits of protection to the farmers, you say "Oh, no; we cannot vote for taxing one of the necessaries of life, like butcher's meat; we would rather deal with the foreigner." I am perfectly convinced that ultimately the farmers will be allowed to participate in the benefits of protection, but as the public are not yet educated up to an increase of the stock tax, we will have to let it go for the present, and wait for a more favorable opportunity. We are promised a Railway Extension Bill, and I may say that my experience is that the elections in the country districts have been principally fought on the question of railway extension. I am very glad to find that in the speech of His Excellency the Administrator of the Government, mention is made of the fact that our railways pay, that they are commercially a success. I would point out that we have comparatively very little railway extension in the country districts properly so-called, and I am sure that the further the Government proceeds to extend the railway system into the country districts, reclaiming thousands of square miles of valuable territory which is the common property of the taxpayers of this country, the better appreciated will the policy of the Government be. The more liberal the Railway Extension Bill submitted by the Government, the more popular and acceptable it will be. Honorable members

will pardon me if I refer to a personal matter. After I reach the extent of our railway system, at Bairnsdale, I have to travel 80 miles in a coach over the roughest roads of the colony, before I reach my home, which is in the centre of a district comprising an area of 6,000 square miles of territory, and there is not a single inch of railway line in the whole of that district. I am very glad to find, in the interests of my constituents, that the Government propose to give us a Railway Bill, and I venture to say that certain lines should be included in that Bill, among the rest, a line to New South Wales, along the coast—an alternative intercolonial line—and another line to the great agricultural plains of Omeo. I believe I am right in saying that nearly every member of this House considers that a coastal intercolonial line should be at once commenced. We are asking for federation; we are anxious to secure the cordial co-operation of New South Wales in all matters affecting the welfare of the colonies, and I know of nothing more likely to foster the federalizing spirit than a line of railway connecting New South Wales and Victoria through Gippsland. It would be a link in the chain of federation stronger than any other we could forge by the carrying out of any public work, and at the same time it would serve as a military line, and also help to develop our natural resources by making available the timber, marble, and mineral deposits of one of the richest parts of the colony. In view of all these advantages, I look forward with confidence to that line of railway being introduced in the Bill. Amongst the other measures promised by the Government is a Bill to amend the Local Government Act. That is very necessary. There is one part of that Act which, I think, might be amended with great advantage, and that is in the way of putting some limit upon what I choose to call the deputation nuisance. I know of an instance in my own constituency where a poor shire has spent as much as £120 in sending down two deputations to Melbourne. I think this money was badly expended, and it certainly would have been used to better purpose if it had been utilized in putting roads in repair. There are holes in some of the roads in that very shire which are a cause of great discomfort and even danger to travellers, and yet the municipal council thought fit to spend £120 in sending two deputations to Melbourne to do what they might surely have got the members for the district to do. The present system of sending large deputations to Melbourne is at once a reflection

upon the representatives of the constituencies and the Government, because it infers that an honorable member cannot get due attention to the wants of his constituency unless he has a large number of his constituents at his back when making his representations, and it likewise implies that the Government are unwilling to do justice to any constituency except upon pressure. I hope, therefore, that the Bill to amend the Local Government Act will contain a clause framed with a view to prevent this useless expenditure on deputations. We are also to have a measure to amend the Public Service Act. That, too, it seems to me, is very necessary. Without professing to understand very much about the working of the Public Service Act, I cannot help thinking that, if one-half of all I hear about it be true, fair play does not exist in the public service. After a man has qualified in a certain branch for promotion to a higher post in that department, and is ready to step into the shoes of his senior when the latter vacates his position, it is monstrous that instead of the man who is fit for the work being promoted to the office, somebody who is not accustomed to the duties is brought from another department and put over his head. That is, to my mind, an obvious injustice, and the system is calculated to operate prejudicially to the public service. I think that, in the matter of promotion, each department should be kept by itself. If there is to be any inducement to young men of ability to enter the service, they must have a certain goal set before them, and it is not fair when a man has made himself efficient for a higher position in any branch of the service that he should be liable to have his hopes of promotion dashed to the ground by somebody from another department being brought in and placed above him, while his claims to promotion are ignored. Each branch department should be exhausted before going outside it to obtain men for the higher position. The State school system of the colony costs us £640,000 a year, and the Government propose to make certain reservations of Crown lands to provide for public instruction in perpetuity, so that this great and glorious system of education shall not break down by its own weight. I heartily approve of that proposal, but I would remind the Government that in making those reservations of Crown lands, for the endowment of our system of public instruction, it will be hardly fair to make all the reservations in country districts, because there are plenty of waste lands round about Melbourne. I

represent a district which embraces an enormous area of Crown lands, and I believe that the Government have put their hand on 150,000 acres in Croajingolong, but if they would fix upon the West Melbourne Swamp, where the land is more valuable, it would bring about a much needed improvement in the sanitary condition of Melbourne, and at the same time make our State school system not only payable but actually reproductive. I cordially approve of the Government proposal to establish agricultural colleges in the various farming districts of the colony, because it is necessary that the people who are to get their living by cultivating the soil should be taught all that science can teach them as to the best means of cultivation. We know that while the land of the colony does not increase the population is increasing, and will continue to increase, and where a selection of 320 acres will keep one family now, it will be necessary, by-and-by, to make it keep two families. The people who have to live on the land should, therefore, be taught how to get the most out of the soil, and all about farming. Agricultural colleges will teach the farmers the constituents of the soil, the products for which it may be most suitable, and generally how to put their land to the very best use. That is exactly what is required, but in addition to these colleges in the agricultural districts we want to see schools of mines established in the auriferous districts. Schools of mines ought to be established in other places besides Ballarat and Sandhurst; they should be established in all places where mining and the search for minerals are being extensively carried on. It is just as necessary to teach the miner how to understand the elements of the rocks which he meets with in his search for gold and other minerals as it is to teach the farmer how to understand the soil which he gets his living from; and I believe that if the instruction which is imparted by the schools of mines were made available throughout the mining districts of the colony, it would prove very advantageous, in the long run, to the colony at large. There has been a good deal said about decentralization. I have no desire to say anything to irritate the feelings of those honorable members who represent town constituencies, or to set them against the honorable members who represent country districts; but I can assure the House there is a general feeling in the country that too much centralization is going on in the colony at the present time. I happened to be in Melbourne on the

*Mr. Foster.*

occasion of the last eight hours' demonstration, and I must say that it was a revelation to me. When I saw those thousands of working men marching in procession, with bands of music playing, and banners flying, I was greatly impressed with the enormous political weight which must exist in those trades unions, and I could not help reflecting that, unless there was in power a Government with a very stiff backbone, the Ministry of the day dare not deal out even-handed justice to the country districts unless through the favour of the artisans of the metropolis who exercise such an enormously overwhelming political influence. I am very glad to believe that I am sitting behind a Government that has a strong backbone, and I hope that the Government will not be afraid to do justice to the country districts. I am convinced that unless the interests of the country districts are duly considered and fostered as they need to be the great city of Melbourne will suffer. Melbourne is like a man whose head has grown too big for his body, and unless something is done to promote the prosperity of the country districts in at least the same ratio as the prosperity of Melbourne, I can assure you that this great metropolis will be overgrown by-and-by and must collapse of its own weight. Speaking seriously, I believe it would be very much to the advantage of Melbourne, if a more decentralizing policy were carried out in the future than has been carried out in the past. I observe that in the speech of His Excellency the Administrator of the Government, whatever reference is made to mining is made with regard to mining in the past. I don't think for one moment that the Government mean to imply that mining is on the decline, that it is an expiring industry. Certainly the miners of the colony do not regard it as a dying industry, and I think when it is considered that since 1852 this industry has raised more than £220,000,000 worth of gold, it will be admitted on all hands that mining must have been a very important factor in bringing about the present state of prosperity in Victoria. This fact alone ought to give the Government and the country every encouragement to have our virgin areas tested and our undeveloped mines worked out as fast as they possibly can be. I agree with the honorable member who preceded me, that, in a certain measure, the local prospecting boards are comparatively useless. My experience of the prospecting boards has led me to that conclusion. In the first place, I do not see

any necessity for having brought them into existence, but I do see the necessity of abolishing them so soon as the principle which underlies the Government scheme has been generally recognised. From the very constitution of the prospecting boards you can expect nothing whatever except that immediate local requirements will be attended to. The boards are composed of local men, and every board naturally fights for its own district, and every member fights for his own locality. My experience of the prospecting boards is this: They get applications for assistance varying from £50 to £2,000; they have a certain amount of money to distribute, and it is doled out in sums of £50 and £100, and as a matter of fact no good result accrues from such expenditure. It would be far better for the Government to adopt a wide general scheme of prospecting, under which special attention would be given to the testing of virgin areas. As a practical illustration, let me give you the experience of the Gippsland Prospecting Board. The Gippsland board had £10,000 allotted to it. Of that amount £3,500 was spent without any practical result being obtained, according to the departmental records. I may mention, in passing, that I was chairman of the Gippsland board at the time, and therefore I speak with authority. The balance of the grant, between £6,000 and £7,000, we devoted to exploring virgin country, and I can assure honorable members that very great results have been obtained from that expenditure. It appears to me that the idea of the Government, when they put £80,000 on the Estimates for prospecting, was that new gold-fields should be discovered. Well, we are not likely to find new gold-fields at Ballarat and Sandhurst. We must go into the virgin areas of country, where no real prospecting has yet been done, if we want to find new gold-fields. If we continue the present plan we shall be merely subsidizing certain joint stock companies, whose shareholders get all the immediate advantages thus gained, while the country at large is not materially benefited by such expenditure from the prospecting vote. I would be willing to see the vote reduced by one-half, if the money were expended in testing the virgin areas of the colony. There is one thing in regard to the administration of the Mining department with which I find fault, and that is that the whole of the £80,000 is devoted to prospecting for gold only. I consider that a mistake. I know there are certain areas in this colony where

coal, silver, copper, tin, and other minerals are to be found; but prospecting parties subsidized from this prospecting vote of £80,000 have no power to look for anything except for gold. The discovery of a new gold-field would, of course, be a great advantage to the colony, but the discovery of a new coal-field, a new tin-field, or a new copper-field, would be of as much importance to the public of Victoria, because it would have the same result of providing additional employment for labour and creating another wage fund. In my own district one of the prospecting parties found traces of tin. According to the regulations, they could not follow up the discovery; but they ignored the regulations, prosecuted their search, and the outcome of their efforts was the biggest tin find ever made in the colony. In my opinion, the search for silver, tin, and other minerals besides gold should be assisted out of the prospecting vote. A certain sum should be put aside for prospecting for other minerals than gold. As a mining man, I consider that £3,000 is a small paltry amount to devote to prospecting for coal-fields. Nothing is of greater importance to us than that a thorough test should be made of our coal measures, with a view to ascertain whether we have not in this colony sufficient coal for our own requirements, without being dependent upon supplies from outside. When the next Estimates are brought down, I hope to find that a much larger sum than £3,000 is to be devoted to prospecting for coal. Another thing which strikes me as a very great anomaly is that we have actually to send tons upon tons of pyrites and tailings to a foreign country for treatment. If it pays to send the material to Germany to be treated, surely we ought to be able to make it pay in Victoria, and I think that steps should be taken by the Government of the colony to find out the best processes of treating pyrites and tailings, and establish similar industries here. A serious reflection will rest upon us so long as we admit that we cannot treat the natural products of our own soil. I believe that if the Government were to offer a bonus of, say, £5,000 or even £3,000, for the best method of gold-saving that can be found, enormous areas of auriferous country now lying idle could be profitably worked, and thousands of pounds worth of gold lost in the tailings would be saved to the colony every year. I sincerely hope to see some steps taken in this direction before long. There are great complaints with regard to delay in the issue of gold-mining leases. I may say that I have had some little experience in this matter,



and I find that the Mining department is very lax in the issue of leases. I have known of an instance in which twelve months elapsed before a lease was granted. These delays involve a great deal of expense and a waste of time for which there is no necessity. Before resuming my seat, I should like to say a word or two about the new Secretary of the Mining department. While I have not the honour of his personal acquaintance, I believe that the Government have made an appointment that will be popular all over the colony, and beneficial to the mining industry, and although, as I have already explained, I do not approve of the practice of going outside a department to find men for its higher offices, I believe that if the whole colony had been searched, the Government would not have found a better man for the position of Secretary of the Mining department. Mr. Speaker, I have to thank honorable members for the patient attention which they have given to me, and I beg to second the motion.

The motion for an address in reply to the speech of the Acting Governor was then agreed to.

Mr. PEACOCK moved—

“That a select committee be appointed to draw up an address to be presented to His Excellency the Administrator of the Government upon the said resolution, such committee to consist of Mr. Clark, Mr. Foster, Mr. Madden, Mr. Officer, Mr. C. Smith, Mr. Stewart, and the mover; and that they do retire immediately.”

Mr. FOSTER seconded the motion, which was agreed to.

The committee withdrew, and, after a short absence, returned with the following address:—

“To His Excellency Sir William Cleaver Francis Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of Victoria and its Dependencies, &c., &c., &c.

“We, the Legislative Assembly of Victoria, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign.

“We thank Your Excellency for having called us together after the shortest interval compatible with the due preparation of measures to be laid before us. The proportion of representatives to the different parts of the country having been re-adjusted, we concur with Your Excellency that it may be expected that the two Houses will therefore give more complete expression to the wishes and wants of the country.

“We are glad to know that the prosperity which this colony has so long enjoyed happily still continues, aided, as it is, by political quietude and prevailing public confidence.

“We thank Your Excellency for informing us that in the late session of the Federal Council a resolution was passed recommending that the

necessary steps be taken, as provided by the Constitution of the Council, for increasing the number of its members; and we are glad to learn that Your Excellency's advisers will take an early opportunity of inviting our consideration of an address to Her Majesty on the subject.

“It affords us gratification to know that the energy and thoroughness with which Victoria has prepared to resist foreign aggression have attracted the warm praise of statesmen and competent critics in Great Britain, and that the progress made during the past year has been steady and gratifying. We are glad also to be informed that the re-arming of the forts has been pushed on; that a new corps of Victorian Rangers has been formed from the rifle clubs in country districts; and that private liberality has contributed a half-battery of horse artillery. We learn with satisfaction that the Easter encampment of this year was largely attended, and that the manœuvres, which were of more than common interest, showed that our officers and men are acquiring the initiative and efficiency of trained troops.

“We thank Your Excellency for calling our attention to the report of the Royal Commission on Public Health, which has thrown additional light on the insanitary state of Melbourne. It is evident that the law is insufficient, or that its administration by local bodies is not vigorous enough to meet the wants of a great and growing city; and we recognise the fact that on Parliament will devolve the duty of seeing that one of the wealthy cities of the world does not expose itself to conditions of disease or death which have been successfully combated in poor countries.

“The Exhibition of last year having attracted a good many persons from other countries who possessed a knowledge of what has been done elsewhere to promote technical education, we are pleased to learn that the evidence of these gentlemen and of some of our own employers of labour was collected and reported on by a committee, which has pointed out in what way certain desirable changes may best be introduced, and that meanwhile technical schools are springing up in new places, and are crowded with eager students wherever they are established.

“The important duty of representing the Australian colonies at the Paris Exhibition having largely devolved upon Victoria, we are pleased to be informed that Your Excellency's advisers felt that they were bound to disregard all difficulties and considerations of inadequate space in view of the assistance unsparingly given by France to our own Exhibition. It is gratifying to us to know that, in spite of delays, for which neither France nor this country is responsible, our court was among the first to be ready, and that our exhibitors have attracted favorable and discriminating notice.

“It affords us satisfaction to learn that the area under the operation of the Irrigation Act is being rapidly extended, and that excellent results are being obtained wherever the farmers are able to use the water upon their holdings. We agree with Your Excellency that henceforward the yields from land under the new system, which has been so readily adopted throughout the colony, may be relied upon to increase steadily from year to year as the schemes already projected by the Trusts are brought into working order. We are also

gratified to learn that meanwhile, outside their limits, boring for water is being undertaken upon a definite plan, prepared under the best professional advice, while the gauging of running streams and the determination by surveys of the boundaries of districts of distribution are being energetically pushed forward. We concur with Your Excellency that by the scientific practice of irrigation the value and productiveness of our agricultural lands will be permanently enhanced, and that the wealth of the community will be increased, in consequence of the prosperity which it will ensure to a large body of our farmers.

"We thank Your Excellency for informing us that the important farming interests of the colony are receiving careful attention, and in this connexion we are glad to learn that the travelling dairy, established by the Department of Lands and Agriculture, is profitably supplementing the excellent educational work done by this department in the Exhibition building, so as to greatly improve and materially increase the national value of the dairying industry generally. It also affords us gratification to know that, in the same way, arrangements are being made to introduce a complete system of technical agricultural education, by which experts will visit all parts of the colony for the purpose of introducing the growth of new products, giving instruction upon their culture and the processes of preparing the raw material for market, as well as imparting information connected with the improvement of existing farming methods.

"We learn with satisfaction that the conservation of our forests has received the special care of the department, and that it is anticipated that the measures taken will not only provide for our wants in the present, but secure the re-forestation of denuded districts.

"We are glad to be informed that the liberal aid granted by Parliament to the mining industry has been productive of some good results, that the subsidies to prospecting parties have led to several discoveries, and that the use of the diamond drill has proved of great value in prospecting for alluvial gold, though less markedly successful in the search for quartz lodes. We concur with Your Excellency that none the less it is an encouraging augury for gold-mining in Victoria that gold-bearing reefs, payable at great depths, have been discovered in several parts of the colony.

"We thank Your Excellency for informing us that the Estimates which will be submitted to us have been framed with the utmost economy which the provisions of the law and the requirements of the public service will permit.

"The Tariff of last session having been postponed, that certain disputed points in it might receive the consideration of the country, we are glad to learn that it will be submitted again with such amendments as have been suggested by experience.

"We agree with Your Excellency that the necessity of enabling the municipalities in the metropolitan area to deal with a number of important questions which could not be dealt with by any single municipality has within the last few years become more evident. It affords us satisfaction to know that the municipalities themselves have become alive to the necessity of establishing a Board of Works in which they would all be represented, that a Bill embodying their

views has been drafted, and that this Bill has been carefully considered, and will be submitted to us with important amendments.

"The Public Service Act of 1893 has now been some years in operation, and we concur with Your Excellency that several defects have become apparent, which only experience could have revealed. We are pleased to be informed that a Bill will be submitted to us with a view to remedy those defects and improve the working of the Principal Act.

"A measure for the permanent endowment of our State school system out of Crown lands has already been before Parliament, and was received with considerable favour, though circumstances prevented it from becoming law. We agree with Your Excellency that scarcely anything was more noticeable in the late appeal to the country than the attachment evinced for the State school system established in 1872, and we concur in Your Excellency's view that it is desirable that this question of its permanent endowment should receive prompt attention, so that the lands set apart for endowment may be made revenue-producing.

"We thank Your Excellency for informing us that Your Excellency's advisers propose to submit for our consideration a measure to extend our railway system. We concur with Your Excellency that settlement throughout the country has progressed so extensively that it is all-important that our producers should be placed in close communication with their markets, and that nothing but further railway extension can do this. We are glad to learn that our railways are commercially successful, and we share Your Excellency's opinion that so long as new lines are projected into districts where there are both population and produce, extensions will not only promote the general welfare of the community, but will still further increase the profitability of the main lines by bringing them new traffic.

"We thank Your Excellency for informing us that several Bills will be submitted to us that are designed to meet the requirements of the community for progressive legislation, and that among those which will claim our early attention are measures to reform the Local Government Act, to amend the Rabbit Act and the law relating to Patents, to assimilate the provisions of our Trades Marks Statutes to those of the Empire generally, to mitigate the incidence of probate duties and charges upon small estates, to adjust and secure the rights of contractors and workmen, and to obviate the harshness of the existing power of distress for rent. We agree also with Your Excellency that important amendments of the law relating to the formation and management of companies will demand mature consideration, and we beg to express our satisfaction that the consolidation of the Statutes has engaged the attention of Your Excellency's advisers, and that they hope to be able, with the assistance of a jurist eminently fitted for the work, to submit to us a series of Bills that will command general approval.

"We concur with Your Excellency that it would be rash to assume that the marvellous prosperity of the last three years will be continued indefinitely. We are gratified to learn that thus far, however, there is only a general tale of well-being—large imports, increased production, an influx of capital seeking investment, the promise of a good season, and important

discoveries in the coal-bearing districts of the colony, the value of which the Government has taken steps to test. We agree with Your Excellency that the peace of Europe seems more solidly assured that has been the case for years past, and that the great armaments on which England has resolved are rather a guarantee of honorable peace than an augury of war.

"We trust that our deliberations, by the blessing of Divine Providence, may advance the welfare and happiness of the community."

The address was adopted, and ordered to be presented to the Acting Governor by the Speaker and members of the House on the following day.

#### MR. NIMMO'S RETIREMENT FROM THE MINISTRY.

Mr. GILLIES moved that the House do now adjourn.

Mr. NIMMO said—Mr. Speaker,—If I did not congratulate you, on a former occasion, upon the high position to which you have attained, I beg to do so now, and I assure you that I was proud to hear new members congratulating you in the way they did. I desire, sir, with your permission and with the permission of honorable members, to do myself the honour of thanking my late colleagues in the Ministry for the uniform courtesy which they extended to me while I had the honour of acting as Minister of Public Works. And I desire to thank honorable members all round for the courtesy which they have at all times shown to me when waiting upon me and introducing deputations. I was very sorry to learn lately that I had given offence to some honorable members in this House, when deputations were introduced to me. (Cries of "No.") I can assure honorable members that if ever I did give offence, it was done quite unintentionally. I never willingly wounded the feelings of a single honorable member, and if I have wounded any honorable member's feelings, I will be very glad to apologize to that honorable member, whoever he may be, if he chooses to state the nature of the offence which I have committed. I would like to say just one or two words with regard to my retirement from the Ministry. The only feeling of regret in my mind arose from the fact that I was not informed of the proposed change previous to the last general election. It gave me considerable annoyance, because I was afraid that my constituents might have been deceived by the circumstance of my contesting the seat for Albert Park as Minister of Public Works, and I could not rest satisfied until I had called my constituents together and explained the

whole circumstances connected with my severance from the present Ministry. I have done so, and I am very glad to be able to state that my constituents relieved my mind by expressing their entire confidence in me, at a public meeting, which was held last night, and at which about 200 of the electors were present. I can now truly say that I have no grudge against any honorable gentleman in this House, in any shape or form. I have received justice and courtesy from them all. I am sure that during the whole course of my Ministerial existence I never listened to an unpleasant remark from any of my colleagues, and I am equally sure that I never made any unpleasant remarks to them. There was always the utmost cordiality and harmony between us. I have no doubt that changes are necessary at times, and I was quite prepared to submit to any proposal as to relinquishing my portfolio if it had been made at the proper time, namely, before the general election. Perhaps I was wrong in my idea that the proposal should not have been made at the time it was; but I still think that at the general election I should have been in a position to explain the exact circumstances to my electors. Now that I have received the approval of my constituents, however, in the course I have pursued, I have no grudge against any Minister or any honorable member, and I thank my late colleagues in the Ministry and honorable members of this House for their uniform courtesy to me.

Mr. DEAKIN.—Mr. Speaker, amongst the congratulations which it is fair to offer on the present occasion is one to the honorable member who has just resumed his seat—my late honorable colleague, the Minister of Public Works—upon the remarks which he has just made to this House. And upon those remarks I will take this opportunity—being the first opportunity offered to me, as the person in the Government most interested in the statements that have been made in the public press with regard to the retirement of my late honorable colleague—of referring briefly, and I hope in exactly the same considerate temper as has just been displayed, to the events which have recently transpired. I notice with satisfaction that in addressing his constituents last evening the honorable gentleman used language of a different character to that which he employed, no doubt under natural feelings of temper and annoyance, when he penned the letters which were received by the head of the Government. In those letters, written

under the influence of this temporary feeling of exasperation, the honorable member expressed himself as considering himself deceived, and it was explained to the press that he considered himself to have been deceived by some remarks which were made by me, in the only interview I ever had with him, at which this question was discussed, until within the last week or two. At that time statements had appeared in the newspapers to the effect that a number of the liberal supporters of the Government had waited upon me for the purpose of urging that a change in the *personnel* of the Government was necessary, and that that change should take place among the gentlemen whom I had the honour to name to the head of the Government, as representing the liberal party in the last Parliament. Those statements occasioned, as was only natural, in the minds of my honorable colleagues who were referred to, considerable feeling, and they waited upon me in reference to the matter. I told them then what I tell them now, that those statements were absolutely untrue; that at the time when I saw them I had not so been waited upon, and that no such request had been preferred to me by a single member of the liberal party. The statements in the newspapers said that these changes were in contemplation.

MR. SHIELS.—Did those statements appear in the *Argus*?

MR. DEAKIN.—They were made in various newspapers from time to time, and they were made in the *Argus*. The two members of the Government who were present at the interview, asked further if there was any intention to make a change in the *personnel* of the Ministry, any intention to re-construct the Government, and my answer was then, as it is now, that there was then no such intention. At that time the Government had not considered for a single instant the question of making any changes in the *personnel* of the Ministry, and at that time the head of the Government and myself had never consulted upon the matter. When it is said that I should have informed my late colleague, before the general election, of an intention to remove him, I have simply to say that as no such intention then existed, I could not therefore have informed the honorable member, before the general election, as he now wishes he had been informed, that it was in contemplation, on the part of the Government, that he should be asked to retire in favour of another member of the Government. At that interview I was very careful to confine my statements to that time,

and for this reason. I knew that after the election it was quite possible there might be changes in the *personnel* of the Government. I knew that of my own personal knowledge, because two of my colleagues had intimated to me that after the general election they might desire to close their connexion with the Government for personal and private reasons. Knowing this, I carefully guarded myself at that interview against saying anything as to what might happen in the future. I even intimated to my honorable colleagues that there might possibly be a reconstruction of the Government. I told my late honorable colleague (Mr. Nimmo) nothing about himself, because up to that time nothing had been determined in any way concerning him or any other member of the Cabinet. Well, the election took place, and my late honorable colleague was returned, as he says, as Minister of Public Works, and as a member of the Government. Later on, the rumours with regard to changes in the *personnel* of the Cabinet appeared in the newspapers again in a modified form. It was said that members of the liberal party had repeated to me their desire for a change in the *personnel* of the Government. It was then equally untrue that members of the liberal party were making complaints to me with that end and object in view. No member of the liberal party had made a statement to the effect attributed to members of that party by the newspapers, and, accordingly, it was contradicted again. It was not until after this that a change was considered and determined upon. I then waited upon my honorable colleague (Mr. Nimmo) and put before him the grounds on which he might voluntarily resign his portfolio, remaining a member of the Government, and thus allow a colleague who had been discharging onerous duties for a considerable time without holding responsible office, to enjoy the dignity of a responsible office. Now, the grounds of the proposed change which were put before the honorable gentleman were simply that it was to be made in the interests of the Government, and he was expressly told, as he himself has informed the House, that his colleagues brought no charge against him. They stated to him fully and entirely what their reasons were for proposing this change, pointing out that it was a change within the Government itself, that the Government was not going outside to seek any person to replace him, and that the Government hoped to retain his services in the position which his colleague had already held.

Mr. McINTYRE.—Why was Mr. Nimmo to go before any other member of the Government?

Mr. DEAKIN.—I am not in the habit of informing honorable members in opposition with respect to matters which concern Ministers alone. For one thing, I would prefer not to deprive them of any opportunity of inventing history for themselves. Why should I prevent them from selecting facts to suit their own views? When the whole case was put to my late honorable colleague full grounds were given to him which, without reflecting upon him in any way, showed him why it was that he was the particular member of the Government asked to make the change.

AN HONORABLE MEMBER.—How was it that he was not convinced on the point?

Mr. DEAKIN.—I think that I very nearly convinced him. At that interview he spoke in the same considerate and dispassionate way he has done to-night, and showed the same willingness to meet the views of the other members of the Government, in order that their plans might be carried out. It was only after he had sought advice elsewhere—advice which I am sure he now sees was not the best advice—that he stated that he could not see his way to take the course suggested to him. So far as I am concerned, and I am the only member of the Government directly concerned in the matter, I have but one point to clear up, and this is that my late honorable colleague was not in any way deceived. When I have shown that there is no ground for any complaint of deception, that it was not possible to inform him—as he says he wished to be informed—of the proposed change before the general election, the one event out of the whole series of events concerned which could need explanation, is fully and completely explained. Governments from time to time have changes. I can only say I hope that never again, in my political career, be it long or short, will I have the same unpleasant experience as I had three years ago in parting with colleagues whom I always held in the highest esteem, that parting being deemed to be absolutely necessary. I also hope it will never again fall to me to carry out the disagreeable duty of suggesting to a colleague a course involving the sacrifice of his Ministerial position. I have now told the simple facts as they occurred, and I am sure the recollection of my esteemed colleague, the late Minister of Public Works, will confirm my statement, namely, that he came away from the one interview—there was only one

at which he discussed the question with me—under a misapprehension. That misapprehension lay in his belief that I had pledged myself that there would be no reconstruction of the Government in the future. As a matter of fact, I only referred to what was, at that particular time, the intention of the Government, and was careful to guard against such a supposition. Possibly, also, that misapprehension led him subsequently to address his constituents as he did. Of course his constituents naturally credited him with a full knowledge of the views and intentions of the Government with respect to the matter, and therefore they accepted his statements. But they can be under no such misapprehension in future. When the facts on the other side—on the side of the other persons who were present at the interview, and who can testify as to what actually occurred at it—have been brought home clearly to the minds of the electors of Albert Park, they will, no doubt, see plainly where lay the mistake under which the late Minister of Public Works laboured. At that interview I did not make the statement as to the future of the Government which my late colleague supposed I made. I could not make it. Before I sit down, allow me to congratulate the mover and seconder of the address in reply upon having delivered two of the most practical and business-like speeches I have been privileged to listen to in this chamber. Those honorable members contributed, from their own knowledge of public affairs, information which will be of value to honorable members generally in considering the questions they referred to it, and if we take those honorable members to represent generally the quality of the recent additions to the Assembly, we shall have no reason to regret, upon the whole, the results of the late elections. Of course, in some instances, we must wish that those results had been otherwise. Under all the circumstances, however, the country may be congratulated.

Mr. McINTYRE.—“Bide a wee.”

Mr. DEAKIN.—Not to exclude any section of the House from my congratulations, allow me to congratulate the Opposition on the manner in which to-night they have facilitated the transaction of public business, by anticipating a reform which may possibly be found some day embodied in the standing orders of the House—a reform by which often interminable and uninteresting debates on the address in reply will be avoided, and the House will at once attack the business of the session.

Mr. McINTYRE.—We want to see if the Government have any business to submit.

Mr. DEAKIN.—This Government have always had very much more work for the House to do than the honorable member for Maldon ever showed the slightest wish to see done. If, however, he was sincere in the remark he just now made, and if, moreover, he remains in the same frame of mind next week, the Government will be delighted to receive the assistance which it will then be open to him to afford in the direction of altering the standing orders of the House, so as to render the improvement of to-night a permanent improvement, and to reduce discussion to the smallest limits compatible with allowing the right of free discussion to every honorable member. In conclusion, I compliment the late Minister of Public Works upon the tone of his remarks, which have quite disarmed me, and to assure him that the cordial feelings towards his late colleagues just expressed by him are reciprocated by them. I deeply regret that there has been any misapprehension, even of the most temporary character, but I trust that our pleasant relations of the past may be continued in the future.

Mr. T. SMITH.—Mr. Speaker, as the representative in this Chamber of a large slice of the old electorate of Emerald Hill—the district which has for so many years had the Hon. John Nimmo for its senior member—it may not be out of place for me to offer a word or two on the subject now before the House. To speak on the matter as it ought to be spoken on, by one who is in a measure a colleague of the late Minister of Public Works, is no easy task for a new member like myself. Indeed, I regret very much that I feel compelled to say anything at all on the topic, for I find it a very disagreeable one. I may remark that the district known as South Melbourne treated the present Administration at the last general election in an extremely handsome manner. That will not be contradicted by any one in this chamber. I think it cannot be said that any part of the country has treated them better. The electors I refer to not only sent back here the late Minister of Public Works, but they also returned myself and the honorable member for Melbourne South to support the existing Government. Yet, what do I and the last-mentioned honorable member find? That on the threshold of our parliamentary career we are subjected to a great shock. I can call it by no other name. I desire to tell the House that throughout

each of the three South Melbourne electorates there is a feeling akin to disgust at the treatment meted out to Mr. Nimmo. Certainly the explanations just given are so far satisfactory that they lead us to understand that nothing was known of this business of reconstruction before the general election. But how is it with reference to what has occurred since? What I have heard from many lips during the last few days is this—"If Mr. Nimmo was an incapable Minister of Public Works all the time he was in office why was he not removed from it long ago?" That is a question I leave for others to answer. On the other hand, if his conduct in that capacity brought credit not only to himself and to his department, but also to his colleagues, why is he not in office still? Again, it is not very comprehensible why, at this particular juncture, a particular member of the Government should be called upon to resign in order that some one else should be accommodated with a place. These points are not at all understood by the South Melbourne people. In truth I may go so far as to mention that some of them are ignorant enough to assert that they cannot for the life of them make out why different subordinate members of the Government should be required every three years or so to move out of office while the heads of the Ministry steadily remain as if they meant, like Tennyson's brook, to "go on for ever." Perhaps when I am next in communication with my South Melbourne friends I will be able to enlighten them on these points. Sir, I feel it my duty to say, from a sense of fair play, that there is in the minds of the electors who sent Mr. Nimmo, Mr. Mountain, and myself to the Assembly a very disagreeable feeling as to the reasons for which a particular member of the Ministry who has been a Minister for the last three years and more, has been compelled to resign his portfolio.

Mr. SHIELS.—Sir, as the Chief Secretary was concluding his remarks, I thought it would be a fitting *finale* for the honorable gentleman and his late colleague—against whom, while he made no charge, he effected a summary discharge—to meet together on the floor of the House and, like Jonathan and David, embrace each other. The Chief Secretary has deliberately attacked the accuracy of certain information furnished by the *Argus* newspaper. But let honorable members generally carry back their recollection to this state of affairs. Not long since the *Argus*, as representing one section of

the Government, was, for six weeks or more, constantly making, from information received, certain most positive statements, which, next morning, the particular newspaper inspired by the other section contradicted. But, judging this foreshadowing of public events by the after-light of fact, what do we find? We find that the *Argus* then accurately stated beforehand what has since happened, and what I think, with all deference to the Chief Secretary, was then intended to happen. I could quote several passages from that newspaper which completely carry out this view, but I will simply call particular attention to one. On the 10th April last, the *Argus* published the following:—

“Another sign of coming events is to be seen in the face of Mr. Nimmo. Melancholy has marked the Minister of Public Works for his or her own. The story must be true that the member for Albert-park has been delicately sounded as to his willingness to go, and there can be no doubt as to the answer.”

Another accurate statement made in the very same issue of the paper, as to what was about to happen Ministerially, was completely verified when a certain honorable member—I refer to the honorable member for Castlemaine (Mr. Patterson), whom we knew last session as an active, earnest, and energetic member of the opposition corner, with whom I was then myself intimately associated, and whose return to Parliament I was delighted to see—was translated over the heads of the loyal and staunch supporters of the Government who had so long sat either directly behind them or in the Ministerial corner, and placed in the high and honorable position of Minister of Customs. Again, what do we find in the *Argus* of this morning? If I recollect rightly, it was stated—I hope I may say this without giving personal offence to the Chief Secretary—that his assertions in denial of the facts brought out in connexion with the correspondence between the late Minister of Public Works and the Premier, and of the additional facts detailed last night at the Albert-park meeting, were “fudge, fable, and diplomatic evasion.” As regards the lengthy explanations just made by the Chief Secretary, I wish to say, without being personally offensive, that they consisted in part of a good deal of fudge, and mainly of very ingenious and diplomatic evasions. I would like the honorable gentleman to tell us whether it is not a fact that liberal Members of Parliament came to him to ask for the exclusion from the Cabinet, not only of the late Minister of Public

Works, but also of the Minister of Public Instruction and the Minister of Lands? At all events, is it not a fact that he himself was in consultation on the subject with members of the liberal party in Parliament? Is it not a fact that from him went out those gentle “feelers” among the liberal party which an adroit Minister like himself is so peculiarly capable of? Is it not also a fact that at the liberal caucus held before the elections, this very question of the reconstruction of the Ministry, so far as three, two, or one of the liberal members of it were concerned, was raised in his presence? I speak as to what is within the recollection of honorable members who were present. If what I have said is untrue, let it be denied. If it is true, is it not largely corroborative of the statements made by the *Argus*, which we have heard, to-night, so strongly contradicted? Let me remark here that a lurid light is thrown on the negotiations I refer to, and which constitute the political scandal of the session, by what took place three years ago. Then the Government leaders went for a perfectly wholesale massacre of colleagues, and now we have them setting up in the retail line of business. The whole thing puts me very much in mind of that charming fable of Grimm, which tells of an old woman who, having become possessed of a horse, was induced to part with it for a cow. Afterwards, being tired of the cow, she bartered it for a sheep, which, subsequently, she exchanged for a goose, and so on, until at last all she had left of her original treasure was a bag of rotten apples. Well, what did the changes of three years ago give us? If there exist now a necessity for reconstruction of the Cabinet, if it be true that the radical members are dissatisfied with the Deakin section of the Ministry, the change three years ago must, in their opinion, have been as foolish as the old woman's. Will the result of the change just now made, and of the other changes looming in the future, and perhaps not the very distant future, be any better? May we not well fear that eventually we shall be left with the bag of rotten apples? I ventured three years ago to characterize what then happened, and I may say now, looking back, as well as my recollection will carry me, to the speech I then made, that, strong as the words were, I feel inclined to reiterate them. What happened then was as dastardly an act of treachery and cold-blooded selfishness as was ever perpetrated in this colony, or is to be found recorded

in the annals of any other colony with responsible Government. The leaders of the Ministry had colleagues then who trusted them implicitly, and who had most admirably done their duty. Why, one of them, the honorable member for Fitzroy (Mr. Tucker), was stated by Mr. Service—a man as economical of his praise as he was of the colony's funds—to be the ablest administrator of the Lands department he had ever known. Nevertheless, both were turned out with no more ceremony than one would use in throwing away orange-peel or the stump of a cigar. That was a wrong done to the country. To say no more, it substituted for Ministers who had each had three years' experience of office—a valuable attainment in itself—Ministers who were mere novices. I challenge the Chief Secretary to mention any British Ministry, or any British Colonial Ministry, who ever expelled from their ranks a greater number of colleagues than the Gillies-cum-Deakin combination have done. In three years and a few months they have sacrificed no less than eight colleagues. What has never been denied, what remains in black and white, is that the office just vacated by Mr. Nimmo was wanted so that Mr. D. M. Davies should have a salary—should no longer do Ministerial work without coin in his pocket on account of that work. Yet to-night we have heard the Chief Secretary describing the proceeding by saying that the Government simply wanted Mr. Davies to enjoy “the dignity of responsible office.” Sir, Mr. Davies had for some time previously enjoyed “the dignity of responsible office,” as the Chief Secretary well knows. He was in the possession of a portfolio, he was a member of the Cabinet; and further, he was an Executive Councillor. Where then does the excuse come in? What the Government did was simply equal to saying—“Look here, Mr. Nimmo, you have been long enough sucking the State cow, and it is high time you gave Davies a turn at the teat.” (Laughter). I want to do more than make honorable members laugh. I want to impress upon them what the community is feeling with regard to the matter—that the whole transaction is a political scandal, calculated to lower politics in the estimation of the country, and to degrade public life. We, in this Chamber, have a duty to discharge. With the glorious institutions under which we enjoy both a free Parliament and responsible government, are we now going to admit the doctrine that Ministerial office shall be obtainable not on account of ability coupled with incorruptible

integrity, not as the reward of a laudable ambition to improve the laws and institutions of the country, and to stamp the statute-book with the imprint of his brain and conviction, but for mere purposes of gain—that the “almighty dollar” shall be the sole consideration? I say that the Premier and his sinning colleague, the Chief Secretary, have done more than any two Ministers I could name have ever done to degrade public life, and bring parliamentary institutions into contempt.

Mr. GILLIES.—We heard you say all that three years ago. It is the same thing over again.

Mr. SHIELDS.—No, it is not the same thing, or even if it is, it will bear repetition. Three years ago the two leaders of the Government did a great wrong, the accusations then made against them are still on record in *Hansard*, and they are unanswerable, and a similar thing was done the other day. The correspondence recently published in the *Argus*, while it is painful, as suggestive of deceit, deliberate treachery, and cold-blooded selfishness, contains also much that is mirth-provoking.

The SPEAKER.—Is the honorable member for Normanby imputing deceit and treachery to the Chief Secretary?

Mr. SHIELDS.—No, sir. I was simply saying that in the correspondence I referred to there was much that was painfully suggestive of trickery, deceit, deliberate treachery, and cold-blooded selfishness. I venture to think I am within the bounds of order.

The SPEAKER.—An honorable member is not at liberty to make any statement from a newspaper which he is not prepared to justify; and he cannot read, as the opinion of a writer, what he is not at liberty to give as his own opinion. Of course I do not refer to an honorable member calling attention to a particular newspaper article with the view of having the writer dealt with. What I wish to convey is that an honorable member is not at liberty to use words without being responsible for them. Let me call the attention of the honorable member for Normanby to the question before the chair, and to the fact that inasmuch as he is making statements which would not be justifiable, even in connexion with a motion of want of confidence, they cannot be justifiable in connexion with a mere motion for the adjournment of the House.

Mr. SHIELDS.—But I have not quoted any newspaper statement. I have simply mentioned that certain correspondence published in the *Argus* is suggestive—whether



justifiably or not, I will not say—of very grave and serious charges. Let me also remark that the account contains as delicious a bit of genteel comedy as I ever came across. For example, we see the Chief Secretary conscious of the guilty, ungracious, and ungrateful thing he was doing to his trusting colleague, and shirking the clear duty imposed on him, as a man of feeling and delicacy. So, instead of conveying the death sentence himself he gets the thing done by an emissary—the most courtly, gentle, winning and persuasive of ambassadors. He shifts the burthen upon his colleague the Minister of Lands, and that honorable gentleman certainly discharges the duty in just the nice and gentle way we would expect of him. “Look here, old man, some one has got to go, and the Cabinet has fixed on you.” (“No.”) That is the statement of a newspaper which takes the greatest possible care to be accurate, which is constantly sending members of its staff—are we not continually meeting them at their work?—to wait on the Premier, the Chief Secretary, and other Ministers in order to obtain the best information, and which enjoys a great reputation for not palming off on the public anything of the truth of which they are not assured.

Mr. DOW.—The statement is pure fiction.

Mr. SHIELDS.—That delicate announcement of his colleague's sentence is fitted to stand side by side with his historic threat before the Government was formed, when, in the characteristic lower notes we know so well, he exclaimed that he “would rather ‘scoot’ in with the blasted conservatives than serve under Deakin.” No doubt such language as that used to the late Minister of Public Works never did such an unwelcome office before, and no doubt the Minister of Lands will take care never to have such work put upon him again. We can now make out why the honorable gentleman lately escaped, first to the wilds of New South Wales and afterwards to the wilds of Queensland, and how it happened that his burning desire to return to Melbourne and his faithful colleagues was only frustrated by those naughty floods. Probably something like this was going on in his mind:—“There is going to be a darned rumpus in the Cabinet, and I must try to keep a whole skin.” He remembered—

“Those who in quarrels interpose  
Must often wipe a bloody nose.”

Having once burnt his fingers over this miserable business he was not going near

the fire again. Oh! yes, that mysterious absence for so many weeks in Queensland is now quite accounted for. Until lately, I could not understand his being away at such a critical time—just before the work of the session was entered upon—but, now I see that he bore in mind another old maxim—

“He that fights and runs away  
May live to fight another day.”

He thought, by showing a clean pair of heels, to escape the clutches of his massacring colleague, the Chief Secretary, and, by all accounts, he thought rightly. Do we not know that for some four months past the members of the Government have not been at all a “happy family,” that there has been a real “tug of war”—such as we occasionally see between soldiers and sailors—among them? At one end of the rope was the Chief Secretary and Premier with the *Argus* behind them, and at the other end certain colleagues to be expelled, but who had the *Age* at their back. They were also supported, I think, by the moral sense of the community, who naturally object to dismissals from Ministerial office on no public grounds. What did we find? That just as the *Argus*, Chief Secretary, and Premier were likely to be successful, in came the *Age* with a counter-irritant, calling out for a reconstruction of the Government, which would send to the right-about two of their colleagues in the Upper House. What was the outcome? That rather than face a change of that sort, the Cabinet called upon the honorable member for Albert Park alone to pay the penalty. He it was who had, in order that another gentleman might enjoy “the dignity of responsible office,” to clear out and give way to him. I have no hesitation in saying that the whole affair is a scandal, and that a great wrong has been done to the country. What are the facts? In that department out of which the honorable member for Albert Park has gone after three years' experience—the Public Works department—we have a permanent head only just appointed, knowing nothing of the working of the department. Mr. Galbraith is a most able officer, but he is utterly unacquainted with the Public Works department. The honorable gentleman who has just been turned out of office not only has had three years' experience, but during the last two months he has received more deputations about public works and grants than any other member of the Cabinet. He has heard all those demands, with the arguments adduced in support of each, so that he is in a position to judge of their respective

merits, and we have now hoisted into office a gentleman who has heard nothing of the various pleas which shire councils and other deputationists have urged on the consideration of the Government. We have a Minister who has not heard one of those demands, and we have a Secretary who is equally ignorant. The only man who could compare and do justice between the various claims is the honorable member for Albert Park. If there was to be this change, not only honour, but the country's interests demanded that the change should have taken place before the honorable member for Albert Park went to his constituents and, on the faith of what had occurred between himself and the Chief Secretary, was able to make the plain announcement from the platform that there was not a word of truth in the statements industriously made day by day and week by week in the *Argus*—that there was to be no reconstruction of the Government, and that he was to continue to hold office. I say that all the explanations that have been made do not remove this transaction from the category of a gross scandal, a piece of the blackest ingratitude, from which not only the honorable member for Albert Park has suffered keenly, but also the country has received a grievous wrong.

The motion was agreed to.

The House adjourned at twenty-six minutes to seven o'clock, until the following day.

## LEGISLATIVE COUNCIL.

Wednesday, June 5, 1889.

*Wife Beating at Williamstown—Elections and Qualifications Committee—The President: Congratulations on being created K.C.M.G.—Sessional Arrangements: Standing Committees: Days of Sitting—Chairman of Committees—The late Mr. Francis Ormond—Public Health Bill—Address in Reply to the Governor's Speech: Adjourned Debate.*

The PRESIDENT took the chair at twenty-five minutes to five o'clock p.m., and read the prayer.

### WIFE BEATING.

The Hon. W. McCULLOCH said he desired to call the attention of the Minister of Justice to a case of wife beating which was heard at the Williamstown Police Court on the previous Monday. According to the report in the *Argus* a brute of a man nearly murdered his wife, and he was let off with the paltry fine of 20s. If he had used his

dog half as badly, or had worked a horse with a sore shoulder, he would have been fined in double the amount, or sent to gaol for a couple of months. He hoped the Minister of Justice would inquire into the action of the bench on the occasion in question.

The Hon. H. CUTHBERT stated that his attention had not previously been directed to the case. In view, however, of the statement of the honorable member he would cause inquiries to be made into the facts. If the man treated his wife in the brutal manner stated, the fine inflicted was totally inadequate.

### ELECTIONS COMMITTEE.

The PRESIDENT laid on the table his warrant appointing the Honorables S. Austin, S. W. Cooke, H. Cuthbert, D. Ham, G. Le Fevre, F. T. Sargood, and W. A. Zeal as the Committee of Elections and Qualifications.

### THE PRESIDENT.

The Hon. F. T. SARGOOD.—Mr. President, I desire to take the opportunity of expressing to you my hearty congratulations on the distinguished honour which has been conferred upon you by Her Majesty the Queen. I am sure that every honorable member of the House will join with me in these congratulations. We feel that the honour has not only been conferred upon you, but also upon this House, and that it is a proper recognition of the position you occupy as President of this Chamber. I may add that I think it is also a very suitable recognition of your merits as a citizen. You have been amongst us now for a great many years, and we must all acknowledge that as the years roll on our respect and esteem for you increase. I sincerely hope that you will be long spared to enjoy the additional honour which has been conferred on you.

The Hon. H. CUTHBERT.—Mr. President, I heartily concur in the remarks which have fallen from Colonel Sargood. I, in common with other members of this House, rejoice that Her Majesty has been pleased to confer an additional distinction upon you. We all feel that you are worthy of any honour bestowed on you, which we also regard as a compliment to this House, and we hope that as the years go on so will the honours conferred on you go on increasing.

The PRESIDENT.—I beg to return my warmest thanks to honorable members for their congratulations on the additional

honour which I have received at the hands of Her Majesty. I can assure honorable members that it will be my endeavour, not only as President of this Chamber, but as a citizen of the community, to do honour to the title which has been conferred upon me.

#### STANDING COMMITTEES.

The following standing committees for the session were thus constituted:—

**STANDING ORDERS COMMITTEE.**—The Honorables the President, F. S. Dobson, J. Service, F. T. Sargood, J. Balfour, W. A. Zeal, and Sir J. Lorimer.

**LIBRARY COMMITTEE (JOINT).**—The Honorables the President, D. Melville, F. Brown, G. Le Fevre, and H. Cuthbert.

**PRINTING COMMITTEE.**—The Honorables the President, G. Young, W. H. Roberts, S. Austin, J. Bell, and H. Gore.

**REFRESHMENT ROOMS COMMITTEE (JOINT).**—The Honorables J. A. Wallace, J. Buchanan, W. P. Simpson, J. S. Butters, and J. G. Beaney.

The Hon. H. CUTHBERT moved—

“That the Honorables the President, Sir J. Lorimer, S. Fraser, N. Thornley, and J. Balfour be members of the joint committee of both Houses, to manage and superintend the Parliament Buildings.”

He observed that there was a Royal commission appointed for the purpose of superintending the Parliament Buildings, which commission included five members from each House. It was very desirable that the members of Parliament on the joint committee should be identical with those on the commission, and as in the notice of motion for the appointment of the committee he included the names of two honorable members who were not on the commission, he had found it necessary to alter it by substituting the names of honorable members who were now on the Parliament Buildings Commission.

The Hon. J. BELL seconded the motion.

The Hon. W. A. ZEAL said he congratulated the Government on having taken a common-sense view of this very important matter. Hitherto the joint committee appointed by both Houses had not been able to undertake or supervise any of the duties intrusted to the Royal commission. In other words, works were carried out during the recess, and the members of the Council who were appointed by the House to the joint committee, although morally responsible to the House for what had been done, had had no lot or part in the matter at all. This had been a gross anomaly and oversight on the part, not only of the present, but of

preceding Governments, and the step which was now taken should have been taken long ago.

The motion was agreed to.

#### DAYS OF SITTING.

The Hon. H. CUTHBERT moved—

“That Tuesday, Wednesday and Thursday in each week be the days on which the Council shall meet for despatch of business during the present session, and that half-past four o'clock be the hour of meeting on each day; and that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business.”

The Hon. J. BELL seconded the motion.

The Hon. C. J. HAM expressed the hope that during this session the period of adjournment for refreshment would be limited to an hour instead of an hour and a half as hitherto. He considered that an hour was quite enough time to allow honorable members for the partaking of refreshments, and the extra half-hour kept honorable members who resided in distant suburbs unnecessarily late from their homes.

The Hon. S. FRASER observed that while an interval of an hour might be sufficient for those who dined close at hand, it was not sufficient for those honorable members who had to go some distance, and he hoped the old system of allowing an hour and a half would be adhered to. Besides, it was not good for a man to bolt his food, and then return straight to work.

The motion was agreed to.

#### CHAIRMAN OF COMMITTEES.

The Hon. H. CUTHBERT moved that the Hon. F. S. Dobson be Chairman of Committees for the present session. He observed that it had been his good fortune to have had the pleasure of proposing Dr. Dobson for the position of Chairman in four sessions, and it was unnecessary for him to bring before the House the satisfactory manner in which that gentleman had invariably performed his duties. Dr. Dobson had filled the important office of Chairman in a manner both satisfactory to the House and creditable to himself, always exhibiting the strictest fairness and impartiality, and it gave him (Mr. Cuthbert) great pleasure to propose his re-election to the position.

The Hon. F. T. SARGOOD said he had had the privilege on several occasions of either proposing or seconding the appointment of Dr. Dobson as Chairman, and on each successive occasion his pleasure in doing so had increased. He had great pleasure in seconding the motion of the Minister of

Justice, being confident that Dr. Dobson would discharge the duties of Chairman as ably in the future as he had done in the past.

The Hon. J. BALFOUR observed that it afforded him much pleasure to support the motion. He felt that the longer Dr. Dobson had been in the chair, not only had his experience increased, but the more satisfied honorable members had been with the ability, impartiality and good temper he had displayed in the performance of his duties.

The motion was agreed to.

The PRESIDENT.—I have much pleasure in conveying to Dr. Dobson the decision of the House, and in congratulating him on being again elected to fill the important position of Chairman of Committees.

The Hon. F. S. DOBSON said he had to express his extreme gratitude to the House for the manner in which it had received the too flattering remarks of the honorable members who had proposed and seconded the resolution. It had ever been his utmost endeavour to preserve complete impartiality in dealing with questions which had come before him, and on which his decision was necessary. Of course opinions might differ as to whether individual members would have dealt with those questions in the manner in which he felt it his duty to do, but whilst differences of opinion might and must exist, he had the consolation of knowing that a difference of opinion was not necessarily an attack upon his personal honour. He could only say that he would endeavour in the future, as he had done in the past, to make any decision he was called upon to give consistent with the most complete impartiality, and also with what knowledge of parliamentary law and practice he had, during the years which he had occupied the chair, been able to make himself familiar with. He had also to thank the President personally for the renewed expression of that kindly feeling which the honorable gentleman had always exhibited towards him.

#### THE LATE MR. ORMOND.

The Hon. H. CUTHBERT moved—

“That this House deploras the loss which the colony has sustained by the death of the Hon. Francis Ormond, for many years a useful and respected member of this Chamber, and desires to record its acknowledgment and appreciation of the eminent services rendered to his adopted country by his liberality and generous endowments, and to express its sympathy with his widow in her sad bereavement.”

During the last five or six years (observed the hon. gentleman) this House has had the

misfortune to be deprived of the services of some of its most eminent and useful members. I refer to the late Mr. R. S. Anderson, Sir Charles Sladen, Sir William Mitchell, Dr. Hearn, Mr. Henty, and Mr. Highett.

The Hon. W. A. ZEAL.—Dr. Hearn was a giant amongst them. The others are not entitled to be mentioned in the same breath.

The Hon. H. CUTHBERT.—No doubt Dr. Hearn was a most illustrious member of the Council.

The Hon. W. A. ZEAL.—There is no comparison between him and the others.

The Hon. H. CUTHBERT.—It is not my intention to institute any comparison between the gentlemen whom I have mentioned. I desire simply to refer to the great loss which this Chamber has sustained in being deprived of the services of those able men. We have now also to deplore the loss of Mr. Francis Ormond, who was for many years a useful and worthy member of this Chamber. The deceased gentleman was ever desirous of performing his duty, and he listened attentively to, and weighed carefully the different arguments that were brought before the House in debate on the various questions submitted for our consideration. It might be said that he had not a single enemy in this House. In every act he was kind, courteous, and considerate, and I think that those who knew him best esteemed him most. As long as I have known him, I have never heard him say one word in this Chamber which was calculated to irritate or annoy anyone. But it is not in his capacity only as a member of this House, or as a politician, that the name of the late Mr. Francis Ormond will be handed down to posterity. Even when the illustrious names to which I have referred will have passed into oblivion, I venture to think that the name of Francis Ormond will be held in grateful remembrance through successive ages by those who will benefit by his liberality and wisdom; and by those he will be regarded as one of the greatest benefactors of his time. His sphere of duty was not limited or confined merely to the discharge of his duty as a member of this House. It was broader, I may say nobler, more diversified, and more philanthropic. In this colony, I think, he may be classed as one of our representative men of whom we may be justly proud; and I also think, that during his life-time the great and eminent services which he rendered to his country were not appreciated as they deserved. Had it pleased Providence to extend his span of existence for a few months longer, I believe that those

services would have received some fitting recognition at the hands of his Sovereign. He is now removed from all earthly honours, but although those honours did not reach him in his life-time he had, in witnessing the success of the grand educational institutions which he founded—I allude to Ormond College and the Working Men's College—a satisfaction beyond any which honours could bestow. He left those institutions in full working order, each in its special sphere of usefulness, advancing with rapid strides, and fully carrying out the intentions and expectations of its founder. On those institutions—both of which I think must be acknowledged by all to be very noble and very useful—he lavished a great portion of his wealth; but even that expenditure was not sufficient to exhaust the resources of his large-hearted liberality. He founded a chair of music at our University; and he was instrumental, by his princely gift, in enlisting and encouraging men to hasten the completion of the Anglican Cathedral. Whether we look upon Mr. Ormond as a member of this House or as a public benefactor, I think we must say that he endeavoured to do his duty in his day and generation faithfully and well. He has left behind him noble and lasting monuments of his good-will towards the people of this colony. His desire was to raise and elevate them, and it is because he was what I consider a great public benefactor that I regard it as not out of place to ask this House to express its sorrow for his loss, and its sympathy with his widow in her bereavement.

The Hon. F. T. SARGOOD.—Mr. President, I beg to second the motion. I cannot claim so long an acquaintance with the late Mr. Ormond as some honorable members, but I think I may fairly claim not to be surpassed by his best friend in thorough appreciation of the eminent services which he has rendered to this colony. I think I am right in saying that very early in life Mr. Ormond commenced to take a keen and active interest in educational movements—true, in a small way at first, but his actions showed the bent of his mind, and, as time went on, so his interest in the matter developed, and also, fortunately, his ability to give practical expression to his wishes. There are few, perhaps, in this colony who have gone through more trying times than did the late honorable member. He had seen what are commonly called “hard times.” He had known what it was to work hard, but his indomitable courage and ability to master a subject enabled him to overcome all

difficulties, and to raise himself to the position of one of our wealthy men. Moreover, it is gratifying to know that as his wealth accumulated so his anxiety to properly and wisely utilize that wealth developed, and we have to-day, as has been well stated by the Minister of Justice, lasting monuments not merely of his liberality, but of the judgment with which he was able to spend his money. Whether it be in the foundation of the Ormond College, in the foundation of the Working Men's College, or in the foundation of a chair of music at the Melbourne University, the Hon. Francis Ormond showed an aptitude for properly and judiciously applying the wealth with which he was blessed. He has set an example, which, let us hope, will be followed by others, so that as time rolls on the people of Victoria may have the satisfaction and advantage of finding that the wealth that is won in this colony is not gained simply for the sake of hoarding it for selfish purposes, or to leave vast fortunes behind, but that it will be well and wisely and liberally used during the life-time of those who win it.

The Hon. J. BALFOUR.—Mr. President, it was with a profound sense of the exceeding great loss which the whole community has sustained, that I heard of the death of the Hon. Francis Ormond. The honorable gentleman was, as you are aware, an intimate personal friend of my own, and I feel his loss deeply. The more one knew of him, the more strongly one felt that he was a man of the most disinterested character, actuated in all things not by selfish or personal motives, but by a high sense of his duty to his fellow creatures, which was founded upon strong Christian convictions. “E'en his failings leaned to virtue's side,” for if one sometimes wondered at his careful economical expenditure upon himself, the wonder ceased when one found that this personal economy was exercised only that he might be able the more munificently to assist the community with his princely gifts. Everything he did was done, as I have said, from a high sense of public duty. I will just mention two little instances which came under my notice quite recently, and which will serve to illustrate how strong was this trait in Mr. Ormond's character. One evening towards the close of last session, he was sitting near me, and his looks showed that he was very unwell. Although he was suffering from a severe cold on the chest, he had determined to remain through the whole of that night's sitting, because he felt it to be his duty; and it was

with great difficulty that I persuaded him, with your assistance, Mr. President, to relinquish that determination, and go home to bed, after urging upon him, as I did, that he had no right to imperil his health, and perhaps his life, even to perform his public duty as a member of this House. On another occasion, Mr. Ormond was on a visit to his station in Riverina, and although he had not finished what he went there to do, he determined to return to Melbourne, because he had to attend a meeting of the council of the Working Men's College. I did all I could to induce him to remain at the station, and finish the private business he had in hand; but he was not to be persuaded to neglect his public duty, and such was his great interest in the Working Men's College that he travelled a distance of 200 miles just to attend a meeting of the council of that institution. The mover and seconder of this motion have referred to Mr. Ormond's munificent donations to the cause of education, and I can bear personal testimony to the fact that he did all in his power to elevate his fellow creatures by means of education. He commenced this good work, as we have already been informed, when he was quite a young man, and was acting as manager or superintendent of his father's station. At that time everybody was extremely busy, making haste to get rich. Men thought very little about education or the elevation of the people; but several times a week, after the day's hard work, Mr. Ormond brought the station hands together and taught them. That was the beginning of his devotion to the cause of education in this colony. You all know how he progressed—how he founded the Ormond College at the Melbourne University, not alone for the advantage of the church to which he belonged, although it is connected with that church, but for the advancement of education, the doors of that college being open to students of all classes and creeds in the University; and I venture to say that the students of that college will keep very green in their memories all that was done for the cause of education in the founding of their college by the late Francis Ormond. We all know what he did for the working men of Melbourne. Feeling the great lack of educational means which would enable working men to rise in the social scale, he founded the Working Men's College, and although I am not able to speak with positive certainty on the point, I believe it will be found that he has left a sufficient sum to complete the extension of its buildings. I know he told me that his next gift

was to be towards the further enlargement of that splendid institution. Mr. Ormond was always an enthusiast in regard to music; and, as you are aware, he has founded a chair of music at the Melbourne University. He did great service to the community as a member of the Royal commission on education, giving a great amount of valuable time and attention to a thorough investigation of the merits and defects of our system of public instruction. In fact, Mr. Ormond made education quite a hobby, and none can doubt that he did much in that way to promote the advancement of the whole community. Just before going home, Mr. Ormond left with me a letter, that I read now with very great sadness, because he asks me in it, in the expectation of his being away from the colony for only a short period of time, to request the House to grant him leave of absence. The very words of his letter show that he had no expectation of being taken away so soon by death. He writes:—

“In consequence of Mrs. Ormond's weak state, and my not over-robust health, I am advised by our medicees to seek the change and rest which a trip to Europe affords. Will you kindly, when the right time arrives, ask for leave of absence to me for the remainder of the session.”

You will glean from the wording of his letter that Mr. Ormond's own idea was that he would soon be able to return to the colony, improved in health and strength, and it was a great shock to us all and to the entire community, when we learned by cable that he had been taken away, leaving a painful blank not only in this House but in the colony at large. I very much sympathize with this motion, and I have no doubt it will be unanimously agreed to.

The Hon. C. J. HAM.—Having been associated, Mr. President, with the late Francis Ormond not only in this House but also as a fellow member of the Royal Commission on Education as well as upon the council of the Working Men's College, from the very birth of that institution, it will perhaps not be out of place, if I offer a word or two on this melancholy occasion. Reference has been made to the various acts of munificence of the late honorable gentleman, and in a manner so appropriate as to commend itself to every member of this House. To the Working Men's College, Mr. Ormond gave not only his money but the very best of his efforts for the furtherance of the great objects that he had so much at heart, and despite a good deal of discouragement from time to time that

institution was carried to a successful issue, chiefly by his perseverance and encouragement. Mr. Ormond had a distinct object in view, and worked quietly and steadily towards that end, and it must have been a source of great gratification to him to know, when he left the colony, that there were upwards of 2,000 students receiving instruction in the Working Men's College. I feel sure, sir, that the name of Francis Ormond will long be cherished by all classes of this community and especially by the working men of the colony.

The Hon. D. HAM.—Mr. President, as one of the members of this House who enjoyed the privilege of personal intimacy with the late Francis Ormond, I should like to be allowed to join in the general tribute of respect and admiration. The late Mr. Ormond was a born philanthropist. At the time he was managing his father's station, a man was unjustly condemned to death. Mr. Ormond felt that it was his duty, if possible, to save that man. There were no railroads and few bridges in those days, and Francis Ormond rode all the way to Melbourne, risking great dangers, for his horse was drowned as he was swimming across a river, and he himself narrowly escaped a similar fate. Getting another horse, however, he continued his journey, and he had the satisfaction of securing a reprieve just in time to save the condemned man from the scaffold. As we all know, this community has greatly benefited by his princely liberality. The generosity of the late Francis Ormond was not confined to the church of his choice, or institutions connected therewith. His desire was to benefit and elevate the whole community, and his motives were disinterested and pure. His death is a great loss to this colony, and although he has been called, no doubt, to a higher and better reward, I am really sorry that, in the Providence of God, he was not permitted to live until he had received the honours which he so justly deserved, and which, I am sure, he would have borne with all possible credit, and with great satisfaction to this community, where his name will be held in reverence for generations to come.

The Hon. G. DAVIS.—Mr. President, I cannot allow this motion to pass without expressing my very hearty and sincere approval of it, and also of all that has been said by honorable members. I had the privilege of knowing Mr. Ormond only for a very brief time, during the last session of Parliament, but I was impressed by his obvious desire to argue all matters that came under our notice

with strict impartiality. That appeared to me to be one of the chief features of his mind. Of course, before I had the honour of a seat in this Chamber, I knew Mr. Ormond by repute, as one of those wealthy citizens of Victoria, who recognise that property has its duties as well as its rights. Mr. Ormond always laboured hard for the advancement of the people amongst whom he lived, and he has shown by his own bright example that the elevation of the working men of the colony is an object worthy of the support of our wealthy citizens, and one, which, I trust, will not be forgotten. I am sure, sir, that no honour which might have been conferred upon the late Francis Ormond, in recognition of his great services to this colony, could have exceeded the honour which will be conferred upon him in the time to come by the grateful recollection of the people of Victoria.

The motion was agreed to.

On the motion of the Hon. H. CUTHBERT, the President was requested to forward a copy of the resolution to Mrs. Ormond.

#### PUBLIC HEALTH BILL.

The Hon. H. CUTHBERT moved for leave to introduce a Bill to create a Department of Public Health, and to further amend the law relating to public health.

The motion was agreed to.

The Bill was then brought in, and read a first time.

#### THE GOVERNOR'S SPEECH.

##### ADDRESS IN REPLY.

The debate on the motion of the Hon. J. S. Butters, for the adoption of an address in reply to the speech of the Acting Governor (adjourned from the previous day), was resumed.

The Hon. J. H. CONNOR.—Mr. President, I think it is right that honorable members in this House should retain and exercise the privilege of criticising the acts of the Government during the recess, and notwithstanding that this is the most powerful Government we have ever had in office—a Government that is able to do almost anything—still I think that some of their acts during the recess are open to criticism. I listened with very great pleasure to the speeches of the mover and seconder of the motion for an address in reply, but I feel that a number of the paragraphs in the speech of His Excellency the Administrator of the Government really require some explanation from Ministers. The paragraph in reference to the defences of the colony, in particular, seems to me to be very unsatisfactory.

From all I have heard, and I have no reason to doubt the accuracy of what I have heard, our defences are anything but what they are represented to be in this paragraph, and they do not deserve the praise which is bestowed upon them. I would like to hear the Minister of Defence and his predecessor in office give us some information in reference to our defences. If our defences are in such a very perfect state as they are represented to be, praised so highly by eminent men at home and here, it is a very strange thing that a large war steamer can enter the Heads and steam up to Melbourne without even being noticed by any of the defence authorities. What kind of a defence is this? And how shall we find ourselves if war breaks out and a fleet of hostile steamers can sail through the Heads and come up to Melbourne without being observed? Although we have got a number of forts of very great value, I am sure we have not a sufficient number of men to man those forts. I believe that the officers the Government have got from England, both naval and artillery, are all really first-class officers, and I am sure that both officers and men may be thoroughly relied upon to do their duty if ever occasion should arise, but I think there is a great deal wanting in reference to our defences before they can be deemed anything like perfect. I am assured that money is being almost shovelled out into the sea in reference to what is known as the Pope's Eye Fort, and that the large expenditure which is being lavished on this fort and in other ways might be far better expended in providing the trained forces that we could really rely upon in case of need, or in getting some modern war-ships that would be of use to the colony in the event of a hostile attack upon our shores. It is due to the people of the colony that we should hear something more from the Government than we have yet heard in reference to the defences, considering the large amount that has been expended for work in respect to them. The mounted rifles, organized by Colonel Price, are really a credit to the colony, and I am sure that the people who saw them marching through Melbourne on the occasion of the recent review must have been very highly pleased with them, both as regards the way the men were drilled, and also the military appearance of the young fellows as a whole. They seem to have been put through a thorough system of training, and I believe they will be of immense value in the defence of the colony, if ever their services are required. I do not know whether the

Minister of Defence acts upon the recommendations of the heads of the different departments under his control, or whether he is a born soldier and believes that he is able to devise and direct everything that is necessary in reference to our defence works, but I, and many others, would like to hear a good deal more about our defence forces before we can tell that they are in anything like the state of perfection which the Government would lead us to believe they are in. Then, again, sir, with regard to the great boon that is to be conferred on the agriculturists of this colony by a system of bonuses, I would point out that this year the farmers will lose all the advantages of that scheme, owing to the fact that they have not been made aware in time of the intentions of the Government. The farmers throughout the colony are now cultivating their land, and a great many of them have got their crops in. If the bonus system was intended to be of any value this year the farmers ought to have known everything about it.

The Hon. J. BELL.—Before Parliament met?

The Hon. J. H. CONNOR.—Yes, sir, before Parliament met. The Government promised that this scheme of endowment would be carried out. They went to the country and got the approval of the country in reference to it, and if they are going to carry out the wish of the country in the matter, the farmers ought to have been fully informed before now of the conditions under which these bonuses are offered.

The Hon. S. FRASER.—The Government must have the money.

The Hon. J. H. CONNOR.—Of course, they will get the money.

The Hon. J. BELL.—You would have us spend the money before we got it.

The Hon. J. H. CONNOR.—I say that if it was intended to let the farmers and the public have the benefit of the bonus system this year, all the information in reference to it ought to have been circulated before now, unless, perhaps, it is intended that a few of the initiated shall have all the benefits of the bonus system this year. I fear that the scheme will not prove such a great advantage to the agricultural interest that the Government desire it should be. I should be very much better pleased if the Government would establish agricultural colleges throughout the country districts, and adopt other means of diffusing useful information in regard to farming and agriculture. Mr. Bell promised, before the adjournment of



the House, that the Government would immediately employ experts to travel throughout the country districts and instruct the fruit growers and viticulturists as to the best modes of cultivating and preserving fruit, and in other ways to assist in establishing new industries of that kind in suitable parts of the colony; but I don't think that anything has been done in that matter yet.

The Hon. J. BELL.—Oh, yes.

The Hon. J. H. CONNOR.—Well, I would like to hear from the honorable gentleman what has been done, because I fear that valuable time is being wasted. I acknowledge that the Government have a most useful institution in the Dookie Agricultural College and that very good work is being done there; I believe that they have in Mr. Thompson a first-class manager; that the teachers are also very well suited to their positions, and that the college is doing a great deal of good; but I think that the Government should render it more assistance than they are doing, in many ways. They could help to make the college more useful than it is at the present time by providing, for instance, a water supply for irrigation. I understand it could easily be provided, and at a very small cost. Forestry, viticulture, and other subjects might be taught at the Dookie college, and agricultural colleges ought to be established in other districts—for example, in Gippsland, and the forest country south of Colac. Why, the very first agricultural reserve mentioned in the Agricultural Colleges Act is at Mount Sabine, south of Colac, where the Government have nearly half a million of acres of Crown land, which is uncommonly suited for fruit growing and many other industries, being of first-class quality and intersected by creeks and streams. Surely the Government ought to turn their eyes to that part of the colony. As a matter of fact, they don't seem to look outside of the metropolitan area, and their great object appears to be the aggrandizement and ornamentation of Melbourne, while the country districts receive very little attention indeed. I say that because of the scant attention which the Government have paid to the district I have the honour to represent, and I say it more particularly in reference to the vineyards destroyed in the neighbourhood of Geelong. The Government have displayed in this matter the greatest amount of incapacity, and a want of interest in the unfortunate vine-growers of the district, which is certainly reprehensible, and which proves to me that

they really do not pay any attention to that part of the colony at all. A settlement of affairs in reference to the destruction of the Geelong vineyards has been delayed for years. The proposed bonus system is all very well, but this matter ought to have been settled long ago, and those whose vineyards were destroyed and whose ground is free from phylloxera ought to have been allowed to replant. The Government have not carried out the recommendation of the Phylloxera Board as to the replanting of the vines where the land has been trenched, and Ministers will be called upon to give some explanation of their conduct in this matter in another place. Many people who have been injuriously affected are still prevented from replanting their vineyards, and surely an injustice of this kind will never be permitted by Parliament to remain much longer unredressed. I am glad to see that the question of public health is going to receive the attention of the Government, and I quite agree with Dr. Beaney and other honorable gentlemen who have alluded to the subject that we ought to have a Minister of Public Health, who would see that the local boards of Health in the different localities carry out their duties, and who would be responsible to Parliament. There is nothing more important than to take care that the principles of sanitation are duly observed, and that the health of the people is carefully attended to. Then, again, we really ought to have a Minister of Agriculture to look after the interests of the agriculturists of the colony. I do not wish to say one word reflecting upon the present Minister of Lands, because I believe that his whole time can be very well occupied in administering the Lands department, and I am sure he has no time at his disposal to look after the interests of the agriculturists. The agricultural interest has grown so rapidly of recent years that it is now of quite as much importance as the mining interest, and even more; and I believe that many new industries could be established in this colony, and they ought to have the fostering care of the Government and the constant attention of the Minister of Agriculture. For these reasons, I contend that the Government ought, at the earliest possible date, to appoint one of their number to look after the agricultural interest, and be responsible to Parliament for that due attention, which such a great industry deserves. The Chief Secretary has given a great deal of attention to irrigation, more particularly in the

northern parts of the colony; but I hope that too much money is not going to be transferred to irrigation trusts, except for national head-works, until the old and settled districts of the colony are provided with supplies of water for domestic and stock purposes. It is all very well to force these trusts into existence, and to give them the opportunity of spending large sums of money which may never, in any way, be repaid. I do not object to the principal works being constructed by the Government—I think the head-works ought to be carried out by the Government—but at the same time I am of opinion that the Government ought to consider the interests of the old settled districts, where the people have paid so much for their lands, and done so much to improve the colony as a whole, before they spend such large sums as they are expending and proposing to expend in these irrigation works in the northern parts of the colony. I say this more particularly in reference to the district I have the honour to represent, because it has been so long neglected in the matter of its water supply.

The Hon. H. CUTHBERT.—Where's that?

The Hon. J. H. CONNOR.—The district of Geelong and the surrounding districts. The Minister of Justice knows very well that when he sat for that district, which he so well represented, he would not have dared to go before his constituents if he had not promised that he would see this grievance was redressed. The honorable gentleman represented the district for a very long time, and he must have known that it was a very sore grievance indeed, and one that ought to have been redressed long ago.

The Hon. H. CUTHBERT.—The present Government is not to be blamed for that.

The Hon. J. H. CONNOR.—No; but the failure of past Governments to do justice in this matter is no justification for neglect or delay on the part of the present Government, more especially as they have got any amount of money available; at any rate, they have a large surplus. The Government certainly ought to see that great and important settled districts like Geelong receive all due attention before new districts such as the northern areas. I do not say anything against the northern areas receiving the attention they ought to receive, but if all these experimental irrigation works are to be carried out at such a great expense to the colony, surely the selectors in old settled districts, like the district south of Colac,

between Colac and Apollo Bay, and the district between Birregurra and Lorne, which are heavily timbered and intersected by rivers and creeks, ought to receive some attention at the hands of the Government. We have a second Gippsland in the district I have referred to, but it does not appear to me to have received any attention from the Government. If irrigation works are to be so largely carried out in the northern areas, at the expense of the colony, I think the time has come when, in fairness and justice, the Government should also give railway communication to the selectors in our heavily-timbered districts. These districts require railway communication at the earliest possible date. Some of the settlers cannot get in to parts of their selections, even on horseback. They spend their time in clearing and improving the land; they are contributing in no small degree to the prosperity of the colony generally, and to the prosperity of Melbourne in particular, and they certainly ought to have first consideration from the Government. I am glad to see that the conservation of our forests and the planting of trees is receiving some consideration from the Minister of Lands, and also that the honorable gentleman has appointed an officer from South Australia, Mr. Perrin, who, I believe, has a thorough knowledge of forestry, and who, I am sure, will be the means of doing a great deal of good. The Government ought to avail themselves of such a favorable season as the present for planting a large number of trees of different kinds in our public reserves, thereby improving the appearance of those reserves, and providing a source of great wealth for the future. I think, also, that along our railway lines, valuable trees might be planted at suitable distances, to be used, when cut down, for rolling-stock, fencing, sleepers, and other railway purposes, for which this timber would be of great value in future.

The Hon. J. A. WALLACE.—The trees would fall across the railway lines.

The Hon. J. H. CONNOR.—Well, we need not plant the trees so near the railway lines. We have a large number of railway reserves in which trees could be planted without going near the railway lines, and with great advantage in the future.

The Hon. C. J. HAM.—It would be very dangerous to plant trees near the lines.

The Hon. J. H. CONNOR.—But along many of our railways there are large and wide strips of land where trees could be planted with perfect safety. I would like

to offer a few remarks, sir, with regard to the mining industry. Parliament has provided very liberally for prospecting, but I feel convinced that the prospecting vote has not been expended in the way that Parliament desired it should be. I understood that the prospecting vote was intended to assist in the discovery and opening up of new gold-fields, and that it was not to be expended upon known gold-fields or old claims.

The Hon. W. A. ZEAL.—Why, you have just been asking for State aid to the old district of Geelong; why not let us ask for State aid to the old gold-fields?

The Hon. J. H. CONNOR.—I say that we ought to develop new fields of industry in mining as well as in everything else. There has been a great deal expended in Gippsland, for instance, in prospecting for coal, and I think a good deal more ought to be spent in searching for coal in that and other portions of the colony, which, as yet, the Government have taken no notice of whatever. I refer more particularly to the district between Apollo Bay and Colac. Coal seams have been discovered there, and yet the Government have taken no action whatever to test the value of that discovery. A number of other important matters are referred to in the Governor's speech, but in a very general way. In fact it is a very general speech. One matter to which I would like to call attention, and with respect to which I hope the Minister of Customs will take action, is the development of our deep-sea fisheries and the acclimatisation and preservation of fish.

The Hon. J. BELL.—That is being attended to.

The Hon. J. H. CONNOR.—I know the Government are always promising to do things, but they are very slow in carrying out their promises. In Tasmania a great deal has been done in the direction I refer to. There a board has been appointed to look after the fisheries, and encourage fish acclimatisation and preservation. In New Zealand similar steps have been taken. But we are altogether behind the age with reference to this matter. And yet, we have rivers and creeks suitable for fish culture almost unlimited in number. We have also many lakes. On Lake Colac, which is the largest fresh-water lake in the colony, a great fishing industry might be established. But the Government have done hardly anything. The late Minister of Customs obtained from Mr. Saville Kent some reports with reference to different parts of the country, but no action has been

taken on those reports. I wish the attention of the Government to be specially directed to this matter, because I believe our fisheries may be made a great field of industry to be worked with great advantage to all concerned. There are a large number of other industries, particularly in connexion with the farming interest, which the Government might have helped to establish throughout the length and breadth of this colony; and I trust the circumstance will be borne in mind in connexion with the proposed revision of the Tariff. The farmers do not desire anything but what is fair and right; and if they are to be taxed for everything they eat, drink, and wear, as also for their machinery, they certainly ought to participate in the advantages derivable from protection which are enjoyed by all other classes in the colony. I trust the Government will consider this matter with the view of dealing out even-handed justice to the entire community.

The Hon. W. A. ZEAL.—Mr. President, I deeply regret that my honorable friend, who has resumed his seat, while dwelling on the wants of Geelong, should have sought to depreciate the claims of the northern areas on the consideration of the Government. I can assert that the honorable members who represent those areas in this House are not at all satisfied with the amount of public money which has been expended in that portion of the colony. With regard to the Governor's speech, I must mention that the last paragraph but one in that document goes to show that the Ministry have at command special European intelligence—intelligence not in the possession of the Imperial authorities. Probably, we shall presently be informed by the Minister of Justice that he has had a number of communications from foreign potentates which enable him to say to this colony of one million people that the peace of Europe is assured; that, with our present army and navy, we need not be at all afraid; and that the honorable gentleman and the Minister of Defence are prepared to challenge the Czar of Russia and the Emperor of Germany, single handed, to "come on." Here I would like to ask the Minister of Defence if there is any foundation for the statement published by a daily journal that the water-spout and land-slip which recently occurred at Port Phillip Heads so damaged Fort Nepean as to render it perfectly useless.

Sir J. LORIMER.—You don't believe that?

The Hon. W. A. ZEAL.—I read the statement in a morning newspaper, and I am not aware that there has been any denial.

Sir J. LORIMER.—Oh, yes; long ago.

The Hon. W. A. ZEAL.—Well, it will be interesting to know whether our armaments are in perfect order, and whether the Minister of Defence is satisfied that with their help he will be able, if the Czar should come down on this colony, to give him such a warm reception that he would never put his nose inside the Heads again. In the Governor's speech, the Ministry very humbly take credit to themselves for the great amount of well-being which has hitherto been showered broadcast upon the colony. Probably this is one of the particular benefits attributable to the existence of a coalition Government. I must say that I am not a great admirer of coalition Government. The members of such a Government are all things to all men; they have no political backbone; they can face north, south, east, or west. I don't wish the present Government displaced; but I would like to see the old party lines come back again. Then we would have measures which could be discussed; not such bogus measures as were brought before this House last session—deplorable alterations of the Constitution which added a large number of members to this and the other House. The passing of such measures is to be accounted for only by the apathetic state of political parties. If party Government had prevailed last session, the Ministry of the day would not have dared to bring such measures before Parliament. The Minister of Justice knows that quite well. He is one of the accidents of coalition. I feel sure that no one was more astonished than he was when he found that he was selected to join the present coalition Government. Why, there was no more severe critic of the previous coalition Government in this chamber than the honorable gentleman; no honorable member was more eager to expose their weaknesses. Yet now the honorable gentlemen has to sit on the Ministerial bench, and bear the the opprobrium of what I regard as one of the greatest acts of political treachery perpetrated by any Government. I refer to the way in which the Ministry have acted towards the Hon. John Nimmo. Is there any member of this House apart from the Government who will justify that proceeding? If we are to continue to have coalition Government—a Government representative of all parties—let that Government act fairly towards its

individual members, and not for the sake of pleasing this man or that man, because a coalition Government should be above all such trumpety weaknesses, seek to betray its friends, and to ignore and insult them. The Government should know what the opinion of the outside public is with regard to this matter. I believe that, if there were any party in the other House to take the place of the present Government, this act of theirs with regard to Mr. Nimmo would be their death blow. I assert that the colony feels that a gross act of injustice has been done to an unoffending Minister—a Minister whose only fault was that he was civil and courteous to the deputations that waited upon him. I wish I could say as much of other members of the Government. I release from that imputation the members of the Government in this House, because, whenever I have had to come into contact with them, I have always received courteous attention. Now the Ministry take credit in the Governor's speech for the prosperity which the colony enjoyed for three years—for "large imports, increased production," and "an influx of capital seeking investment," as if these were the necessary adjuncts of coalition Government. But if the Ministry are entitled to the credit of these things, certainly they should be held responsible for the drought. However, the speech says nothing about the drought. Certainly if they are entitled to credit for all the good things referred to in the speech, they are also entitled to discredit for the drawbacks from which the colony has suffered. Here, let me ask, what brought about the general prosperity which is talked of in the Governor's speech?

The Hon. W. H. ROBERTS.—The land "boom."

The Hon. W. A. ZEAL.—I take it that it was the gross and wanton extravagance of the Government which, in a great measure, caused the land "boom." What did the Government do? They started an Exhibition. One of the leading lights of the Government estimated that the Exhibition would cost £25,000; but the cost has been upwards of £300,000. The Government have also been very lavish in their expenditure in other directions. They have spent money broadcast through the length and breadth of the metropolitan area; and that circumstance led people to embark in speculations which, under more sober auspices, they would never have dreamt of. On the very building in which we are assembled hundreds of thousands of pounds have been expended. During the past six months

there has been an outlay on the building, and in furnishing certain portions of it, which would appal honorable members if they were acquainted with the details. This has been done entirely without the sanction of Parliament. It has been done under the orders of a Royal commission. One of the reasons which induced me to retire from that commission was that Parliament had not proper control over this expenditure. In addition to the expenditure on the Houses of Parliament, there has been a large expenditure on the Post-office, and on the Government Printing-office. Then, again, there is in progress in Spencer-street, a large building for railway purposes, which is to cost upwards of £150,000.

The Hon. H. CUTHBERT.—Surely you would not stop these works?

The Hon. W. A. ZEAL.—I am not saying I would stop them. What I say is that the great expenditure of public money involved in the construction of these and other works brought about that unnecessary and unhealthy speculation which culminated in the land "boom." Then again the different suburban municipalities have been vying with each other in putting up huge buildings which are called town halls. Melbourne is now a congregation of cities, towns, and boroughs, with town halls unequalled in any portion of the world. This spirit of reckless extravagance has been fostered and engendered by the Government.

The Hon. W. H. ROBERTS.—This has nothing to do with us.

The Hon. W. A. ZEAL.—In my judgment it has. However, for the encouragement of the honorable member I may inform him that, as far as lies in my power, I will endeavour to secure some expenditure for the Williamstown district, to which I think it is justly entitled. Indeed, I will be happy to join the honorable member in an effort to obtain the voting of a sum of money to recoup the Melbourne Harbor Trust the extra expenditure which may be involved in depositing the silt raised from the Yarra on the waste lands in the neighbourhood of that river instead of in the Bay. It is a crying evil and a great sin that material which is required for raising our low-lying lands should be deposited where it must become a source of injury to works which the Harbor Trust are diligently carrying out. It is useless to rely upon the reports of officers to the effect that the way in which silt is deposited does not affect the channels in the Bay. Why, it is notorious that the silt does follow the currents in the Bay, and does lodge in

the channels, and it is only a question of time when a channel, which now probably is equal to the requirements of the large ships which visit this port, will be injured by these silt deposits. With reference to Williamstown, one matter which the Government should consider is the necessity for enlarging the graving-dock to a length of 600 feet. I may point out that the Calliope dock, at Auckland, is 550 feet in length, which is equal to the requirements of almost any vessel which may come into these waters, whether man-of-war or merchant steam-ship. At Halifax, Nova Scotia, the Government of the Dominion of Canada have constructed a dock upwards of 600 feet in length, and, therefore, capable of accommodating the largest "liners" which cross the Atlantic, between Liverpool and New York. If such a work is considered necessary at so small a place, how much more necessary is one in this part of the world, which is 12,000 or 14,000 miles away from such accommodation. Why, if any accident were to happen to one of the large vessels which frequent our port, it would be, in the absence of adequate dock accommodation, a national misfortune. Therefore, I trust the Government will take steps to extend our graving-dock to the length of 600 feet. I may remark that the Governor's speech is a document of most unusual length. If its merits were equal to its length, honorable members would have little cause for dissatisfaction. I regard it as a long windy harangue, calculated to raise any number of fallacious hopes. I trust the promises it contains may be carried out; but, from my experience of such matters, I fear that many of them will end in talk, and nothing else. I gather from the public journals that the Government gravely contemplate the appointment of another Minister. But we have a large number of Ministers now, and, as a matter of fact, there is very little for those Ministers to do. Why, the head of the Government can undertake the charge of three of the most important public departments—the Treasury, the Railways, and the Mines. I will oppose that proposal—as I opposed, last session, the measure to increase the number of members of the Assembly—because I consider it a clap-trap bogus proposal, put forward by the Government to win support in another place. Three or four sessions ago, when the salary for an additional Minister was provided for, I called attention to the necessity for having additional Ministerial representation in this House. I pointed out that, in view of the large number of salaried Ministers, three of

them should have seats in this Chamber; and I was told that that was a privilege we ought not to claim—that we ought to be thankful for the small mercies which were vouchsafed to us. Now I trust that when the promised Bill to create yet another Minister comes before us, honorable members, if they are disposed to entertain the proposal, will insist that that additional Minister shall have a seat in this Chamber. It would seem that the Council do not receive the smallest consideration at the hands of the Government. Why, the Government have actually trespassed upon the sanctity of our President's private apartments, and put up some horrid contrivance which prevents that worthy and estimable gentleman looking out of his window. They attack this Chamber through its head. What may they not do to the Council itself? Probably, if the matter rested with Ministers in another place, they would actually sweep away this most useful institution, and there would be no Legislative Council at all. No doubt they get a little wholesome criticism from this Chamber, which probably operates as the salt of the earth—which prevents them, on many occasions, going astray. Another matter which I wish to bring under the notice of the House is the policy which the Government have initiated in dealing with our public reserves. During the last Easter holidays, I paid a visit to South Australia, and I was quite pleased to see the enormous area of public reserves which adorns and embellishes the capital of that colony. The South Australian Government, with a wise forethought, have surrounded Adelaide with an enormous area of public reserves. So far from that Government seeking to alienate or curtail reserves, it does its best to keep them intact. But what do our Government do? From time to time, simply to meet pecuniary requirements, they have excised large slices from our public reserves, and, unless they are permanently checked by Parliament, it is only a question of time when our large reserves will be shorn of their fair proportions. What is their last proposal in this direction? Why, to sell the Kew reserve, and scatter the proceeds broadcast over the metropolitan area. Is that a wise proceeding? Is it at all necessary? If it becomes desirable to sell the Kew reserve, let us defer the transaction until a rainy day comes, when the Government may absolutely require the money. I would rather assist the Government in imposing additional taxation than in alienating one inch of our reserves, at all events

in the manner they propose with regard to the reserve at Kew, because, as must be known to honorable members, that would be only a means of bolstering up the unhealthy apparent prosperity which has surrounded the metropolis, and which has enabled the Government to scatter their favours far and wide in order to placate certain honorable members representing country districts. I trust honorable members will not assist the Government in any such procedure, but will be patriotic enough to endeavour to prevent them indulging in such wholesale spoliation and injustice. I ask honorable members who represent country districts, during the present session, to sink all their differences and to endeavour to get for their districts a proper apportionment of the public expenditure. It is idle for the present or any Government to say that the country districts have had their fair share of the public expenditure. They have had nothing of the kind. If a fair amount of public money were voted to the country districts for expenditure on reproductive works, that money would fructify—it would develop our resources—and in a tenfold degree the benefits of that expenditure would come back in an indirect way to the metropolis. Not a single pound is expended in the country which does not indirectly benefit the metropolis. And is not the metropolis sufficiently wealthy and powerful to protect itself without being endowed with huge sums by the Government? Look at Prince's-bridge, the Falls-bridge, and other palatial structures which the Government have constructed.

The Hon. C. J. HAM.—The Government contributed only one-third of the cost of Prince's-bridge.

The Hon. W. A. ZEAL.—If I were to go to the Government and ask them to contribute a small sum to clear creeks in my district owing to the overflowing of which poor unfortunate people have been ruined, they would turn round and say—"We have no funds to spare."

The Hon. H. CUTHBERT.—Why, the Government gave £12,000 to your district.

The Hon. W. A. ZEAL.—After it had exhibited the utmost pertinacity. The Minister of Justice, as a lawyer, knows very well the position which the Government would be in if they did not recognise the claims which arose in my district in connexion with the floods. Were not the Government liable, in a measure, on account of negligence?

The Hon. H. CUTHBERT.—No.

The Hon. W. A. ZEAL.—If the Government create works which increase the damage attendant upon floods, are they not primarily responsible? They allowed the channels in the Castlemaine district to be silted up by the sluicing operations of miners from whom they drew fees, and, in consequence, the flood waters, instead of going down the channels, flowed over the surrounding country. I trust that, during the present session, honorable members will endeavour in some way to remove the great disability under which we always labour in not being consulted, in not being properly dealt with, by the Government. I take it that this Legislative Council, representing as it does all the wealth and intelligence of the community—the great bulk of the ratepayers—is entitled to more than passing recognition; we are entitled to some portion of the loaves and fishes at the hands of the Government. It should be borne in mind that the Government are only a committee of Parliament. They are only elected by Parliament to carry out its behests; and, if the Government don't study this, it will be the duty of Parliament that made the Government to unmake them.

The Hon. H. CUTHBERT.—We, in this House, cannot do that.

The Hon. W. A. ZEAL.—We can. I guarantee that if I had twenty members of this House to follow me, I would make the Government do us justice.

The Hon. H. CUTHBERT.—We would soon have a dead-lock.

The Hon. W. A. ZEAL.—I don't care. As a member of the Legislative Council, I am as much entitled to proper recognition at the hands of the Government as any member of the Assembly; and I would insist on demanding it. If the honorable gentleman were not sitting on the Ministerial benches, he would be one of the first to do the same. It is our own easy good nature—the way in which we have allowed previous Governments to override us and ignore our position—that brings us into the present humiliating position. I trust honorable members will not allow the Government to rush measures as they did last session—that they will not consent to sit up two nights at the end of the session to deal with measures which should have come up for discussion weeks and months before. I ask honorable members to consider whether the Council ought not to pass a resolution debarring the Government from bringing before them any measure without due notice after the last day of November, and requiring

due notice in every case except a case of urgent public importance. It is only by taking such a stand that our status as a legislative chamber will be properly conserved. Another thing to which I wish to call the attention of the Minister of Justice is the fact that we have in this Chamber no means of obtaining assistance in drafting public measures.

The Hon. J. H. CONNOR.—The Minister of Justice has always been very kind in that respect to me.

The Hon. W. A. ZEAL.—The honorable member has such a pleasant way with him that he is able to exercise a greater power in connexion with matters of that sort than I can. Besides, why should any of us be beholden to the Minister of Justice for getting what is our undoubted right? I say we ought to have a parliamentary draftsman attached to this Chamber, so that any honorable member, with particular knowledge respecting any subject of legislation, could get his views regarding it clothed in proper legal language. In that case many of us would be enabled to initiate useful measures which we are now prevented from dealing with. There are plenty of us who have a far greater knowledge of certain matters affecting the country districts than the Government have, but we are not in a position to utilize it. On the other hand, in spite of the lavish expenditure of the Government upon parliamentary drafting, we are continually having presented to us Bills most shamefully drafted. When, some few minutes ago, I was commenting upon the want of attention on the part of the Government to the legitimate claims of the country districts, the Minister of Justice interjected that my district, at all events, had had spent upon it a large amount of public money. But to what, I would ask, is that state of things owing? Is it not the fact that my district always had the cold shoulder turned to it until one of its representatives in another place became a Minister and consequently able to impress upon his colleagues the necessity of doing something for it? I have no desire to threaten the Government, but how can I remain quiet when I see them ignoring the claims of the country districts generally, and at the same time always ready to make large grants for metropolitan works—works which the metropolis ought to undertake for itself, or, at all events, with State-aid to only a small extent? Take the proposed Metropolitan Board of Works, for instance. Shall we not soon have an outcry that that body ought to be handsomely

endowed, and will not the Government be perfectly ready to concede the demand, although the districts round Melbourne are all so enormously rich that they could themselves easily bear the whole brunt of the expenditure in view? Again, look at the coal deposits which private enterprise has from time to time endeavoured to develop, but for which the Government have done nothing. Can there be the least doubt that there are coal mines in Gippsland which would, when well and properly developed, be more valuable to the country than the best Victorian gold mine that could be mentioned? Have we not had assurances from the Government Geologist which point to such mines being perfectly capable of establishment on a successful basis within a by no means distant future? Next, I would ask, if the farming interest, to which a very large number of my constituents belong, has received the encouragement from the State to which it is entitled? Without going into the question of whether an increased stock tax is or is not desirable, I may observe that this interest is by far the most important in the colony. Yet, what is to be done for it? All that the lengthy and windy document before us has to say on the subject is to inform us, together with the Czar of Russia, the Emperor of Germany, and other European potentates, that the Government has succeeded in establishing a travelling dairy. That appears to be the sum total of what the farmers are to expect at the present time. I also wish to draw serious attention to what the Minister of Railways, who is also Premier, deliberately proposes to do in a matter with respect to which this Chamber came, last session, to an almost unanimous decision. I refer to the route to be adopted for the Maldon and Laaneccorie Railway. Last session I pointed out the grievous wrong the Government contemplated doing by adopting a route which would be an injustice to a large portion of my constituents, and I proved every statement I made to the complete satisfaction of every honorable member, bar the representatives of the Government, a certain honorable member who has a sneaking regard for the Sandhurst district, and one or two others. Yet what do we find? We find the Government proposing to utterly ignore the decision of this Chamber, and to act on a resolution carried by the Legislative Assembly when in a moribund state. The Minister of Railways has had the audacity to flout the Council by deliberately calling for tenders for a railway which we have condemned. Is that a

desirable state of affairs? Could such a thing be done by any but a coalition Government?

The Hon. H. CUTHBERT.—Are not the tenders called for under an Act of Parliament, that is to say under the Railway Act?

The Hon. W. A. ZEAL.—True, but the Railway Act does not exactly specify the route to be followed, and I can prove that, when the Bill was under consideration here, Mr. Campbell, the Postmaster-General of the Service Administration—the Administration which proposed the measure—distinctly promised that my district should have every justice in the matter. Why, last session Mr. Service himself admitted, in the plainest way, that such a promise was given, and was intended by the Government to be given. Must not something be done to prevent this gross abuse of power? Besides, the Minister of Railways, relying on his three-fold capacity, he being Premier and Treasurer as well, is going not only against our distinctly expressed views, but also against those of the Railway Commissioners, who have carefully gone into the subject, with all the facts before them. If any honorable member doubts what I say, let him look up the records of last session. Let him also look at an article in last Tuesday's *Age*. He will then be satisfied that I have simply spoken the exact truth. The facts set out in the *Age* are not one bit exaggerated. I would have thought that a Government responsible for the legislation under which political patronage was intended to be abolished would have acted differently. At the same time I acquit the Minister of Justice and the Minister of Defence of any share in the transaction. Another proposed piece of political patronage is the appointment of an additional Minister. But if we, in the Council, were to allow the Government to appoint another Minister, would we not be more at their mercy than ever; and then how could we expect the Government of the country to be properly carried on? How could we look for any proper conduct of public business? I suggest that if Ministers want assistance in their work it should be given through the appointment of Under-Secretaries. There are plenty of honorable members elsewhere who would gladly accept such a position merely for the honour of it. Besides, the appointment of Under-Secretaries would be the means of training different honorable members to perform ministerial duty.

The Hon. H. CUTHBERT.—Would you have those Under-Secretaries sitting in Parliament?



The Hon. W. A. ZEAL.—Certainly I would. They could each occupy a position similar to Mr. Bell's. He holds office without a portfolio, and is practically no more than an Under-Secretary would be.

The Hon. H. CUTHBERT.—Would not such an arrangement make the Government of the day even more powerful than the appointment of an additional Minister would make them?

The Hon. W. A. ZEAL.—No doubt that is a matter for consideration. I merely throw out the suggestion for what it is worth. Anyway the plan would be an inexpensive one, and its adoption might ward off what has been rumored, namely, that the Government intend to divest themselves of the services of the Minister of Justice. Should that idea be carried out, what will be the position of this Chamber? Another matter shadowed in the Governor's speech is an increase in the number of the members of the Federal Council. Well, I think the proposal a good one, for it will probably lead to the proceedings of the Federal Council having more practical effect. In my opinion the Government should receive every assistance from us in carrying out this scheme; but, on the other hand, we ought to have some show in the affair. Unquestionably, a proportion of the proposed new members ought to be taken from this Chamber. I submit, also, that there should be a more careful examination of the Bills brought before the Federal Council, and that they should be first adopted by the respective local Parliaments concerned. A little criticism from an opposition point of view would do them no harm. The Government also propose to amend the Act relating to life assurance companies, and I think they deserve to be complimented upon the intention. Especially do life assurers need more protection, that is to say greater security, with respect to the powerful, influential, and I may add well-conducted foreign companies which have branches here. Without further legislation on the subject much inconvenience will possibly arise some day. At the beginning of my remarks, I endeavoured to show that the Government were wrong in proposing to get rid of the great reserves lying to the north-east of the metropolis; let me now carry my observations a little further. Just now our expenditure is going on at an enormous rate, and we are creating a mass of debt, which is, in the present state of things, not at all fair. I ask the Government to reflect on this—should a reverse come, how would we be

able to keep up our outgoings in the matter of money? Let us bear in mind what has recently been experienced in New Zealand, and also the success with which the local legislature have established a sinking fund. Why should we not follow that example, which is also the example set by every well-conducted company in the world? Look at what the establishment of a sinking fund has done for the old country—at the huge proportion of the national debt which has by that means been wiped off during the last twenty-five years. At the same time no fresh burthens have been imposed upon the nation. Well, if the Government were to propose, in parting with these reserves, to appropriate the proceeds to a sinking fund for the payment of our national debt, the scheme would have my concurrence. On the other hand, I hope honorable members will never consent to the present Ministerial scheme on the subject. See what has been done by other countries. Bear in mind the part played by reserves in the adornment of the metropolis of South Australia. Should we not pause before we allow the wholesale alienation of one of the grandest public reserves Melbourne possesses—land which would constitute a splendid endowment for a young community, for the area is worth more than the Government estimate? Above all, why sell the ground and appropriate the proceeds to public works for which there is no real demand; and this too, at a time when the public revenue is increasing by leaps and bounds? It seems to me, in the face of our revenue having risen by £500,000 in twelve months, and the other considerations I have mentioned, that for the Government to sell these reserves in the way they intend, would be an act of political insanity on their part. In any case I urge that the whole business should be postponed for a season, with the hope that, if brought forward again, it would assume a more practical shape. In conclusion, I will call attention to the way in which we have, in past years, towards the close of each session, been rushed with new Bills. It has been impossible to examine them properly, and we have had to either reject them or pass them hurriedly. This is no new complaint, for I find, from information kindly furnished me by the Assistant Clerk, that on the 6th June, 1861, the late Mr. Strachan proposed a motion expressing the opinion that, in order to prevent such a rushing through of business, it should not be competent for the Government, except under certain circumstances, to introduce any new legislation after a certain day of the year.

That motion was carried almost unanimously, Mr. T. T. a'Beckett, the then representative of the Government, and the late Captain Cole being the only dissentients. Well, if honorable members would support me, I would table a similar motion, that is to say one to the effect that, without express leave from an absolute majority of the Council, it should not be competent for the Government to introduce fresh legislation to this Chamber from the 1st December each year. Of course, measures of which notice has been given before that date, would be admissible. If we are to secure the respect of the country, we must, I think, adopt some such plan. How else can we expect to do our business in a business-like way? My last words will be to congratulate the President upon the honour recently conferred upon him by the Imperial Government. I am not given to flattery or to the paying of unworthy compliments; therefore I trust I shall be credited with sincerity when I say that the favour shown was amply deserved.

The Hon. W. H. ROBERTS.—Mr. President, with many of Mr. Zeal's remarks I quite agree, for I regard the Governor's speech as deficient in several respects. For example, I regret to find no mention in it of what is being done, or of what ought to be done, with reference to our port. A great deal of correspondence has been entered into lately with respect to the silting up of the Bay; and, truly, when large and important steamers cannot get to or away from the piers without the most skilful and intricate navigation, we must regard the state of things as lamentable. At the same time, we are promised nothing by way of remedy. Perhaps the Government are waiting for some dreadful wreck to occur before they do anything. We are told that a dock is being constructed in the Yarra; but why should that be the idea, when we have, at Williamstown, one of the finest docks in the colonies? Certainly, it cost more than any other colonial dock. Is that Yarra dock being constructed in order that it may enter into competition with the Government dock? Is a position of that sort a proper one for the Harbour Trust to take up? Was that body created to compete with the Government? My view is that their expenditure should run hand in hand with the expenditure of the Government, and that they should rather seek to make the Government dock a profitable concern. I would regard the construction of a dock at Melbourne as justifiable if the necessities

of the port called for it; but how does the case stand when we look at the fact that at the present time it pays Melbourne shipmasters to take their ships, when they want docking and repairs, to Sydney, and to dock and repair them there? My notion is that the Government should, in the first place, lower their tariff in dock matters, and, secondly, leave no step untaken in order to make the Williamstown dock a paying concern. I say, let the old dock be made to pay before a new one is built. I am speaking now with reference to what has occurred within the last few days. Also, let me remind honorable members of how, about eighteen months ago, a deputation composed of a few persons interested in private docks waited on the Government, and set forth their claims for special consideration, with the result that those claims were admitted, while those of the Government dock were ignored. I consider that we, as representatives of the people, should say distinctly that every national work must be supported. How, unless such support is given, can we fairly compete with the other colonies? How can we boast of the success of our liberal policy, by which I mean the successful working of our protective Tariff, when we expressly discourage a most important industry, and allow the most magnificent dock in the whole of Australia to practically lie idle. It is true that, over 30 years ago, the patent slip of which were then so proud, served every purpose; but it was eventually found necessary to build the Alfred Graving-dock, which Mr. Zeal will tell you is still not large enough. I quite agree that we ought to enlarge it; but what would be the good of doing that if it is to be still allowed to remain unemployed? This is something for country members to take notice of, and I ask their support on the ground that it will not do to let everything be brought to Melbourne. What we have to look to is the natural resources of the colony, and what is for the best interests of the whole community. It will scarcely be the right thing to say that, because certain interests have concentrated themselves in certain streets in a corner of Melbourne, they ought to be expressly supported by the State. If by landing goods at Port Melbourne or Williamstown (I do not care which), we can by that means save a fourth or an eighth of a farthing per ton, must it not be to our advantage to land them there? Yet, with respect to the lamentable state of affairs I am describing, the Governor's speech does not contain one word. At the same time, its importance must be admitted by

every one, for at present the large steamers can only get to the pier through a small cut. Here is another thing. We have conferred upon a body of persons, called the Harbour Trust, certain rights, together with a certain amount of control over all the harbours mentioned in the schedule of the Act under which the trust is constituted. Well, in return for that, what does section 40 of the Act—I refer to Act No. 763—require the trust to do? It is as follows:—

“The commissioners shall dredge, cleanse, and scour all that part of the bed of Hobson's Bay which lies along each side of the pier known as the 'railway pier,' at Sandridge, for a length of 500 feet from the outer end and for a breadth of 500 feet from each side, so that the depth of the said part of the said bed be not, at the expiration of three years from the time of this Act coming into operation, less than 26 feet at low water.”

According to the law, that work ought to have been carried out by the trust over three years ago; but has it been carried out? It has not. We have given the trust enormous powers, and handed over to them one of our most paying concerns, but still they have not performed their statutory duty. Moreover, when they are urged to perform that duty, those who ask them are only laughed at and set aside. The commissioners say they will do the work, but only when they think proper. Nor will the Premier, when appealed to, interfere. He sends the matter to the Railway Commissioners, who simply seek to bring influence to bear on the Harbour Trust. And so the game goes on. The new Minister of Customs has tried his hand in the business, but with what success? Even he cannot get the work carried out. In fact we have created a body who laugh at the law.

Sir J. LORIMER.—No.

The Hon. W. H. ROBERTS.—I say “Yes,” and I am ready to declare that the Harbour Trust being allowed to go on without fulfilling the conditions under which they were constituted is a blot on the Legislature. I ask country members to think of the fever-beds, in the shape of low-lying land and swamps, which they see from the train whenever they come into Melbourne, and at the same time to remember how often Ministers have been pressed to call upon the Harbour Trust to fill them up with silt, and so remove the nuisance. But with what result? That the fever-beds remain, and the trust go on emptying their silt into the Bay. As for the Government, their conduct may be judged in the light of the revelations recently made in connexion with the case of

*Attorney-General v. R. Goldsbrough and Company Limited.* The land about which the litigation took place was parted with by the State for some £100 per acre, and to-day it would fetch £5,000 per acre. There is just now a little difficulty between the Government and the Harbour Trust, but, as a matter of fact, I support the trust in the affair. They improved a lot of Government land by laying silt on it, and I think the Government ought to pay for the improvement. What they ought to do as well is to insist upon the trust laying all their silt on land instead of dropping a large portion of it into deep water. Two commissions have sat to consider the silt question, and they took some extraordinary evidence. Before one commission certain gentlemen swore that silt thrown overboard would move, and before the other commission they—the same gentlemen—swore that it would not move. I say it does move, and I am prepared to prove that; because you can find silt five or seven miles away from the place of deposit. I remember showing a gentleman connected with the Government how silt had actually moved, and he admitted the fact, but when he reported on the subject he treated it as a very light matter. I quite admit that stiff clay won't shift, but stiff clay is too valuable a material to be deposited in the Bay, and ought never to be put there. We have got 800 acres of land on the West Melbourne Swamp, which is worth £10,000 an acre. I myself bought, at public auction, within the past twelve months, land on that West Melbourne Swamp, not filled up, at £12 per foot, and that land is not the best, nor anything like the best. It is a standing disgrace to our Government that we are depositing material in the Bay that we could utilize in filling upland, which, when filled up and sold, would practically pay our national debt. As we city members always help the country members to do what is right and just in the interests of the colony generally, I ask them to support me in this matter, to see that the low-lying lands in the neighbourhood of Melbourne are filled up, and when that is done we will find another means of getting rid of the silt. I would like honorable members to refer to the report of Sir John Coode. I took the trouble some years ago to read it, and it is something to this effect. Sir John Coode virtually says—“I was asked to come out here to give my opinion as to the best means of taking the ships to the city of Melbourne, and I have done so.” Sir John Coode's reputation is not at fault at all. He has done the best he was asked to do;

he has followed his instructions implicitly; but an engineer of his high standing ought to have been asked to come here to give his own unfettered advice as to providing accommodation for the shipping. When Sir John Coode came out here, the authorities should have said—"There's our harbour, here's our city; what is the best thing to be done for the general public?" But he tells you plainly that he followed out his instructions, and kept strictly within their four corners. What is the result? Do what they can, the Harbour Trust cannot widen the river Yarra, and they never can bring the ocean mail boats and four-masted ships to Melbourne. If they could, I would not object. I would only be too glad to see some commission appointed to investigate this matter thoroughly. But I have taken the trouble to inquire from shipmasters and shipowners, and they all agree that the day will never come when the larger vessels trading to this colony will be brought up the Yarra to Melbourne. Even if they could bring the large ocean-going vessels to Melbourne, the inter-colonial trade is growing to such gigantic dimensions that it would be utterly impossible to find room for them. Therefore, I would impress upon honorable members the need for insisting that the Harbour Trust shall do their duty, and not concentrate their energies on one particular part, without first of all providing some facilities for the shipping of the port. If they are going to make docks for the city of Melbourne and improve the Yarra where the intercolonial steamers and a few small ships are berthed, then the sooner we put wheels on the bottom of the large ships that come into the Bay, the better, because they will have to go overground very shortly. There was some controversy in the newspapers, a short time ago, about an English mail steamer that was eight hours aground at Williamstown, and unable to get away. The official inquiry took place a few days ago, and what was the result? The pilot said he did his duty, and my opinion of the pilots of this port is that they are the most competent men we could possibly get. That is the opinion of all the ship-masters who come here, and honorable members will recollect that when the Marine Board Bill was brought before this Chamber, there were testimonials from the various ship-masters certifying that the Victorian pilot service was the best pilot service in the world. Owing to the examinations they have to pass, and the amount of inquiry that is made before they are appointed pilots, we can rest assured that we get the best possible

men. Now, in the case of the s.s. *Ormuz*, the pilot could not get the ship out, although he tried to the best of his scientific skill. At the inquiry, evidence was called, not of pilots, but of men who had never been on a ship for years, men who had never been on a steam-ship in their lives as masters, and these men tell us that the pilot ought to have backed out the grounded vessel. Now, accepting that as correct, is it such a state of things as ought to exist in Victoria, where we pride ourselves, as is done in the Governor's speech, upon our great prosperity? We are doing so well, we are such a wonderful colony, and yet our finest harbour approach is blocked; ship-masters tell us they have to lie out in the Bay, and let people and merchandise be taken off in steamers and barges, because there is no berthage accommodation at the piers. Twenty-five years at least have elapsed since those piers were erected to provide the necessary accommodation for the shipping of the port, and although the trade has meanwhile grown enormously, not another pile has been driven; and, even at this dull season of the year, there is not sufficient berthage accommodation. When a steamer comes here what happens? Instead of getting a berth at once, and starting to load or unload as the case may be, she has to lie in the stream from a week to six weeks, without the slightest chance of getting a berth in the meantime; and when the vessel does get a berth, the work of loading or unloading is delayed for the want of railway trucks. Is that a proper state of affairs for the chief port of this great colony of Victoria? It is a notorious fact—a fact which has been spread all over the world—that shipowners regard the port of Melbourne as the most inconvenient port they can come to. The cry for more railway rolling-stock is heard not only at Williamstown and Port Melbourne, but it comes from the city, as well as from the country districts, more especially, in the wool and grain seasons. The railway authorities say they cannot get railway rolling-stock faster than they are getting it; that it can't be made at a greater rate in the colony. Well, a deputation waited upon me the other day, and assured me there was plenty of labour available in the colony to make rolling-stock as fast as it is required. The Harbour Trust also tell us that they cannot get dredges made in this colony at the same price as they can get them made at home. Well, I admit that; but if we take into consideration the extra freight incurred, what is the difference?

Why, nothing worth talking about. And when we look at it in a practical way, we shall remember that if we pay 25 per cent. more for making them in this colony we keep the money circulating amongst us, and employ our own people, instead of sending our money out of the colony and finding employment for people elsewhere. It is foolish for the Harbour Trust to say "We cannot get dredges made here, but must send to England for them." Why, the other day the trust bought some barges from Adelaide. Great injury is done by depositing silt in the Bay. Any person who lives at Brighton or St. Kilda will tell you that some of the silt deposited by the Harbour Trust in the Bay is washed ashore. They did not believe it a few years ago, but they know it now, and they want the nuisance stopped. But, besides that, the depositing of silt in the Bay is destroying the natural spawning ground of the fish. About three years ago an article appeared in the *Age*, collecting the evidence of the fishermen in Hobson's Bay, which conclusively proved that the spawning ground of the fish was being utterly ruined, and that instead of being able to depend upon getting fish in the Bay, we would soon have to resort to deep-sea fishing. That is a matter of importance which we ought not to lose sight of. I do not want to say anything about matters contained in the speech. It is a very nice speech indeed, for it speaks of prosperity all round. Well, we have every prospect of a good season, there is no doubt, but nevertheless we ought to provide for all possibilities. We are all right to-day, but we don't know how we may be and what we may want to-morrow. England's pride is her mercantile interest, and this colony is travelling fast in the same direction. A work was published in 1888, showing the difference between the commerce of America, England, and France, and it would open the eyes of some persons here if they were to read it. It shows the great strides that grand and glorious country, America, is making in the mercantile world. Before this session is over, I intend to introduce a Bill to prevent the deposit of silt in Hobson's Bay, until the low lying lands are filled up. I tried it last session, but I came forward too late. I trust, in the present session, that Bill will receive the support of all honorable members in this House. I am informed that a private gentleman is prepared to fill up some low-lying lands near St. Kilda, with the material that is deposited in the Bay, if the Government will give him the land; and if it

*Hon. W. H. Roberts.*

would pay him to do that, surely it would pay the Government to fill up the West Melbourne Swamp. Within the last few years the large area of land known as Fisherman's Bend, was nothing but a sand drift. It has been covered by a small coating of stuff, refuse from the Yarra and other places; it has now become, I may say, settled ground, and I consider that the land has been enhanced in value by the putting of that silt upon it to ten times more than it was before. It is on record that that land was sold by the Government of this colony for 30s. a foot, within the last five years. I believe that if I were to say within the last three years I should be well within the mark, but I will say within the last five years, so as to keep well inside the mark. The purchasers had to fill it up, which cost them another 30s. a foot, and that land has since been sold for £120 a foot. That is an illustration of carrying on Government on commercial principles.

Sir J. LORIMER.—That has nothing to do with this Government.

The Hon. W. H. ROBERTS.—Hasn't it?

The Hon. H. CUTHBERT.—It was years ago.

The Hon. W. H. ROBERTS.—No, it was not; it was within the last three or four years, I believe. The honorable gentleman may not have been in the Government, but he was in Parliament at the time, and, whether he was in the Government or not, he is still liable, because he had the responsibility of giving his vote.

The Hon. H. CUTHBERT.—I don't think you are right as to the date.

The Hon. W. H. ROBERTS.—I say I am, because the matter is within my own knowledge.

The Hon. H. CUTHBERT.—You said within the last three years.

The Hon. W. H. ROBERTS.—I said within the last five years, so as to keep myself within the mark, although I believe, speaking from memory, that it occurred within the last three years.

The Hon. H. CUTHBERT.—This Government has been in office only three years.

The Hon. W. H. ROBERTS.—True, this Government has been in office only three years, but the honorable gentleman has been in Parliament fifteen years.

Sir J. LORIMER.—I have not.

The Hon. W. H. ROBERTS.—No, but the Minister of Justice has; so that he is quite responsible for all this. However, I think it will be patent to honorable members that we

ought to do something to prevent the deposit of silt in the Bay; and I trust, when I bring in my Bill, to have their support. I think the measure will commend itself to the common sense of the House. I quite admit that honorable members who have country interests at heart, naturally look to what is best for their own particular districts, and don't give that close attention to city matters that city members do; but I ask honorable members representing country districts to assist in making a thorough investigation of this important question, and then to make up their minds whether or not the time is ripe for my proposal. If they think, on consideration of all the circumstances, that Parliament ought not to stop the depositing of silt in the Bay, let them vote against the Bill; but, if they agree with me that the practice ought to be stopped, then I trust they will help me to pass my Bill.

The Hon. G. DAVIS.—Mr. President, I desire to make a few observations in reference to the policy which the Government represent, and the attitude they have assumed towards a great interest in this country. I take advantage of this debate upon the motion for an address in reply to the speech of the Acting Governor, which, I am given to understand, permits a considerable latitude in the matters referred to by honorable members; and I desire to express my opinion that the opportunity which is thus afforded is one which should not be allowed to fall into disuse. There are many advantages attached to this general review of the conduct of the Ministry, and particularly of their conduct during the period when Parliament is in recess, and I hope that this practice, which has been co-existent with our parliamentary institutions, will not be discouraged by leading and responsible politicians in this country. The present Government is recognised as, and claims to be, a coalition Government. The objection I have to it, the discontent I wish to express towards it, arises out of a consideration that it fails to comply with the conditions which are fundamentally requisite to justify the existence of a coalition Government. The instant a coalition Government fails to comply with the condition that it must be in harmony with the great interests of the country which it governs, and any one of those great interests object to it, as not being representative of such interest, that instant the condition pre-existent to justify coalition Government under our constitutional parliamentary system fails. Now, I submit that this coalition Government

has given a cause of war to a great interest in this country; that it is no longer in harmony with that interest. It will be my special duty to represent the views of that interest to this Government and to this Parliament; my special duty, not merely because Gippsland province, which I have the honour to assist in representing here, is quite discontented with this Government, at war with this Government upon a leading feature of Government policy, but because I also represent in this House, through the favour of the great farming class, the official position of the president of those conventions of the farmers of this colony which are periodically held in Melbourne. Of course, I refer to the refusal of the Government to increase the tax on stock coming into this country. Before dealing with that question, however, I may remark that there is one matter in this address which meets with my cordial approval, and I am very happy to say that I shall give the Government all the support I can in carrying out their proposals with respect to the endowment of our national system of education. I hope that perhaps the Kew asylum reserve and the West Melbourne Swamp will be retained to carry out the purpose which the Government have in view, and certainly it is a proposal which should meet with the general concurrence of politicians in this country. If we place our State system of education beyond and above the periodical review of Parliament, I believe that the disturbing contention which has existed amongst us in the past over the education question will be settled for ever. So long as its endowments are sustained, our system of public instruction will clearly be removed from the arena of contentional politics for the time being, and that I am sure will be a very great advantage. Now, it may be said that this coalition Government resulted from the disaffection of a very influential section of our people towards our system of State education. It may be said, and it has been said, that a coalition Government was only possible because there was a section here who made all other Governments impossible, who destroyed Government after Government until they effected, under the Education Act, what that section of our population desired; and I conceive that it will be a very great advantage if we secure our system of public instruction from the curse of these oft-recurring political contentions, by taking it out of the realms of debatable politics, and settling it, on the principles that this country has adopted, for a long

time to come. As I have already said, I consider that this Government have failed to give satisfaction to the great farming industry, and I also assert that they have failed to give satisfaction to the protectionists of this country. I listened with much interest to the remarks of Mr. Roberts; and I was struck with two of his expressions. The honorable gentleman stated that the city members were quite prepared to give their support to country interests in every form they could, and he went on to state his disapproval of the intention of the Melbourne Harbour Trust to send home for dredges instead of having them made in the colony, thereby giving evidence of his strong protectionist proclivities. Now, as a protectionist, I hold the honorable gentleman and other protectionists in Parliament responsible for the risks that are now being run by the policy of protection in this country. It must be quite clear to us all that the farmers of Victoria will not very long continue to bear all the burthens without sharing in the advantages of our system of protection. At the farmers' convention, which sat in Melbourne shortly before the general election, the question arose whether the farmers, as a body, should give their support to a policy of free-trade or to a standing policy of protection. It was finally determined that they would give their support to the policy which has assisted to make this country prosperous. They have made great sacrifices in the past to support that policy, but they seek some return for the sacrifices they have made, and they ask for assistance from their brother protectionists around the metropolis here to obtain the advantages which their condition requires. Although we have been continually told that the increase of the stock tax desired by the farmers was condemned by the electors of this country, I venture to differ from that conclusion. And I will tell you why. At the recent general election there was but one metropolitan constituency in which an effort was systematically made to secure the return of a representative favorable to any increase of the stock tax. I am in a position to state this, because I took part in the discussion which led up to it. The outcome of that discussion was a determination to leave the electors generally to say whether their adherence to protection was sufficiently strong to enable them to give the farmers the protection they asked for without any exceptional agitation, because it was recognised that an agitation could not be effectually

*Hon. G. Davis.*

conducted in the time that remained before the general election. I think we had 21 days from the moment when the Premier stated definitely that the Government would not concede any increase of the stock tax to the day of the elections. And what could be done in that brief period of time to change the opinion of the country on a policy which met with the approval of the Melbourne press; because, I may say, that although there is one journal in Melbourne which incidentally supports the policy of protection, it did so during the late elections in a very lukewarm manner. It had fallen away very considerably from its former strong desire to see effect given to that policy which is the logical outcome of our position as a protectionist colony. And I still declare that the protectionists of this colony were not educated up to the point where they could give a clear support to the proposed increase of duty on imported stock. But, as I have already informed the House, there was one electorate in which I assisted, not personally, but by direction, where a special effort was made to educate the electors of that constituency at all events, as a test electorate, up to the point as to whether metropolitan electors would support a policy of protection for the farmers. That electorate was Richmond, and the candidate who declared, on behalf of the Trades Hall Council, that he was in favour of an increase in the stock tax, was returned. The result was so suggestive that the free-traders of the country have certainly been disturbed; but it was gratifying to me, because it clearly shows that if the electors understand the question, if it is placed before them in all its bearings, the protectionist electors around Melbourne will support the increase in the stock tax which the farmers of the colony desire. Of course, I point this out to the Government, and I shall make it clear to Ministers that there are two sides to this question. It is not true, because it is asserted by interested journals—properly interested, no doubt, in the commercial and manufacturing prosperity of this great city—that there has been an effective blow struck at protection. The opposition to an increase of the stock tax clearly means, however, a blow at protection, and the responsibility rests with the protectionists of this House and this country as to whether they are about to endanger our protective policy. I do not mean to suggest that there will be an immediate violent attack upon the policy of protection; but if the farmers of the country secede from that

policy, and go over to the free-trade ranks, there will be a continual undermining of the protectionist policy, because it will be shot at and riddled continually by the free-trade interests here. But is it to be supposed that the pastoralists and agriculturists of this country are going to be content for all time with a policy which takes something from them for every article they purchase, and for which, in consequence of the protective duties, they have to pay an increased rate? Really, it is not common sense; it is not ordinary justice. My own view of free-trade and protection, as I have often stated, has always been that, in the abstract, there is nothing about free-trade or protection either true or false. Either policy may be expedient or inexpedient just as the age and condition of a country may warrant its application or otherwise. We, in Victoria, are in that stage of our national existence when it is deemed wise to adopt and give effect to a policy of protection. Many of us who support it here, were we in the old country, under the conditions of Great Britain and Ireland, would, perhaps, be free-traders. But I cannot, I never could, arraign the judgment and the wisdom of the statesmen who carried on the affairs of Great Britain up to that period when she found it necessary to change her course—the statesmen who imposed protective restrictions upon the trade of Great Britain—because I think they were as wise in their day and generation as the statesmen who have followed up the policy of Peel and Cobden and Bright. That being so, the farmers of this country are perfectly entitled, if they fail to get justice from the protectionists, to go over to the free-traders, and I have no doubt the free-traders will be glad to receive their assistance. The farmers can truly say—“We have favoured a policy of protection, but we find the protectionists of the metropolis are such specialists that in order to suit them the system of protection adopted in this country must be a special system of protection for special interests around the metropolis, and one which cannot be extended to country interests.” Under these circumstances, the farmers will be quite entitled to say—“We will have to change the direction of our political ideas; we will have to cheapen production, to cheapen consumption, to pay less for that which we buy; because, if we must sell in a market which is open, we should also buy in one which is free from restrictions.” That, I presume, is only the ordinary course men will pursue in dealing with a matter that is

removed from moral considerations, and is simply a matter of commercial expediency and convenience. I will point out to the protectionists of this city and to the protectionists of the colony at large the grave danger they run. The farmers will review their position and reconsider their policy; they will take seriously into consideration whether or not they can in justice to themselves and those to whom they must first be true, continue to support this policy of partial protection. I venture to say that the next Melbourne conference of the representative farmers of this country will first take into consideration that view of our political policy, and whatever their determination may be, whatever course they may decide upon, the free-traders of the colony know perfectly well that it will have a vast political significance as to who shall be the men and what shall be the opinions that are in future to govern this country. I do not suppose that our free-trade friends will be so injudicious as to at once and openly attack our policy of protection. Nothing of the kind will be done; but there will be an insidious and covert attack on protection, and a constant firing at and riddling of the system will be going on. If the protectionists of the colony choose to face that contingency, I can neither admire their judgment nor their sense of justice. I venture to say that it will follow as a matter of course, in this case as in all others, that when we commit an infraction of the principles of justice, an infraction of those principles which are simple and plain, and which stand out clearly before us, we are doing that which is inexpedient. If the protectionist of the town wilfully refuses to extend to the pastoral and agricultural interests a share of those privileges and advantages which he enjoys under the system of protection, that is selfishness and it is injustice, and the injustice will recoil on the heads of those who perpetrate it. I do not think that any such condemnation can yet be placed upon the protectionists of Victoria. On the contrary, I have said that at Richmond, where this question was put to them plainly, and where they clearly understood the issue raised, the electors returned a gentleman who was in favour of increasing the stock tax, and who was sent from the Trades Hall Council of this city, representing the labour of Melbourne, and they rejected an old and very respected politician who was opposed to an increase of the stock tax. I pass on, then, without offering any condemnation of my protectionist allies. I am quite prepared to say that the matter is as yet not fully



understood; that its objects, issues, and consequences are not fully grasped. When they are, and the question has been put again to this country, I shall not hesitate, if the verdict of the electors is still against the extension of our protective system to the farmers, to declare in favour of those free-trade principles, which, up to this time, I have not been able to support. But it has struck me that several false issues have been raised as against the farming industry, which I am endeavouring to represent in this Chamber. It has been said—"Well, if we concede to you your claims for an increase in the stock tax the result will be the irritation of our neighbours. We will inflame their minds, and they will adopt a policy of retaliation. The people of New South Wales will refuse to have anything to do with the people of this colony in the direction of federation, and in this and every other respect it is injudicious for us to grant you what you ask us to concede." Now, I venture to say that the idea of federation, at this moment, in the mind of any practical politician in this country, is not regarded as within the range of practical politics; and that it is simply used, in the present case, for the purpose of effectively putting on one side this claim of the farmers to just consideration, by misleading those who cannot be so well informed in regard to political action and political motive, and the results which spring out of them. The cry about imperilling federation is, in fact, just a hering drawn across the trail, to turn the electors off the scent. It clearly indicates, to my mind, that those who lead the objection to an increase in the stock tax feel that they cannot oppose its increase openly, and they evidently say to one another—"If we can only introduce into the discussion an idea which inexperienced and yet influential minds in this country will fall in with—the idea that to increase the stock tax will imperil federation; and if we can represent federation as a national aim, worthy to excite the highest and most generous aspirations, we will carry the youthful party with us, and that party is a growing strength in this country." I regret to say that that condition of things has been arrived at. I regret it because I find, when I examine our endeavours in other directions to secure federation, that we do things which are infinitely more irritating than the imposition of an increase in the stock tax. Only lately, I know not with what truth, it has been stated that we, in Victoria, are about to drain the river

*Hon. G. Davis.*

Murray dry. As honorable members are aware, the Murray belongs, politically, to our neighbours in New South Wales; yet for our advantage, for the advantage of the people of this colony, we are drawing from that river to an extent, which indicates, according to a recent report of an officer of the Government of New South Wales, that, given the usual amount of water flowing along its course, the bed of the river will be dry when Victorian requirements are complied with. Now I venture to think that unless some settlement be arrived at between the colonies, that must grow into a most important factor of disaffection. Nevertheless, we do not hesitate to draw on that source for supplies, although, politically, the river Murray belongs to New South Wales. Again, we poach upon the trade of a district outside our borders. We poach upon that trade by illegitimate means—illegitimate in a political sense. We do that by differential rates which are unproductive to ourselves and to our neighbours. We carry goods from beyond the Victorian border at much lower rates, in order to secure the trade of New South Wales, than we charge for the carriage of goods within our own limits. Surely this must be exceedingly irritating to the merchants and politicians of the neighbouring colony. On the other hand, to impose an increased stock tax is perfectly legitimate. We are entitled to do that by law, by custom, and by practice, and we are also entitled to do it by the claims of a part of our own population—to impose it for their benefit, not to injure New South Wales. It is not a proposal to drain her rivers dry, or to poach upon her trade, but a proposal simply for the benefit of our own people. An increased stock tax is perfectly legitimate, as it is legal, whereas the other practices to which I have alluded are illegitimate, if not illegal. Surely, then, we shall not irritate New South Wales more by increasing the stock tax for the good of our own people than we do by drawing upon her water supply and poaching upon her trade. If the interests which control these two points of irritation on the part of New South Wales against us will surrender them—if the commercial interest will surrender the trade it poaches for and obtains in Riverina—I will be prepared to believe that there is some sincerity in the statements that an increased stock tax would possibly inflame the feelings of our neighbours against federation; but so long as we keep up that other source of irritation, I deny the sincerity of those declarations. With

regard to the present Ministry, I may say that to my mind the tendency of coalition government is to draw away from the Opposition its most capable critics. We see that tendency displayed in connexion with the present coalition. We find even that repugnance which must have existed for a long time towards certain members of the Opposition overcome, and a gentleman taken into the Government who has expressed very strong opinions—stronger than any I can venture to express—about coalition Governments. Now, if coalition Governments tend to dishonour and to discredit our free system of parliamentary government, I venture to express the opinion that we had much better go back to the old state of things. To dishonour an institution like parliamentary and constitutional government—I care not how it is done, whether it be through greed for office, greed for distinction, or greed for other considerations which I need not describe particularly—I care not what the reason be, expediency fails to justify such a departure from that old constitutional course which has produced a system of parliamentary government which it is the pride of our race specially to maintain. It has been said—and evidence of the fact is before us, looking over the civilized nations of the world—that perhaps no other race has yet maintained a free system of parliamentary government so fully developed as that which exists amongst the British people. Now, that system has never encouraged coalition Governments. And why? It is clear to me that it is because of the instinct of alarm that coalition will draw to its ranks the most capable men, so that the most capable critics of the Government will be in the Government itself, with the result that the Opposition loses its own political self-respect. I attribute much of the obstruction and of the disorderly scenes which were witnessed in the last Parliament to that feeling. And in the present session it appears to me that we have taken an extreme departure. Instead of having a temperate and moderate discussion of public affairs in another place on the Governor's speech, we see a jump to the other extreme of having no discussion at all. I confess that I cannot agree with extremes; my course in politics, as in my ordinary life, is generally a middle course—a temperate course, a course which will avoid extremes as much as possible. I may say that my criticism of the present Government is only a political criticism. Personally, they all have my respect, and one or two of them are old political friends of mine of many years' standing.

But, of course, I cannot concur in the policy which they represent before the country—that of refusing to a great interest the consideration which is due to it. I have heard to-night charges made against the Government as failing to represent country interests, and the entire omission, to which Mr. Butters called attention, of any reference to one great staple industry certainly was very remarkable. It struck me that that omission was a very good indication of the policy of the Government. A straw shows the direction of the current, and the Government, by their very omission of any reference to the great industry of viticulture, indicated their indifference to or their forgetfulness of that great country interest which is growing up around us. In fact we find the Government personally admitting their position. The Premier withdraws from the agricultural and pastoral constituency of Rodney, and seeks refuge in a metropolitan constituency—the Eastern Suburbs. The Chief Secretary withdraws from the farmers of Lancefield, and also seeks refuge in a suburban electorate. Thus the Government by their own acts admit that they fail to represent those country interests which certainly should receive more consideration than they have done from the Government of this colony. I look at the members of the Government, and I ask myself "Is there any member of that Government specially attached to country interests?" and I have to answer my query in the negative. It is clearly a metropolitan Government, attached to the metropolis, and perhaps there is not one member of the Ministry but would feel himself bushed in a 40 acre paddock if he found himself there after the sun had set. That is a condition of things which certainly ought not to be permitted in this country. There is a proposal to increase the members of the Government, and with regard to that I am rather disposed to agree with Mr. Zeal that it is undesirable. I have an idea that, as the duties of the Minister of Lands are declining in importance, we might have a Minister of Agriculture and Lands instead of a Minister of Lands and Agriculture. Agriculture is growing into one of our most valuable industries. We propose to irrigate as much of Victoria as our rivers will permit us to do, and in connexion with irrigation I may just state that there is one sentence in the Governor's speech, for which of course Ministers are responsible, which to my mind is not very clear. It is evidence to me, regarding the matter as a practical farmer, of the insufficient notice which the

writer of the paragraph takes of natural facts. The paragraph begins by stating that the area under the operation of the Irrigation Act is being rapidly extended, and excellent results are obtained by farmers who are able to use water on their holdings. It then goes on to say—

"Henceforward, the yields from land under the new system, which has been so readily adopted throughout the colony, may be relied upon to increase steadily from year to year as the schemes already projected by the trusts are brought into working order."

Now, as a practical farmer, I take exception to that statement, and I allude to the matter for the purpose of indicating the danger that we are running in attacking the virgin soil with irrigation. The first half-dozen crops that we get from the soil, even without irrigation, we know to be the best crops we obtain. That is the case with most of the soil of Victoria, although, of course, there are exceptional patches in which you can indulge in twenty years' crops, but those patches are small and far between. The yield which will follow from the irrigation system will undoubtedly be much greater during the first years of the system than subsequently. I have no doubt that irrigation will do a great deal in the production of fruit, but in the production of cereals unless we resupply the soil with those ingredients of plant life which irrigation lets loose and enables us to draw good crops from—unless, in fact, we carry out all the conditions of intense farming—irrigation twenty years hence may be found to fail in some of those particular advantages which at this moment seem to be expected from it. I draw attention to this matter because I think we are being taught to expect too much from irrigation. It involves intense cultivation and the replacing of the fertilizing matter which we extract from the soil, and it means the attachment to the soil of a population who will have to observe all the necessary conditions of intense cultivation. In conclusion, I have to express my unwilling and reluctant hostility to this Government. I venture to think that all the good that can be obtained out of a coalition Government has been obtained.—that we have seen the end of that good, and that the evil is now fast falling on us. That evil arises out of the dishonour and discredit which is thrown on that old and valued institution of parliamentary government, which preserves the personal honour of its members above all considerations of expediency. To degrade political life, and to lower it in the estimation of those who can only take the bare open facts which

*Hon. G. Davis.*

appear before them, must dishonour and discredit any Government, however strong, in the estimation of a free people. That is the view I take of this Government. It is a Government of expediency—coalition means expediency—and, if we carry that principle too far, we will dishonour and degrade the institution of parliamentary government.

The Hon. F. BROWN.—Mr. President, it is rather bold on my part to follow the very eloquent address delivered by the honorable member who has just resumed his seat. I do not pretend to be an authority on scientific farming or constitutional government, but I could not let the opportunity pass without asking that honorable member to give those gentlemen who have honestly and fairly expressed their views as free-traders, the credit of just as honestly believing in the policy of free-trade as he does in that of protection. He apparently believes that all free-traders are such simply because they are not educated up to protection. I must confess, for my part, that my education has been neglected in that respect, and even if I should live to the age of Methuselah I fear it will never be satisfactory to the honorable member. I have held the principles of free-trade since boyhood, and the older I grow the stronger grows my sentiment towards freedom of trade. The honorable member seemed to me to be rather hard on coalition government. For the last six years we have had coalition Governments, and no man can say that during any previous six years the colony ever enjoyed greater prosperity.

AN HONORABLE MEMBER.—Protection.

The Hon. F. BROWN.—That may be the result of protection, but protection is not merely six years of age in this colony, but a great many years older. Although I am a free-trader at heart, I would be very sorry, by infinitesimal burrowings, as the honorable member (Mr. Davis) suggested, to undermine protection. It will undermine itself in the course of years. The advocates of protection support it because they consider that it is honest and just to certain portions of the community. Mr. Davis, for example, advocates the farmers' view of the question. In the province I represent there are not only farmers but miners, and what protection has been given to the miners in this colony? Besides the miners there are other classes which receive no protection from the State. What protection have professional men in this colony, and yet, I suppose, lawyers and doctors are necessary evils?

The Hon. W. A. ZEAL.—The legal profession is highly protected. You won't let a man who is not a lawyer prepare a conveyance.

The Hon. F. BROWN.—The honorable member can get as many men to make conveyances as he likes. I could not sit still and hear the Government blamed for things over which they have no control. The honorable member (Mr. Davis) accuses the Government of entering on a course which must end in disaster to the colony because they do not propose to increase the stock tax. But are the Government responsible for the views of the whole community? The honorable member seems to think that because a convention was held in Melbourne consisting of gentlemen who were sent down on purpose to advocate an increase of the stock tax the country at large must be at their back. I can assure the honorable member that the farmers themselves in my district are not at all agreed upon the subject. The honorable member also said that only 21 days were allowed to discuss the question, but he forgot that the question was discussed for months in the last Parliament. It was then put to the country at the recent general election, and the electors gave a most emphatic decision that they do not want an increased stock tax. Because a certain gentleman who supported this tax was returned to the lower House by a metropolitan constituency is that to be adduced as a proof that the country at large requires the tax? Such an argument is absurd. Then we had an attack on the Ministry by Mr. Roberts. I have no doubt he has a grievance in connexion with the silt in Hobson's Bay, and I am sure that every honorable member will assist him to remedy the evil. But it was the Parliament of this country which created the Harbour Trust, and are the present Ministry to be blamed because they do not at once say to the trust "You have not done all that we expected of you and therefore we must turn you out?" I am not a resident of Melbourne, but I can recollect the kind of accommodation when I landed in Hobson's Bay; and it is a well-known fact that since the existence of the Harbour Trust the accommodation of the port has been increased tenfold. They have done some good, from a protectionist stand-point, if it has only been to expend the money they receive; and I would ask any honorable member to point out where £1,000 of that expenditure has been thrown away. In fact, the Melbourne Harbour Trust has been so successful that it is now proposed to establish another trust—a Metropolitan Board of Works—to take charge

of the sanitation of Melbourne, and in my opinion it is the best thing we can do to create trusts of this kind. It is not the Government, however, who are responsible for these things, but the Parliament of the country, and therefore I consider that those honorable members who attacked the Government did not display a very generous spirit. I can only say that, as regards the measures shadowed forth in the Governor's speech, I shall be very happy to assist the Government to pass them into law. With respect to the non-reference in His Excellency's speech to the industry of viticulture, I may say that the viticulturists in my district are increasing in number, the industry is rapidly expanding, and in a very few years those engaged in it will make themselves heard with effect in Parliament. Perhaps the Government could not very well advocate the increase of viticulture just now, seeing that by their recent licensing legislation they have done all they could to stop the consumption of liquor, and consequently they may have had some scruples in alluding to the subject. I am inclined to agree with the suggestion of Mr. Zeal that this House should pass a resolution that it will not receive measures, except under special circumstances, after a certain date. I think there is no honorable member who has sat here during the last few sessions but must have felt humiliated at seeing Bills passed through their three stages in a quarter of an hour. I certainly think that this House would assert its dignity by passing a resolution of the character suggested by Mr. Zeal, so that we may have some opportunity of considering the measures placed before us.

The Hon. D. COUTTS.—Mr. President, I have no intention at this hour to occupy the attention of honorable members for more than a few minutes. Mr. Butters told us yesterday that the responsibility of government in this colony would soon be altogether on the shoulders of the natives, and one of the strongest features in the native character is our modesty. I trust that the time is long distant when we natives will lose the assistance of the mature wisdom of such men as yourself, Mr. President, and other honorable gentlemen in this House. I agree with Mr. Zeal, that it is necessary that some steps should be taken to prevent the rushing of measures at the latter end of the session. The date of prorogation is fixed by the Government, and then measures are sent up here in bundles on the last few nights of the session, and we are told that if we attempt to dot an "i," or cross a "t," the measures will be lost, and on us will

rest the responsibility. I have no hesitation in saying that I shall take the responsibility of using the forms of the House to block any Bill which is brought up to this Chamber in the way Bills were rushed here last session. I do not say that the Government are altogether to blame, but the practice is most objectionable, and should be put a stop to. I followed Mr. Davis in his speech, and I may say that as far as he talked about the farmers and the stock tax, I agree with him to a great extent. With regard to his remarks, however, as to the kind of government we should have—whether it should be liberal or constitutional, or coalition—I can only say that if I were a member of another place, I would be quite prepared to give an opinion on that subject; but I think it is the province of members of this House to consider all the measures submitted to them, and not to ask what kind of a Government is in power. I am prepared to criticise the action of any individual member of the Government, or the administration of any department, but as to saying whether the Government should be constitutional, liberal, or coalition, I think that is a matter which has nothing to do with members of this House. With regard to the Governor's speech, I think it may be divided into two parts—one dealing with the past, and the other with the future. In the first part the Government in effect say, "Look at the work which we have done and the good results which have followed from it," and the second part tells us what more they will do if they are continued in power. At the opening of last session I complained that the great question of irrigation was dismissed in the Governor's speech in a line and a half. On the present occasion I am happy to see that it has a long paragraph to itself. Mr. Connor seemed to think that we in the northern district had robbed Geelong, but I can only say that the Irrigation Act does not apply merely to the north, but to the whole colony. If the people of any other part of the colony are prepared to pledge themselves in the same way that the people in the north have done, I have no doubt that the Government will be ready to advance them money on similar terms. The question of the Geelong waterworks, I believe, has been a standing grievance for some time; I hope that the grievance will be soon rectified, so that we shall hear no more about it. I am pleased to see that the Water Supply department is in a position to say that it looks forward to grand results from irrigation. I am not altogether a believer in our present irriga-

*Hon. D. Coultas.*

tion law. I am a believer in a national system of irrigation, under which the Government should have constructed the whole of the national works and main channels. I am not altogether sure that it is wise to lend the public money, but as that is the policy which has been adopted I should say that the department, as the lender of the money, should hold strict supervision over its expenditure. In some cases, I don't say in all, there may be wasteful expenditure; and that is the only complaint I have to make. At the opening of the last session, I complained that the Governor's speech contained no reference to the land question. I have the same complaint to make now. Of course it is not to be expected that everything which may come before Parliament will be mentioned in the Governor's speech; and the reason why the Minister of Lands has not a paragraph to himself no doubt is that he was detained in New South Wales by the floods, and that he was absent from Melbourne when the speech was framed. The Land Act which is in force at this moment wants some little amendment to secure the thorough occupation of the waste lands of this colony. At present we have a lot of waste lands which might be occupied if the land law gave a sufficiently secure tenure. At present, those lands are breeding places for all kinds of vermin. The Lands department spends thousands of pounds every year on what is called the destruction of rabbits; but the rabbits are not destroyed. It is not to the interest of the men who are engaged to destroy the rabbits to exterminate them. If the land law were made sufficiently liberal, the waste lands would be occupied, vermin-proof fences would be constructed, and the duty of destroying the rabbits could be cast on the occupiers. Coming to the paragraph in the Governor's speech on which Mr. Davis has dwelt—the paragraph which mentions that the Tariff of last session was postponed in order that it might receive the consideration of the country—I may say that we cannot expect the intentions of the Government with regard to customs duties to be set forth in that document; but I agree with Mr. Davis that it is clearly understood that the farmers will not receive any protection in the shape of increased duties upon stock. It has been said that the country spoke out distinctly on that point at the last general election; but I cannot admit that it did anything of the kind. The last election took place under a Redistribution of Seats Act, and in some

constituencies there were five, and in others as many as eight candidates for a single seat, with the result that the successful man in a constituency with 2,500 electors might be returned by only some 400 or 500. Perhaps at the next general election we may be able to obtain a fairer expression of the opinion of the people. When a city gentleman stood for a country district, there was no difficulty in understanding whether he was in favour of or against the stock tax. A protectionist in addressing a city constituency would declare himself to be a protectionist to the backbone, and at the same time intimate that he would not increase the stock tax. I am not a protectionist—I am a free-trader—but I say that if protection is right and proper for one industry, it is right all round. Still, when a free-trader offered himself for a city constituency, his statement would be—"I am a free-trader, but, as protection is the policy of this country, I will do nothing to alter it; still I won't increase the stock tax." Now, what the farmer wants is either a fair share of protection or free-trade. He will have either intercolonial free-trade or an increased stock tax. The Government say we must go for federation, but to wait for federation will be to wait too long for justice to the farmer. Intercolonial free-trade will be the first step towards federation. But the position is that the colony is run for the advantage of Melbourne, and for gentlemen who own large stations in Riverina, but who live in and around Melbourne. Almost everything must be protected for the benefit of the manufacturers and the working men of the metropolis; but there must be no increase of the stock tax, because that would injure the Riverina squatter who makes Melbourne his home. As a breeder of stock, I say that protection would do me good; and I submit that the question of an increased stock tax should be used as a lever to obtain either intercolonial free-trade or a share of protection for the stock-owner. The present stock tax is not a protective tax; it is merely a revenue tax. At present the markets of this colony are more open to the farmers and graziers of New South Wales than they are to the farmers and graziers of Victoria. The New South Wales grower has the advantage of a differential tariff on our railways. The Victorian farmers' wool may be carried from Wodonga in the same trucks that convey the Murrumbidgee squatter's wool, and yet it is charged double rates. Now, I say, that if 8s. or 3s. 6d. will pay the Railway department to

carry Murrumbidgee wool from Wodonga to Melbourne, 7s. must certainly be too much to charge for Victorian wool. Either the department carries the New South Wales' wool at a loss, or it charges too much for Victorian wool. The proper position for the Government to take up is that, as this is a protectionist colony, there should be intercolonial free-trade with New South Wales—that everything grown or produced in New South Wales should come here free, and that everything grown or produced here should go there free—with protection against the world. All that the Victorian farmer asks for is fair play. In conclusion, I beg to say that I have very much pleasure in supporting the adoption of the address in reply to the Governor's speech.

The Hon. G. YOUNG.—Sir, I feel it almost necessary to offer an apology for rising to address the House at this late period of the evening; but there are one or two matters to which no honorable member has addressed himself, but which I think of sufficient importance to justify me in making a few observations. Before referring to them, I would say a word or two with respect to the much vexed question of the stock tax. Mr. Davis assumes—and it appears that my honorable colleague, Mr. Coutts, also assumes—that in order to give the grazier and the farmer the benefits of the protective system, it is necessary to increase the stock tax; but those who have followed the discussion of the subject in the public press must be aware that some of the most extreme protectionists declare that it is not a necessary part of the protective system that a stock tax should be imposed. Why, only last night, the gentleman who moved, in another place, for the adoption of an address in reply to the Governor's speech, himself a thorough-going protectionist, declared that he did not believe in the stock tax. That gentleman is not singular in this matter. He only utters the sentiments which I have heard other protectionists deliver from the public platform. I venture to suggest a reason why many protectionists do not think it necessary, to make the protectionist system complete, that a stock tax should be imposed. Mr. Davis indicates that the farmers and graziers wish the tax increased in order that they may share in the benefits of protection; but I don't think that is correct. On the contrary, the farmers in large agricultural centres are distinctly opposed to a stock tax. In the western district—one of the best grazing districts in the colony.

—from Colac to Camperdown, and thence on to Hamilton, and also in the greater part of the Wimmera district, the men engaged in raising and fattening stock don't desire the stock tax. The farmers in the agricultural district around Ballarat, and running down to Ballan and Bacchus Marsh—men who make their living, and a very good living too, by purely agricultural pursuits—are decidedly opposed to the stock tax. Why, in Grant, Mr. Rees, one of the most prominent advocates of an increased stock tax, was rejected at the general election in favour of a young man who expressed a decided opinion, wherever he went, against the proposal. So that it is not at all correct to say that the graziers and farmers throughout the colony are favorable to the stock tax. However, it appears to me that, however members of this House may seek to influence public opinion outside on the question, the discussion on the subject here this evening is practically wasted, because we cannot alter or interfere, in any shape or way, with the determination of another place, whatever it may be, with regard to the stock tax. The Governor's speech makes reference to one or two other matters which deserve some notice at our hands. The Government offer, as a great concession to the farming districts, a number of bonuses, extending over a series of years, for the cultivation of various agricultural products. Now, in my opinion, if the farmers expect to gain very largely by this scheme of the Government they will be vastly mistaken. The farmers want some more immediate and direct relief. A proposition was made in the last and previous sessions which I am surprised the Government have not seen their way to adopt. I believe that what the farmers would benefit by more directly and more generally, and what would meet their wishes, is a substantial reduction in railway freights. If the Railway department finds that this concession cannot be made without a departure from commercial principles, Parliament should make up the difference to the department. When this matter was brought under the notice of the Premier, he admitted that it was a reasonable proposition that an allowance should be made from the consolidated revenue to the Railway department to recoup it for what it might lose by a reduction in freights for the benefit of the agricultural interest. If the Government were to make some concession of this kind to the farmers, the farmers would receive far more direct benefit than they can expect from the proposed bonuses. Those proposals

*Hon. G. Young.*

sound well, and may delude a number of cultivators; but only a few will reap any direct benefit from the bonuses.

The Hon. G. DAVIS.—The farmers don't want them.

The Hon. G. YOUNG.—They don't want them. Another matter referred to in the Governor's speech is the promised amendment of the Local Government Act. A promise to amend the Local Government Act appears regularly in the Governor's speech. Since I have been a member of this House—now about six years—we have had three or four Amending Local Government Acts. We have been promised, at the beginning of each session, that the recommendations of municipal councils, held in various parts of the colony, should receive full attention, and that their recommendations, in the main, should be adopted; but the practice has been to introduce the Bill at a period when it is impossible to give it full consideration, with the consequence that the great bulk of the provisions are struck out, and only a few of the more pressing are passed. So many Amending Local Government Acts have received the sanction of Parliament that it is almost impossible for an ordinary shire councillor, no matter how intelligent he may be, to realize the precise condition of the municipal law which he is called upon to administer, and therefore the duties of a shire councillor become very onerous. The time has arrived when the Government should deal in a large and comprehensive way with this matter. We are all proud of our local government system, a system which is the envy of the other colonies, and which none of them seem able to adopt; and yet we go on tinkering with it, by passing little amending measures, so as to confuse the most intelligent of those who are called upon to carry it out. Therefore I think the Ministry should long ere this have prepared a Bill to amend and consolidate the municipal law—a measure not only embodying the suggestions of nearly all the local governing bodies, but consolidating the whole of the law; so that a man of ordinary intelligence, when called to act upon a municipal council, would be able to understand the law which he has to administer. I trust the Bill to be introduced this session will be a consolidating measure. If it is, I am sure it will be received by general acclamation throughout the length and breadth of the colony. Reference was made at an early stage of this debate to the undertaking of the Government to introduce the Forests Bill which has been promised

so often. I attach the greatest importance to this matter. I believe that every assistance will be given by honorable members to the proposed measure. A former member of the Council, Mr. Ross, brought the matter specially under our attention on more than one occasion; but, for various reasons, no measure dealing with it has yet reached us. I do trust that the suggestion which has emanated from the secretary of the Forests department, that an "arbor day" should be established, will be taken up with enthusiasm, not only by the farming community but by the people throughout the colony, and that "arbor day" will become a permanent institution, and be attended by good results. In conclusion, I must express the hope that this year the Council will be furnished with more work at an early period of the session, so that, as the session advances, we may have more time to deliberate on the matters which come before us; and that we shall not again be asked to entertain that unseemly rush of Bills in the last week of the session to which reference has been made.

The motion for the adoption of the address was agreed to.

The Hon. H. CUTHBERT moved that the address be presented to the Acting Governor by the President, and such members of the Council as might desire to accompany him.

The motion was agreed to.

The House adjourned at twenty-five minutes past ten o'clock until Wednesday, June 19.

## LEGISLATIVE ASSEMBLY.

Wednesday, June 5, 1889.

Presentation of the Address in Reply to the Governor's Speech—Railway Construction: Mornington, Crib Point, and Great Southern Lines—Melbourne Gaol: Colonel Bull—Railway Department: The North Melbourne Accident: Guards' Vans: Trains on Mordialloc Line—Telegraph Extension: Station on Yarra Bank—Labour Bureau—Falls Bridge—Goulburn Weir—Gristing in Bond—Education Endowment Commissioners Bill—Rabbits Destruction Bill—Elections and Qualifications Committee—New Procedure Rules—Sessional Arrangements: Days of Sitting: Standing Committees—Public Service—Laanecoorie Railway Bill—John Paton—Election of Chairman of Committees—Fencing Law Amendment Bill.

The SPEAKER took the chair at half-past four o'clock p.m.

## ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

The SPEAKER reported that he had waited upon the Acting Governor, and had presented to His Excellency the address adopted by the House the previous day, and that His Excellency was pleased to make the following reply:—

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,

"I thank you in the name and on behalf of the Queen for the expressions of loyalty to our Most Gracious Sovereign contained in the address which you have presented to me, and I reciprocate the hope that the result of your labours may conduce to the continued advancement and prosperity of this great colony."

## RAILWAY CONSTRUCTION.

Mr. L. L. SMITH asked the Minister of Railways when the Crib Point, the Mornington, and the Great Southern lines would be completed?

Mr. GILLIES said it was expected that the line to Mornington would be ready for opening for public traffic by the middle of September, that the line to Hastings would be ready by the 1st August, and the line to Crib Point by December. The contract time for the completion of the Great Southern Railway to Port Albert was the 1st September, 1890.

## MELBOURNE GAOL.

Mr. CLARK asked the Chief Secretary if he would place in the Library all papers having reference to the appointment of Colonel Bull as governor of the Melbourne Gaol?

Mr. DEAKIN said he had no objection to do so.

## RAILWAY DEPARTMENT.

Mr. ZOX asked the Minister of Railways what steps were being taken to carry out the recommendation of the coroner's jury at the inquiry into the recent railway accident at North Melbourne, with reference to the necessity for having a guard's van at the rear of every train. He considered this precaution indispensable for the safety of the general public.

Mr. GILLIES stated that the rule was that a guard's van should be at the end of every train, and the rule was observed as far as the rolling-stock at the command of the Railway department would allow. A large number of guards' vans were now under contract, and would shortly be delivered. As soon as that was done, guards'



vans would be attached to the rear of all suburban trains.

Mr. BENT inquired whether the Railway department would increase the number of trains on the Mordialloc line so as to meet traffic requirements?

Mr. GILLIES replied that the department would not be able to do this at present, but would be in a position to afford additional facilities as soon as the rolling-stock now under contract was delivered.

#### TELEGRAPH EXTENSION.

Mr. MOUNTAIN asked the Postmaster-General if he would make provision for a telegraph office at the police station now in course of erection on Yarra Bank, opposite the Spencer-street steam ferry, South Melbourne? Large industries had been established in this locality, but the nearest telegraph stations were at the Custom-house in Melbourne and the post-office in South Melbourne.

Mr. DERHAM said he would cause inquiries to be made into the matter.

#### LABOUR BUREAU.

Mr. L. L. SMITH inquired of the Premier when a national labour bureau would be established in accordance with a promise made to the Assembly? This matter had been before the House on several occasions. In July, 1887, he submitted a motion in favour of establishing a public labour bureau, and, in the course of the discussion which followed, the Premier said—

“If any proposal calculated to result in real good could be submitted, the Government would be ready to lend every aid in their power. In the face of this assurance, which was not a mere formal assurance but a real one, he hoped the motion would be withdrawn.”

And the motion was withdrawn. Subsequently, at the request of the Premier, he formulated a scheme, and transmitted it to the honorable gentleman; but nothing had been done, and he believed the blame for the delay rested with the Postmaster-General. He and other gentlemen who had farms would be glad to give employment to those who stood in need of it, if only facilities for entering into proper engagements were afforded.

Mr. GILLIES observed that the honorable member for Mornington was under a misapprehension if he thought that the Government had promised to establish a labour bureau. A number of proposals had been submitted from time to time to the Government, among them being one from

the honorable member for Mornington, and another from a public meeting in Melbourne; and he had on various occasions informed the honorable member whether the schemes had been so far formulated that the Government would be warranted in making inquiries concerning them. He had also intimated that it would depend very much on the aid and assistance which could be afforded by the Postal department—a department having offices all over the country—whether any scheme could be made effective. Some little time ago the papers were returned to him from the Postal department, accompanied by an elaborate report, and that report was now being dealt with by a gentleman who took a great interest in the question. He trusted that, shortly, he would be in a position to say how much the Government could do in the matter, and what it would not be able to do.

#### FALLS BRIDGE.

Mr. MOUNTAIN inquired of the Government when the new Falls Bridge would be open for public traffic?

Dr. PEARSON said it was expected that the bridge would be open for public traffic on or about the 30th September.

#### GOULBURN WEIR.

Mr. SHACKELL asked the Minister of Water Supply whether he intended to call for tenders for the whole of the main water channel between the Goulburn Weir and the Campaspe?

Mr. DEAKIN said tenders could not be invited until Parliament approved of the works, and the approval of Parliament could not be sought until local action had been taken.

#### GRISTING IN BOND.

Mr. GRAHAM asked the Premier whether the Government had given effect to the following resolution, which was passed by the Legislative Assembly on the 19th December last—

“That, in the opinion of this House, the practice of allowing the gristing of oats in bond should be absolutely abolished, as such a practice is calculated to undermine the fiscal policy of the colony.”

Mr. GILLIES said there were difficulties in the way of carrying out a portion of the resolution, and in consequence the matter had been allowed to stand over until the Minister of Customs had the opportunity of thoroughly inquiring into the situation. That would be before the delivery of

the financial statement. He (Mr. Gillies) hoped then to be able to place the facts before honorable members, who could subsequently deal with the matter by Bill.

#### PETITION.

A petition was presented by Mr. WILLIAMS, from Samuel Fischer, of Sandhurst, praying that, after due investigation, a Bill might be introduced to legalise the practice of "baunscheidtism."

#### EDUCATION ENDOWMENT COMMISSIONERS BILL.

Mr. WRIXON presented a message from His Excellency the Acting Governor, recommending an appropriation from the consolidated revenue for the purposes of a Bill to appoint education endowment commissioners, and to vest certain Crown lands in such commissioners for educational purposes.

The message was ordered to be taken into consideration the following Tuesday.

#### RABBITS DESTRUCTION BILL.

Mr. WRIXON brought down a message from His Excellency the Acting Governor, recommending an appropriation from the consolidated revenue, and of fines and penalties, for the purposes of a Bill to provide for the destruction and suppression of rabbits and other vermin.

The message was ordered to be taken into consideration on Tuesday, June 11.

#### RAILWAY CONSTRUCTION.

Mr. GILLIES presented an estimate of expenditure which the Railway Commissioners proposed to incur under the Land Act No. 812 and the Loan Acts Nos. 717, 845, and 989.

The estimate was ordered to be taken into consideration on Tuesday, June 11.

#### ELECTIONS COMMITTEE.

The SPEAKER laid on the table his warrant appointing Mr. Anderson, Mr. McLean, Mr. Munro, Mr. Patterson, Mr. C. Smith, Mr. C. Young, and Mr. Zox as the Committee of Elections and Qualifications.

#### NEW PROCEDURE RULES.

Mr. GILLIES gave notice of motion, for next day, for altering the rules of procedure of the House.

Mr. L. L. SMITH expressed the opinion that the question should not be taken into consideration until the following Tuesday.

The proposed new rules contemplated such a great change with regard to the privileges of honorable members that more time should be allowed for studying them than that which intervened between one sitting and another.

#### SESSIONAL ARRANGEMENTS.

On the motion of Mr. GILLIES, the following resolutions were agreed to:—

"That Tuesday, Wednesday, and Thursday in each week during the present session be the days on which this House shall meet for the despatch of business, and that four o'clock be the hour of meeting on each day; and that no fresh business, except the postponement of business on the notice paper, be called on after half-past ten o'clock.

"That on Tuesday and Thursday in each week, during the present session, Government business shall take precedence of all other business."

Mr. GILLIES then moved—

"That on Wednesday in each week, during the present session, Government business shall take precedence of all other business until half-past eight o'clock; after that hour business shall be called on in the following order, viz.:—On one Wednesday—Private Bill Business:—1. Notices of motion. 2. Orders of the day. General Business:—1. Notices of motion. 2. Orders of the day. On the alternate Wednesday—General Business:—1. Orders of the day. 2. Notices of motion. Private Bill Business:—1. Orders of the day. 2. Notices of motion.

Mr. DEAKIN seconded the motion.

Mr. SHIELDS appealed to the Premier to allow some amendment of the motion. In no House of Legislature in an English-speaking constitutionally-governed country was so miserly and mean a fraction of time allowed for the transaction of private business as in the Legislative Assembly of Victoria. Practically there were only two hours in every fortnight in which private members could bring on Bills dealing with public matters which they considered essential. Competing for that miserable fraction of time, there were, on some occasions, as many as 40 measures. He had known sessions when, of the projects of law to which honorable members had given earnest attention, not one-third ever reached the stage of being considered at all. He had known measures on the notice-paper, session after session, without an opportunity being afforded for their consideration even at the first stage. But what happened elsewhere? In England, something like three times the amount of time was given to private members' business that was given here. (Mr. Gillies—"The House of Commons sits three times as long.") But take the Parliaments

of the neighbouring colonies. In the New South Wales Assembly the whole of Tuesday was given up to private business. In the South Australian House the whole of Wednesday was dedicated to private business. In each case, in the event of the private business being disposed of before the close of the sitting, the Government were empowered to bring on their business. In Queensland, private business was still better cared for. The time there dedicated to private business was from three to seven o'clock on Thursday, and the whole of Friday. Here, as he had stated, Bills in charge of private members could be dealt with only during two hours every fortnight, those two hours being on Wednesday. But Wednesday evening was the evening on which nearly every important public function took place. All the functions connected with the hospitalities of Government House, Parliament, and the Town Hall took place, as a rule, on Wednesday; and the nights lost to private members by that one social consideration varied from six to ten during the session. The result was that many private members, seeing the absolute hopelessness of getting their business considered, cleared out on Wednesday evening. After half-past eight o'clock on that evening, unless something exceptional arose, the Assembly was denuded of one-half, and sometimes of two-thirds, of its members. On many occasions there was difficulty in preserving a quorum, although a quorum might be maintained until half-past eight o'clock, at which time private members' business was called. Then again private members were further robbed of the time which the sessional order gave them, by the action of the Government when a vote of want of confidence was pending. Three nights, last session, were stolen from private members in that way. When objection was taken to the suspension of the sessional order relating to private business—asked for by the Government in order that the debate on a no-confidence motion might be continued—the Government would not allow private business to be proceeded with. He would give an instance which happened to himself in connexion with a measure affecting the whole of the colony. When the Government refused to take up the inter-colonial debts question—a question largely affecting the interests both of Victoria and South Australia—he was requested to do so. Reluctantly he consented, and brought in a Bill. A Bill of a like nature was, at the same time, before the Parliament of South Australia; but on account of the difficulties which

*Mr. Shiels.*

he had to encounter—although aided kindly by the Government and helped most loyally by the Attorney-General—the Bill in South Australia had to be kept months in committee, waiting for the passage of the Bill here. That happened with respect to himself. In another case, the honorable member for Gippsland North had a Bill on the table for two sessions running without ever being able to bring it forward for consideration. Such a state of things was most injurious, for it practically gave notice to honorable members generally that no one but a Minister could hope to give effect to his views on any public question by carrying them into law. Surely a disability of that sort must be regarded as opposed to the spirit of parliamentary institutions. In other colonies there was no such disability. In the South Australian Parliament, for instance, nine-tenths of the Bills brought forward by private members were fairly considered, and either passed or rejected. Another point was that in the Victorian Parliament it was rare to find a statesman, who formerly held high office, attempting, as a private member, to carry legislation expressive of his views on any particular public question. To what was this owing? It arose from a knowledge of the risks that would have to be run in making any proposal of the sort; and also from experience of the disappointment that generally fell to the lot of every Victorian parliamentarian who endeavoured, he not being at the time in office, to place any new law on the statute-book. But in other colonies there was no such holding back. Such men as Sir John Downer, in South Australia, Sir Henry Parkes, in New South Wales, and Sir Samuel Griffith, in Queensland, had, as private members, repeatedly brought important measures before their respective Legislatures, and often with striking success. Again, he would remind the Premier that the arrangement now proposed, which would practically give only two hours per fortnight for private members' Bills—because no new question would be taken after half-past ten o'clock—was not a very much time-honoured one. It dated from only two or three years ago. Also, it should be observed that with, say, 40 such Bills tabled any session, it would be, to all intents and purposes, impossible, under such a rule, for even one-third of them to be discussed to any extent. Would the honorable gentleman also bear in mind the disappointment, anxiety, and loss of time which would necessarily be suffered?

by every honorable member who, under such circumstances, attempted to bring any project of law before the House in order that it might have legislative shape. Might he not go on for session after session only to find his measure so much waste paper? And even when he happened to be successful, what sort of success would it be? Owing to pressure the Bill could never be properly debated, and it would only be carried through in a hurry by means of a chorus of "ayes" from impatient members. He (Mr. Shiels) did not desire to move any amendment, but he would ask consideration for the facts and reasons he had advanced. All he wanted was a little more time for private members' Bills, and that that time should be given when honorable members generally, and Ministers also, were likely to be present. It was well known that almost always when private members' business was called on, not only did the House immediately grow very thin, but the Treasury bench became deserted, save perhaps by the Attorney General. (An Honorable Member—"How would you keep Ministers and honorable members in their places?") By doing what was done in other legislatures—by having private members' Bills called on before Government business was taken. The very slightest alteration of the motion would be sufficient to accomplish this, because all that was needed was to let Government business take precedence, not "until half-past eight o'clock," but "after half-past nine o'clock."

Mr. ZOX thought there was a good deal in what the honorable member for Normanby had said, for his (Mr. Zox's) own experience had taught him that private Bills, when carried at all, were, as a rule, only carried in a scramble, in which discussion upon one measure was foregone out of good feeling—that was to say, in order to afford other honorable members' Bills a chance. At the same time, this private Bill business was becoming so important, that it would possibly soon be absolutely necessary for the House to give up a whole evening—an extra evening, of course—to its consideration. No doubt that would cause inconvenience, but the inconvenience must be endured if justice was to be done to the public. On the other hand, he could vouch for this, for he had brought in as many private Bills as any honorable member, that hurriedly as they were dealt with, generally speaking, there were rarely as many blunders in them as were usually found in Government measures. That circumstance was mainly

due to the great care taken in connexion with them. Let honorable members look, for instance, at the Friendly Societies Act, which was introduced by the honorable member for Collingwood (Mr. Langridge) and himself, and which had stood the test of almost every kind of appeal. In short, every private member introducing a Bill knew pretty well that unless it was faultlessly drafted, and he was in possession of every species of information with respect to it, it could not possibly pass. On the other hand, the Licensing Act of last session might be taken as an example of how Government measures were often prepared—of a measure which was utterly inoperative through bad drafting. Still, much as he would like to see the time devoted to private Bills extended, it was, perhaps, impossible for the Government, who were wise to be chary in such matters, to go so far as to adopt the suggestion of the honorable member for Normanby. Nevertheless, it was to be hoped that they would consider the propriety of calling upon the House to either sit later on private members' evenings, or else four nights per week instead of three.

Mr. McLEAN expressed the opinion that there was no need to devote a whole evening to private members' business, but at the same time he hoped that a longer period would be given to its discussion. That something of the sort should be done was indeed most urgently called for. It was quite true, as the honorable member for Normanby had stated, that he (Mr. McLean) once brought forward a Bill two sessions running without it receiving any consideration whatever; and he might add that he would have introduced it again this session had he seen any chance for it. He quite agreed with the idea that enabling private members to initiate new legislation would possibly tend to allay the desire of many of them for office.

Mr. TUTHILL thought that private members should get either the whole of the period before the refreshment hour or the whole of the period after it.

Mr. LAURENS remarked that it was only of late years that the practice of taking private members' business after half-past eight on Wednesdays had been adopted. Previously the plan was to take all the time after half-past seven, that was to say, at the expiration of the dinner-hour. As for the request made by the honorable member for Normanby, it was of a highly reasonable character, and it was to be hoped that it would be conceded. There need not be much

difficulty in the way, for no one could entertain the slightest doubt that, under the new procedure rules proposed by the Government, it would be comparatively easy for them to get through their business.

Mr. MUNRO expressed the hope that the Premier, who had had much experience of taking charge of private Bills—measures which frequently involved matters of extreme importance, and also a very large amount of preliminary expenditure—would recognise the force of the arguments used in favour of the course suggested by the honorable member for Normanby. An additional hour for such measures would be of extreme value.

Mr. MASON thought it would be well to postpone dealing with the present question until the proposed new procedure rules were disposed of, because if they were carried there would be ample time for public business and private business also.

Mr. GILLIES said it was naturally the desire of the Government to make such sessional arrangements as would suit the convenience of honorable members, and, at the same time enable the work of the country to be done. On the other hand, every honorable member would recognise that the matters submitted by Ministers must be taken, as a rule, to be the most important that Parliament could be called upon to deal with. It must also be borne in mind that the Government were necessarily responsible, not only for their own measures, but to some considerable extent, in addition, for every measure introduced by private members. No doubt they were bound to afford assistance in discussing private member's business, but their own was of such moment to the country that it was requisite to give it first place. That being so, they were compelled to consider what chance there would be of carrying it through if a considerable portion of the time of the House was given over to private members' Bills. It was true, as the leader of the Opposition had stated, that private Bills often involved very large sums of money, but the public interests stood before everything. As to what had been said of the practice of other Legislatures, it should be noticed that the New South Wales Parliament sat four days per week. Nevertheless it had been known to sit for twelve months continuously, and yet not get through its work. Besides, what generally happened when honorable members sat too long? They became tired and out of sorts, and when Christmas approached, and here was a general anxiety that the session

should end, they were unable to do justice to the business before them, with the result that a good deal of it had to be put on one side. Of course in all matters like the present, the Government were entirely in the hands of the House, but honorable members should look at the question in the right way. Ought public business of importance to give way to private business of importance? Still he and his colleagues were anxious to aid private members in carrying through such measures as they desired to introduce, and he had no doubt whatever that, if the House saw its way to accept the new procedure rules of which he had given notice, it would then be open to the Government to afford private members more time than had ever been afforded them before. Ministers had always been anxious to promote the interests of private members' business, and had frequently expressed their willingness to ask the House to sit on Fridays for private members' purposes, but that plan was always naturally objected to by country members, who thought it scarcely fair that they should be detained in town the whole week. What he would suggest was that honorable members should allow the motion to be carried as it stood, he promising that, as soon as the House had a little experience of the progress made with affairs under the proposed new conditions, and if that experience was favorable, the Government would be happy to allow private members' business to be taken up on Wednesdays, at half-past seven o'clock. He would, however, draw the attention of the younger members to this, that if Government business ceased at half-past six o'clock, there might be considerable difficulty, when half-past seven arrived, in getting a quorum together. But in any case, he would undertake, as soon as the proposed new procedure rules were found to work well, to consult with honorable members on both sides with the view of giving greater facilities to private members' measures.

Mr. McINTYRE remarked that he was glad the Premier had seen his way to go so far. He also quite agreed with him that if the Government business was to cease when the dinner-hour arrived, it would often be hard to get a quorum together when the House resumed at half-past seven. In fact, experience had shown that, when private members' business was on, even the Treasury bench was often nearly empty. Perhaps there would be a better chance of a quorum if private members' business began at half-past five o'clock. It was a great

mistake to underrate the value of the matters brought forward by private members. Frequently their importance to those concerned was greater than that of almost any business the Government could introduce. Yet it was not uncommon to find a proposition of moment, of which a private member had given notice, put off to the end of the session, when the discussion upon it, which ought by rights to extend over three or four hours, had to be squeezed into half an hour.

The motion was agreed to.

#### STANDING COMMITTEES.

On the motion of Mr. GILLIES, the standing committees for the session were constituted as under :—

**STANDING ORDERS COMMITTEE.**—Five to form a quorum:—The Speaker, Mr. Deakin, Mr. Gillies, Mr. Langridge, Mr. Madden, Mr. McLellan, Mr. Munro, Mr. Officer, Lieut.-Colonel Smith, Mr. Tucker, Mr. Wrixon, and Mr. Zox.

**LIBRARY COMMITTEE.**—With power to confer with the committee of the Legislative Council:—The Speaker, Mr. Duffy, Mr. Hightett, Dr. Pearson, and Mr. Shiels.

**PARLIAMENT BUILDINGS COMMITTEE.**—With power to confer with the committee of the Legislative Council.—The Speaker, Mr. Nimmo, Mr. Patterson, Mr. Woods, and Mr. C. Young.

**PRINTING COMMITTEE.**—Three to form a quorum:—The Speaker, Mr. Anderson, Mr. Baker, Mr. Burrowes, Mr. G. D. Carter, Mr. Ferguson, Mr. J. Harris, Mr. Hunt, Mr. Laurens, and Mr. Murray.

**REFRESHMENT ROOMS COMMITTEE.**—With power to confer with the committee of the Legislative Council:—Mr. McIntyre, Mr. Shackell, Mr. L. L. Smith, Mr. Staughton, and Mr. Wheeler.

#### PUBLIC SERVICE.

Lt.-Col. SMITH moved—

“That in the opinion of this House the regulations regarding the age and height of persons entering the public service require modification in the direction of lowering the height and extending the age of the applicants.”

He said he could give several instances of constituents of his who had been candidates for public employment, and had passed every other examination they were required to pass, but who were not accepted, because they were below the height specified in the regulations. In one case, that of a young man who sought to enter the Railway department, he was refused because he was

one-eighth of an inch short. Moreover, that was done in the face of the provision in the statute book that, whenever it was possible, volunteers who had served for five years, should, when they applied to be taken into the service of the State, have the preference. Fancy a man being, under such circumstances, sent back merely because he was one-eighth of an inch below the standard! Surely a rule of that kind must be everywhere regarded as absurd and ridiculous. Again, there were on the gold-fields many miners who, although perfectly sound in every other respect, had broken down at underground work, and who found themselves debarred from any kind of public employment because they were—sometimes by only a very little—over thirty-five years of age. Was not that regulation also most absurd and ridiculous? He (Lt.-Col. Smith) was quite sure that very many honorable members had, from time to time, had their attention drawn to the injurious nature of the restrictions he had referred to, and he hoped they would, by an united expression of opinion, induce the Premier to cause the arrangement to be altered.

Mr. KIRTON seconded the motion. He said he intended to reserve what he might call his maiden speech in Parliament for another occasion, but the great importance of the present motion forced him to offer a few words in connexion with it. The question involved was one affecting almost the whole of the male population of the colony, and he hoped that discussing it would lead to a radical alteration of the Public Service Act. That Act was primarily framed to abolish political patronage, and so far it was highly praiseworthy. But during the six years it had been in operation, although it had worked very satisfactorily on the whole, it had developed one cardinal defect, namely, that it debarred every person below a certain height or over a certain age from entering the public service, no matter how high his other qualifications might be. What reason could be urged for the existence of such an arbitrary regulation must puzzle every one. Certainly it pressed hardly on a considerable number of persons. For instance, only last week he was told by the railway authorities that they could not take on a certain man because he was one-eighth of an inch too short. Then there were on the gold-fields, at Ballarat particularly, a number of old miners, who possessed every reasonable qualification for permanent employment in the public service, and who would be very glad to obtain it, but who

could at present be only taken on temporarily because they were over a certain age. Had this most obnoxious restriction been made by Australian natives, to whom was sometimes attributed, he was sure without foundation, a desire to depreciate their seniors, there would infallibly have been such a tremendous outcry against it, that it would have been abolished long ago; but, as a matter of fact, it was made by men of mature years—men, who were Members of Parliament, and the majority of whom had come from the old country. For himself, he believed that the public service should be constituted on a basis of equality, and that every one with a good moral character, and the other proper qualifications, should be eligible for it without respect to height or age. He altogether failed to see why the modern Tom Thumbs of the country should be less favourably considered in this respect than the Changs. The motion ought to be carried unanimously.

Mr. BURROWES stated that it had been justly remarked that there were on the gold-fields a large number of miners of from 36 to 40 years of age, who had broken down at underground work, but who were especially fit to make good railway workmen, say, to be employed on the lines as repairers. There were no men more capable of filling positions of the kind than old miners. It was an easy kind of employment in comparison with what they had been accustomed to. It was a great injustice that these men should all be deprived of this source of employment by the regulations regarding age and height. The standard height might very well be reduced by half an inch, when it would be uniform with the military standard in Great Britain and other countries, and the maximum age for labourers in the Railway department—especially permanent-way men—might be extended four or five years without in any way impairing the efficiency of the service.

Mr. GILLIES said he might be allowed to point out that he had given notice of a Bill to amend the Public Service Act, and the proper time to consider this question would be when that Bill was before the House. He quite sympathized with a great deal of what had been said. Not very long since the Imperial Government had to reduce the minimum height for admittance to the army, and it might be found desirable to make some reduction in connexion with admittance to the railway service here. But he desired honorable members to remember that the one thing which was of supreme importance was that the interests of the public

should not suffer; the public interest must be considered before any individual claim. As for putting men who were worn out on to the permanent way of the railways, where the lives of the public were daily in jeopardy, the honorable member for Sandhurst (Mr. Burrowes) would be the last to do anything of the kind on the railway in which he himself was interested. (Mr. Burrowes—"I did not say men who are worn out; I spoke of men 36 or 37 years of age.") If that was all that was asked, he could quite concur with the honorable member, and he believed that, since an alteration in the regulations, the age for permanent-way men was above that mentioned. (Mr. Burrowes—"No, it is 35.") However, this and other points could very well be considered when the Bill was under consideration. (Mr. McIntyre—"Will you promise to consider it?") Certainly. He was as anxious to give fair play to all these people as any honorable member could be, but his first consideration—and the first consideration of any Government—must be the interest and safety of the public. The Government and honorable members must be careful not to do anything which would place men in responsible positions, where the lives of the public were at stake, unless they were fit for those positions. He would be happy to consider this question in the light in which it had been put by the mover of the resolution, and the other honorable members who had spoken, and to have a quiet fair discussion on it, when the Bill to which he had referred was under consideration.

Mr. RICHARDSON observed that the remarks of the Premier were satisfactory to a certain extent, and he thought honorable members might rest contented that the honorable gentleman would give this question consideration when dealing with the Bill to amend the Public Service Act. He (Mr. Richardson) did not take the view that men whose health had failed in some other occupation should be permitted to enter the public service of the colony, but the position he took up was that if a man was able to do the work of the State efficiently, no limitation with regard to age or height should prevent his entrance to the public service. The reason why a limit as to age was imposed at first was because, formerly, the State became responsible for the payment of certain retiring allowances or pensions. As the Railway Commissioners, by direction of Parliament, had introduced a state of things under which no pensions or retiring allowances were now paid, the reason for the age

limit no longer existed. The evil of the present regulations was even greater than the honorable member who proposed the motion had stated. Men who were performing the most laborious work had been refused admittance to the railway service because they were a little under a certain height. Supposing all the employers of labour throughout the colony adopted the same rules as the Railway Commissioners and only gave employment to men above a certain height, and below a certain age, what would become of the labour of the country? There were many men perfectly capable of performing the work in the maintenance department of the railways who were far beyond 35 or 40, and, as there was no retiring allowance now paid, there was no reason why such men should be excluded. There was a tendency in all the departments to have only young men introduced into the service, and this was an injustice to the population of the colony, which he hoped would be put an end to in the Bill which had been promised.

Dr. MALONEY said that Professor Owen once remarked that a man was as old as his kidneys. Some men at 40 years of age were only as old as others at 19. If this were so, why debar men from entering the railway service who were otherwise competent, simply because they happened to be over 35 years of age? Speaking as an Australian native, he thought the present law seemed to have been made against those who came here from the old and loved mother country, and, if so, it was extremely wrong. He had been surgeon attached to one of Millar Brothers' greatest contracts in Western Australia, and he found that the finest navvies that could be obtained were over 40 years of age. He would ask which class of men did the harder work—the men who made the railways or those who simply kept them in order when they were made? Unquestionably it was the navvies, yet, if Messrs. Millar Brothers were asked if they fixed any age limit in employing men, they would reply emphatically "No." All that was necessary was that the physical fitness of applicants for the work required to be done should be tested by medical men, and, if the applicants satisfactorily passed the examination, no bar, as regarded age or height, should be placed in the way of their earning an honest living.

Mr. McCOLL stated that he had great pleasure in supporting the motion. He considered that the regulations with regard to age and height were a scandal, and ought

not to be tolerated in any civilized community. The regulation as to height was simply absurd, and the regulation with regard to age went further than that, because by it the Government had set an example to the rest of the community which was having very deplorable results indeed. A few months ago, letters appeared in the press day after day, from middle-aged men, complaining that they were utterly unable to obtain employment in private firms on account of their age. Surely if a man was to be of any use in the world, he should be of the greatest use when he had assumed the responsibilities of life, and had perhaps a wife and children and a certain amount of age and experience. He (Mr. McColl) did not think that the character of the employes in the railway service had improved during the last few years, and he believed that a change in the direction pointed out by the honorable member for Ballarat West (Lt.-Col. Smith) would be a great advantage. He also thought that, in the new Public Service Bill, the Premier might go a little further, and see if he could not do away with the ballot. The ballot was certainly fair, but the Premier, in his remarks, laid stress on the point that the State should get the very best men possible into the public service—that the public interest was the first consideration.

THE SPEAKER.—The honorable member cannot raise the question of the ballot on this motion.

Mr. McCOLL said he would take another opportunity of referring to the matter. He believed that in the railway service if the men admitted were a little older much better work would be got out of them, and he was certain that the admission of older men would afford an increase of civility and attention to travellers on the railways.

Mr. BAILLES remarked that it had been the custom for a long time in the goods sheds to employ, as casual hands, men about 40 years of age, but recently, as if to stop the aperture for employment of middle-aged men as much as possible, the railway authorities had issued an order discharging these temporary hands and filling their places with young men who had been drawn in the ballot for positions as permanent-way repairers and the like, and who were waiting for vacancies in the appointments which they had applied for. (An Honorable Member—"Quite right.") It was not quite right. These young men were certain of their appointment, and they should wait until there was a vacancy in the position which they had applied for. It was not right that they



should drive out of their employment men who had wives and families to support. There was no desire, as the Premier seemed to imagine, to place broken-down miners in the railway service, but it was a well-known fact that there was a great decrease in mining employment, and many miners had, consequently, to seek other work. A large number of these men were not quite 5ft. 6in. in height, but he did not see that they must be less efficient workmen on that account. He himself was under that height, but he had never found any difficulty in holding his own in his trade when he followed it with taller men. He saw no reason whatever why a man who was competent in every other respect should be debarred from entering the railway service because he was a little below 5ft. 6in. (Mr. A. Harris—"It is very wrong.") It was very wrong, and he did not know what Parliament was about when it sanctioned such a rule. (Mr. Laurens—"Parliament never did; it is a regulation.") Then the regulation should have been revoked long before this. There were many men of 40 years of age who had been following the occupation of miners, whose health was perfectly good, and who were specially suited for out-door work such as permanent-way repairing, and surely these men had as much right to employment on the railways as men under 35, some of whom were perhaps not so robust. He hoped that the limitation as to age and height would be removed, and that the only conditions of employment would be sound bodily health and a tolerably fair amount of education.

Mr. J. S. STEWART stated that he was prepared to support, within certain limits, the proposal of the honorable member for Ballarat West (Lt.-Col. Smith). If the Premier would carry his mind back a good many years, he would remember that when he took charge of the Railway department first it was the refuge of the lame, the halt, and the blind. The honorable gentleman then proposed that none but young people should be employed by that department, and he (Mr. Stewart) was one of his most enthusiastic supporters in that proposal. He had, however, lived to regret his action on that occasion. It was rather appalling now for a person, when he travelled from one railway station to another, to find none but young men employed. He believed that many of the railway accidents which had taken place had occurred from the fact that the employes were young. Old heads could not be put on young shoulders; young men were more liable to

make mistakes, and accidents followed. The result was another illustration of the fact that a thing might be very well in theory, but not good in practice. He was by no means an advocate for old broken-down men being admitted to the railway service, but, if a man was physically capable of work, age was rather an advantage than a disadvantage.

Mr. LAURENS observed that he did not see how the discussion or passing of the promised Public Service Act Amendment Bill would affect this matter. The question under consideration was one of regulation, and by the existing law the regulation could be altered. Moreover, the Public Service Act did not apply to the railway service, and that was the largest service in the colony. There was no reason, therefore, why the House should not vote on the motion that night. In doing so the House would simply be giving an expression of its opinion with regard to existing regulations which had been made under the authority of the Railway Commissioners Act, and which might be repealed or varied by the same authorities who had framed them. He did not think the matter needed delay at all. He had had several complaints from men who were thoroughly able to give efficient service to the State that the public service of the colony was barred against them. No representative of the people would be inclined to argue that the State service should be the receptacle of all kinds of incapable persons; but surely they all wished to see that every man who was capable of performing work for the State should have at least the chance of employment. He failed to see what better position honorable members would be in to vote on the question a week hence than they were in now.

Mr. TUTHILL said he thought the Premier was at his old trick of drawing a red herring across the scent. The honorable gentleman must be aware that the limitation as to age and height had caused a decided difficulty in the management of two or three departments. On inquiry of the officers of the Penal and Lunatic Asylums departments it would be found that the restriction as to age—the maximum being 26 years—hampered them a great deal in securing warders. The Railway Commissioners would also probably say that the restriction as to height was a difficulty in that department. He would suggest to the Premier that if he allowed the present motion to be carried it would strengthen his hands in framing the amending Public Service Bill. He (Mr.

Tuthill) believed that the feeling of the majority of the House and of the people outside was that the restriction as to height was altogether unnecessary except in one department—that of the police—and he doubted if it was necessary there, while the restriction as to age was causing a difficulty in at least two departments.

Mr. OUTTRIM remarked that he saw no objection to the passing of the resolution. On the contrary, unless honorable members dealt with the motion there would be no opinion from the House to place before the Railway Commissioners. As to the restriction with regard to height, he (Mr. Outtrim) did not see why any one should suffer because his parents were incapable of making a bigger man of him. A man under 5ft. 6in. was considered to be perfectly capable of representing the people, and he believed the largest proportion of the members of the Assembly were under that height. He himself was not 5ft. 6in., and yet he felt that he would be perfectly capable of filling any position under the Railway department. He failed to see any necessity whatever for the regulation as to height. There was a necessity for some regulation as to age, but he certainly thought the present limit should be extended, so that older men could be admitted to the department. He knew a number of men throughout the country over 40 years of age who would make the best railway servants the department could get. He felt satisfied that the Premier would not object to the passing of the resolution. It would strengthen the honorable gentleman's hands in any legislation he might bring forward, and it would show the Railway Commissioners that the Legislative Assembly were dissatisfied with the regulations as they existed at present.

Mr. GILLIES observed that he had no objection to say that he would direct the attention of the Railway Commissioners to the expression of opinion by honorable members that some change should be made. (Lt.-Col. Smith—"Let the resolution pass.") He had no objection.

Mr. WILLIAMS stated that he had received many complaints with regard to the regulations under discussion, and he thought they bore very hardly on many men, especially in the mining centres. Mines were now getting very deep, and many miners were discovering that if they continued at their occupation their health would entirely break down. At present they were quite competent to discharge any duties; but they felt that if they continued working in

the deep mines much longer they would be debarred from having any chance of Government employment through the injury done to their health. There was no desire whatever to thrust on the Railway department men whose health had broken down. The men he referred to were perfectly competent for any work at present, but they feared that if they continued in their present occupation their health would be permanently injured. In the interests of this class, as well as of those who were a little below the standard height fixed, he thought the regulations should be reconsidered by the Government. The regulations were not like an Act of Parliament, and could be amended at any time at the discretion of the Government.

Mr. TRENWITH observed that there was such a consensus of opinion all round the House that the regulations under discussion should be altered that it was unnecessary to discuss the matter further. He desired, however, to call attention to an extremely objectionable practice—which had been already referred to by the honorable member for Sandhurst (Mr. Bailes)—namely, that of putting off casual hands who had been employed for a considerable time, and who were physically capable of doing their work—in fact, in perfect health and strength—for the purpose of making room for young men, who had been selected for certain positions, when vacancies should arise. There could be no objection to putting those young men on where there was a vacancy, and a new man had to be employed, but certainly it was monstrous that a man perfectly able to do his work should be removed and deprived of the employment which he had been encouraged to look upon as the means of supporting his family. Within the last week, he had complaints of this kind pressed upon his attention. At Ballarat, a number of men who had been employed by the Railway department as casual hands had been turned off in this way. One of the men who waited upon him stated that he had only just passed 40 years of age, and certainly he looked no older. He was a big strong man, and seemed to be able to do any work which only required physical strength. He said the work he had been engaged in was work of that character, and that he had been removed not because a man was not wanted, but because his place was wanted for a younger man. (Mr. Munro—"That's what they have been doing in the Government.") At any rate, what might be right and proper in the interests of the Government was certainly not right in connexion with the public

service, and he thought that perhaps an expression of opinion from the House might prevent this practice being continued. Young men who had been selected for positions when vacancies arose should not be allowed to displace men who had been employed for a considerable time, but should wait until a vacancy occurred. The course at present pursued was extremely objectionable and monstrosly unjust.

The motion was agreed to.

#### LAANECOORIE RAILWAY BILL.

Mr. McINTYRE moved for leave to introduce a Bill to amend the 30th schedule to the Railway Construction Act 1884.

Mr. CHEETHAM seconded the motion.

Mr. GILLIES stated that it was usual to extend the courtesy to honorable members asking leave to introduce a Bill of allowing them to do so, and, therefore, he would not object to the introduction of this Bill. It was only fair, however, to inform the honorable member for Maldon that he (Mr. Gillies) would be obliged to oppose the Bill.

The motion was agreed to.

The Bill was then brought in, and read a first time.

#### JOHN PATON.

Mr. SHIELDS (in the absence of Mr. DUFFY) rose to move—

“That there be laid before this House a copy of all papers relating to the application of one John Paton for land at Pastoria.”

Mr. GILLIES observed that there would be no objection to lay the papers on the table of the Library.

The motion was withdrawn.

#### CHAIRMAN OF COMMITTEES.

Mr. OFFICER moved—

“That the honorable member for Ararat, Mr. William McLellan, be appointed Chairman of Committees of this House.”

He remarked that it was hardly necessary to remind honorable members who had sat in previous Parliaments that the honorable member for Ararat was one of the oldest members of the Legislative Assembly. His record dated back to the “fifties,” and during all that period he had been an intelligent and industrious student of the forms and usages of Parliament. He had had many opportunities of showing his mettle as Chairman, especially in the last session, when he had very arduous duties to perform. He believed Mr. McLellan

performed those duties to his own satisfaction as he certainly did to the satisfaction of the members of the committee. To new members, who had not had an opportunity of judging of the quality of the honorable member, he would only say that he believed they would take him on trust, his venerable appearance being a sufficient guarantee that he was eminently qualified to fill the position to which he aspired.

Mr. GRAVES observed that, as honorable members were aware, at the commencement of the session he canvassed for the position of Chairman of Committees, but he very shortly ascertained that the majority of the House were in favour of Mr. McLellan, and therefore he retired, and he had now very great pleasure in seconding the motion of the honorable member for Dundas. When he (Mr. Graves) entered the House, the honorable member for Ararat had been a member for many years and had also been a Minister of the Crown. The honorable member was respected by every member of the House, and his election to the position of Chairman would only be a recognition of his valuable services for many years. Moreover, most honorable members had had an opportunity of judging of his fitness for the position, as he occasionally occupied the chair during very trying times in the last Parliament, when the long sittings rendered it necessary that Mr. Cooper, the late Chairman, should take the place of the Speaker. The general satisfaction which Mr. McLellan gave as Acting Chairman on those occasions was evidenced by the unanimous approval with which his nomination to the position of Chairman had been received by the House.

The motion was agreed to.

Mr. McLELLAN remarked, that as several honorable members desired that he should say a few words, he begged to thank honorable members for the honour which they had done him in electing him to preside over their deliberations in committee. He had also to thank the honorable members for Dundas and Delatite for the very flattering and undeserved manner in which they had submitted his name for the approval of the House. He trusted that by his conduct in the chair he would win both the approbation and support of honorable members all round the House.

#### FENCING LAW AMENDMENT BILL.

Mr. RICHARDSON moved for leave to introduce a Bill to amend the law relating to fencing.

Mr. GRAHAM seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

### NEW PROCEDURE RULES.

Mr. MUNRO said he desired to ask the Premier whether he really intended to go on with the motion of which he had given notice with regard to the alteration of the standing orders on the following day? For the last half-hour he (Mr. Munro) had been trying to understand the effect of the new rules and to compare them with the existing standing orders, but he had not yet been able to grasp the effect of the alterations. He was quite sure that the Premier did not desire to thrust the rules on the House without allowing time for their proper consideration. The Opposition were anxious to assist the Government in the matter, but if the new rules were brought in next day a lengthy discussion would probably take place on account of honorable members not thoroughly understanding their meaning. If the consideration of the rules was left over until Tuesday honorable members would be in a much better position to deal with the question then.

Mr. GILLIES remarked that he was sure all honorable members would agree that it was extremely desirable to approach the discussion of so important a question with a full knowledge of the subject. It would be the last thing he would desire that honorable members should commence the discussion of the new standing orders without having had fair time to consider them. If honorable members thought that it would be too early to commence the discussion next day, he had no objection to intimate that he would not ask the House to consider the rules until Tuesday.

Mr. McINTYRE observed that there was no business on the paper for the following day.

Mr. GILLIES said that as there was nothing on the paper for the following day but formal motions, he would not put honorable members to the inconvenience of attending. He therefore begged to move that the House at its rising adjourn until Tuesday, June 11.

Mr. SHIELDS said he understood that the new rules were copied, with alterations, from the standing orders of the House of Commons, and those of some of the Colonial Legislatures. It would be a great convenience to honorable members, for the purpose of reference, if between now and

Tuesday the Attorney-General were to issue copies of the rules with marginal notes showing the source from which they were derived.

Mr. GILLIES stated that the honorable member's request would be complied with as far as possible, but, when submitting the rules to the House, he intended to fully explain the origin of each proposal and what alterations, if any, had been made in adopting it.

The motion was agreed to.

The House adjourned at twenty-four minutes to seven o'clock, until Tuesday, June 11.

## LEGISLATIVE ASSEMBLY.

Tuesday, June 11, 1889.

Distribution of Trees from State Nurseries—Ballarat Postal Delivery—Public Service: Age and Height Limitations—Railway Rolling-stock—Melbourne to Ballarat Direct Railway—Rabbit Extirpation—Hawthorn Drainage Works—Huntly Sludge Channel—Whittlesea Railway—Public Instruction: Lessons on Temperance—Mining on Private Property—Representation of Grenville—Federal Council of Australasia—Merchandise Marks Bill—Wattle Trees Cultivation Bill—Public Service Act Amendment Bill—Friendly Societies Law Amendment Bill—Education Law Further Amendment Bill—Distress for Rent Law Amendment Bill—New Rules of Procedure: First Night's Debate—Rabbits Destruction Bill—Education Endowment Commissioners Bill—Rabbit-Proof Fencing.

The SPEAKER took the chair at half-past four o'clock p.m.

### DISTRIBUTION OF TREES.

Mr. HIGGETT (in the absence of Mr. McCOLL) asked the Minister of Lands if he intended to distribute trees from the Government nurseries this season to private persons as well as public bodies, and, if so, what arrangements did he propose for the purpose of making the distribution as wide and satisfactory as possible?

Mr. DOW stated that the department proposed to distribute trees to farmers as far as it was able to do this year, the present stock of young trees being 73,000. Of course while farmers and others would receive thorough consideration, public institutions, shire councils, trustees and local committees of parks and recreation grounds would have precedence. After they had been served the department would begin to supply private persons, but it was to be understood that trees would not be supplied to persons who merely applied for them to

ornament their grounds, or people in or near towns who were able to buy trees for themselves. The private persons to whom trees would be distributed would be farmers and others, in the northern and arid districts especially, and the trees would be furnished for planting principally for climatic purposes. The Government did not propose to raise trees in the State nurseries for ornamenting the gardens of persons who were able to purchase trees, but every facility would be afforded to farmers and others in the outlying districts to plant trees for the benefit of the colony in climatic and other respects.

#### BALLARAT POSTAL DELIVERY.

Lt.-Col. SMITH asked the Postmaster-General if he would arrange that the residents of the north-western portions of the city of Ballarat should have their letters delivered the same as those in other portions of the city?

Mr. DERHAM stated that the residents in the neighbourhood referred to were too few to justify the department incurring the necessary expense.

#### PUBLIC SERVICE.

Mr. KIRTON asked the Premier whether the Government proposed to deal this session with the limitations as to age and height imposed by the Railway Commissioners, and the limitation of age imposed by the Public Service Act?

Mr. GILLIES remarked that the Railway Commissioners had noticed the resolution passed by the Assembly on the subject the previous week, and would take steps in the direction of the resolution. With regard to the public service, the question of age would be dealt with in the Public Service Act Amendment Bill which he had given notice of introducing.

#### RAILWAY ROLLING-STOCK.

Mr. LAURENS asked the Minister of Railways the following questions:—

"1. If it be true that the Railway department is short of guards' vans in consequence of no one offering to manufacture the number required to properly equip the various passenger trains now running?

"2. When and for what number did the department last call for tenders for the supply of guards' vans, and also if any tenders were sent in?"

"3. If so, how many?"

Mr. GILLIES said the answer to the first question was "No." As to the other

questions, there were tenders called for, some little time ago, and there were two tenders for the construction of fifteen vans sent in.

#### BALLARAT DIRECT RAILWAY.

Lt.-Col. SMITH asked the Minister of Railways when the direct line from Melbourne to Ballarat would be open for traffic?

Mr. GILLIES said it was expected that the line would be opened in October.

#### RABBIT EXTIRPATION.

Mr. GRAVES asked the Minister of Lands if he would take prompt action pending the passing and coming into operation of his proposed legislation for rabbit destruction, and keep these vermin destroyed on the Crown lands in the north-eastern district, where they were now getting established? He observed that the number of rabbits increased in the spring, and in the north-eastern district there were large areas of Crown lands held as forest and water reserves in which the rabbits were very numerous. He hoped the Minister would see that the Crown kept the rabbits under on these reserves in the same way as the tenants of adjoining lands were obliged to do.

Mr. DOW observed that the law expected that the Government should keep Crown lands clear of rabbits, and it also expected that freeholders would keep their lands clear. It took the department all it knew to keep the rabbits down on Crown lands, and the department was doing its best in that respect. The freeholders in the north-eastern districts, however, did not do their duty in the matter. The latest report from one of those districts stated:—

"The shire council is doing little or nothing and rabbits swarm all round the Crown land. If we keep them down it is all we can expect to do for the present."

#### HAWTHORN DRAINAGE WORKS

Capt. TAYLOR asked the Premier whether it was the intention of the Government to carry out the promise of the late Minister of Public Works, to place a sum on the Estimates for the purpose of carrying out the Hawthorn main drainage works? He observed that the late Minister of Public Works expressed himself entirely in accord with the immediate necessity for the matter being dealt with.

Mr. GILLIES remarked that he was not in a position to say anything as to what would appear on the Estimates, until he made the financial statement.

**HUNTLY SLUDGE CHANNEL.**

Mr. HIGHETT asked the Minister of Mines what steps it was intended to take to prevent the destruction of property at Huntly, through the sludge from the Bendigo mines being washed down the Bendigo creek at flood times and deposited on the low-lying lands?

Mr. GILLIES stated that there was a very elaborate report furnished by the department some time ago on this subject, and a copy of it was sent to the local shire council. The council concurred in the suggestions that were made in the report, but when it was asked whether in the event of the Government assisting to have the channel made it would maintain it and keep it clear, the council was not prepared to do so. The Government could not undertake a work of the kind with the view of maintaining it for all time.

**WHITTLESEA RAILWAY.**

Mr. WILKINSON asked the Minister of Railways when the Fitzroy and Whittlesea Railway would be open for traffic to Preston North, and what had caused the delay in opening the same?

Mr. GILLIES said he was informed by the Railway Commissioners that the question of opening the line as far as North Preston was carefully considered some time ago, and it was decided not to open part of the line until the whole was ready for traffic, because it would greatly retard the rest of the work, and could only be worked at a very heavy loss. The whole line to Whittlesea would probably be ready for opening some time in August, and meantime the contractors would forward all goods required.

**PUBLIC INSTRUCTION.**

Mr. GORDON asked the Minister of Public Instruction if he would consent to issue instructions to teachers of State schools to give lessons on temperance, from Dr. Richardson's Temperance Lesson Book and Dr. Ridge's Temperance Primer, in conjunction with the special lessons on morals and manners already provided for on the programme of instruction?

Dr. PEARSON said he feared he could not promise to instruct teachers to give lessons from the two books mentioned, which were of a very special kind, in addition to the general lessons on temperance given in Hackwood's book.

**MINING ON PRIVATE PROPERTY.**

Mr. WOODS, without notice, asked the Minister of Mines whether his attention

had been called to the reports in the newspapers concerning a rush somewhere near Maryborough, where the gold had been traced into what was stated to be private property? He did not know whether the property was really freehold or not; anyhow the owner was preventing the miners, unless they agreed to fancy terms, from following the lead of gold. The Mining on Private Property Act was utterly unfit to cope with a case of this sort, as he and others predicted it would be, and he would ask the Minister of Mines whether something could not be done to prevent the owners of the surface from debarring miners from following the gold—which belonged to the miner and not to the owner of the surface? He was quite satisfied that the House would support the Government in proposing such an amendment of the Act as would enable miners to go on ground where gold was, whether it was private property or not.

Mr. GILLIES said he was certainly not prepared to propound the doctrine that a man should be allowed to enter another's land and take anything he liked from it without paying compensation. (Mr. Woods—"We don't ask that.") There was a provision at one time in the law which enabled the Government to purchase land and allow miners to mine on it. Of course that could only apply to land where the gold was pretty near the surface, and it would be impossible to deal with a very large number of mines at once in such a manner. He would inquire as to the nature of the title to the land referred to by the honorable member for Stawell, and would probably be in a position to give an answer to the question next day.

**REPRESENTATION OF GRENVILLE.**

The SPEAKER informed the House that he had issued a writ for the election of a member for the electoral district of Grenville in the room of Mr. D. M. Davies, who had accepted an office of profit under the Crown—that of Minister of Public Works.

**RAILWAY CONSTRUCTION.**

Mr. GILLIES presented an estimate of expenditure (in substitution of that presented June 5) which the Railway Commissioners proposed to incur under the Land Act No. 812, and the Loan Acts Nos. 845 and 989.

The estimate was ordered to be taken into consideration next day.

### FEDERAL COUNCIL OF AUSTRALASIA.

Mr. GILLIES presented a message from His Excellency the Acting Governor, notifying the resignation of Mr. Wrixon as a member of the Federal Council of Australasia, and the appointment of Mr. Deakin in his stead.

The message was ordered to be printed.

### MERCHANDISE MARKS BILL.

On the motion of Mr. WRIXON, the House resolved itself into committee to consider the law relating to fraudulent marks on merchandise.

Mr. McLELLAN, on taking the chair, said he had again to thank honorable members for the honour they had done him in electing him to the important position of Chairman of Committees. He hoped that his conduct in the discharge of his duties would be such as to give satisfaction to all honorable members and reflect credit on the Assembly.

Mr. WRIXON moved—

“That it is expedient to consolidate and amend the law relating to fraudulent marks on merchandise.”

The resolution was agreed to, and was reported to the House, and adopted.

Authority being given to Mr. Wrixon and Mr. Gillies to introduce a Bill to carry out the resolution,

Mr. WRIXON brought up a Bill “to consolidate and amend the law relating to fraudulent marks on merchandise,” and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

### WATTLE TREES CULTIVATION BILL.

Mr. DOW moved for leave to introduce a Bill for the better encouragement of the cultivation of wattle trees.

Mr. WRIXON seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

### PUBLIC SERVICE ACT AMENDMENT BILL.

Mr. GILLIES moved for leave to introduce a Bill to amend the Public Service Act 1883.

Mr. WRIXON seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

### FRIENDLY SOCIETIES LAW AMENDMENT BILL.

Mr. WRIXON moved for leave to introduce a Bill to amend the law relating to friendly societies.

Mr. GILLIES seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

### EDUCATION LAW FURTHER AMENDMENT BILL.

Dr. PEARSON moved for leave to introduce a Bill to further amend the law relating to education.

Mr. WRIXON seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

### DISTRESS FOR RENT LAW AMENDMENT BILL.

Mr. WRIXON moved for leave to introduce a Bill to amend the law relating to distress for rent.

Mr. GILLIES seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

### NEW PROCEDURE RULES.

#### FIRST NIGHT'S DEBATE.

Mr. GILLIES moved—

“That the following resolutions be standing orders of the House:—

“1. That notices of questions be given by members in writing to the Clerk at the table without reading them *visà voce* in the House; and no questions shall be included in the notice-paper for Thursdays. Provided always that a member, having first obtained the consent of Mr. Speaker, may be at liberty to ask a question without notice on any day the House may meet.

“2. That the Chairman of Committees shall take the chair, as Deputy-Speaker, whenever requested so to do by Mr. Speaker, without any formal communication to the House. And Mr. Speaker shall nominate at the commencement of every session a panel of not less than three members who shall act as temporary Chairmen of Committees whenever requested so to do by the Chairman of Committees.

“3. That no motion for the adjournment of the House shall be made except by a Minister of the Crown, or unless a member rising in his place shall propose to move the adjournment for the purpose of discussing a definite matter of urgent public importance (which he shall then state and hand in in writing to Mr. Speaker) and unless a majority of members present shall thereupon rise in their places, as indicating approval of the proposed discussion. The member proposing the motion for adjournment shall not be allowed to address the House on such motion until Mr. Speaker shall have ascertained that a

majority of members present approve of the proposed motion.

"4. That any standing order or orders of the House may be suspended by leave of the House, and, in cases of urgent necessity, any standing order or orders of the House may be suspended on motion duly made and seconded without notice, no amendment or debate being allowed thereon, provided that such motion has the concurrence of an absolute majority of the whole of the members of the Legislative Assembly.

"5. That if at any sitting of the House, or in committee, any member shall take notice that strangers are present, Mr. Speaker, or the Chairman (as the case may be) shall forthwith put the question 'That strangers be ordered to withdraw,' without permitting any debate or amendment: Provided that the Speaker or the Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the House.

"6. That the stages of committee and report on the address to His Excellency the Governor to convey the thanks of the House for His Excellency's speech at the opening of the session be discontinued.

"7. That on the order of the day being read for the Committee of Supply or Committee of Ways and Means, Mr. Speaker shall put the question 'That I do now leave the chair,' but where either of these committees has reported progress, Mr. Speaker shall leave the chair without putting any question on the order of the day being read.

"8. That standing orders numbered 222 and 223, concerning Bills relating to religion and trade, be repealed.

"9. That on Mr. Speaker putting the questions 'That this Bill be committed'—'That this Bill be now committed'—'That I do now leave the chair,' such questions shall be decided without amendment or debate.

"10. That, in committee on a Bill, the preamble do stand postponed until after the consideration of the clauses, without question put.

"11. That standing order numbered 255 be repealed.

"12. That no amendment or debate shall be allowed on the question of transmitting or returning a Bill to the Legislative Council.

"13. That clerical, typographical, and other obvious errors may be corrected in any part of a Bill by the Clerk of the House before it is transmitted to the Legislative Council.

"14. That when a motion is made for the adjournment of a debate or of the House during any debate, or that the Chairman of Committees do report progress or do leave the chair, the question shall be put forthwith without debate, and no member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate.

"15. That when any amendment is before the chair, the debate shall be strictly confined to such amendment.

"16. That no member shall digress from the subject-matter of any question under discussion, and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

"17. That every member presenting a petition, not being a petition for a private Bill or relating to a private Bill before the House, shall confine

himself to a statement of the parties from whom it comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer thereof, and the only question which shall be entertained by the House on the presentation of any petition shall be 'That the petition do lie on the table,' which question shall be decided without amendment or debate.

"18. That after a question has been proposed, a member rising in his place may claim to move 'That the question be now put,' and unless it shall appear to the chair that such motion is an abuse of the rules of the House or an infringement of the rights of the minority, the question 'That the question be now put' shall be put forthwith and decided without amendment or debate. When the motion 'That the question be now put' has been carried, and the question consequent thereon has been decided, any further motion may be made (the assent of the chair as aforesaid not having been withheld) which may be requisite to bring to a decision any question already proposed from the chair; and also if a clause be then under consideration a motion may be made (the assent of the chair as aforesaid not having been withheld) that the question that certain words of the clause defined in the motion stand part of the clause, or that the clause stand part of, or be added to, the Bill, be now put. Such motions shall be put forthwith, and decided without amendment or debate. The questions for the closure of the debates in this standing order shall not be decided in the affirmative unless on a division it appears by the numbers declared from the chair that not less than 25 members voted in the majority in support of the motion.

"19. That whenever any member shall have been named by Mr. Speaker or by the Chairman of Committees immediately after the commission of the offence of disregarding the authority of the chair or of abusing the rules of the House by persistently and wilfully obstructing the business of the House or of disorderly conduct, or otherwise, then, if the offence had been committed by such member in the House, Mr. Speaker shall forthwith put the question, on a motion being made, no amendment, adjournment, or debate being allowed, 'That such member be suspended from the service of the House'; and, if the offence has been committed in a committee of the whole House, the chairman shall, on a motion being made, put the same question in a similar way, and, if the motion be carried, shall forthwith suspend the proceedings of the committee and report the circumstance to the House; and the Speaker shall thereupon put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the House itself.

"If any member be suspended under this order, he shall withdraw immediately from the House during the remainder of that day's sitting; and the Serjeant-at-Arms shall act on such orders as he may receive from the chair, in pursuance of this resolution. Nothing herein shall be taken to deprive the House of the power of proceeding against any member according to ancient usages.

"20. That Mr. Speaker or the Chairman do order members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's



sitting; and that the Serjeant-at-Arms do act on such orders as he may receive from the chair in pursuance of this resolution.

"21. That Mr. Speaker or the Chairman, after having called the attention of the House or of the committee to the conduct of a member who persists in irrelevance or tedious repetition, either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech."

He said—Mr Speaker, I would like to obtain the indulgence of the House, while I state the grounds on which the Government have felt justified in submitting these propositions. I think I may say that this House has a sort of commission from the country to make some alterations in its rules of procedure.

Mr. MUNRO.—I don't think so.

Mr. GILLIES.—I do not know any occasion on which the constituencies of this colony expressed strong views more freely than they did at the last general election with reference to the rules of procedure as applicable to this House. I think I am entitled to say that those views were very strongly expressed both in the press and by the public, and that if we are to carry out the opinion of this country as expressed at the elections it has become our duty to deal with this difficult and, no doubt in many respects, delicate question at the earliest opportunity. I think also that we are in a better position now, at the very beginning of a new Parliament, to deal with a question of this kind, than if the last Parliament, during its last session had attempted to deal with the question, because Parliament last session was so far involved in disputes and manifold difficulties with reference to its prolonged debates that I venture to think it could scarcely have approached this important and somewhat difficult subject with that amount of coolness which in dealing with questions of this kind ought to pervade the minds of honorable members on both sides of the House. After all, if our desire be only to improve our procedure so that our business can be better and more expeditiously conducted—and at the same time conducted in such a way as to reflect credit upon honorable members, and upon the House and the country—then I venture to say if we can achieve that object in a better way than was possible last session it is our duty to undertake the task. I think it will be agreed by all honorable members that a great many of our rules belong to a large extent to a past era—that many of our forms ought to be obsolete if they are not; and I think that in undertaking to simplify

the whole of our procedure honorable members on both sides will probably join together for the public good. There are, no doubt, two or three points upon which there will naturally arise differences of opinion. I, myself, came to the conclusion many years ago that a large number of our standing orders belong to a bygone date, and are not applicable to the present time at all. They were framed, many of them, under totally different circumstances from those which now exist—when the power of the Crown and its Ministers was very different from what it is now, especially under constitutional government. Many of those standing orders were practically made by the Commons of England for the purpose of their own self protection. I dare say we all know that the old form of asking for redress of grievances before the Commons granted Supplies was one of those natural devices by which the House endeavoured to force compliance with the wishes of the people before furnishing Supplies. But all that is quite unnecessary now. Here we are representing the people of this country, elected under the broadest possible suffrage—directly representing them and speaking on their behalf—and whatever the majority of the representatives of the people think proper to do in Parliament, that invariably must be carried out, especially if the voice of the people supports it. So that our position is totally different from that which existed at the time when many of the standing orders were adopted by the House of Commons. Those standing orders, no doubt, existed for many years. In fact, the House of Commons was very loth to alter its practice in any respect, and it is only of late years that the House of Commons, like other legislative bodies, has been compelled to alter its practice in many very important particulars. I think honorable members will notice that the objects which the Government had in framing the proposed new rules were, in the first place, to simplify the procedure—to make things simpler and more easy; in the next place, to insist that our debates shall be characterized by good order; and in the third place to enable this House, when it has a subject under consideration, to deal with that subject and dispose of it within a reasonable time. These are the three primary propositions which honorable members will see are contained in these new rules. Now, I may state that there is, I believe, no country of any importance in the world but which has practically adopted the great portion of the powers which are contained

in these proposed rules, and has them now in practical operation. And while it is true that the House of Commons has been very slow, as I have already said, to alter its rules, within the last few years it has been forced to the conclusion that, not only on account of the difficulty in getting through business caused by what is called obstruction, but also on account of the other difficulty, namely, the amount and multiplicity of the business which the House has been called upon to get through, it was absolutely necessary in order to be able to carry the necessary laws through the Chamber for the House of Commons to do what other countries in the world had done—nearly all the countries in Europe and the United States of America—namely, to adopt such practical and reasonable rules of business as would enable the House to get through its work. If we look at the forms which other countries in the world have adopted for the purpose of getting through their business expeditiously, I think honorable members who have studied the subject will come to the conclusion that none of the proposed new standing orders—perhaps, as I have said, with the exception of two or three—need present any difficulty whatever to the House. Before dealing with the propositions seriatim I may say that, in approaching this difficult and delicate subject, while endeavouring to frame such new proposals as would enable the House to get through its business with reasonable expedition, and at the same time would prevent anything like systematic obstruction, I and my colleagues had in our minds the feeling that we would not under any circumstances be justified in submitting proposals which would not allow the most free discussion that any reasonable man could ask for. I felt that, having been in opposition as well as in the Government myself—having been in minorities as well as in majorities—it was the duty of the Government, in asking Parliament to deal with this question, to submit such proposals as could not for a moment be contended to be likely in any way to close the mouth of any honorable member from, in the most free and deliberate manner, giving expression to his opinions upon every subject that was brought under the consideration of Parliament. I felt the more anxious to secure that object because, as I have said, one will not always be in the majority—sometimes one will be in the minority—and I would like to have the same opportunity that honorable members desire for themselves to discuss every important subject that

comes before Parliament with the most perfect freedom. But while recognising that a minority is perfectly entitled, and that any honorable member of the House is perfectly entitled, to discuss with the most perfect freedom any subject that comes before Parliament, we were bound at the same time to take care not to allow our forms absolutely to be our tyrants—that while the Opposition for the time being, being in the minority, should have every right to discuss all subjects in the fullest manner they could reasonably desire, yet, at the same time, they should not be permitted, as a minority, to overrule the majority. While there is a majority in Parliament, that majority is entitled to govern in Parliament, and while the minority has every right to the utmost freedom to express its opinions, at the same time it has no justification, from a constitutional point of view, for saying to the majority—“We will not permit you to deliberate on this question; we will not permit you to determine it; the minority shall decide that this proposition shall not be carried, and the will of the majority shall not be carried into law.” That is a subversion of the principle on which members are elected to Parliament, because, while we acknowledge the freedom which the minority are entitled to, we say that the minority are entitled to extend the same freedom to the majority—that the freedom which we propose to exercise for ourselves we are bound to allow others to exercise for themselves. So long as it is a part of our Constitution that the business of Parliament must be controlled by the majority of the representatives of the people, that majority must have the opportunity, from time to time, of being able not only to deliberately discuss, but also to determine every question that comes before Parliament. Now, I have freely intimated to the House what were the feelings of members of the Government in preparing these new standing orders. They felt that it would be altogether improper for them to submit standing orders which would prevent the exercise of the utmost freedom of debate by every member of the House, remembering, as they did, that by-and-by they may be in a minority, and that these new standing orders may become applicable to themselves; and they felt that what they would regard as an injustice to themselves they would be bound to recognise as an injustice to others. Now, running over these new rules, I dare say honorable members will see that the first of them, which requires that motions and questions shall be given in writing and

not read to the House, is a standing order of the House of Commons, with one difference, that this rule provides that no question shall be included in the notice paper for Thursday. That was inserted with a view of allowing the House to have one clear day for public business. With reference to proposition No. 2, as to the appointment of Deputy Speaker and Deputy Chairman of Committees, I don't think there is any comment required. That is a standing order of the House of Commons. Proposition No. 3, which deals with motions for adjournment, is also a standing order of the House of Commons, with this difference, that while in the House of Commons a motion for the adjournment of the House can be put, if a certain number of members rise in their places, here we propose to require that a majority of the members present shall rise in their places before the motion for the adjournment of the House can be put. And with reference to these motions for adjournment, I can truly say that, judging from our own experience, I do not remember that I have ever known a motion for adjournment which was made in the early part of the evening result in any good. In fact, I have scarcely ever known any good to result from an unusual motion for the adjournment of the House at any part of a sitting. First of all, these motions for adjournment have been used, as has been acknowledged in the House of Commons over and over again, for the purpose of blocking public business. I venture to think all honorable members of this House will acknowledge that there is no justification for permitting a motion for adjournment to be used for that purpose. I believe that if the older members of this House will only look back over their parliamentary experience—nay, if they only examine the records of last session—they will find ample justification for proposing this alteration in relation to the right of moving the adjournment of the House. The number of sitting days last session was 75, and the number of motions proposed for the adjournment of the House was 22, of which eighteen were negatived, three were withdrawn, and one was carried. The one that was carried occupied all the time up to eleven o'clock at night, and no new business could be called on afterwards. Of these motions for adjournment, four were moved in relation to questions connected with the public service, two with regard to compensating the Geelong vigneron, three with

*Mr. Gillies.*

regard to prospecting for coal, two on the Chinese question, two on railway matters, the rest being on a variety of subjects. Now, it is a curious thing, and worthy of special note, that not one of those motions for adjournment really involved anything that was in the slightest degree urgent. (Cries of "Oh!") I repeat, that not one of those motions for adjournment involved anything that was in the slightest degree urgent; and a quiet inquiry at any of the Government offices which dealt with the various questions referred to would have secured all the information that honorable members wanted, without any difficulty whatever. On one of the motions for adjournment, with reference to questions affecting the public service, there was a debate which occupies some 18½ columns of *Hansard*. The debate on the Geelong vigneron covers 16 columns of *Hansard*; on another motion for adjournment, in reference to the Public Service Act, the debate fills 40 columns; another debate on a motion for adjournment occupies 19 columns; another, 35 columns; another, 34 columns; another, 34 columns; another, 53 columns; another, 11 columns; another, 34 columns; and another, 21½ columns. Of all those motions for adjournment, not one of them came to any good, not one of them accomplished any worthy object which could not have been accomplished if those motions had never been moved. I venture to say that the only time when a motion for the adjournment of the House is justified is when there is some question of urgent public importance that ought to be dealt with by the House straight off, and whenever such an occasion does arise, then there will be no difficulty whatever in an honorable member getting the consent of the Assembly to move the adjournment of the House.

*Mr. McINTYRE.*—But the House is to be the judge of the urgency.

*Mr. GILLIES.*—Certainly. The House must be the judge of the urgency, or otherwise, of the question, because the House has to do the business of the country. Now, I desire to point out, and to impress upon honorable members this fact, that all the time these debates on motions for adjournment occupy is invariably taken away from the time available for the business of the House and the country. Honorable members will remember the experiences of last session, when motions for the adjournment of the House were often submitted in the early part of the evening. And what for? To discuss any important public question

which urgently needed discussion in Parliament? Not at all, but with a view of absolutely blocking business up to eleven o'clock at night, so that no new business could be brought on; and night after night we sat here listening to those sham motions for adjournment, which were made simply for the purpose of blocking public business.

Mr. L. L. SMITH.—Was the motion for adjournment on the Chinese question one of that kind?

Mr. GILLIES.—Certainly. We had dealt with the Chinese question. An Act had been passed.

Mr. DUFFY.—Who moved the adjournment then?

Mr. GILLIES.—Probably some gentleman who is not here now moved the adjournment of the House on that question.

Mr. DUFFY.—There is one of them here now who moved the adjournment of the House. He is on the Treasury bench.

The SPEAKER.—I would suggest to honorable members that, at the commencement of a new session, they should not make the Premier's speech on the proposed standing orders, one of which provides that there shall be no interruptions or interjections, an occasion for such disorderly practices, and I would further suggest that the older members of the House should show a good example to the new members.

Mr. GILLIES.—Mr. Speaker, I cordially endorse the remarks you have just made. We are here, after all, to do practical business, and as business men, practically concerned in legislating for the country, I would ask honorable members—Is it a reasonable thing for this House to tolerate, that, before it begins the business of the day, a motion for the adjournment of the House is submitted, the discussion of which occupies 53 columns of *Hansard*?

Mr. BURROWES.—Why not, if necessary?

Mr. GILLIES.—I quite agree with the honorable gentleman; but that is the question—Is it necessary? If it is necessary, in any case, the House will so determine, and the question which is deemed of importance and urgency will be at once discussed. But what I want to point out to honorable members is that even if they think some important question is really so urgent as to justify its being brought up in this House, they are not to imagine that we propose they shall not have their opportunity; because I venture to think that no large number of the members of this House and no Government would object to any important

question being discussed at once, on a motion for adjournment, if it could be shown that that question was really an urgent question.

Mr. DUFFY.—And who's to be the judge as to whether it is urgent?

Mr. GILLIES.—The House must be the judge in that case, as it is in all other cases. But I want to go further, and point out to honorable members that if any one of them had a very important question to submit which he felt ought to be at once brought under the notice and attention of the House, and the House, if I may be permitted to imagine such a thing, was so unreasonable as to refuse to listen to the discussion of that important question, on a motion by the honorable member for the adjournment of the House, even then the honorable member would not be precluded from stating his case on the question at that same sitting. He would have his opportunity, later in the evening, when the usual motion was made for the adjournment of the House, of doing what the House had unreasonably prevented him from doing in the earlier part of the sitting; and there can be no question, that I can conceive of, so urgent that it could not wait four or five hours.

Mr. L. L. SMITH.—But would an honorable member be reported if he spoke at the close of the sitting?

Mr. GILLIES.—Certainly, he would be reported; but I venture to say that, in such a case, an honorable member does not address his observations to the House simply to be reported, but because the urgent nature of the question renders it highly desirable that the House should be informed thereof and put in possession of important information. I desire to draw the attention of honorable members again and specially to this point that there is no matter which anybody could mention, however seriously urgent and important, but could wait for four or five hours, in order to be brought up at the end of the sitting, even if the House were to prevent it being brought forward and discussed at an earlier stage. It would thus be mentioned the very same day in the House, and there can be no practical grievance in respect of which that arrangement would fail to meet all the reasonable requirements of the case. I am sure honorable members will agree with me that no local body would think of tolerating the continuance of an arrangement that permits of a whole night being taken up in the discussion of a side issue, on which no one can come to a determination, and in regard to

which the House can do nothing that would lead to any good result. All the present arrangement can do is simply to afford an honorable member the opportunity of discussing a particular question. The House will see that under the proposed new rule the very worst that could befall any honorable member who desired to bring an important subject under the notice of the House would be that he would be required to wait for four or five hours, until later in the evening, before he could state his case. Comparing the advantages and the disadvantages of the two systems, I have not the slightest hesitation in saying that the disadvantages of allowing the time of the House to be taken up by these motions for adjournment early in the evening are far more serious than any disadvantages that could possibly accrue from the adoption of this new rule of procedure, and that the advantages of the system I now propose far outweigh the advantages of the practice hitherto followed. I pass on to another important question, which I have no doubt honorable members have very seriously considered, that is the question of the power to suspend the standing orders. Honorable members know that our present practice is to ask that, by leave of the House, the standing orders be suspended, if the business in hand is considered so important and urgent as to warrant the adoption of that course. "By leave of the House" means, of course, that every honorable member must concur before such leave can be given, and if there be one honorable member who says "I object," the question cannot be submitted, and the standing orders will not be suspended. That has hitherto been our parliamentary practice, although it has been doubted whether it was legal; and, in order to place the question beyond doubt, I now propose that we should adopt a rule to provide that, with the consent of the House, the standing orders may be suspended. Then another question arises—Is any further facility to be given than that afforded by the existing standing order, No. 257, which, in urgent matters, enables the standing orders to be suspended. That is generally resorted to, as honorable members know, at the end of a session, when there is a large amount of pressing business, which it is important to have pushed forward, even through all the remaining stages, at one sitting. The practice I now propose we should adopt is a practice that has been followed for a very considerable time past in the South Australian Legislature, and I confess I see no

*Mr. Gillies.*

difficulty in the way of its adoption here; neither do I see any objection to that course. I know there are members of this House who think that it will probably give rise to a dangerous practice, but honorable members will allow me to say that the proposal here is that on any occasion of urgency, not on ordinary occasions at all, if an honorable member rises without notice of motion, and moves, without debate, that certain standing orders be suspended, that motion cannot be carried by a simple majority of the members present at the time, but only by a clear majority of the whole of the members of the Legislative Assembly. I fail to see how any valid objection can be raised against a matter of urgent necessity being disposed of, without debate, when an absolute majority of the members of the House concur in the wisdom and propriety of adopting that course.

Mr. MASON.—Then you would have a call of the House.

Mr. GILLIES.—Oh, no; the motion would be made without notice and must be determined without debate.

Mr. MASON.—Supposing there were not one half of the members of the House present at the time?

Mr. GILLIES.—Then the standing orders cannot be suspended for that purpose. That is the great safeguard. There must be 48 members' votes recorded for that resolution to suspend the standing orders before the standing orders can be suspended. I venture to say honorable members will agree with me that that is a very fair measure of support to obtain before the standing orders can be suspended. I know that some honorable members appear to think that under these circumstances even it would be unwise to concede the power of suspending the standing orders without preliminary notice being given, and that a sufficient number of members would be found—48 members of this House—willing to take such advantage of their power under such a rule as this to suspend the standing orders, to play ducks and drakes with the public affairs of this colony. Well, I don't believe it. I cannot conceive that there are 48 members of this House—a clear majority of honorable members in this House—who desire to take advantage of this rule simply for the purpose of rushing all business through without due consideration. Such a mode of procedure would soon find its own cure, in the utter disgust of everybody outside the House, and in the disgust very likely of honorable members in another place.

Mr. WOODS.—Do you believe that a simple majority of the members of this House is a safe body to intrust that power to?

Mr. GILLIES.—I do believe that a clear majority of the whole of the members of this House is a very safe body and a safe number to be intrusted with a right of this kind. After all, if we are to believe it possible that a clear majority of the whole of the members of this House are prepared to do unreasonable things, what is to prevent them doing those unreasonable things under existing arrangements? It is only a question of delay for a day or so, to give the notice at present required. But I do not think that a majority of the members of this House would be found ready and willing to use their powers unreasonably.

Lt.-Col. SMITH.—Where is the precedent for this new rule taken from?

Mr. GILLIES.—From the Legislature of South Australia.

Lt.-Col. SMITH.—But is it not a serious and extraordinary power to place in the hands of a bare majority?

Mr. GILLIES.—I don't think so. I think I will be in a position to point out to honorable members that far more serious and much more extraordinary things than that are done every day in a deliberative Legislative Assembly, when the majority believes it is acting in the public interests; and this power to suspend the standing orders does not appear to me to be an extraordinary power to give to a majority of the House in regard to a matter of urgency. I venture to say that any Speaker, either you, sir, or any honorable member who may occupy your high and distinguished and honorable position, would decline to say, if it was not true, that a question was a question of urgency. I don't think any honorable member would say that this House would be likely to have a Speaker presiding over its deliberations who would be prepared to declare what was not true, namely, that that was urgent which was not urgent, nor can I believe it to be possible that 48 members of this Assembly will ever be found ready to declare the same untrue thing.

Mr. BURROWES.—But it will be a matter of opinion as to the urgency or otherwise of the business.

Mr. GILLIES.—Of course, it will be a matter of opinion. It always is a matter of opinion whether certain business is or is not urgent, but I venture to think that it ought to be clear to every one, to every disinterested person, that a matter would

not be declared to be a matter of urgency by 48 members of this House unless there was some good reason for so declaring it. I am as anxious as any honorable member can possibly be not to grant unreasonable powers to any majority. I believe that we are entitled to have every reasonable safeguard to provide that there will be due time for deliberation and opportunity for determination on any question that is brought before this House, but I venture to say that under this rule we need not have the slightest fear that any motion for the suspension of the standing orders is likely to be adopted, unless the House is justified in thinking that the matter to be dealt with is really a matter of urgency; nor do we need to have the slightest fear of a Speaker being carried away by personal feelings or party considerations, and pronouncing a question to be a question of urgency when such is not the case.

Mr. ZOX.—But what has the Speaker to do with it? The word "Speaker" does not appear in the proposed new rule.

Mr. GILLIES.—True, but I venture to say that if a motion for the suspension of the standing orders was proposed, on the ground of the importance and urgency of the question it was desired to bring forward, you, Mr. Speaker, if you believed it was not urgent would have no hesitation in expressing that opinion to the House.

Mr. ZOX.—But would that necessarily be effectual in preventing the motion being passed, if the question was not really urgent?

Mr. GILLIES.—I don't think that a motion would be attempted to be pressed upon the House as urgent, if in his deliberate judgment, the Speaker—he being an impartial person—said he did not think the mover was justified in calling the matter urgent. I do not think any honorable member would care to set his personal opinion against the deliberate judgment of the Speaker.

Mr. TUTHILL.—The rule might be amended, so as to provide that the motion shall only be submitted by leave of the Speaker.

Mr. GILLIES.—I should have no objection to amend it in that way.

Mr. ZOX.—But why the Speaker?

Mr. GILLIES.—The honorable member for East Melbourne (Mr. Zox) will see that although the Speaker is not any longer made a party to this standing order, if a motion were submitted on the ground of urgency, and in the opinion of the Speaker it was not a motion of urgency and was not necessary to be put to the House in that

way, the Speaker would, I have no doubt, be anxious to take care that the standing orders of the House were so far protected, that a motion which was not a matter of urgency would not be submitted to the House by him as a matter of urgency without his taking an opportunity of expressing his opinion. But, as I have already said, when we remember that we have in our present standing orders an order which enables a motion for the suspension of the standing orders to be submitted as a matter of urgency, in order that a Bill may be passed through all its stages in one evening, as is often done at the end of a session, we have some sound justification for putting this new rule among our standing orders, and the House, I think, on that ground alone would be perfectly justified in passing it. I don't think I need make any observation with regard to proposition No. 5, which applies to the withdrawal of strangers, nor to proposition No. 6, which abolishes the stages of committee and report on the address in reply to the speech of His Excellency the Governor. And in reference to proposition No. 7, substantially the present practice in the House of Commons. After the House has once gone into Committee of Supply or Committee of Ways and Means, and progress has been reported, the Speaker will not require, when the House is again going into committee, to put the motion "That I do now leave the chair," but he will leave the chair on the order of the day being read, without putting that formal motion. What is proposed to be done here is what is done in the House of Commons on every occasion in reference to a Bill. When a Bill has been read a second time and gone into committee, and is an order of the day on the notice paper, the Speaker leaves the chair when the order of the day is read for the further consideration of the Bill in committee without any question being put; and it is for the purpose of relieving the House from the necessity of having these formal motions put from time to time that we propose to adopt substantially the practice of the House of Commons. I don't think I need say anything with reference to proposition No. 8, because that merely repeals the present standing orders Nos. 222 and 223, in reference to religion and trade; and in taking that course we are following the practice of the House of Commons. Proposition No. 9 provides that on Mr. Speaker putting the questions "That this Bill be committed"—"That this Bill be now committed"—"That

*Mr. Gillies.*

I do now leave the chair," such questions shall be decided without amendment or debate. These are all formal motions, and yet, as honorable members know, it is possible to raise a discussion on any of them, and thus waste valuable time. Proposition No. 10 wholly corresponds with a standing order of the House of Commons. I need not say anything in reference to proposition No. 11, which provides that standing order No. 255 be repealed; but with reference to proposition No. 12 "That no amendment or debate shall be allowed on the question of transmitting or returning a Bill to the Legislative Council," it is perhaps as well I should explain that when a Bill has been read a third time and the formal motions are submitted by the Speaker, before sending the Bill to the Legislative Council, the questions "That the Bill do pass," and "That the title of the Bill be" so and so, it is competent for any honorable member to discuss each of these questions at any length. Such discussions, the House will agree, are quite unnecessary. By the time we have got a Bill to that stage we have dealt with the whole question in every possible way, and these formal motions are, after all, merely opportunities for wasting time. Proposition No. 13 provides that clerical, typographical, and other obvious errors may be corrected in any part of a Bill by the Clerk of the House before it is transmitted to the Legislative Council. That is one of the new standing orders which the Standing Orders Committee of the New South Wales Legislative Assembly has brought up. I dare say honorable members will often have noticed that a number of clerical corrections have had to be made in bills, and that these corrections have sometimes taken up a considerable amount of time. It was suggested by the Standing Orders Committee of the New South Wales Legislative Assembly that power should be given to the Clerk or the Chairman of Committees to make such corrections, and we propose that this House should sanction that practice here. Now I come to proposition No. 14, which provides that "when a motion is made for the adjournment of a debate or of the House during any debate, or that the Chairman of Committees do report progress or do leave the chair, the question shall be put forthwith without debate, and no member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate." This is a copy of the standing order of the House of Commons, with this difference

—that members of the House of Commons are allowed to debate the question, but they are strictly confined to the particular motion before the chair, whether it be that the chairman of the committee report progress or leave the chair, or the question of the adjournment of the House. Now, I think that our experience for many years past justifies me in saying this, that of all the means ever invented by man for wasting time there has never been anything to equal these motions in committee, by which two or three members, in fact one member, so long as his physical endurance lasts, is enabled to prevent any business being done. If he does not like a Bill, or if he goes to a Minister and wants an amendment which the Minister does not see his way clear to concede, he says to the Minister "You will never pass this Bill until you do what I desire you." What does he do? To enable him to procure a friend or two to assist him, he proceeds first to move that the Chairman report progress. The bells are rung. That occupies three minutes. Then a division is taken, and that wastes six or eight minutes. Probably there are only two or three on the one side of the House, and the whole of the rest of the members are on the other side. But that does not satisfy the obstructive member. He then moves that the Chairman leave the chair, and the same time-wasting operation is gone through again, with exactly the same result—all the members, except two or three, being against the motion. This process can be gone on with interminably. There is no end to it, until the obstructive member chooses to desist.

Mr. DUFFY.—I only remember that being done twice.

Mr. WOODS.—It has been done very often.

Mr. GILLIES.—I am afraid the honorable member for Kilmore was at home when it was done.

Mr. WOODS.—It was done very often in 1879 and in 1878.

Mr. GILLIES.—I am not saying when it was done or by whom, but I venture to say to this House that a proceeding of that kind is an insult to sensible men; and it is a disgrace to Parliament that such a thing should be tolerated. It is an insult to every other member of this House to say that two or three members may be in a position for a whole session to absolutely defy the great majority of the House.

Mr. WOODS.—We are all of the same opinion. There is no necessity to say anything further about that.

Mr. GILLIES.—If I were assured that the honorable member for Stawell had been authorized by his friends to say that they are all of the same opinion as the Government on this question, I might be able much more easily to get over some of these proposals. However, if I am not able to receive an assurance that we are all agreed as to these proposed new standing orders, I am fully justified in stating that honorable members generally have arrived at this conclusion, that the state of things I have just described ought not to be allowed to continue. Then, again, there will be no difficulty, I believe, about proposition No. 15— "That when any amendment is before the chair, the debate shall be strictly confined to such amendment." That, indeed, is the present law of Parliament, only we have, unfortunately, permitted ourselves to drift from time to time, in past Parliaments, into a very undesirable practice. We go into committee on a Bill, after the measure has been read a second time, and instead of taking clause by clause, and confining our remarks to the subject of the particular clause under consideration, we begin to make second reading speeches over again, and we have the whole Bill discussed from the first clause to the last. All that this new rule does is to again fix the attention of the House on the fact that it is the law of the House, and that we declare it anew in our standing orders, that when a subject is under discussion, that subject only shall be discussed and no other. Now we come to proposition No. 16, which declares that "no member shall digress from the subject matter of any question under discussion, and all imputations of improper motives and all personal reflections on members shall be deemed disorderly." I found that proposition in one of the standing orders recommended by the committee of the Legislative Assembly of New South Wales. I believe that there is nothing which tends more seriously to retard and prevent the despatch of public business than the digressions and personalities which are occasionally indulged in by honorable members. Often, in the heat of debate, strong language is used—I am not going to say that I myself have not been guilty of this offence from time to time. I dare say, other honorable members, and especially old members, have had experiences of that kind; but I have no doubt that they have all come to the conclusion afterwards that such practices are extremely undesirable. With this direct notice before honorable



members, they will have the matter recalled to their minds, and I have not the slightest doubt whatever that Mr. Speaker will take care to enforce the rule. I believe that observance of this standing order will tend to materially shorten our debates, because that is a result which usually follows when there is fair rational discussion in which only the arguments of honorable members are dealt with, and no personalities are indulged in. A better feeling then prevails, and we are able to discuss all business far more satisfactorily to ourselves and to the country.

Mr. WOODS.—Especially when a Bill has been rushed into committee without a second reading speech.

Mr. GILLIES.—I now come to proposition No. 17. That also is one of the proposals recommended to the Legislative Assembly of New South Wales, and it seems to me to be an extremely wise provision. It states that "every member presenting a petition, not being a petition for a private Bill or relating to a private Bill before the House, shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer thereof, and the only question which shall be entertained by the House on the presentation of any petition shall be that the petition do lie on the table, which question shall be decided without amendment or debate." To a large extent that is practically our own practice, with this difference, that members of this House can now discuss the whole subject of a petition upon its presentation, and I have known hours wasted in debating whether a petition should lie on the table. If there is anything improper in a petition, the Speaker will discover it, and next day he will simply say such and such a petition is out of order. What the proposed new standing order will do is this—It will prevent discussion taking place on a subject about which honorable members generally have had no notice, and at the same time it will facilitate what is generally a mere formal thing—the presentation of petitions.

Mr. TUTHILL.—Does this prevent a petition being read?

Mr. GILLIES.—It does prevent its being read on the occasion of its presentation, but there is nothing to prevent the petition being afterwards read on a resolution of the House, notice of motion being previously given. Now, I come to proposition No. 18, which, in the minds of a large number of honorable members, is no doubt

regarded as one of the most important on the list. This proposition is known to all honorable members as the closure. The only difference between this standing order and the one adopted by the House of Commons is, that while in the House of Commons it requires 100 members' votes to bring about an enforcement of the closure—and originally it required the votes of 200 members—here, we have put down the number at 25, being, of course, a very much larger proportion, because we have only 95 members.

Mr. L. L. SMITH.—Do you include Ministers in your 25 members?

Mr. GILLIES.—Certainly, they are members of the House as well as Ministers. I think I may say that the majority we propose is the largest majority that is required in any Legislature to put in force the closure.

Mr. SHIELDS.—No; a majority of two-thirds of the whole House is required in the Legislature of Switzerland.

Mr. GILLIES.—Well, I am doubtful about that; but, at any rate, in the greater number of cases it requires a simple majority of the members present. They did not accept a simple majority in the House of Commons, because, as honorable members know, the House of Commons may have only a very small number of members present late in the evening, perhaps not above 100 altogether. Honorable members will have often observed that by the numbers recorded in the divisions, so that sometimes it would be rather a difficult thing to get a very large number to vote for the closure, although its application was really needed. In fact they found in the House of Commons, when it required that the majority in favour of enforcing the closure must number at least 200 members, the system was almost impracticable, because they could hardly ever get 200 members in the House of Commons, late in the evening, to vote on one side for the closure. And in this House it will be a difficult thing, late in the evening, after a debate has been very much prolonged, to get 25 members who are willing to vote for the enforcement of the closure. Now, I know there is a strong feeling in the minds of many persons that this closure is not a wise course of procedure, but it is a strange thing that there is scarcely any important country in the world whose Legislature has not adopted some means by which a majority of the House can say that there has been enough debate on the question under consideration. As I have already said, this practice obtains in the House of Commons. Although they had infinite difficulties put in

the way of carrying on the business of the country, the Imperial Government declined, for years and years, to make a movement in the direction of repressing undue debate until the difficulties became overwhelming, so overwhelming that it was found impossible for the House to proceed with its business, or almost to do any business at all, if a considerable number of honorable members were opposed to that course. When Mr. Gladstone introduced the closure, he declared that he did it with great regret, and that he would have preferred, if it had been possible, to have seen the ancient ways of the House continued; but as the House of Commons had been called upon, from year to year, to do a large and increasing amount of business, it was found practically impossible to leave it to the determination often of a minority of honorable members whether they would adopt a Bill or allow it to go no further. The result was that the Imperial Government had been forced to the conclusion that if the House of Commons wished to exist as a deliberative body, with the respect of the public, it was indispensably necessary that some scheme like the closure should be brought into operation so as to enable the majority in the House at any time to declare that the time for the debate of a question had expired, and that they were bound to make progress with the measure under consideration, which, until then, had been persistently blocked. It is a curious fact that when Mr. Gladstone was introducing the closure into the House of Commons, he was in a position to quote the opinions of two or three very able and distinguished parliamentarians, including one who was recognised as a great authority on a subject of this kind in the House of Commons, who had intimated 30 years before that he foresaw, from the increase of business and the increasing difficulty of doing business, that some scheme like the closure would be forced upon the House, if it was ever to be able to have such a complete command and control of its proceedings as to make public business possible. The House of Commons, with great reluctance, I confess—I think we will all have a similar feeling—accepted the closure, and is now in the position of being able to do its own business. But its adoption of the rule has never at any time had the effect of preventing an honorable member from honestly discussing any matter before the House, because, as has been pointed out over and over again, there is always the protection of the Speaker. In fact, the

Speaker of the House of Commons has many a time exercised the right of saying that he did not think the closure ought to be applied just then—that the discussion appeared to be going on in a reasonable and satisfactory way, and without any such attempt to needlessly prolong the debate as would justify the application of the closure. The result has been that many members of the House of Commons have, in various discussions, expressed the opinion that putting this power into the Speaker's hands was the salvation of the rule. A majority of members may be in favour of applying the closure, but the Speaker has always an opportunity of intervening, if he thinks that the immediate application of the closure would be unfair to any member anxious to honestly discuss the question before the Chamber, or to the minority who want still more time for the discussion; and that opportunity has been more than once availed of. So far the Government have followed the plan accepted by the House of Commons, only we have made the closure a little more difficult of application. It is a remarkable thing that, as I have said already, there is scarcely an important Legislature in the world which has not adopted the closure in some form or other. Each has found it to be absolutely requisite, for the transaction of its business, that it should be able at any time to say that a particular debate ought to cease. For example, the rule exists not only in the House of Commons but also in the French Chamber of Deputies. It may be interesting to honorable members, in this connexion, to hear the opinion on the subject of a very distinguished French statesman, who spoke from a great deal of experience. I refer to M. Guizot, who, in 1848, gave testimony as to the efficacy of the closure before a committee of the House of Commons. Being asked his opinion as to the value of the power, he said:—

“I think that in our Chamber it was an indispensable power, and I think it has not been used unjustly or improperly generally. Calling to mind what has passed of late years, I do not recollect any serious and honest complaint of the closure. No member can imagine that the debates would have been properly conducted without the power of pronouncing the closure.”

In another part of his evidence he stated—

“Before the introduction of the closure in 1814 the debates were protracted indefinitely, and not only were they protracted, but at the end, when the majority wished to put an end to the debate, and the minority would not, the debate became very violent for frustrating the debate; and out of the House, among the public, it was a source of ridicule.”

Do we not know from experience what often happens when a debate has been unduly prolonged—when its value as a debate has gone, and the public outside have become disgusted? Do we not know that then honorable members get thoroughly irritated—that they sit up all night, and, instead of the discussion being conducted in the way we all like to see, in a deliberate and orderly fashion, we have unfortunate scenes, and bitter feeling? All that is owing to attempts to unduly protract debates, possibly with the intention of blocking business. The German Parliament have a provision that a debate may be closed. In Austria-Hungary there is a similar provision. In Denmark also there is a similar provision.

Mr. SHIELS.—Not precisely.

Mr. GILLIES.—In Denmark the motion is put without debate, and it is the same in the Netherlands. In Italy a like rule exists, one member on each side being allowed to speak.

Mr. SHIELS.—In Portugal two members on each side can speak.

Mr. GILLIES.—I fancy not.

Mr. SHIELS.—There are cases where two on each side can speak.

Mr. GILLIES.—In Belgium, members are sometimes permitted to speak for and against, but in the great majority of instances the motion is submitted without debate. If that was not to be done in our case the rule would be of very little value to us, seeing that we have already, in our standing orders, provision for moving what we call the previous question. But the previous question can be discussed almost interminably. I want honorable members to see that all these countries must have had such an experience as justified them in adopting the closure—nay, compelled them to adopt it. Because members of a Legislature do not naturally want to shut out other members unnecessarily. It is perfectly evident that, in a great Chamber, where large interests and important points are discussed, if time is to have any value, the House is bound to have some means of expressing its opinion as to whether or no a particular debate should be brought to a close. After all, looking at the matter practically, and assuming the closure to be applied during the discussion of a Bill, there are almost sure to be dozens of other opportunities of speaking. For instance, with regard to a Bill with hundreds of clauses, the closure may apply to only one amendment. The closure will not close up all debate at once—

it will not necessarily settle the question of a measure for good and all. A Bill has to be considered in a number of ways before it can become law. The rule also exists in the House of Representatives of the United States, but in a peculiar form—a form much more serious than any we propose. For instance, not only can the closure be applied to a particular debate in the ordinary way, but when a Bill is in committee, the committee may be instructed to bring up their report on the Bill by a certain date.

Mr. MUNRO.—How then do they get their jobs through?

Mr. GILLIES.—I don't know. Perhaps the honorable member has some special information as to jobs being transacted in the United States Legislature. All I can say is that, in America, they have got on remarkably well—that that country is one of the greatest in the world. Perhaps, considering its size and opportunities, it has not had greater jobs perpetrated upon it than have been perpetrated elsewhere. I do not think it is fair for us to talk about jobs being committed in the United States Legislature. I do not see where the special reference comes in. I dare say the United States people are like people elsewhere—that there is the usual average of good and bad. I don't like this House setting the example of throwing stones. No doubt the Americans are, as a whole, as good as ourselves. At all events, it does not become us to say otherwise. Nor is it necessary, for the purposes of argument, on the present occasion, to touch on the subject at all. What I point out is that experience has compelled the United States Legislature to follow a certain course of conduct, and to lay down certain rules in order to enable itself to transact business—that those who have examined, studied, and thought over the rules adopted there, have come to the conclusion that the transaction of business would be perfectly impossible if they did not exist. On that there is a clear consensus of opinion. We have had the example of similar rules, in a modified form, in South Australia, for many years, and now we find the Legislative Assembly of New South Wales proposing to follow in the same way. So we are forced to believe that the experience of every important deliberative body in the world is that it is absolutely necessary, in order to enable a Legislature to do its business, to adopt the closure in some form or other. Let me mention what was done in the House of Commons the year before last. It was what several years previously.

Mr. Gladstone intended to do if he found himself unable to get on with business. A motion was submitted and carried, giving instructions to the committee which had a certain Bill under their consideration, to report that Bill to the House on or before a certain day. Of course the hands of the committee were at once tied. Even if they had not finished their work—had not dealt finally with all the clauses—they had to send back the Bill to the House. In addition, the Chairman was directed to decline to receive any motion for reporting progress, or for him to leave the chair. He was, in fact, to go on regularly with the clauses of the Bill, and to report it within a given period. Also a still further resolution was adopted, namely, that the Bill, when brought up from the committee, should be thereafter regularly proceeded with—that no amendments, save those on the notice paper, should be proposed—and that the measure should be gone on with until it was passed. That shows that if you do not adopt rules which will enable you to dispose of your business in a reasonable and satisfactory way, you will find yourself forced to adopt some roundabout method of disposing of it, and that too after an unsatisfactory fashion. For myself, I confess that, although one may be found necessary at some time or other, I am no lover of any rule which would bind a committee in charge of a Bill to report it to the House, with or without all the proper amendments, within a certain time. I do not like a mode of conducting the public business which, because a few members have created an unusual amount of delay in connexion with a Bill, would require us to force it through the House before it had been sufficiently considered. I would prefer, in the majority of cases, to risk the loss of the Bill altogether rather than fly to a plan which must work unsatisfactorily. I come next to the 19th proposition, which relates to the order of debate—to the suspension of a member for a sitting—and which is taken from the 21st and 22nd standing orders of the House of Commons. Practically these two standing orders are joined together, with this difference, that the 21st gives a greater power to the Speaker than we propose to give. In our opinion to adopt the House of Commons plan exactly would be an extreme proposal. To what length does it go? It authorizes the Speaker to suspend a member, not only for a sitting, but for a week or three weeks if necessary. I am convinced that a sufficient provision will be made when

we have given authority to the chair, on an expression of opinion from the House, to suspend a member for a sitting. I would look upon such a suspension as a great punishment—as a great reflection upon the individual subjected to it. I also believe that, in the face of the mere existence of the proposed rule, honorable members generally will, when free from great excitement, be not only anxious to observe order themselves, but to see that it is observed by others. Therefore it may be, as I hope, that the rule will never need to be enforced. I understand that, except in a very few instances, the somewhat similar rule of the House of Commons has never had to be put in operation. My 20th proposition is intended to apply to extreme cases, when the disorder requires the immediate intervention of the Speaker. This is also taken from the standing orders of the House of Commons, and I think it will be wise for us to adopt it, because the simple fact of the Speaker being possessed of such a power will be a reason why it may never require to be exercised. The 21st and last proposition relates to the conduct of a member persisting in irrelevance or tedious repetition. When the same rule was discussed in the House of Commons it met with a certain amount of opposition, on the ground that it would have a very wide field of application. But it was pointed out that that was not at all the way it would work—that it would only apply to any member who, wanting to waste time, persisted in repeating over and over again the arguments of previous speakers along with his own or in wandering away from his subject. In this Chamber its operation will simply be that when a member is guilty of such conduct he will be warned and asked to desist, and that if he subsequently persists in tedious repetitions or in wandering away from his subject the Speaker will be able to direct him to discontinue speaking.

Mr. WOODS.—“Irrelevance” is a wide term and needs interpretation.

Mr. GILLIES.—No doubt the term is a wide one, but we have already several rules which obtain a wide interpretation. Look, for example, at the very great latitude so frequently allowed to honorable members addressing the Chamber. I have no doubt that the same principle will work in this case. I fancy there will be no difficulty in detecting when an honorable member is purposely wasting time by repeating arguments used by previous speakers, and so on.

Mr. WOODS.—Why not employ the term "wasting time"?

Mr. GILLIES.—Because there is a distinct advantage in following the exact wording of the similar standing order of the House of Commons, inasmuch as we can then use the decisions on the subject of the Speaker of the House of Commons to guide us in case of dispute. I do not know that at present I am called upon to say anything more. I submit these rules to honorable members for their consideration because I believe that one of the first duties of this Parliament is to establish a really good and workable House. Further, I believe that we were never in a better position to determine the question than we are now. We are fresh from the country, we have as it were the voice of the country in our ears, and as yet there has been no disagreement of any kind among us. In fact I beg to compliment the leader of the Opposition upon having taken up a position at the commencement of the session, which allows us to at once plunge into business. I think the mere fact that we have been enabled to start so easily and freely is itself a justification to us for proceeding to the consideration of the proposed rules before even attempting to deal with any other subjects—subjects which may lead to long and possibly hostile debates.

Mr. WRIXON seconded the motion.

Mr. SHIELS.—Sir, I think it will be admitted that we have had from the Premier a remarkably temperate speech, and I will attempt to follow his example. One very significant remark made by the honorable gentleman appears to me to embody not only sound philosophy, but very good warning and advice. He said he did not expect to be always in a majority. Now, nothing is more sure than that every majority will at some time find itself transformed into a minority. Hence, when we are considering new rules of procedure, it behoves us to keep the Premier's warning in mind, and to approach the subject in an equitable and non-party spirit. Those who support the Ministerial party in their action should do so with the feeling that a time will come when they will be in a minority; while we in opposition should be rendered temperate and moderate by the belief that these rules, although perhaps hard for us now, will doubtless ease our position, and help us when, in process of time, our relations with the Treasury bench are changed. Another consideration, suggested in the Premier's speech, is that we clearly owe it as a duty to Parliament to make our rules of procedure

sufficient for the great end we must all have in view. We must keep our blade—our rules of procedure—bright and clean, and fit for the nation's work. The Premier said that many of our parliamentary forms are obsolete, belonging to a bygone period. The marvel to me is that forms of the British Constitution, which go back hundreds of years, are to such an extent adequate for their purpose at the present day, and have achieved so much for the cause of liberty, and the advancement of the great British people. But while I approach the rules of the House of Commons with respect—the respect which every loyal and intelligent man should entertain, considering the career of the old country—I do not do so in any spirit of superstition or idolatrous reverence. I was glad, therefore, it was admitted by the Premier that among our parliamentary forms we have some which should be treated as belonging only to the past. Indeed, when we consider that many of them date from the Parliaments of the Tudors, or of the earlier dynasties, it is little wonder to find it necessary to subject them to complete and fundamental alteration. How can we expect the forms that did for the small business of those immature and rudimentary Parliaments to do in the England of the present, with her nearly forty millions of population? We must recognise that it is our duty to submit our parliamentary rules and forms to the test of the business habits and business thoughts of the nineteenth century. At present we have forms which are lifeless and idle—the merest pomps and vanities—and also usages which are completely out at elbows. Yet both are kept up with a somewhat ridiculous regard. Now I am sufficient of a radical and iconoclast to look upon them as the barren fig-trees of our Constitution, and to ask why cumber they the ground? One of the proposed alterations does not go far enough to please me, namely, that relating to the procedure of voting an address in reply to the Governor's speech. The Government contemplate some change in this respect, but it appears to me that we ought to make the change complete, and that it would be a great advantage to the country if we did away with the address wholly. Why it is a simple fiction. Take the opening of Parliament, what is it? It is a mere specimen of pageantry which no sensible man—no man with business knowledge and feeling—could justify. Why, with a waste of gunpowder that ought to be kept for use against our enemies, is the Governor brought down to the House to expend valuable time

in reading a speech not one word of which he is responsible for, not one word of which he writes, and not one paragraph of which he probably cares a straw for? There was a time when the King or Queen's speech was a speech indeed. In the days of the Tudors it was a living reality, but now, in the time of the Guelfs, it is only a solemn farce. In the speech before us for instance, is there anything from which the mind can derive any profit or pleasure? Is it not as dry as an auctioneer's inventory? Besides, do we not know that at least one half of the Bills of which such glowing promise is made have never seen the light of day, and that probably before the session is very far gone many of those actually introduced will be found to be mere abortions. Once when at school I was set the task of correcting the bad grammar and loose construction of a Queen's speech. It has often struck me that such speeches were compiled very much in the way the witches in *Macbeth* concocted their hell-broth. Two or three days before the opening of Parliament the members of the Government meet, and then each of them, standing round the Ministerial pot, drops in his paragraph, the Premier, as chief witch, stirring it all up, and adding a garnishing in the shape of a prayer for "the blessing of Divine Providence," for which probably he never asks in any of his own private concerns. It once fell to my lot to move, as the honorable member for Clunes did the other evening, for the adoption of an address in reply; and of all the stupid and nonsensical pieces of business I ever had to discharge that was the most stupid and nonsensical. What does the motion for an address in reply mean? We are asked to re-echo everything in the speech, agreeing with His Excellency in this—His Excellency not caring an atom about it—and disapproving with him of something else. Then, when the motion is carried, the committee appointed go out of the chamber to prepare the address, all the old members knowing well that the whole thing has been cut and dried beforehand, and a minute or two afterwards they come back to present something as their own of which they have not written a line. And the entire House is then asked to go next day to Government House in carriages of state to present the document. Is not that sort of thing playing at legislation? Could we not very well dispense with the lot? The only thing I see in the business is that it permits a display of the uniforms and man millinery which delight the feminine

heart. Why cannot we commence Parliament in a manner that would commend itself to business men? Then look at the debate on the address—every topic in earth, air, sea, or sky can be discussed in turn. This can be debated because it is in the speech, and that can be criticised because it is out of the speech, and for my part I really see no reason why an honorable member who has once begun should ever leave off.

The SPEAKER.—The honorable member's remarks have nothing to do with an alteration of the standing orders of the House.

Mr. SHIELDS.—The Government propose to do away with certain obsolete formalities, and I am offering reasons why they should go even further.

The SPEAKER.—Unless what the honorable member is contending for is connected with the standing orders of the House and he proposes to move an amendment carrying out his view, he is not now at liberty to discuss that aspect of the question.

Mr. SHIELDS.—I think that what I contend for comes within the scope of the standing orders. Let me refer to another reform which I hoped the Premier would propose, namely, taking up measures again at the stage they had reached in the previous session. I undertake to say, on the highest English parliamentary authority, that no reform which the Government have submitted in these 21 rules, would accomplish so much as this, and if no other honorable member comes forward for the purpose I will myself submit it to the consideration of the House. I ask honorable members to recollect what we sometimes experience here. We may get a Bill through this House, and up to almost its last stage elsewhere, and the greatest consideration may have been given to it, but, by a useless rule, of which no one knows the origin, if the session closes before the measure has finally passed both Chambers, the whole of the work has to be done over again in a subsequent session. Now in foreign Parliaments, as the Premier knows, they have a different rule. They have a rule under which a Bill may be taken up at the stage at which it had arrived the previous session of the same Parliament.

Mr. GILLIES.—I intentionally did not discuss that subject, because I propose to ask the House to refer it to the Standing Orders Committee. It is a matter outside the scope of the present propositions.

Mr. SHIELDS.—I think that the Premier's remark either proves too much, or that it proves too little, if it is made as an

answer to my advocacy of a reform which I consider more vital to the end we have in view—the despatch of public business, and especially public Bill business—than any of the proposals which the honorable gentleman has submitted. I ask him to include in those proposals a proposal to allow measures which have not received the final sanction of the Legislature to be taken up in any subsequent session of the same Parliament at the stage at which they were when Parliament went into recess. If that proposal, which is to make the rule here what is now the usage in many foreign states where parliamentary institutions prevail, is not worthy of being included among the Premier's proposals, and must be sent to the Standing Orders Committee for report, then I say that many of those proposals, some of which have no support at all from practice elsewhere, or have only a very slight support—the support of the rules of the Parliament of South Australia, and the proposals, for they never went further, of the Parliament of New South Wales—ought to be sent to the Standing Orders Committee also. Here I desire to quote in support of the proposal which I advocate, the very powerful words of the present Prime Minister of England. According to *Hansard*, this is the way in which the Marquis of Salisbury urges that proposal upon the acceptance of the Imperial Parliament:—

“Owing to a rule of the Constitution—the origin of which nobody can discover, and of which it is impossible to say more than that we find it here—if when August comes your labours have not advanced beyond a certain point, those labours must be abandoned as far as legislation is concerned. All that you have done goes for nothing. If a Bill has been considered in great detail by a select committee, the committee must sit and go through the details again; if it had to face a powerful opposition, all that opposition must be faced again. All the work, all the debates, all the enormous labour which attend the passing of any change, however small, in the laws which govern us must be gone through again, in order to reach the goal which you had nearly reached when the prorogation arrived. Now is there, in the nature of things, any reason for this practice? Does it commend itself to any man's common sense? Do we act in this manner in any other department of life? Supposing you made it a rule to give up writing letters at a certain hour, would you throw all unfinished ones into the fire, or begin next morning at the point where you left off? Is there any body of men, in any kind of business, that adopt what I must call this senseless practice, that whatever you have not finished by a certain time you must begin again next year? I have never heard any reason for such a rule. There is nothing but the bare inert weight of unmeaning custom to justify a principle which wastes so much of the labour and utility of Parliament.”

*Mr. Shiels.*

These are weighty words. They contain expressions which, in effect, the Premier used, showing that we have in force an unmeaning and senseless custom, and that the sooner this Parliament sets to work to get rid of it, and to bring our procedure into conformity with the genius and knowledge of this nineteenth century, the better for the work which the country has commissioned us to come here and perform. I will quote only one other authority though I might quote a thousand in favour of this reform which I press upon the Government. The authority is a gentleman who, although not actively engaged in politics, has almost unrivalled means of arriving at a sound conclusion as to the changes which ought to be made in the practice of Parliament. Mr. Henry W. Lucy says, in the course of an able paper published in the *Nineteenth Century*:—

“The business of the country in the House of Commons will be effectually done only when the Legislature overcomes the influence of the fetish which prevents it taking up in the current session work advanced to a particular stage in the preceding session, and there left for lack of time. It would be incredible, if it were not a matter of every year fact, that an assembly of business men, having devoted months of labour to a particular work, and having almost perfected it, should at a certain period of the autumn deliberately destroy their achievement, and begin it all over again at a fixed period of the new year. If a man building a house designed to be three storeys high should have got only as far as the second storey when interrupted by a spell of frosty weather, and should thereupon raze the building to the ground, beginning again when more genial weather returned, he would very justly be regarded as a lunatic. Yet such a procedure forms the closest analogy to the course adopted by the British Parliament year after year.”

Now I submit that the reform which I advocate is one which commends itself to every member of this House. It must especially commend itself to private members who with the scanty fraction of time allotted to them find, year by year, their best efforts and their earnest convictions only committed to paper which never gets further, in this House, than perhaps a mere formal stage. I am glad that such a reform should have the advocacy of newspapers like the *Age* and the *Argus*. It is a reform which, if brought into existence in this session of Parliament, would do more to expedite business than any of the 21 rules which the Premier has proposed to the House. If it were adopted, there would no longer be the scandal on parliamentary institutions of the House arriving at a block in one part of the session, and indulging in a headlong bolt in another; and

private members would have the satisfaction of knowing that, if they gave their time to perfect legislation, success would ultimately crown their efforts. It should be recollected that we are asked by our constituents to bring forward projects of law; and, if such a practice as that which I advocate were in force, we would have the strongest encouragement to devote our talents and time to the work which the country expects from us. Here let me instance two or three other reforms, which I think the Government might well either incorporate with their proposals, or encourage a private member to bring forward. Look at the stages which have to be gone through in connexion with the introduction of a Bill. Will any one tell me that the giving notice of intention to ask for leave to introduce one day, the asking for leave on another day, and the reading a Bill a first time have any living good at all? Is not every one of these stages a mere formality which burthens the notice-paper, which consumes the time of the House, and which causes worry and annoyance that result in no good at all? Why not dispense with all these stages? The first reading of a Bill is now a mere idle form. A Bill, when it is "read" a first time, is rarely in existence. What is the good of our perpetrating, year by year, in this nineteenth century, a ridiculous farce of that nature? Why cannot measures be submitted to the House when they are in existence, and when the House is going to consider them. I notice with pleasure that the Government are taking steps to get rid of some useless forms. I refer to what they purpose doing about the asking of questions. There is no doubt that the putting of questions to Ministers occupies a large portion of the time of every Parliament. I venture to say, though I say it with great deference, that for not one question in ten of those which are put on the notice-paper one night, and which are asked the following night, is there a necessity for any such course at all. I wish to speak with the greatest diffidence about my own practice, but I may say that I represent a country constituency which is just as keenly anxious as any other country constituency to have questions answered, and have information given to it about things which concern it or concern the general public; and I don't think I have asked five questions during the nine or ten years I have been a member of this House. I don't think the Premier himself has asked ten questions during his lengthened and distinguished parliamentary career. I believe

that, of the questions which are asked in this House, for nine out of ten there is no actual necessity. The information desired can be obtained more conveniently, and with no consumption or waste of public time.

Mr. ZOX.—How?

Mr. SHIELDS.—A letter to the Minister or the permanent head of the department concerned would, in nine cases out of ten, elicit the information which is asked for in a public form on the floor of this House. I notice with pleasure that the Government propose to take out of the hands of any one member of the House the power which has always appeared to me to be a monstrous power—an anachronism for which there is no justification in these days. I refer to the power of calling the attention of Mr. Speaker to the fact of there being strangers present. I say that we should look at privilege not as something created for our own personal behoof or advantage, but as a sacred trust which we have to hold in the interests of the public. When we are called to consider the propriety of abolishing any privilege, the question which we should address to ourselves is—Is it a privilege which exists for the public advantage; is it necessary for the due carrying on of our functions here; does it help to expedite the work of legislation? If it does not, I say that privilege, although it may be something dear to us, should be foregone and abandoned in the public interest. We are proud to call ourselves the High Court of Parliament; but one of the great principles of English jurisprudence is that the blaze of publicity shall be on every court—that nothing shall be done in the absence of the public. I am not justifying publicity for the sake of the press; I am not going to say that the press has more rights than the public; but I say it is the duty of Parliament to afford every opportunity for the public, whom Parliament represents, to know what is being done, and not to give power to one man in the House, against the wish of 90 others, to exclude all who would afford the public information. That is a monstrous privilege which should have been abolished long ago. Therefore, as far as the Government propose to deal with that, they will receive my hearty support, and I believe the hearty support of most of the honorable members who sit on the opposition benches. As I have said, I am not going to follow the Premier in the details of his various proposals. With regard to many of them, probably most of them, honorable members on this (the opposition) side of the House, in



their anxiety to perform the business of the House, will give the Government a fair measure of support. Criticism the Government may expect—criticism is in the public interest—but I think I may say that, as regards the majority of the proposed rules, the Government need not fear anything like opposition from this side of the House. I hope that the suggestions which, in pursuance of our duty, we shall be called upon to offer, will be met by the Government in an equally frank manner, because there is a reasonable difference of opinion about many of the proposed rules. Take, for example, the rule which is borrowed from the Parliament of South Australia. Under that rule it would be in the power of an absolute majority of the House, without notice, on any night of the session, by force of their numbers, to practically do away with every one of our standing and sessional orders—to absolutely run riot, and obey no law, but be a law unto themselves. The danger of this proposal is emphasized by the fact that the Imperial Parliament—which, in dealing with the reform of procedure, dealt with it under exceptional circumstances that are not existent here—did not adopt a rule like this. The only sanction which the Government can find for the proposal is the sanction of the neighbouring colony of South Australia. Now, probably, I know as much of the doings and rules of the Parliament of that colony as any man in this House; and while I have the greatest respect for that Parliament and its members, some of whom I know, I am not yet prepared, nor do I think the Opposition are prepared, to take that rule as our practice. If we are to have such a rule, probably we shall be able to suggest some amendments calculated to discipline a power which may become despotic, and may do injury. The case quoted of our standing order No. 257 is not a case in point. Apart from the doubt as to what are questions of urgency, the Premier himself admits that that standing order is only availed of on the rarest occasions at the end of a session, and when the House is practically unanimous. But the power which would be created under the Premier's 4th proposal is a very different power. It is, I repeat, a power which gives a majority of the House, without any notice, without any debate upon the question, the power to abolish all forms, and to introduce a measure and pass it through all its stages, with or without amendments, in one sitting. I say this is a power which it will not be wise for

*Mr. Shiels.*

the House to accept in the naked form in which it appears among the Government proposals. The Premier, in his advocacy of the proposal to limit the power of a member to move the adjournment of the House, said he did not know of any motion for adjournment having led to any good; but I think the honorable gentleman could find in the records of the past, and the not very distant past, that he himself has moved such a motion, at an early stage of a sitting. I can prove that his own colleagues have done so on various occasions. I am not going to denominate those motions in the terms used by the Premier—as sham motions leading to no good. I will take a case in which I was *particeps criminis*. On one occasion last session, the present Minister of Customs found it to be his duty, because of the failure of the Government to give information, to move the adjournment of the House upon the Chinese question. I did not want to debate the question at that time, and I asked the Premier and the Attorney-General whether they would take certain steps or give certain information. Because I failed to obtain any answer to that question, I seconded the motion for adjournment then proposed. In the debate which took place, the Minister of Public Instruction followed me, but if the honorable gentleman thought that motion was to achieve no purpose, if he thought the discussion was waste of time, is it to be supposed that he, who always pays respect to the forms of Parliament, would have occupied the attention of the House at length? Take another case of which I know something. In the last Parliament, the Premier was asked a question as to the intentions of the Government with regard to sexagenarians in the public service. We had heard that men fully qualified to do their duty to the country, having acquired the ripest experience, were to be turned adrift without sufficient notice. The information given by the Premier with regard to that matter was not satisfactory, and in consequence I moved the adjournment of the House. I think it is the only occasion on which I have submitted such a motion. A debate took place all round the House, and the House plainly manifested its desire to retain in the service of the country all men who, although they have reached the age of 60, are fully qualified to fulfil their duties. Ultimately the Premier did give an assurance which the House deemed satisfactory, and the debate then ended. I could mention other instances in which the power to move

the adjournment of the House early in the evening has been of the greatest possible advantage.

Mr. LAURENS.—It was in Colonel Templeton's case.

Mr. SHIELDS.—On that occasion the will of the House was so unmistakably manifested that the Government determined to bring in a Bill to alter what was conceived to be a great scandal—that whereas the public servants were forced to give all their services to the country, by a strict legal interpretation the men who were placed over those public servants, the members of the Public Service Board, were able to take other means of adding to their incomes, thereby setting an example to the public servants which was not in accordance with the spirit of the Public Service Act. However, I need not labour this point. I view with some doubt the expediency of interfering with the power of a member to move the adjournment of the House. The Premier, in seeking to diminish the power, has not followed the English rule. According to the 3rd proposal, before the adjournment of the House can be moved, two conditions will have to be complied with. One is that the matter to be discussed is of "urgent public importance," and the other is that a majority of the members present must stand up, and thereby show their wish that the proposed discussion shall take place. In the House of Commons, no such rule prevails. The House of Commons consists, I think, of 670 members; and there 40 members only have to rise to show their desire for a question to be discussed on a motion for adjournment. If the same proportion were observed here, it would be sufficient for only six members to rise; but, if it is necessary to adopt such a rule as that embodied in the 3rd proposal, I consider that on ten members rising simultaneously to show they believe a matter to be of sufficient "urgent public importance" to be debated on a motion for the adjournment of the House, the proposing of the motion should be allowed. While I am with the Government in abolishing useless forms which achieve no wise end, but prevent business, I ask the House to be chary of getting rid of a form which has proved of material advantage, and without which the public may sustain considerable detriment. I will now ask the House to bear with me while I discuss the rule which may be regarded as the most important of the 21 submitted for our consideration. That is the rule—the 18th—which deals with the closure. I am not going to deny that in this House—last session and

in previous sessions—there has been, to use the words of the Premier, a deliberate attempt, by employing the forms of the House and by talking against time, to obstruct. But I would ask honorable members, and especially those who have just come to the House for the first time, not to be led away too much by the cry of "obstruction." Things have been denominated "obstruction" which, within the fair meaning of the term, were not obstruction. Besides, it is the practice of nearly every Ministry, both here and in England, when they go to the country, in order to palliate legislative work ill-done and bungled, or not attempted to be done, to raise the cry of obstruction on the part of the Opposition. A philosophic Frenchman said once—and I quote this in no irreverent spirit—that, if there was no God, it would be necessary to invent one; and I believe that if there was no obstruction, it would be necessary at times for a Ministry, for the purpose of seeking to excuse themselves, to declaim about obstruction. With regard to obstruction, I occupy the position that I have a clean record. I hold it to be a clear defined democratic principle that it is the right of the majority to rule; and I say it is the right of the majority in this House, after full and fair debate, when no unfair advantage is being taken of the absence of members, and nothing done that is wrong, to be allowed to come to a decision on the matter submitted to the House's consideration. Every honorable member who sits around me agrees in that statement. Freedom of debate, I think, has its necessary corollary in freedom of decision. Now I think the Premier will admit that, even when he has been in opposition, he has looked with no disapproving eye upon stubborn resistance to measures which he felt were not in the interests of the country. Take the case of 1879—probably the most critical time in the history of this colony, when the "party of combat" sat in this (the opposition) corner, and did such yeoman service against the Government. Did the Opposition—then led by the present Premier, Mr. Service, and Mr. Justice Kerferd—do anything to expedite Mr. Berry getting to a vote his plebiscite, his 6th clause, and his nominee Upper House? Did not debate on those matters proceed at greatest length? Was not argument spun out to the extreme of prolixity? Did the present Premier get up and condemn that? On the contrary, did he not take all the advantage of it? Did he not justify and applaud it? And does he not now, in his heart, thank God that the efforts made

in the opposition corner, by the "party of combat," were successful. If it had not been for the employment of those dilatory processes at that time we would not have had the reform of the Constitution which most of us now think so satisfactory. Obstruction has prevailed in every Parliament. It is almost coeval with the history of England. Why at one time Henry VIII. pleaded to the Pope that obstruction in the House of Commons prevented his carrying out some changes which that noble Defender of the Faith had promised His Holiness to effect. On another occasion, the great Tudor Queen soundly rated the Speaker of the House of Commons for the fact that the whole of one session had been wasted in idle talk. Then there was the remarkable occasion when the House of Commons did a thing utterly unconstitutional, and, as many men now believe, extremely prejudicial to the interests of England. I refer to the time—some-where about the year 1715—when triennial Parliaments were in vogue. A Parliament elected by the people for three years then determined upon prolonging its existence for seven years, and this without going before its constituents. Where did the obstruction then manifest itself, and in whose interest? The obstruction then took place in the House of Lords. The Lords resorted to the dilatory processes at their command—to motions for adjournment, and to the spinning-out of debates until they became tedious and irrelevant—and they did so in the interests of the people of England. Sir, how can you lay down a hard and fast rule that no minority, at no time, can employ the forms of the House to delay measures—to secure another opportunity for their consideration, to tide over a pinch, to prevent undue advantage being taken of members in their absence? Although I have never justified "stone-walling" whenever it has been practised here, although I have taken no part in it, and although I believe the majority has the right to rule, yet I am not prepared to say that obstruction of the sort I indicate—the making use of the forms of the House to delay measures—is not justifiable in some extreme cases. Take that case of 1715, and apply it to ourselves. Supposing the majority in this Assembly were determined to prolong the existence of this Parliament to seven years, will any one say that the country would deny the right of those who honestly opposed that proposition giving effect to their opposition by every means in their power short of revolution or actual violence? Supposing the

*Mr. Shiels.*

majority determined to vote themselves large sums of money—supposing they wanted to increase their stipends to £1,000 per year, or to increase the number of Ministers from ten to twenty—will any one say that the constituencies would deem it a wrong if those who opposed such proceedings gave effect to their opposition by resort to the forms of the House? There are some cases—rare cases—in which I could conceive the country would justify obstruction of that character. Then there is obstruction of another kind, which, although it cannot be justified, may be palliated, and for which excuses may be found. The Premier appears to think that Speakers of this Assembly—that is to say, past and future Speakers—must be not only infallible but immaculate; and that a majority of members will never attempt to abuse their privileges or ride roughshod over the minority. But experience everywhere shows that majorities at times are tyrannical, that they will be despotic, and that they will sometimes take advantage of the opportunity to rush through proposals when the men who oppose them happen to be absent. And when the majority exhibit a disposition to behave despotically, and their leader is arrogant and overbearing, although the minority may have no justification for taking advantage of the forms of the House, at any rate they have in the eyes of thinking men some palliation for resorting to them. I recollect a case in which I think it might have been urged that the employment of the dilatory forms of the House would have been a perfectly fair proceeding. There was an important proposal on the paper, and nearly every member who was in favour of it having got the "office"—if I may venture to use the term—as to when it would be brought forward, was present at the time in his place. Opponents of the proposal, to the number of 15 or 16, not knowing that it would come on, were absent. The majority would not debate the question, nor would they assent to the request which I preferred that its consideration should be adjourned. All the debating that was done was done, I think, by the present Minister of Public Instruction and myself. Of course the majority carried the day.

*Mr. ZOX.*—What was the question?

*Mr. SHIELS.*—The closing of public museums and libraries on Sunday. Those who favoured that proposal knew that it was to come on; and we who opposed it, and opposed it in the interests of the proper observance of Sunday—the observance of Sunday in a healthful, refined, and instructive

way—were taken advantage of. All our appeals for the motion to be allowed to stand over until another day were made to ears of stone. We know that in every Parliament the same sort of thing happens. Men will attempt to carry the projects they believe in, and, in attempting to carry them, they sometimes forget the courtesy and justice which are due to their opponents. Now, in dealing with this proposal of the Government, I would ask honorable members to consider what are the forms of the House for? Which of the two bodies, the minority or the majority, needs the more protection? The Premier says the forms of the House ought not to be our tyrants. So say I. I say we should be slaves to no system. If our forms are useless or cumbersome, get rid of them. But the standing orders of the House have always been recognised as absolutely essential for the protection of the minority and for the unfettered expression of their opinions. Here let me call attention to the views expressed by probably the ablest man that ever sat in the Speaker's chair in the House of Commons—a man who had unrivalled knowledge of the use and worth of the forms of Parliament. When I quote the opinions of Mr. Speaker Onslow I quote the opinions of a man who, perhaps with one exception, has occupied the chair of the House of Commons with more advantage to the debates of Parliament in England than any other Speaker. And what is Mr. Speaker Onslow's opinion—an opinion which in the House of Commons and in the Parliament of every other constitutionally governed country will be heard with reverence? Here are his words—

“It was a maxim he had often heard, and when he was a young man, from old and experienced members, that nothing could tend to throw more power into the hands of Administration and those connected with the majority of the House of Commons than the neglect of or departure from these rules; that the forms of proceeding as instituted by our ancestors operated as a check and control on the actions of Ministers, and that they were in many instances a shelter and protection to the minority against the attempts of power.”

I can also quote the opinion upon that dictum of Mr. Speaker Onslow of a gentleman who occupied in the last century for 25 or 30 years the position of Clerk of the House of Commons—who, from his impartial position, was able to pronounce an opinion upon such a question with convincing authority. I refer to Mr. Hatsell, who says—

“It is always in the power of the majority by their numbers to stop any improper measures

proposed on the part of their opponents, but the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding, which have been adopted as they were found necessary from time to time, and are become the standing orders of the House, by a strict adherence to which the weaker party can alone be protected from those irregularities and abuses which those forms were adopted to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.”

Now I have asked the House, in considering this proposal of the Government, to reflect as to which of the two parties—the majority or the minority—require protection more. We all know that majorities are, as *Hatsell* says, strong by the very force of their numbers—that majorities, because they are majorities, are inclined to be domineering, to rely upon the weight of their numbers and not upon the force of their arguments, and that in every House built upon the forms of the “mother of Parliaments”—the House of Commons—the greatest care has been taken to protect and safeguard the minority, because of their weakness and because of the advantage of criticism, and of the education which the expression of opinion gives to the country. Remember the part that minorities have played. From whom does advancement come? Where are new truths born? Where is progress made in science and art, or in any other direction to which human faculty applies itself? You know, sir, that all truth, that all invention, that all discovery comes from the minority at first, and therefore it is in the interest of humanity at large that minorities shall never be checked in the expression of their opinions—that individuality, even to the point of eccentricity, shall always be allowed to flourish, and that in Parliament the minority, even to the point of their being able to become obstructive, shall have the fullest opportunity of discussion on every project brought before Parliament. The Premier has brought down a proposal which I did think the Government would not have submitted to this House. What is the proposal which is best known amongst ourselves as the “iron hand” or the “gag.” Now, upon that proposal I stand in this position. In the first political speech which I made—at Coleraine in 1877—no one more heartily condemned the policy of the “stone-wall” party than I did. Looking back now over twelve years' time I cannot but regard it—and I say this with all respect to honorable members in this House who supported the “stone wall”—as the

greatest outrage every perpetrated upon parliamentary institutions and responsible government in this colony. It was a most violent infraction of the plain written and unwritten laws which it should be the duty of every Englishman, and of every man in a country governed by English institutions, to preserve intact and unswayed. In that view I am borne out by the recorded utterance and by the overt action of the present Chief Justice. "When the devil sweats it is a hot day," and when the present Chief Justice of this colony, for whom I have always felt the most unfeigned respect—when that gentleman, who when in politics was certainly no prude in parliamentary warfare, sympathizing with the party of "stone wall," characterized it as "involving the assertion of a principle that strikes at the very root of parliamentary government"—an infraction of the Constitution so violent that sooner than sanction it he forsook this Legislature and retired into private life—then, I think, no further assurance is needed on my part as regards the unwarrantable nature of the proceedings which then took place. But, while in 1877 I condemned the "stone wall" in the terms which I am again using to-night, I said at the same time that I was not prepared to adopt as a parliamentary form that which was known then and is known now as the "gag" or closure. That proposal comes before us to-night for our consideration, and it comes before us with no pleasant memories or encouraging record. It comes before us condemned by the voice of the people of Victoria in the general elections which took place on the 11th of May, 1877. Those elections as I read them did not justify the "stone wall," but they loudly condemned the "gag" or closure. The Premier has told us that we have come back here commissioned by our constituents to submit alterations in our forms of procedure. That may be or it may not be—I think it would not be heresy to doubt it. But, in any case, we have not come back with any mandate to put into practice that form of procedure, imported from foreign countries, which the people of Victoria condemned in 1877. It does not weigh with me that this is a foreign invention.

Mr. ZOX.—How is it foreign, coming from the House of Commons?

Mr. SHIELDS.—As a matter of fact it is foreign. It was first imposed in some of the foreign Parliaments of Europe, and its proper name is *la clôture*, showing its French origin. But that does not weigh with me.

I do not hold with that smug insular spirit of self-complacency which thinks that no good cometh out of the Nazareth of the Continent. I am prepared to believe that even English institutions, even parliamentary forms, when applied in foreign countries will be applied in such a way, with such changes, such modifications, and such checks as may be improvements upon the indigenous forms of England and her colonies. Therefore it does not weigh with me that closure was originally a device of the statesmen of France. But what does weigh with me is this—that closure first became an English institution under altogether exceptional circumstances. There is no comparison between the position which we occupy, or the position which Parliament occupied last session, with the state of things existing in the session when closure first became known to England as a parliamentary form, or in several previous sessions. I do not want to raise up any bitter race or creed feuds, but every reflecting man must know that closure was introduced in the House of Commons as a device—I won't say without cause—to put down the obstruction of the Irish Nationalist party who were objecting to the imposition of Crimes Acts, and to that terrible—I will not say unjustifiable or justifiable—policy of coercion in Ireland. That was a party who felt called upon in the interests of a nation to employ obstruction to force upon Parliament their demands, and to band themselves to the last to resist a policy which they considered a degradation and an infamy—a policy which, when it had become law, succeeding in sweeping off to prison in one year over 1,000 men and women of a country who were claiming the same right that we have here—Home Rule. The party who proposed the closure in England then proposed it in order to beat down an obstruction which they thought disloyal and revolutionary, but which, at any rate, by those who were offering it, was considered a patriotic obstruction, and which their constituents approved, and which they justified on the ground that they did not wish to have for Ireland different laws from those of England. They said that if a jury could try an Englishman for his life or liberty a jury in Ireland should do the same—that magistrates, without appeal, should not be allowed to send off to gaol without the essential processes of English law not only their Members of Parliament but private men in respectable positions on the mere suspicion of Government functionaries.

Mr. GILLIES.—Do not give us a Home Rule speech. It is altogether out of order.

Mr. SHIELDS.—I am not doing so. I am giving this as an argument which will bear weight.

Mr. GILLIES.—It is not any argument at all. It is an insult to every member of the House. It is done intentionally too.

Mr. SHIELDS.—I am not making any Home Rule speech whatever, nor do I intend to do. That was the kind of obstruction, and the motives and pleas urged for it, to meet which Mr. Gladstone and his party introduced the form of closure then adopted. Now, sir, what has been the after history of the closure? Mr. Gladstone and the party which then introduced the "gag" have wholly reversed their opinions on the policy of coercion. They say that coercion then and coercion now is wrong. So far, therefore, they excuse or justify the obstruction which was offered to the policy. And if they justify in that way the obstruction to the policy of coercion they likewise condemn the means by which they attempted to put down that obstruction. I think that is a perfectly fair argument. Nay, more, that party, and especially the leaders of that party which then advocated the "gag" afterwards, in the persons of Mr. Gladstone and other prominent men of the party, expressly admitted in speech and writing its uselessness and dangers, and in after years they were found condemning the proposal which in 1882 they first recommended to Parliament. If the authors of that proposal have now lost faith in it, certainly that is an argument why the Parliament of Victoria should pause before they incorporate it in their standing orders, more especially as they have received from the country no reversal of the verdict passed upon the "gag" in 1877. Not alone did the conservative party in 1882 condemn Mr. Gladstone's proposal, but some of the most eminent members of the radical party in the House of Commons—I may mention Mr. Cowen as a type of them—also condemned it. And let me show by how few, even in those exceptional times—the Nationalist party attempting to get what they considered justice for Ireland, the Imperial party attempting as they thought to safeguard the union and to quell revolution—the "gag" was carried in the House of Commons. After 19 days of fierce debate only 306 were found to vote for it while 260 voted against it, and the closure was carried for the first time in England by a majority of 46. No alteration was suggested until 1887, and in the meantime

what did that closure do? Being so much feared, it had been hedged round with such restrictions that it could only be put in force on two occasions, and as I have just said we find Mr. Gladstone and other eminent men of the party which first introduced it, under exceptional circumstances, now expressing their complete want of belief in its efficacy to expedite business. In 1887 and in 1888 we find the party which formerly opposed the closure—the conservative party—and also the "Fourth Party" advocating it, and changes were made in it, until it took the very drastic form in which it appears before us in these proposed standing orders. Let me ask honorable members—what progress has the House of Commons made in the transaction of business under the closure? In the last session of Parliament the closure, in the form in which the Government offer it here for our consideration, was applied again and again, sometimes many times in a single night, yet if honorable members regard the business done by the House of Commons in that session they will come to the conclusion that the closure instead of forwarding the business of the House actually retarded and delayed it. There never was a Parliament I believe in the history of England which sat longer and did less work than the Parliament under closure. Night after night the leader of the House of Commons, the First Lord of the Treasury, Mr. Smith, got up at all stages and moved the closure, and it was carried. Yet here is the grim record of that wasted and abortive session:—334 Bills were brought in and read a first time, of which 72 were Ministerial and 262 private members' measures. Of these only 43 Ministerial and 23 private members' measures were passed; 268 of the Bills introduced failing to become law were the wreckage of that warning session of closure. That session lasted from February to Christmas Eve, and observers say that the only leading work done during it was the Local Government Bill, though we might add Mr. Goschen's famous change in connexion with the National Debt. But the only leading work done in that session—probably the longest session of the British Parliament—under these stringent rules was the miserable amount of business I have just mentioned. Then look at closure in another light. During one session under closure there were 935 points of order raised in the House and 939 in committee, and if we allow only five minutes for the discussion of each of these points of order—a very

short time considering that the discussion of some of them lasted for hours—what do we find? That actually on 1874 points of order there were 156 hours—equal to 20 days, allowing eight hours per day—consumed on points of order in a session of the British Parliament under closure. Here is another illustration of how closure works. In the recent session of 1887, in the House of Commons, 29 speeches were made by Gladstonians to every ten speeches made by supporters of the Government, the totals being, Opposition speeches 7,300, Ministerial speeches 4,100. The point, however, is that while the Tories and Unionists were called to order only 64 times the Opposition under these rules were called to order 612 times. The few figures I have given show that closure has not forwarded the work of Parliament. It has neither killed nor even scotched the spirit of obstruction. While putting down one form of obstruction it has had the effect of bringing about an organized obstruction and a continuous obstruction. The minority, being shut out from their right of debate on one question or amendment, naturally feel exasperated and oppressed, and therefore take up new ground of discussion, that would not have been entered upon but for the closure just carried against them, so that instead of the closure forwarding the business of the House of Commons it has delayed it. Closure has necessitated repeated closures, just as a lie needs many legs. Minorities were exasperated, and worse than that happened. Because of the way in which the Chair was brought into those disputes the impartiality of the Chair was challenged, not only in the House but out of the House. A thing previously almost unknown in the parliamentary history of England, the Speaker was considered by the party whom he allowed to be “closed” as a partisan of the Government, and a partisan of the predominant party, and the respect which should be paid to the occupant of the chair was very considerably taken away. Under these circumstances it is no wonder that Mr. Gladstone and other eminent men of his party have lost all faith in closure, and from being its friends have become its enemies.

Mr. GILLIES.—Who says so?

Mr. SHIELS.—I say so, and if I had time to look up the reference I could quote a speech of Mr. Gladstone, in which he distinctly says that he has lost faith in the efficacy of such forms. In fact, the House of Commons under closure is very much like Mr.

Pecksniff's horse, which Dickens describes as “pawing, prancing, and plunging, but never getting ahead.” The Premier quoted M. Guizot as being in favour of closure, and he also quoted the example of other countries. No doubt it is wise for the Parliament of Victoria to look to other countries and see if there can be found any amendments of procedure or laws by which the people here would benefit. But when the Premier was quoting M. Guizot I reminded him that that gentleman's statement was given in evidence before a select committee, and that that select committee, even with M. Guizot's evidence, refused to countenance closure. And is the Premier aware that select committee after select committee, year after year, have been sitting to consider what amendments could be made with advantage to the forms of procedure of the House of Commons, and that those select committees, after taking the evidence of experts from the nations of Europe, have always failed to recommend the closure as one of the reforms which ought to be brought about? Let me quote a man quite as eminent as M. Guizot, and perhaps more impartial, as to what closure has done in France. Bentham, in speaking on the closure in the Legislative Chambers of France, says:—

“The terrible decrees of urgency, the decrees for closing the discussion, may well be remembered with dread. They were formed for the subjugation of the minority; for the purpose of stifling arguments that were dreaded.”

Mr. GILLIES.—Urgency and closure in the Chamber of Deputies are not the same thing.

Mr. SHIELS.—Bentham is talking of two things—decrees of urgency, and decrees for closing the discussion. The *Times* has also said that the whole effect of closure in the Legislature of Paris is to shut out the most eloquent and earnest men for fear of the influence which their speeches would exert on the public of France. Thus the closure in France is condemned by a man as eminent as Bentham, condemned by those who observed it, and condemned by select committees of the House of Commons, which had the evidence of the most able and most earnest men connected with the Legislatures of France for many years—under republic, under monarchy, and under the Cæsarism of the Empire. Then if you want evidence from America, where the closure is at work, here is the testimony given to the English House of Commons in February, 1888:—

“The complaint made daily, in America, by the press, is that the closure is abused in the

Congress at Washington. When a debate takes place in Congress the whips of the party arrange with the Speaker, behind the backs of members, who are to be the speakers, and under that system the independent members have no chance whatever of expressing their views. There is this sort of safety valve to the abuse of closure at Washington, namely, that if an independent member rises to speak, by a technical motion in the House the speech is laid on the table. The speech has not been listened to, or the arguments in it controverted, but it is printed, and a large number of copies are supplied by Congress for distribution amongst the member's constituents. That is the result of an abuse of the closure in the Washington Congress."

There is the experience of America, to which the Premier has gone for confirmation. Now it is well known—and this is what I fear here—how very difficult a thing it is to retrace your steps. I do not need to cite the hackneyed quotation commencing "*Facilis decensus Avernii*." So it is with these forms in many cases. You pass a form or enact a law, and then the difficulty is to get back to the former state of things. It is a case of *Vestigia nulla retrorsum*. The Premier forgot to tell the House that, although the closure was at work in the Parliaments of foreign nations, there were on it checks in those Parliaments, which he does not propose to introduce here. In Switzerland there is no closure by an absolute majority. The closure must have the consent of a two-thirds majority of the House. In Germany one member on each side is allowed to speak before the resolution which brings about the closure is put. In Italy one member is allowed to speak against the closure before it is put, and to offer reasons to the House. In the Delegation of Austria-Hungary—not in the separate Parliaments, because in the separate Parliaments I do not know if there is any closure—one speech is allowed on each side.

Mr. GILLIES.—The closure exists in the Parliaments of both Austria and Hungary.

Mr. SHIELDS.—In France one member is allowed to speak against the closure, and in Portugal two members are allowed to speak against it. Even if the closure is in operation in those countries, it must be remembered that those are countries where arbitrary power has been in the ascendant for many years, and they may well submit to arbitrariness in restricting discussion which we who have enjoyed the great blessings of English freedom—the freedom of debate—ought not to tolerate. The lesson which I draw from the checks which exist in the countries I have mentioned is this:—That even in countries which have been accustomed to arbitrary measures, both from

the Crown and from the Government and from the police, the device of the closure is so dreaded that it has been surrounded with all sorts of checks. They fear its exercise, and both in France and in America, as I have attempted to show, those fears are not visionary fears, but fears which unfortunately have been realized. The Premier stated—and made a great deal of the fact—that there is to be a check here; that before the closure could be applied to the minority it would be necessary to get the Speaker's concurrence; and he argued as if we were always to have in the chair a gentleman of tried impartiality—as if all our Speakers for the future were to be not only infallible but immaculate—as if we were never to have in Victoria in the future what we may have known in the past—a partisan Speaker. Now, I ask the Premier, and I ask every honorable member—and especially those who are old members of the House—have we any such assurance for the future? The past is the beacon light by which we should gauge the possibilities and guard against the probabilities of the future, and when I heard the Premier, who has had such a lengthened parliamentary experience, talk in that way, I wondered that he had never heard a gentleman who subsequently occupied the Speaker's chair say in this House that we had "a corrupt House presided over by a corrupt Speaker."

Mr. GILLIES.—I never heard that.

Mr. SHIELDS.—A gentleman who occupied a foremost position both as a Minister and afterwards as Speaker, said that he had here a corrupt House corruptly presided over, and the Speaker's impartiality was challenged not only by other members of this House, but challenged outside. Now, we all know that we have had Speakers to whom it would be distinctly unsafe to intrust arbitrary or despotic power. Remember also that we have not here Speakers chosen in the same way as the Speakers in England, and that is an important consideration. Our Speakers have been only too often—I do not confine myself only to Victoria, but refer to the whole of the Australian colonies—elevated to the chair after a fierce conflict, during which all sorts of motives were imputed, and those motives believed, at any rate by those who imputed them, to have some ground of justification. We have had Speakers who have shown a strong partisan feeling, we have had Speakers whose impartiality has been openly challenged in Parliament. In one of the Australian colonies an ex-Minister of the Crown



was going to challenge a Speaker's re-election on this ground—that he was a despot, and a drunken despot. If we in Victoria have not had that scandal—if we have had a better class of Speakers—we have no assurance that we shall always have Speakers to whom we can commit the fortunes of a close division.

Mr. GILLIES.—The selected of the House is not good enough for us! A very good argument.

Mr. SHIELS.—I might send a barb home to the Premier, in reply to that interjection, about a Speaker to whom he and his party once made the strongest objection on the very ground I am urging now. The Premier knows well that we cannot be sure that we shall never have a partisan in the chair. How are Speakers appointed? Speakers are made by the House, and in Colonial Assemblies they are very often elected after a fierce conflict. In England the man elevated to the Speaker's chair is elected by the almost unanimous voice of the Commons of England, on account of his proved fairness and ripened experience, and he not only knows that the almost universal voice, not only of the House of Commons but of England, goes out to him as the fittest man for the chair, but he also knows that never afterwards will he come down into party conflicts. He takes the chair with the assurance that his only change will be a change to another House—to a peerage and a pension.

Mr. STAUGHTON.—You said a short time ago that in England the Speaker's impartiality was challenged.

Mr. SHIELS.—Yes, under closure even the impartiality of the Speaker of the English House of Commons has been challenged, and I use that as an argument against closure. The impartiality of our Speakers will now be still more open to challenge when we bring them down into our party conflicts and ask them to decide whether a minority shall be shut out from debate. Under these rules the Speaker is to be the protector of the minority, and I ask is that a fair position to place him in? The Speaker is the nominee generally of the majority, and it strikes me that it is very much like requesting one of the wolves to come down and play the part of sheep-dog to the poor sheep to ask the Speaker to stand between the majority which has elected him and the minority which perhaps has opposed him in order to protect the rights of the minority and see that there is no infringement of their powers of debate.

That appears to me to be a sweetly innocent proposal, and not one which I at any rate could feel to be the safest check to put upon the power of the closure. I would far sooner have the practice of Switzerland, that before the closure shall be carried to close the debate and silence the majority—to gag, perhaps, men who have never spoken and desire to speak—it must have the assent of two-thirds of the House. I have offered these reasons as some justification, at any rate, for doubting the expediency of now adopting closure. But I take the strongest exception to the final rules which are offered for consideration. They bring about a complete revolution in the position of the Speaker and the House. We go a great way by these rules to make the Speaker master of the House; certainly we bring about a fundamental alteration of the position which the Speaker now occupies in the House. Now, as I have said, the position of Speaker here—the mode of his election—is very different from that of the Speaker in England, and the Commons of England might safely give to their Speaker powers, powers of discipline, and powers of restraint, which the Assembly of Victoria would be very unwise to commit to the hands of their Speaker.

Mr. GILLIES.—That is a very insulting observation—insulting to the House and to the Chair.

Mr. SHIELS.—I consider that is a most unfair interjection of the Premier. I am not discussing the qualifications of our present Speaker at all. I am discussing the probabilities of the future, and I am testing them by the realities of the past. There are old members here who are cheering me, and endorsing my statement that the impartiality of Speakers in the past has not been above suspicion—that they have been called, in this House, partisans. The Premier himself in the past has expressed his fears in regard to the impartiality of a Speaker, and if he has felt and expressed those fears is it not my duty, when considering this proposed alteration in our forms, which changes the position of the Speaker, to express them with the same frankness as he claimed in the past? Now, what is the position which the Speaker at present occupies in this House? In no respect is he master of the House. Speakers of England have said that they were not the masters of the House but the servants of the House, and that I submit, with all respect, is the true legal position. We know, as a matter of constitutional interpretation, that no decision which you, Mr. Speaker, may give on the

smallest point of order—no decision as to who is to catch your eye—is of the slightest validity because you have given it and it is your will; it receives all its validity because of its ratification by the House, either by its silent acquiescence or by its vote. If you call upon one of two members to address you, another member can interfere, and he can have the question submitted as to whom the House will hear.

The SPEAKER.—I think the honorable member is going somewhat away from the question before the chair.

Mr. SHIELS.—With the greatest respect I wish to show, first of all, the position which the Speaker now occupies, and then to give some grounds for my objection to the position he is intended to occupy under these rules. Now, sir, even upon a point of order, to show that the Speaker is not in any sense master of the House, but that he merely ascertains and speaks its will, let me point out that as soon as he has given a decision upon a point of order, it is then competent for any member of the House to rise and submit a motion totally different from the Speaker's ruling, and the mere rising of a member with that intent has the effect of abrogating the decision, and the Chair at once acknowledges the authority of its master, the House itself. Every decision that is given by the Speaker is given as for the House, and it is competent for the House, immediately, by a motion, to alter that decision, and give a totally different one, and this has been done in certain cases that I could quote. What is the position of the Speaker under these rules? It is more like the dominie of a school than the president of a deliberative assembly. Just as the schoolmaster can order a boy in a class to sit down, or send him out of school, so, under these rules, the Speaker, in future, is to be the tyrant of the House. He is to judge whether a member is speaking relevantly or irrelevantly, or is guilty of tedious repetition, and he is to say whether such member shall be allowed to continue his speech or be told to sit down, whether he shall be allowed to remain and perform his functions as a member of the House, or be suspended for the remainder of that sitting. Is there no danger in putting such a power in the hands of the Speaker? I say there is certainly very considerable danger. I can conceive of circumstances under which a Speaker with that power could change the fortunes of a Government, that he could have a measure passed into law or rejected, by suspending some of the members

who opposed or supported it. To show the House that this is not an imaginary danger, let me refer honorable members to what took place in 1879. There was some disorder on a critical division, and, under these rules, the then occupant of the chair could have suspended four or five members from performing their functions in the House, just before that critical division, because rule 20 declares—"That Mr. Speaker or the Chairman do order members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting, and that the sergeant-at-arms do act on such orders as he may receive from the Chair in pursuance of this resolution."

Mr. ANDERSON.—If that rule had been in existence in 1879, there would have been no disorder.

Mr. SHIELS.—I am not sure about that. Men cannot always control their tempers in exciting times when the balance is trembling. Probably honorable members are acquainted with the proceedings in 1879, to which I am alluding. A critical division was about to take place involving the fate of a Bill of supreme importance; there was a scene of the greatest disorder; and it would have rested then with the Speaker to alter the whole fortunes of the measure in that division if he had had the power of suspending members. I ask honorable members if they consider it a wise power to give to a Speaker. As an earnest liberal, which I have always claimed to be, I take the strongest objection to any despotic power being lodged in the hands of any individual or any Government, because such power is corrupting wherever it rests—corrupting to the man who has to exercise it, and corrupting to those who have to submit to its exercise—and I shall be astonished if an English Parliament has now fallen so far short of the reputation of English Parliaments in the past as to be willing to concede such an immense power as this to any single individual. Has not this community as well as the colony of Queensland recently received a considerable shock by the exercise of the powers of judges to summarily commit citizens to prison for contempt of court. Have not strong representations been made that that great power should be disciplined and be brought into some sort of check; and are we, the members of the Legislative Assembly of free Victoria, content to say that we will give up so much of our privileges as these rules desire to take away from us, that we shall thus revolutionize the position of the occupant of

the chair, that we shall make the chair, instead of being, as heretofore, the honoured servant of the House, its dreaded master, perhaps its despot? I hope that the House will pause, at any rate, before it does anything of that kind. With regard to the power of honorable members to propose motions for the adjournment of a debate and the adjournment of the House, and also motions for reporting progress and "That the Chairman leave the chair," I certainly think that the Government are not to be blamed for attempting to check that power, but I think their proposals require some amendment. While I say that the power of free debate is a great privilege, and the rights of minorities must be respected and jealously safeguarded, I also say that a minority that attempts to tyrannize by an altogether illegitimate employment of the forms of the House is not performing its functions, and that it is a grave public scandal when we have proceedings of gross and deliberate obstruction, when the precious boon of free speech is employed, not for enlightenment, not for advancing the consideration of questions, but simply as a means of wearing down a party, and by mere brute strength and physical endurance preventing it coming to any decision. If that party has not been taking undue advantage of the forms of the House, if the fullest debate has been permitted, then I say, and I have always adhered to this principle, that the majority ought to prevail. Parliamentary institutions cannot be carried on unless men learn discipline, unless men learn when and how to submit. There is a time to hold out, but there is also a time to give way, and so far as these rules, without imperilling freedom of discussion or oppressing minorities, contribute to the despatch of business, those who act with me on this side of the House, and for whom I have the honour to-night to speak, will be only too glad to forward their consideration, and to assist the Government in placing them upon our standing orders as the rules of procedure by which our laws are, in future, to be fashioned. I say this in all earnestness—that we owe it as a duty to our constituents as their representatives in this House, to make its forms and procedure contribute to the great functions which Parliament is called on to discharge, and I utter the heartfelt hope that it shall be regarded as the imperious duty of both sides of the House and of all members to so conform to discipline, and so conduct our proceedings as to merit this praise at least, from those who sent us here, that we

*Mr. Shiels.*

did nothing in our day to defame the great institution of parliamentary government, which has come to us as the richest heirloom of our English birth, but that we left it as we found it, with a strong sure hold upon the willing fealty and the lasting affection of the people of Victoria.

Mr. WRIXON.—Mr. Speaker, I certainly have to acknowledge the amount of support that the honorable and learned member for Normanby says he is prepared to give to the proposals of the Government, but I must say I am somewhat disappointed when I review his speech and see the sum total of what that support comes to. I certainly cannot agree with some of the arguments by which the honorable member has supported the positions he has advanced. Now, in regard to one in particular, which he pressed upon the attention of honorable members, in dealing with the right of the Speaker to control the House, he distinctly accepts the position, the probable position, of future Speakers of this House being below the standard of Speakers of the House of Commons. I heartily and entirely repudiate that argument, and I say that there is no justification for thus belittling the colony and lowering ourselves and our institutions. I am quite aware that charges of unfairness have occasionally been made—in the heat of the moment, in a time of passion, but then only by one or two individuals—against the Speaker of this Legislative Assembly, against Speakers who have occupied that chair, sir, before you. But I have no hesitation in saying, as an impartial observer here for some twenty years, that I most utterly disbelieve in those charges, and I am confident there has not sat in that chair any Speaker who would have been guilty of the dishonorable conduct that the honorable and learned gentleman assumes to be possible, and even probable, under these proposed standing orders. I never heard a suggestion which so much belittled and degraded this House, as that which has just been made by the honorable member for Normanby. He actually suggested that we might have in that chair a Speaker who on a critical division, when some great public question was trembling in the balance, would, by a clandestine and depraved use of his power under these standing orders, suspend an honorable member, ostensibly for irregular conduct, but really to get him out of the way, in order that his vote might be lost to one side or the other. Surely the honorable member does not contemplate such an occurrence in this Assembly? Surely he does not

mean to say that he believes anything of the kind could happen here? If ever such a state of things does occur; if it ever happens, sir, that we have a Speaker, sitting in your chair, who would act in a manner so disgraceful, and if we ever have a House which would support such a Speaker, then it matters very little what standing orders we may have, for that House and that Speaker will be lost beyond all hope of control. I will not detain the House long, because the matters in dispute between us and the gentlemen opposite are not, after all, very great or very numerous. I will proceed to state shortly the points of difference arising between us. As I gather from the honorable member for Normanby, he has spoken on behalf of honorable members on his own side. No doubt the leader of the Opposition desired the honorable member for Normanby—he being a legal gentleman—to express the views of the Opposition, and we have all listened with very great attention to his speech, although we could not agree with many of the arguments he has advanced. In regard to some matters the honorable member actually says the Government have not gone far enough. He began his speech by intimating that in several matters he could not at all agree with us because we stopped short in a right course and should have gone much further; and he expressed himself very strongly as to the absurdity of some of the ancient rules and forms and ceremonies which are still observed in Parliament. To a certain extent I agree with him that the Government might very properly have gone still further, but I do not altogether agree with what he said in regard to ancient rules and forms, because some of those ancient forms and usages are often of value as tending to give dignity and order to our proceedings. Those ancient forms and usages were received from the mother country, and they serve to show our connexion to the great Empire to which we are all proud to belong. Among others of that kind, I might cite the ceremonies attending the opening of Parliament, for example. They may not be vital to our freedom, they may not be very admirable in themselves, or indispensably necessary to the business to be transacted, but still they are not entirely destitute of use. In one way all the forms, ceremonies, and trappings of office may be said to be useless and absurd. You, Mr. Speaker, might walk into that chair in your shirt sleeves. Your judgment would be just as clear, and your manner would be just as courteous as it is now, when you appear in your official robes;

but yet, I contend there is a certain value and advantage in the gentleman who is chosen to exercise the powers of that chair being invested with the robes of office which ancient custom and usage enjoins. I think it adds dignity to the proceedings of this House. I cannot go with the honorable member in saying that the debate on the address in reply to the Governor's speech is a piece of nonsense. It may be right on many occasions to avoid a prolonged debate, when debate is not necessary. Indeed, we had a striking example of that kind at the beginning of this session, and I cordially congratulate the honorable member for Geelong, who now fills the high and responsible position of leader of the Opposition, on the forbearance and discretion he displayed in not initiating a prolonged debate on the motion for an address in reply to the Governor's speech. Still, at other times it may be necessary to have a debate on the address, to ventilate our views on matters which have occurred during the recess, when Parliament has been out of session for six months. At any rate, honorable members should have the opportunity of expressing their views on the Government's administration of the various departments of the public service during the recess. Therefore, I cannot go all the way the honorable member for Normanby did in that respect. But when I turn to the kernel—the crux—of the matter, I find that what the honorable member really and most strongly condemned us for was for going as far as we did. While the honorable member censured us for not going far enough in matters of trivial moment, in the preparation of these new rules of procedure, he censured us still more strongly for going too far in matters of importance. I will take the two chief points he has alluded to and deal with them shortly. They summarize the matters in dispute between us. Those two points are—the control of the House, which the Speaker has to exercise under these proposed rules, and the bringing of any matter to a summary conclusion when the House is of opinion that it has been fully discussed. I will deal shortly with these two points and with the views which the honorable member has presented in regard to them. The honorable member strongly objected to give to the Speaker the power to summarily repress grossly disorderly conduct, if it ever should break out. I need not say that this is a thing we do not anticipate, but we all know that in moments of excitement men occasionally forget themselves, and if ever that does happen—and in a large

body of men like this it will occasionally happen—there should be some authority in this House to repress the disorder. In fact, this House should have the same power of promptly repressing any such outbreak of disorder and bad temper, on the part of individual members, as is possessed by any court of petty sessions in any part of the country. It has been found by experience that if you have not got that power disorder is very apt—in fact, is certain—to break out, whereas, if the power of repression is known to be in reserve, it is scarcely ever necessary for it to be used. That is why it happens in all the courts of the country, both little and big, that you scarcely ever have such a thing as persons being guilty of any approach to disorder or want of decorum. Why? Because it is perfectly well known that there is a power in the presiding authority there to check such disorder if it should present itself. That power is scarcely ever used, because it is known to be there. It is merely a power lying by to be used if necessary, but if the power for suppressing disorder were not held in reserve you would soon have outbreaks of disorder in our courts of law. Precisely on the same principle it has been found desirable in the parent Legislature, the House of Commons, to give the power to the Speaker to repress disorder. We are only copying what the House of Commons has found it advisable and indeed necessary to adopt. That power was given to the Speaker of the House of Commons, not for every-day use, but to prevent as far as possible the blocking of public business, and the mere fact of the existence of such a power of repression operates as a check. And it is well known, I won't say in this but in other colonies, that gentlemen belonging to my own profession, who, in the courts of their respective colonies conduct themselves with the greatest decorum, have, on occasions, when they have gone into the Legislature, entirely forgotten themselves and behaved discreditably. Why does this difference arise? Because in the one case they knew there was a control which kept them in order, and in the other, they knew there was not. All we ask is that this House should follow the example of the House of Commons, and put that necessary power of control into the hands of the Speaker. The honorable member for Normanby says we are not to suppose that Speakers here are on the same footing as Speakers in the House of Commons, and that therefore the Speaker of this House is not entitled to

*Mr. Wrixon.*

exercise the same power of control within this chamber as the Speaker of the House Commons. Sir, I entirely repudiate that argument. I say that the Speaker here, and every Speaker we are likely to have here, is just as much entitled to be intrusted with the exercise of that right of control as the Speaker of the House of Commons. The honorable gentleman must not lead us to believe, or himself run away with the idea, that it is only here that charges of unfairness are made against the Speaker. In the House of Commons nothing is more common than to bring accusations of unfairness against the august Speaker of that great body. There are always eccentric and hot-headed men ready to make charges of that kind, but it does not follow because such charges are made that therefore they are true. In one or two cases charges of unfairness have been made here, but I must say as a silent observer for 20 years that I utterly disbelieve those charges, and I contend that if it be wise on the part of the House of Commons to give this power of control to the Speaker, as the House of Commons evidently believes it to be, we are just as fully entitled to give that power to the Speaker here. And I entirely object to the argument of the honorable member that we, being only Australians and only in the colony of Victoria, and in the city of Melbourne, are not at all entitled to trust our Speaker as he would be trusted if he were the Speaker of the House of Commons. I entirely repudiate that, and I do not think that the honorable member will carry either the House or the country with him in that respect. The next point of importance which the honorable member referred to was the question of the closure of debate. That, no doubt, is a question of the greatest importance, and I may say that there is nothing the Government would like better than to have a full debate on that question, and hear all the views that can be presented on one side or the other with regard to it. But we must not forget the way in which the question really presents itself to us. We have heard a great deal about "tyranny" and "extinguishing the minority," and the honorable member for Normanby dragged in, in some way, the logic of which I did not understand, the Irish question, which belongs to his native land.

Mr. SHIELS.—And your's, too. You seem to forget that.

Mr. WRIXON.—No, I am quite aware of that; but my difficulty is to discover how even an Irishman could connect the two subjects together. I shall not say anything

about the wrongs of Ireland. I shall not say whether I am for or against Home Rule.

Mr. SHIELS.—Nor have I said that I am for Home Rule.

Mr. WRIXON.—But the honorable member certainly gave us that impression, and he took the opportunity of reading us a lecture on the injustice of the British law, and the wrongs of the people of Ireland. Whatever may be the wrongs of Ireland, they were not created by legislation in this Assembly.

Mr. SHIELS.—Who said they were?

Mr. WRIXON.—I thought, when the honorable member told us of the wrongs of the Irish people, that he really wanted us to sympathize with them.

Mr. SHIELS.—I want you to sympathize with all wrongs.

Mr. WRIXON.—Well, the wrongs then under consideration were the wrongs of Ireland.

Mr. McINTYRE.—Do you sympathize with the wrongs of Ireland?

Mr. WRIXON.—As I have already said, I do not see what the wrongs of Ireland have to do with the question under our consideration, and I allude to the statements of the honorable member for Normanby only to say that we must not allow our minds to be taken from the real business set before us. I entirely differ from the honorable member in the views he expressed with regard to the precedent we have in this matter of the form of parliamentary procedure, as set before us by the House of Commons. I certainly think that the precedent of the House of Commons is a very important one. It is quite true, as was shown by the Premier, that every country in the world has this power of summarily closing a debate, with one operation or another. But I say that the example of England is one of the strongest of all the arguments that can be adduced in favour of our adopting the closure, and for this reason. When England first adopted it, in 1882, the most able debaters of the world urged against it all the arguments that could possibly be urged—all the arguments which have been urged by the honorable member for Normanby were then urged with great force and effect. All the most gloomy anticipations were indulged in. It was said that debate would be ruined, that the rights of the minority would be taken away, that free discussion would be stifled, and the rights of the people obliterated. These were the changes that were rung over

nineteen nights of discussion, but in the end the closure was adopted in a modified form. When it had been in operation for several years, the question came up again, and what was the result? Both sides of the House of Commons agreed to adopt the closure, and made it more stringent than before. So that, so far from the melancholy anticipations as to the destruction of freedom of debate and the abuse of the rights of minorities by majorities having been realized, they have been totally falsified. And I altogether deny that the members of the Legislative Assembly of Victoria, whether ourselves or those that may come after us, will be more likely to abuse that right of closure or deal with it unfairly than are their ancestors in England. We have here just as strong a spirit of that fair play which is the great characteristic of Englishmen—and I believe no language in the world but our own has a parallel term to express exactly that idea of fair play—and we have just as great a sense of justice to minorities as ever had the Members of Parliament in England. I maintain that, and I am confident of it, and I entirely repudiate the motion that although the Parliament of England has not abused the power we are likely to do so here. I mention that to meet one view which the honorable member has presented to us. I say that the example of England is strong because England having tried the closure has embraced that institution more determinedly than ever. I might, in passing, remark that it is a mistake to say that the Parliament of England never had an institution similar to the closure until lately, because the House of Commons has at all times exercised a practical and an effectual closure or way of summarily terminating a debate. Whenever honorable members in that House thought that a debate had proceeded for a sufficiently long time, they terminated it by clamour and outcry. That is well known, and it was a perfectly recognised and established institution of the House of Commons, just as much as if it had been inscribed on the standing orders. Afterwards, when the character of the House changed and its base was enlarged, it was found necessary to put in absolutely written rules this power of stopping a debate when it had been sufficiently extended; and, having tried the closure, the House of Commons felt absolutely impelled to adopt it again last year, and more stringently than before. That is a strong argument in favour of adopting the closure in this House. We have the authority of precedent and example. We have

not only the example of America, and the examples of France, and other continental nations, but also the example of the mother country. And when we come to look at the reason for adopting the closure I think we will see that the reason is just as strong as the power of precedent and example. What is the meaning of the question of adopting the closure? The question is really this—whether we shall do business in Parliament or not? It is a question of whether the majority shall be allowed to proceed with business or whether they shall be stopped by a few? If you do not provide some means for checking the obstructive opposition of a few, they may prevent the transaction of business altogether. It is a question of making the parliamentary machine work. It is a question of securing progress. The experience of the Legislature of England and the experience of the Legislatures of the world has come home to ourselves. Talk of “the oppression of the minority,” of the wrongs that may be done to a minority, have we not found, in several past sessions of this Parliament, that practically the want of some such power as this power of the closure has led to the complete domination of the minority, and a very small minority, over the majority? That is the way the present system has worked here and in other countries.

Mr. SHIELS.—In how many instances?

Mr. WRIXON.—I am afraid in too many, and I can only appeal to the recollection of older members of this House whether it has not frequently occurred that we have had a large and overwhelming majority in this Assembly prepared, ready and anxious, to go on with public business, and we have found that, not a party or even a substantial minority, but a mere handful of a minority could come down and stop all business, exercising complete tyranny over the majority.

Mr. ZOX.—And a preconcerted tyranny.

Mr. WRIXON.—Certainly, a preconcerted tyranny. When we are so solicitous about the rights of the minority being subjected to any oppression we must not forget that there are also the rights of the majority; and unless we take steps to enable the majority to proceed with business when it chooses to proceed with business, we may preserve the rights of the minority, but we shall sacrifice the rights of the majority altogether. Striking instances of this kind could be cited from the records of this House. We have put up with this state of things long enough, because for years we have suffered in this Chamber—I assert it unhesitatingly

—from the obstructive practices of a few members.

Mr. WOODS.—For how many years have we suffered?

Mr. WRIXON.—Well, I have been here twenty years, and I have seen it off and on during that period. We have suffered from the obstructive practices which a very few members have indulged in with the object of preventing anything being done. That is what renders it necessary that we should have some power of going on with business when the majority thinks that business ought to be proceeded with. The honorable member for Normanby says, “If you give this power to the majority they are sure to abuse it.” I will refer to that for a moment, because I am informed that honorable members, even on our own side of the House, have expressed some little doubt as to how this is going to work, and that they have a natural feeling, with which we all sympathize, that nothing should be done to endanger the legitimate rights of the minority. I quite agree with that feeling. But let us view the question and see whether these fears are real or chimerical. In the first place before the closure can be enforced, even if public business is stopped, we must have the assent of the Speaker in the chair and his declaration that the proposal to stop the debate is not an infringement of the rights of the minority. I attach the greatest weight to that security. I entirely differ from the honorable member for Normanby, and refuse to believe that we shall ever have partisan Speakers here, who will be prepared to become the tool of the majority of the House, and I say from my own experience that, looking back over a long period of years spent in this House, I do not recollect any crisis where the Speaker would have prostituted his position to become a party to any movement for the purpose of stifling real discussion. I do not recollect such a case in the past, and I don't believe that such a case will ever occur in the future. Honorable members must bear in mind that before we can enforce the closure we must have a majority of the House prepared to pledge themselves to such a course. That is a very important consideration, because the majority in this House is the only power known to our Constitution for governing in any matter. The majority can legislate on any subject, the majority can deal with the Estimates of the country in any way, the majority may even pass a law altering the Constitution, or affecting important relations with other colonies. And

it must be remembered that if a majority is corrupt and demoralized, it has already the power to do much greater injury in other directions than any injury it could do by merely closing a debate. Closing a debate on any particular occasion does not mean suppressing discussion on the subject then under consideration. The whole press of the country is open to that discussion, and we should have the whole light of public opinion beating upon us. We are not like a secret society, shut out from the view of the public, and it is a delusion to suppose that if a majority were tyrannically to close a debate, they would thereby stop all discussion on the subject. There would be still the discussion of the whole country going on. There would be the whole light of public opinion upon the action of that majority, and I believe that no more fatal course could ever be taken by any party than to step in, and, by the mere force of numbers, prevent discussion. I believe that course to be so foolish, so unwise, that it would never be taken. Therefore, I am not at all inclined to agree in the gloomy views which the honorable member for Normanby seems to hold as to the probability of the unfair working of that rule. Of course, it is possible for a majority to misuse their power. But if they are going to misuse it, they may misuse it in much more serious matters than in closing a debate. And, on the other hand, you must consider that if we do not give the majority the power of conducting the business of the country as it ought to be conducted, and the power of terminating discussion when they think there has been enough debate, the country is then driven into this other difficulty of sacrificing the rights of the majority altogether, to the absolute domination of a few. That is what brought home the necessity of the closure to the conscience of nearly every old member of this House. I am glad to be able to say that the adoption of the closure will be in accord with the opinion of the country, because no mandate could be more clear, no verdict could be more decisive, than the country gave at the late general election in regard to dealing with this question. The Government put this forward as one of the principal topics that they would submit to the House, as one of the planks in their platform—the repression of disorder and ensuring the progress of public business. And we see the result of their appeal to the country in the majority that sits behind the Government in this House. The great majority of honorable

members returned to this Chamber are pledged to support a reform in this direction. I do not know that there are many other matters on which I need to delay the House. The question of adjournment has been alluded to, and I may just say a word about that. I am sorry that the honorable member for Normanby objects to the manner in which we propose to deal with the question of moving adjournments. But I would remind the House that we have found nothing more fertile in bad effects than this power of recklessly and inconsiderately moving the adjournment of the House. Honorable members will bear in mind that we have our own order paper, which shows us the course of business we are going to follow each day. Honorable members come down prepared to deal with that business. Members holding different views are here prepared to speak and vote on that business. But what has been the effect of allowing these reckless and inconsiderate motions for adjournment? One or two or three members, perhaps, come down to the House full of some little matter, of which they know and think a great deal. And, without any notice to the House, without any warning to other honorable members, without allowing the House any opportunity of becoming acquainted with the facts, and considering and dealing with them in due course, a member jumps up and moves the adjournment of the House in order that he may ventilate his views on that particular topic. The result is this: that a handful of members not only displace the business of the day, as in the one case to which the Premier alluded, but they take this unfair advantage of the House—and it is an unfair advantage whether they intend it or not—they come down with their *ex parte* views and ideas, without notice, and ventilate to the full a subject concerning which other members of the House have had neither notice nor information, a subject on which honorable members have no opportunity of dealing with the facts, and the whole of the public business is impeded. That we consider is a most disgraceful thing, and we ask the House to deal with it with a strong hand, because it is a marked abuse, and there is no sort of justification to render it excusable. If there is a matter of scandal in the Government calling for inquiry, and an honorable member puts a motion on the paper dealing with the subject he wishes to have brought forward, the Government must respect that and at once give an opportunity for debate. Or, if it is not so serious as that, any member can,



early in the afternoon, give notice that on the motion for the adjournment of the House, later in the evening, he will call attention to the subject. That directs attention to it, and, when the time for adjournment comes, the honourable member can debate the subject as much as he likes. The futility of the idea that it is necessary to have this safety-valve of moving adjournments is shown, on looking back over the records of the House, by the fact that not more than half-a-dozen members of the whole eighty-six formerly constituting this Assembly ever thought it necessary to avail themselves of that irregular privilege. The other eighty were able to do their duty to their constituents and the country without appealing to that extreme course. The Government, therefore, hope for strong support in dealing with this nuisance, and they are glad to see signs all round the House that the expectation will be realized. I think the honourable member for Normanby, notwithstanding his criticisms, plainly recognised in his speech that even the Opposition are ready to go hand in hand with the Ministerial side in this matter. I really must congratulate the House, which has just come from the country, and which comprises a large number of new members, many of them native Australians, on the fact that we seem to be all of one mind, that all of us desire to put a stop to the irregular proceedings and disorderly conduct which have unquestionably in the past lowered the whole standard and tone of the Parliament of Victoria. I say that as one who entered the Chamber young, and has spent many years in it, and I am sure it will be echoed by every other old member. Instead of being a Chamber which was a pattern to the whole country, and enjoyed the respect of the entire population, we at times sank below the level of the most ill-conducted odd-fellows lodge. I am glad, however, to think that now a healthier tone prevails, and that both sides will unite in putting the House in a very different position. Because the Government would rather have the thing done by union of that sort than win a mere party victory. Besides, it must not be forgotten that, in bringing forward these propositions, the Government are obeying the mandate of the whole community. They are privileged moments of political life when honourable members rise above all party or political considerations in order to carry out some great reform—a reform from which beneficial results will flow, long after we are in our graves.

*Mr. Wrison.*

Mr. DUFFY moved the adjournment of the debate.

Mr. SHIELS asked the Premier if he could see his way to let the propositions before the House be considered in committee? As the honorable gentleman must know, honorable members discussing them in full House had, to a certain extent, their hands tied. At the same time, there was no desire to impede the Government in any way. Besides, there would be no conflict, except with respect to a few of the propositions. Unquestionably, the majority of them would receive the assent of the entire Chamber. In the House of Commons the same subject was discussed in committee. (Mr. Gillies—“The principles of the rules then proposed were all carried in full House.”) He believed that on more than one occasion the subject was discussed in committee.

The motion for the adjournment of the debate was agreed to.

#### RABBITS DESTRUCTION BILL.

The House went into committee to consider the Governor's message on the subject of this Bill, presented June 5.

Mr. DOW moved—

“That it is expedient that an appropriation be made out of the consolidated revenue, and of fines and penalties, for the purposes of a Bill to provide for the destruction and suppression of rabbits and other vermin.”

The resolution was agreed to, and was reported to the House.

#### EDUCATION ENDOWMENT COMMISSIONERS BILL.

The House went into committee to consider the Governor's message on the subject of this Bill, presented June 5.

Dr. PEARSON moved—

“That it is expedient that an appropriation be made out of the consolidated revenue, for the purposes of a Bill to appoint Education Endowment Commissioners, and to vest certain Crown lands in such commissioners for educational purposes.”

The resolution was agreed to, and was reported to the House.

#### RABBIT-PROOF FENCING.

Mr. MUNRO (in the absence of Mr. TAVERNER) moved—

“That there be laid before this House a return showing the mileage of rabbit-proof fencing erected by the Government, the cost per mile, the cost of maintenance and how paid, and the rate struck; also the distance from Tyntynder, Yarriambiack Creek, following the boundary between the Mallee leases and farmers' holdings.”

Mr. BAKER seconded the motion, which was agreed to.

The House adjourned at four minutes to ten o'clock, until the following day.

## LEGISLATIVE ASSEMBLY.

Wednesday, June 12, 1889.

Railway Construction: Murchison and Rushworth: Great Southern Line: Yea and Mansfield: Terang, Warrnambool, Koroit, and Port Fairy—Fisheries—Wallabies and Wild Dogs—Public Instruction: Lardner-road South—Rabbit Extirpation: Kamarooka State Forest—Administration of the Land Law: Married Women—New Procedure Rules: Second Night's Debate—Rabbits Destruction Bill—Education Endowment Commissioners Bill—Uniformity of Punishment and Contempt of Court Bill—The Customs Duty on Live Stock: Drawbacks—North Melbourne Railway Accident—Differential Railway Rates: Riverina Trade—Mining Leases—Laanecoorie Railway Bill.

The SPEAKER took the chair at half-past four o'clock p.m.

### RAILWAY CONSTRUCTION.

Mr. WEBB asked the Minister of Railways on what date the railway from Murchison to Rushworth was likely to be open for traffic?

Mr. GILLIES said he was sorry to be obliged to state that it was not possible, at present, to indicate very approximately when the line would be open for traffic. Great complaints had been made about the unsatisfactory way in which the contractor had carried on the works, and the department was now considering whether it would not be obliged to take steps to cancel the contract.

Mr. L. L. SMITH inquired of the Minister when the Great Southern Railway would be open as far as Loch, and when it would be open as far as Whitelaw's Track?

Mr. GILLIES replied that, so far as the Railway Commissioners were able to judge from the reports received from the engineer in charge, the first section of the line would not be open for public traffic as far as Loch before the 1st March, 1890, and as far as Korumburra, the end of the contract, before the 1st July following. (Mr. L. L. Smith—"Is that Whitelaw's Track?") Yes.

Mr. GRAVES asked the Minister of Railways at what date the contract time for the first section of the Yea and Mansfield railway expired, and when the construction of the line as far as Cathkin would be completed?

Mr. GILLIES said the contract date for the completion of the line as far as Cathkin was the 1st October last, but the work had been carried on in so unsatisfactory a manner that the contractor had been warned several times, and in all probability he would receive notice of the determination of the contract.

Mr. ANDERSON inquired when the railways from Terang to Warrnambool, from Warrnambool to Koroit, and from Koroit to Port Fairy would be completed?

Mr. GILLIES said he did not think they would be completed until close upon the end of the year.

### FISHERIES.

Mr. L. L. SMITH asked the Minister of Customs whether, in compliance with a promise made by his predecessor in office, he would appoint a Royal commission to inquire into the question of our national fisheries?

Mr. PATTERSON said he had not been able to find a record of any such promise as that referred to. However he could state that the department had the subject pretty well in hand just now. A series of experiments had been made in the waters to the east of Port Phillip Heads, and now the western coast was about to be tried. Private individuals were preparing themselves to enter into the fishing industry with some spirit. The Government were fully aware of the importance of developing the fish resources of the colony, but they did not think it desirable to embarrass matters by obtaining information from other men than those who had practical knowledge, such as fisherman—men acquainted with the habits of fish and the waters which they frequented, and also the proper duration of close seasons. He could assure the honorable member for Mornington that the Government were disposed to give every possible encouragement to the fishing industry, but they were not prepared to appoint a Royal commission at the present time.

Mr. L. L. SMITH observed that, on the 19th December last, the late Minister of Customs promised that, if he (Mr. Smith) would communicate his views, they would receive consideration, and the Cabinet would be consulted on the matter.

### WALLABIES AND WILD DOGS.

Mr. MASON asked the Minister of Lands if he would make provision, in the Rabbits Destruction Bill, for the extermination of rabbits and wild dogs, and if he would

at once take some departmental action for their destruction on Crown lands, State forests, and other Government reserves?

Mr. DOW remarked that wallabies and wild dogs would be brought under the operation of the Rabbits Destruction Bill. The Government took the responsibility of clearing all Crown lands of vermin. In consequence of the representations of the honorable member for Gippsland West, the Government had arranged to pay 3s. per dozen on condition of the local bodies paying a similar amount, or 6s. per dozen in all, for the scalps of wallabies destroyed on Government reserves. Wild dogs were already provided for.

#### PUBLIC INSTRUCTION.

Mr. GROOM asked the Minister of Public Instruction when the State school at Lardner-road South was to be erected?

Dr. PEARSON intimated that the matter would have to wait until agreement as to the question of site was come to by the people of the locality.

#### RABBIT EXTIRPATION.

Mr. HIGGETT asked the Minister of Lands if he would take steps to have the Kamarooka State Forest fenced with wire netting, so that adjoining farms might be protected from the rabbits which over-ran it, or whether he would supply netting to the farmers on condition that they erected fences?

Mr. DOW stated that the Government had already initiated a policy in this direction. They had provided for the fencing with wire netting of State forests and timber reserves, and people who were located in the neighbourhood would find that the cheapest way of preventing the spread of the rabbits, and no doubt would be glad to follow the example.

#### ADMINISTRATION OF THE LAND LAW.

Mr. L. L. SMITH asked the Minister of Lands if he would explain to the House the arrangements which he had made to facilitate the selection of land by married women.

Mr. DOW said it was not competent for a married woman to select land with the view of ultimately becoming a freeholder, but she might become a lessee. He might mention that facilities were given to large families for the exercise, in certain cases, of a discretionary power to transfer, so that a

daughter or son might be able, on coming of age, to acquire an allotment forming a portion of a grazing area.

#### PETITION.

A petition was presented by Mr. STERRY, from inhabitants of Woodstock West, against the Laanecoorie Railway Bill.

#### NEW PROCEDURE RULES.

##### SECOND NIGHT'S DEBATE.

The debate (adjourned from the previous evening) on Mr. Gillies' motion for the adoption of certain proposals as to procedure, as standing orders of the House, was resumed. (See p. 96.)

Mr. DUFFY.—Mr. Speaker, in addressing myself to this subject I fancy that I can deal with it from an impersonal point of view, if I may say so, for the reason that I don't think that any regulation which may be laid down by this House for the future will affect me personally. I may remind honorable members that in the past I have always set my face against obstruction. I have always been solicitous, as far as in me lay, of not unduly taking up the time of the House in discussing any measure, no matter of what importance, that might be brought under our consideration. That being so, I feel that I can deal with the proposals of the Government from an impersonal point of view, as not being personally interested as to whether they are passed or not. The question, I take it, is one which should not be looked at from a party point of view. It should be dealt with altogether apart from party politics, as a question affecting the internal discipline of the House. Honorable members, no matter whether they sit on the Ministerial or on the opposition side of the House, will be justified in either assenting to the proposals, or opposing them, or in adopting them in a modified form, just as they think the circumstances of each case demand. That being so, I would like to ask the Premier one question. There is in this Chamber a committee, of which you, Mr. Speaker, are a member, of which the Chairman of Committees is also a member, and which is supposed to be composed of the leading members of all shades of opinion in the Assembly—gentlemen who are thoroughly experienced in constitutional questions, and who are well acquainted with parliamentary forms. That committee is the Standing Orders Committee. I ask the Premier why the questions involved in these proposals were not placed before the Standing Orders Committee to be dealt with

by that body rather than by the Government? Would it not have been more respectful that the questions should have been remitted to the body specially appointed by this House for the purpose of dealing with such matters—that any question affecting the internal discipline and order of this House should have been first put before that body so that they in their wisdom might deal with it? If that course had been followed, I believe that whatever the Standing Orders Committee, in their wisdom, had seen fit to recommend would have been much more satisfactory to this House as a whole, and much more likely to be carried as a whole, than any propositions which the present Government or any other Government may think fit to submit. I am extremely sorry that the Premier, instead of bringing forward the present motion, did not propose that the whole question should be laid before the Standing Orders Committee. I am also sorry that the Premier did not follow the precedent which was created on the only occasion when any such measure as this was proposed to the Assembly. During what is known as the “stone-wall” period, a certain resolution, known as the “iron hand” or the “gag,” was adopted by this House. That resolution was a severe and stringent one, but I cannot say it was more severe than, or even as severe as, the resolutions we are now called upon to pass. In connexion with that resolution it was specially provided that it should apply only to the then session of Parliament. I am surprised that the Government did not propose a similar limitation with respect to these resolutions. I would not ask that the proposed standing orders should apply only to the present session, but I would ask in all fairness that they should apply only to the present Parliament—that they should have force only so long as the present Parliament exists. We are plunging into what is admittedly an experiment. We are taking a leap in the dark; we are legislating for ourselves; but we cannot gauge with any accuracy what the results will be. Many honorable members, including myself, and a large number of people outside are of opinion that the real effect of these resolutions will be to destroy, in a great measure, the liberty of free speech in this House. That impression may not be well grounded, but, whether it is well or ill grounded, the Government should have taken care that the resolutions were treated as an experiment; and I would suggest that as this is not a political question—as it is

a question for the House at large—the Government should add words providing that the resolutions shall have operation only during the present Parliament, or, at the utmost, until the end of the first session of the ensuing Parliament. If the rules are passed in a modified form, and if, in the course of three or four years, they are found to work badly, it will be well to have done with them; if, on the contrary, they are found to work well, the present or any future House will be only too glad to continue them in operation. The Premier, in submitting the resolutions, intimated that we ought to pass them because we have a mandate from the country to pass them. Now, I utterly deny that. I deny that the question of amending the procedure of this House was put before the country. I go a step further and say that this is not a question upon which the mandate of the country should be received by this House. Why are we sent here? What are we here for? We are here to do the business of the country. We are elected and selected by the country to do its business and represent its interests. The country chooses the best ninety-five men it can find in default of better, and it says—“Go to Parliament, and represent us and our interests, and do our business there.” The country does not trouble itself about the details of the way in which we carry on the public business; all it desires is that the public business shall be satisfactorily carried on. I assert that the country would never dream of putting any mandate upon us that our business should be carried on in a special manner. It is a matter for the House, in its wisdom, to settle. As regards a mandate, I told my constituents plainly—and they were very well satisfied with what I said to them—“If you return me as your member, I will do my very utmost, as I have done in the past, to conserve order and to carry on debate in the Assembly in a seemly and intelligent fashion, and, if it is found that any new rules are necessary for the proper conduct of our business, I will be glad to assist the Government in carrying those new rules, but I will be very careful indeed how I check one iota of the privilege of free speech which the present representatives enjoy in Parliament.” I added that I would sooner see fifty times as much obstruction as we have ever had in Parliament, than see one tittle of the freedom of speech in this House—which is the safeguard of the liberties of this country—interfered with or taken away or hampered

in any degree. Now, as far as I know, there has been no talk about this matter in the country at all. But there has been some agitation about it in another quarter. There has been a press agitation about the matter. The country has not sought to impose a mandate upon us, but the "fourth estate of the realm" has. I would ask honorable members to beware how they allow that "fourth estate" to impose its mandates upon this House. I go further and say that it seems to me that one of the difficulties and dangers which the parliamentary system has to struggle against is the power of the press. That is so not in this country alone, but in every country where constitutional forms of Government exist. In former times, Parliament had to struggle against kings and nobles; it had to register the decrees of kings without discussion. But now it seems as if a subtle conspiracy had been entered into in all constitutionally-governed countries to compel Parliament to register the decrees of the press. The ideal Government that the press would like to see in office would be a Government that would read the "leaders" of the leading newspapers, and come down to Parliament and obtain the passage into law of measures therein recommended, without discussion in this House or elsewhere. However, we have not yet come to that state of things here; and I trust it will be long before we do. I say again that we have received no mandate from the country, and that the only agitation about this question of procedure has been in the public press. Mr. Speaker, we are sent here, as I have stated already, to do the business of the country. Now what is the business of the country? The Premier, no doubt, will tell us that the business of the country is to keep him in office, and give him as good a record as possible of Bills passed at the end of the session.

Mr. GILLIES.—That is the business of the honorable member.

Mr. DUFFY.—I shall be happy to do my fair share of the business of keeping the honorable gentleman in office as long as he behaves himself, and no better man can be found to take his place. But that is not what the country requires of us. I ask the House to consider that the business we have to do here is not merely legislation. I am almost disposed to say that legislation is not the chief business of this House. I am inclined to think that the country would not suffer if the House did not legislate at all for six or twelve months. I am not sure that we are not in danger, in many respects,

of being over-legislated for. For my part, I believe that it would be much better if the quality of our legislation was improved, and the quantity of it decreased. We have many other functions that are part of our business as representing the people of this country besides passing acts of legislation. We are the High Court of Parliament. We are supposed to redress grievances, come from where they may. We are supposed to hear petitions from all classes of citizens. We are supposed to conserve the finances of the country—to see that the taxes are properly raised, and that the money so raised is properly distributed. In fact, we are called a Parliament, and Parliament, I presume, means a Chamber where people speak and discuss—a place, as Tennyson says—

"Where girt with friends or foes,  
A man may speak the thing he will."

We are not called upon to register the decrees of the press outside or of Ministers inside. We are called upon to speak what we think is for the benefit of the country—what we consider is for the best interests of the people; and to say it fearlessly. It would be a misfortune to this country if the day should come when a member rising in his place in this House felt himself hampered or afraid in any way to speak his thoughts. That is the day I dread. We have only seen the dawn of it in the proposals that the Premier has brought before us. That is why I exceedingly dread this exhibition of ardour. I do not feel called upon to follow the Premier through his speech of last night. It would not be proper or convenient for me to do so, especially as I understand that, on a future occasion, we will have an opportunity of discussing the twenty-one proposals seriatim, and saying with which we can agree, which we oppose altogether, and which we may agree with if subjected to greater or less modification. I say at once that many of the proposals I am glad to be able to agree with; but there are some six that I would like to say a few words about. These are Nos. 3, 4, 7, 14, 18, and 19. To my mind the most important of these are Nos. 4 and 18—the one providing for the suspension of the standing orders by a bare majority without notice, and the other providing for the enforcement of the closure or, as it is called in French, the *clôture*. The 3rd proposal is one that forbids the adjournment of the House to be moved without the concurrence of an absolute majority of honorable members. I specially address myself to this proposal because of the amusing argument, if

argument it can be called, which the Premier employed in connexion with it. The Premier stated that the motion for the adjournment of the House had been used to block business purposely and persistently. That does not coincide with my remembrance of our proceedings, and I have sat here, if not as long as the Premier, for many years. Looking back as closely as I can recollect, on only two occasions has this power of moving the adjournment of the House been at all abused. One occurred in the old "stone-wall" days; the other occurred last session, when for three days, and three days only, the power was used—not avowedly, but actually used no doubt—by certain members whom I don't see here now, to prevent the business which ought to have come before us, being considered. I would ask the Premier and the House whether, if this be so—if the power of moving the adjournment of the House has been used only on two occasions persistently for the blocking of business—is it a sufficient excuse for doing away with the power altogether? The Premier says the motions give rise to useless discussions which never come to anything. "They cannot come to anything," he said, "because you all know that on a motion for adjournment, the only question before the House is whether it shall adjourn or whether it shall not." But do not honorable members recollect many occasions on which, by the help of a motion for the adjournment of the House, grievances have been ventilated which urgently required ventilation? And this much has frequently come of such a motion—that the honorable member who moved it stated his grievance, that other honorable members backed him up, and that then the Government promised to make full inquiry into the matter, whereupon the motion was withdrawn, and every one was happy. The Premier brought forward a long list of motions for adjournment which had been proposed in the House. That list may be accurate as regards number, but honorable members know how many of those motions for adjournment arose. Some honorable member, dissatisfied with an answer given by a Minister to a question, made a statement which occupied perhaps ten minutes. That was followed by an assurance on the part of the Government that the matter complained about should be inquired into, and then the motion was negatived or withdrawn. And that is what has happened in the majority of cases. I do not recollect having ever moved the adjournment of the House; but

I have seen the power used with great effect. It was used last session by the present Minister of Customs on the Chinese question. I am not going to say that the honorable gentlemen used it improperly. He had an important public question to bring before the House; he discussed it with force, but at no great length; and some good, at all events, attended the honorable gentleman's action. "But," asked the Premier, "can it be supposed that the House will refuse to listen to any honorable member who has a grievance?" This, I regard, as something like Jedburgh justice. How are you to know that an honorable member has a grievance until you have heard him; and you cannot hear him unless he is allowed to speak. Then the Premier used another amusing argument—to new members it might have sounded as specious, but older members will understand the absurdity of it. "Why," said the Premier, "cannot he wait four or five hours; any grievance would be none the worse for being kept back four or five hours; don't let him move the adjournment of the House at the beginning of a sitting, but let him wait to the end, and then we will hear him." But how is it possible, at half-past eleven o'clock at night, when the Speaker and members are utterly worn out, when everybody is anxious to get away, when the reporters in the gallery have already put on their great coats, when the press reports are closed for the night, for an honorable member who may then desire to ventilate a grievance to obtain a hearing? Why, those who are familiar with the practice of Parliament know that there is no more chance of an honorable member obtaining a hearing under those circumstances than there is of a lawyer going straight to heaven. The Attorney-General, when speaking on this motion, stated that he had looked through the debates, and he found that this power of moving the adjournment of the House had been exercised by only some six members in times past? If that be so, what necessity is there for meddling with the matter at all? The power has been found useful, and it may still be found useful. In my opinion it is useful, and if it has been abused by only six members, none of whom I see here to-night, what necessity is there for causing this House to legislate upon the matter? As for the waste of time the honorable gentleman talked of, let me point out that a very great deal of time is wasted over a matter which these propositions do not touch in any way. Perhaps I ought to say, not

that the time is wasted, but that it is expended without any direct result accruing. What is the subject of the discussion of which takes up so much of *Hansard*? The Estimates. Night after night we go on discussing the Estimates, although we know for certain that, practically, we cannot meddle with them, nor disagree with them. It is not in the power of any private member to move an increase even to the extent of one penny, and it is very seldom that he succeeds in getting an item diminished. Nevertheless, evening after evening is devoted to them, the particular points raised being rarely of any general public importance. Usually the question at issue is a merely local one—why there is not a police station at one place, or a post-office in another, and so on. It seems to me that more time is wasted over the Estimates than over anything else. Perhaps, however, when the Premier has got these propositions safely through, his next will be, "Let us pass the Estimates *in globo*, and take the discussion on them on the third reading of the Appropriation Bill." I think we might almost as well do one thing as the other, and the amount of time so saved would be immense. Another proposition on which I desire to say a word or two, is that which contemplates the suspension of any standing order on a motion moved without notice and carried without debate by a bare majority of the whole Chamber. This, to my mind, is full of danger, if indeed it be not the most dangerous of all the new rules of procedure we are asked to adopt. Even if we accept all the rest, I sincerely hope we will reject this. I regard the existing rule on the subject as one of the greatest safeguards to a minority that could be conceived, and I would be very sorry to see it in the power of any bare majority of members, without discussion, perhaps in the absence of the honorable members most interested in the question at issue, at any stage of a Bill, and no matter what the nature of the Bill may be, to sweep that safeguard away, descended to us as it has from the House of Commons, who have found it of immense use in times past. It is the minority whom this safeguard was designed to protect, and it would be monstrously and criminally wrong to make it removable at the option of the parties against whom the protection is needed. It would be like allowing the wolf to descend into the sheep-fold at his pleasure. Moreover, neither the Premier nor the Attorney-General has shown any need for such an alteration. No doubt the Premier treated the subject very

*Mr. Duffy.*

nicely, but what did he say? That there was some doubt as to whether a standing order could be suspended at all, and he thought it would be well to settle that point finally. Assuredly, if the proposition is carried, the point will be very much settled indeed. I know that the wording of the proposition refers to "cases of urgent necessity," but can the honorable gentleman, with all his great experience, mention a single case of real urgency in the past in connexion with which, no matter how parties were, the urgency was not admitted, and the standing order or orders not suspended accordingly? I do not remember any instance of the sort, nor can I conceive of one occurring. I have, however, known a Ministry, at the end of a session, when they were extremely anxious to get their Bills through, whether they were properly framed or not, withdraw a Bill which they were absolutely required to withdraw, and then bring it forward again as one of urgency. But even then, as on almost every other occasion of the kind, the House was content to pass the measure into law. We have been told that the minority will be sufficiently protected, because the Speaker will be judge of what is a question of urgency. But let me point out again what was pointed out last night, namely, that the Speaker does not come into the present proposition at all. So that to all intents and purposes the question of urgency will depend upon the vote of the House. Again, if it depended upon the Speaker, the case would be even worse. Not that I would impugn the probable impartiality of the present, or, indeed, of any other Speaker. I would be sorry to suppose that we could ever have a Speaker who would behave partially. But the existence of urgency must, after all, be a matter of opinion. What then would be the outcome? That when the Speaker had given judgment on the point of urgency there would probably still remain a very considerable difference of opinion between him and the section of the House disappointed by him, which would be a misfortune. To my mind the less a Speaker is called upon to judge of mere matters of opinion the better will it be for him and for the House. I come next to the 7th proposition, which is, that there shall be no debate on the question that the Speaker do leave the chair in order that the House may resolve itself into Committee of Supply or Committee of Ways and Means. Well, I ask honorable members to consider what the new arrangement, if consented to, would interfere with. It has been customary for any honorable

member desirous of bringing a particular topic before the House to give notice, sometimes weeks and weeks beforehand, that, on the motion that the Speaker leave the chair to go into Committee of Supply or Committee of Ways and Means, he would, as an amendment, raise such and such question; and very often that has been the only means by which an important subject could be brought under discussion. It must indeed be within the memory of every old member, the Premier included, that some of our most weighty and interesting debates have been initiated in that way. Of course, some Minister always gets up and says the Government will be compelled to oppose the amendment, because carrying it would hinder the House from going into Committee of Supply, although, according to the standing orders, that need not be the result at all. Still, although the amendment might be negatived, good to both the House and the country was frequently the outcome. Often and often have the Government of the day been convinced by such means that a mistake had been made, and promised that the wrong should be remedied. The matter I am referring to may be a small one, but I think the Premier ought, when he moved this 7th proposition, to have given us some statistics as to the extent to which the existence of the old rule has caused time to be wasted. Instead, however, of doing anything of the kind, he simply expressed the opinion that the practice in this respect ought to be changed. On that point I beg to differ from him. The 14th proposition refers to motions, when the House is in committee, that the Chairman do leave the chair, or that progress be reported. I must confess that it has been most irritating and aggravating, both to the Government and to honorable members generally, to find this power misused or abused, as has sometimes happened. I say sometimes, because, after all, such conduct has been rare. It was referred to last night as having been indulged in only twice, when a particular set of members banded themselves together to block business. But I have seen the practice resorted to on other occasions—when, perhaps, an honorable member has, through temper, intimated that he would not allow business to go on. But such blocking of business has never, as a rule, lasted beyond half-an-hour or so, by which time the angry member has usually been soothed down, and things have then gone on very much better than they would have done had the obstruction been

removed by an iron hand. I do not absolutely object to the new proposal, but I draw attention to the fact that no great necessity for it has been shown, and that the present system has not, upon the whole, worked very badly. It is not perfect, but it has operated fairly well, and I would be prepared to

“Rather bear those ills we have,  
Than fly to others that we know not of.”

The 19th proposition, which will enable the Speaker to suspend a member for a sitting, is very severe. The power to be given is of the most drastic character, and I am not convinced that there is any need for it. I notice that the Premier and the Attorney-General put the case in its behalf to the House, and especially to the new members, as if, at the present time, the Speaker had no authority in such matters—as if when a member had defied the House he could not be dealt with. But is that the case? Why, in the past we have expelled members, or punished them with fine and imprisonment. In short, we have sufficiently dealt with every honorable member who misconducted himself, and at this moment we are able to do the same thing again. Why then should we, without any need being shown, proclaim ourselves before the world to be worse than we really are? Why should we declare the members of our Legislature to be so ill-behaved as to require special legislation for their repression—legislation never heard of in the colony before? To my mind the Premier must, before he can fairly ask us to adopt this proposition, show plainly that the powers of the House in this direction are insufficient, and have proved themselves to be so in the past. I now come to the last of the propositions with which I intend to deal, namely, the 18th, which involves the closure. I do not intend to follow the Premier in his travels to foreign countries—in his references to foreign Constitutions with regard to this subject. I am not very much concerned about the construction of these so-called bureaucratic Constitutions, which should be no guide to us, who derive all our precedents from the great House of Commons. I say these foreign Constitutions are not fit for us to take precedents from. The systems of government and the ideas about freedom of speech which exist in foreign countries are altogether different from ours. The only exception I would be inclined to make would be in favour of the Constitution of the United States, to which some honorable members have alluded. At the same time there is no doubt that the system of



government in the Union is utterly different from the system of government which obtains amongst us. Here we have what is called party government, but there there is no party government, and, from what I know of the nature of the closure in force there, I would say that the example of the great republic is one which we should refuse to follow. The only precedent in the matter I would really consider would be the precedent of the House of Commons. At the same time I fancy that the House of Commons managed to conduct its business for a good number of centuries without dreaming of adopting any such system of closure as it now has in its standing orders. It existed and did good work for century after century, but I doubt if that would have been the case had honorable members there been restricted and thwarted as some of them are restricted and thwarted now. For instance, freedom of speech would never have been maintained, and so far the House would not have set the great example to the world it has set. Then, I would ask, are the circumstances of our Parliament the same as those of the great Parliament of England? Because the British House of Commons has thought fit in its wisdom, of late years, to permit the application of the closure, is it necessary we should have it here? Honorable members know that when the House of Commons took that step it had very peculiar circumstances to deal with, that there was obstruction, avowed and pre-arranged obstruction, on the part of obstructionists who could not be got at in any other way than through the closure. Why? Because they were supported by their constituents. They said to the House of Commons—"We will not let you do any business until you give us what we want." But the great majority of the House were anxious to do business, and in order to force that business through, they passed the closure. Do similar circumstances exist here? Is it possible to conceive of such a state of things being brought about in this country? Do we not know that if there was any pre-arranged avowed obstruction to legislation here, the whole community would be against the honorable members guilty of it? Would not the entire population be prepared to deal with the Members of Parliament who refused to do their duty, or to let other honorable members do theirs? As far as I can gather, we never can have any definite unjustifiable parliamentary obstruction here without the obstructionists being speedily

*Mr. Duffy.*

and effectively punished. Another difference between us and the House of Commons is this. No doubt Victoria has a considerable population, and is an important colony, and also, that we, as a House, have a comparatively large revenue to look after; but the 700 members of the House of Commons deal with a revenue of £80,000,000, and with the affairs not only of the United Kingdom, but of the great dependency of India, and of other dependencies all over the world. Besides, they control the foreign relations of the Empire—relations which extend to almost every country on the globe. In short, they have to manage such a multiplicity of affairs that the wonder is, with the number of members, that any business is done at all. Therefore, while it may possibly be necessary for so large a House, with so many things to attend to, to make stringent rules for its own regulation, it does not at all follow that the same necessity exists with respect to a small House of 95 members, to whom are committed the destinies of smaller interests and a smaller territory. Under the circumstances it is not sufficient for the Premier to say, "Oh! even the House of Commons have the closure." He ought rather to show us that in the present position of the colony the closure is absolutely necessary to enable business to be carried on. If he had done that, his position would have been different. But, instead of attempting to prove anything of the kind, his argument is, "Oh! they have the closure in Great Britain; we have had many good things from Great Britain; therefore we ought to get the closure as well." I have only very little more to say. I would like, however, to offer a few words to our new members, if I could do so without appearing to lecture them, or in any way giving them offence. I would ask them not to be led away by specious arguments, or by clamour, with respect to matters of which they have not yet had very much experience. Perhaps they have been greatly impressed by the recent outcry against certain proceedings in the late Parliament—by the accounts of obstruction and disorder in the House which the public prints have given us, and in which the scenes described have loomed very large indeed. But let them also bear in mind that, in spite of those scenes, a number of good Bills were passed by the late Parliament, and a mass of good work was done. Under these circumstances I would urge them not to relinquish the safeguards they have inherited from their ancestors in the great House of

Commons. At all events, let them first satisfy themselves, beyond all doubt, that what the Government propose to do is absolutely necessary to be done. Let them also not be satisfied with the dictum of the Premier that similar rules have been adopted in South Australia, and will be adopted in New South Wales, in order that business might be carried on there, and debates shortened. But let them consider rather whether the Premier has convinced them that here and now—under the circumstances actually existing among us—there is any absolute need for these restrictions to be imposed. Let them remember the story of the owner of the foal, who, in order to keep it quiet, put round its neck chains that had been employed to chain an elephant. With what result? That the poor foal was strangled. Practically, the Government are asking us to put ourselves into chains heavy enough to strangle us. Let honorable members beware of the fate of Gulliver, who found himself tied down with threads any one of which he could have broken with ease, but the multitude of which held him fast. Let them not allow the introduction of even the thin end of the wedge. I would also ask the Premier to recollect that some day he will be, not in a majority, but in a minority. Perhaps he cannot at present realize that, but the time will come. Let him then be warned that, when he is sitting on this (the opposition) side of the Chamber, he may find the rules he is now so anxious to introduce used against himself, and for the destruction of his party. Nay, of more, for their adoption will assuredly lead to the destruction of free speech in this House, and of liberty in the country.

Mr. WHEELER. — Sir, I have not risen to reply to the last speaker. On the contrary, I concur in many of his remarks. For instance, he started by saying that even if all the present propositions were agreed to they would not affect himself, because he had never been a party to obstructionist tactics—had never “stone-walled,” or lent himself to the retarding of business. Well, I, as an old member of the House, can testify that what the honorable member has said is perfectly correct. I may also say the same for myself, for throughout the whole of my parliamentary career I have never joined in or had anything to do with obstruction to business. If every other honorable member could truthfully make the same assertion there would be no reason for adopting these propositions at all. If we were all as well-behaved as we are now of

what good would they be? But, unfortunately, while it is quite possible that in times of quiet no such rules would be called for, there are times when there is very little quiet. In periods of great irritation, and when a strong party spirit is abroad, it is absolutely necessary for us to have such rules for our government as would enable some sort of business to be gone on with. I regret that the rules proposed are so stringent, and I think the Government should modify some of them, and drop others as uncalled for. Still it goes without saying that something must be done to obviate in the future what occurred in the last Parliament, and particularly during the last session of that Parliament. Surely every one will admit that business was then, on several occasions, absolutely obstructed, and that that sort of thing ought to be prevented in the future. Well, I for one am quite prepared to assist the Government in passing any new rules that are reasonable and just, and that will tend to secure the proper conduct of business. But, at the same time, they must be rules which will not prevent fair discussion—which will not hamper or clog members in doing their duty to their constituents. I will now come to another point. The honorable member who preceded me stated that the question of the closure had never been referred to the country. Perhaps in one sense neither the intended closure nor any other of these propositions has been referred to the country. As a matter of course none of them could be so referred, because up to now the Government have not been prepared to lay any of them before the country. But there was one issue which was clearly and unmistakeably put to the country, and that lay in the well-known fact that the Government intended to propose new rules of procedure. I believe that there was scarcely a single constituency in which the question of such new rules was not raised, or in which the candidate or candidates did not give a promise to support them.

Mr. MUNRO.—I gave no such promise.

Mr. L. L. SMITH.—Nor did I.

Mr. WHEELER.—Perhaps not, but almost every other honorable member did. For myself there was no actual necessity for me to give such a promise, because I had the pleasure of a walk-over. But when I addressed my constituents at Daylesford, I said that if the Government brought down reasonable rules and regulations for our future guidance, so that the business of

the country could be properly carried on, I would support them, for I thought it necessary to prevent in the future such scenes in Parliament as we had had in the past. At the same time I hold most thoroughly that the greatest care should be taken in connexion with such rules and regulations, lest the pendulum should swing too far on one side or the other. They must not be made too offensive to any section of the House. I am not going to discuss the whole of the propositions, but I will come at once to Nos. 3, 4, and 18, which challenge discussion more than any others in the list. First, as to No. 3, which deals with motions for the adjournment of the House. Well, I will say this, that if it is carried it will be, generally speaking, utterly impossible for any honorable member to ventilate a grievance in the House, no matter how urgent the case may be. Not that I am for allowing motions for adjournment to be proposed without let or hindrance. A few sessions ago we had a rule requiring every honorable member who sought to move a motion of that character to get six other members to rise in their places and support him in his proposition, and I maintain that that restriction had a very salutary effect. In fact I am prepared to say that its existence operated as a decided check, and that by such means a great many motions for adjournment were absolutely prevented. Now, sir, I have always felt that that was a very proper restriction, for there is no doubt in my mind that the adjournment of the House has been moved on many occasions when the subject matter was really not worthy of discussion. I am free to say that a great deal of time has been lost in that way; but for the Premier to say that nothing good has ever come out of these motions for adjournment is going beyond the facts. I refer honorable members to the question brought before the House by a late honorable member for Creswick with regard to railway rolling-stock. If there was one crying evil greater than another, at that time, from end to end of this colony, it was the want of rolling-stock on our railways. Why, the whole trade of the country was at a stand-still, for months and months.

Mr. WOODS.—Paralyzed, in fact.

Mr. WHEELER.—Completely paralyzed, in my district in particular. It was one of those things which I was compelled to bring before the House, time after time. I apologized to honorable members for intruding, I was sorry to take up the time of the House, but it was the only means I had

at my disposal to bring a glaring evil of that kind before the House and have it rectified. And in consequence of these discussions in Parliament what happened? A decided change took place. The Railway department woke up to their work; they were compelled to make better use of the trucks they had, they were compelled to run them day and night, efforts were made in the department that had never been made before, and the Minister of Railways found out that the rolling-stock was inadequate to meet the requirements of the traffic. That is an instance which I bring before the House to show that some good has resulted from motions for adjournment. Of course such motions are capable of being abused and they have been abused. I am quite prepared to admit that, but I believe the majority of honorable members will agree with me that there ought to be some means by which we can bring before the House all genuine grievances, like that of the insufficiency of the rolling-stock on our railways, without being hampered by having first to get a majority of the House to concur in the motion. It will not be possible for any honorable member to bring a grievance of that kind before the House if that order is passed; and I hope the Government will see their way to modify it and make it more reasonable. My own opinion is that twelve members rising in their places to express concurrence should be sufficient to entitle an honorable member to move the adjournment of the House on the subject he desires to ventilate.

Mr. MUNRO.—Ten should be sufficient.

Mr. WHEELER.—I don't think it would make any difference whether the number fixed upon were ten or twelve; but to require an honorable member to get the concurrence of a majority of the House before he can move the adjournment on a matter of urgent public importance is out of all reason. There is another matter I desire to refer to before leaving this 3rd proposition. It was said last night that honorable members can discuss any question of this kind when the usual motion for the adjournment of the House is submitted from the Treasury bench at the close of a sitting. I need not say anything to the older members as to the value of that arrangement. They are very well aware that it would be perfectly useless and only a waste of time to attempt to ventilate a subject at that hour of the night, and even the young members of the House had a pretty good sample last night of

what would be likely to come of it, because as soon as the business of the sitting was about to be brought to a close away went members to catch their trains, and there was barely a quorum of the House when the Speaker left the chair. That is a fair sample of what occurs almost every night of the session, and many times there has been the greatest possible difficulty in keeping a quorum to finish the business. What would be the use of an honorable member bringing a grievance before the House at that time, when there were so few members present? There is obviously great necessity for an alteration in that new rule, and I hope that the Government will look into the matter and endeavour to meet the views of honorable members by making it more reasonable. The new rule with regard to the suspension of the standing orders is even still more restrictive. It provides that an absolute majority of the members of the House must be obtained before the standing orders can be suspended. It will often be utterly impossible to get 48 members to vote for the suspension of the standing orders, and I also say that such a condition is unreasonable and decidedly unfair to any minority. If honorable members will carry their minds back to the events of years ago they will see the great necessity of amending this proposal. It might operate very well in peaceable times, but honorable members should consider its probable effect in times of political conflict. Let me refer some of the older members to the time when the revision of the Tariff was under the consideration of this House, and we had about 50 members on the Ministerial side of the House and only 18, I think, on the opposition benches. Why, sir, the minority were compelled to swallow the whole of the Government proposals whether they liked them or not. It is altogether unfair to put a minority in such an improper position. Another case in illustration of the same thing occurred not much later, when the Sir Charles Darling vote was forced through this House by an immense majority. Of course, it was blocked in another place. The two instances I have just named will serve to show that majorities have tyrannized over minorities, and what has occurred before is bound to occur again. Those things took place in the old times when obstruction was really not so rampant as it has been of late years, and they show the necessity of the minority retaining a sufficient power to check an overwhelming majority. Another event occurred

about that time in the history of this country which points to the same conclusion. I allude to Black Wednesday. We know what happened then, and how serious a matter it would be if similar things were to happen again. Therefore, I say that whilst I am willing to support reasonable regulations to guide the debates and business procedure of this House I am not prepared to assist the Government in carrying such new rules as would put the minority in a powerless position and make the Opposition of no use whatever. I am decidedly of opinion that the majority should rule—in the end they will rule, because nothing can stop them—but what is the position of the Government to-day may be the position of their opponents next week, and, in framing new rules of procedure, we should try to make rules that will work fairly between both sides of the House. If we accomplish that we shall have done what the country expects us to do. We want to conduct our business in a business-like way. We want to do it without obstruction, but we must take care to fashion our new rules of procedure upon a fair and equitable basis, and instead of requiring an absolute majority of the whole of the members of the House before the standing orders can be suspended, I think that if the Government would amend their proposal so as to provide that one-fourth of the members present may object to the suspension of the standing orders, it would be much fairer to the minority, and the Government would still have an immense power in their hands. The rule as now proposed would prevent any business being done at all. I pass on to proposition No. 18. I have thought over that a good deal, and I have come to this conclusion that we should wipe it out altogether. It is a very serious proposal, because it virtually enables one member to stop a debate. I will give an illustration of what I mean. Four or five honorable members may have spoken upon some very important question, and an honorable member sitting behind the Government may rise and suddenly close the debate by moving—"That the question be now put." Now, that is quite certain to occur some day.

Mr. WOODS.—It did occur in the days of the "iron hand."

Mr. WHEELER.—And it is certain to happen again, and when it does occur every honorable member in the House will be prevented from saying one word upon the question under consideration, although it may be an important question that affects

his whole constituency and the colony at large. It was done, as we were just reminded, in the days of the "iron hand." An honorable member sitting immediately behind the Government got up every time a Government proposal was submitted and said—"I propose that the question be now put," and that gentleman has never been a member of this House since, and will never come here again. Well, I don't want that to be the fate of any of us. I must say that this closure is a very dangerous proposal, and ought certainly to be rejected. The Government will be able to carry most of these new rules of procedure, some of them, no doubt, in a modified form, but they should leave out proposition 18 altogether. I believe an arrangement of that kind would be satisfactory and acceptable to the House, and if we find, at any future time, that we require a restriction like the closure, I for one, if I am still a member of the House, will be quite prepared to assist this or any other Government in trying to pass a new rule similar to the proposed rule 18. At present, however, I am not prepared to support it, because it would give an immense power to the majority and its operation would most likely end in disaster. It seems to me to be unwise and unjust to provide that after three, four, five or six honorable members have spoken on a question, the whole of the House is to be excluded from the debate by an honorable member jumping up and moving—"That the question be now put." It is very unfair for the Government to expect to pass a rule which is so stringent, which is calculated to stifle discussion, and which appears to be certain to lead to a very dangerous practice. The Government may be very sure that the country will not put up with the operation of the closure. If they pass it, they will have indiscreet friends behind them who will make use of it, and it is certain to recoil on their own heads. I cannot vote for the closure, but I will do my best to assist the Government in perfecting the rest of the new rules of procedure.

Mr. W. T. CARTER.—Mr. Speaker, I must compliment the last speaker on the address that he has delivered in this debate. We, on the opposition side of the House, expect to hear several speeches of the same kind from the Ministerial side, because we feel sure that some of these proposed new rules of procedure must recommend themselves to many honorable members among the supporters of the Government as they do to some of us. Perhaps this is a subject on which of all others new members

should be silent, but I cannot help noticing that new members are very freely referred to, and their sympathies are very ardently sought; and, therefore, it may be as well perhaps for at least some of us to indicate the way in which we view these matters. Certainly it would be very bad taste indeed for a new member to presume to lecture this House on the manner in which it should conduct its future proceedings, though it may be that some new members have taken far more interest in parliamentary proceedings, years before they entered this House, than some honorable members suppose, and have made up their minds on a great many matters. Still, practice is the thing that enables any one to become an expert, and I would never dare to lecture experts on those things in which they should certainly be proficient. Yet, at the same time, I may speak in another character in which we are appealed to in this House, that is in the character of an Australian. We had two Irishmen speaking on this subject last night, one on each side of the question.

Mr. MASON.—Haven't we got an Irishman speaking now?

Mr. W. T. CARTER.—I have not the good fortune to be an Irishman. I have the fortune to have been born under the Southern Cross; but as one born in this new land, whilst proud of my British ancestry and British antecedents, I raise my voice in solemn protest against attempts to fasten upon us burthens that were bred from the feuds in the old land. That, sir, is my position with reference to the famous closure proposal, and that, I feel, will be the attitude that this young nation will assume towards these proposals. We want to know why proposals were not made as original as our circumstances are original, and we want to know why the British House of Commons should be gone to and an exceptional period of her history taken and made the opportunity for obtaining copies for our legislation. And, whilst speaking on that point, sir, I protest against what I regard as the unfair manner in which the argument of the honorable member for Normandy was misstated by the Attorney-General, in the otherwise able speech that he delivered on this matter. I allude to the manner in which that honorable gentleman referred to the use which was made by the honorable member for Normandy of the case of the Home Rule party and their action in Ireland. Perhaps I may not even say the words "Home Rule" when speaking on this matter, but certainly I

think it is due to the honorable member for Normanby that his case in regard to Home Rule should be re-stated. And I will state it in the way of a parable. There are two doctors, we will suppose—one, Dr. Gladstone, practising at Ballarat, and the other, Dr. Gillies, practising in Melbourne. Now, it so happens that Dr. Gladstone, at Ballarat, has a case of diphtheria, and he treats it on thoroughly scientific principles for diphtheria. Dr. Gillies, at Melbourne, has a case of typhoid fever, and he sets about treating that typhoid fever patient with exactly the same treatment as Dr. Gladstone has adopted, and scientifically adopted, in the treatment of the case of diphtheria. That is exactly the idea which the honorable member for Normanby sought to bring out—that the circumstances of the patients in the British hospital were exceptional, that their symptoms were peculiar to themselves, and that the remedy was peculiar to them and in no way applicable to us in this colony. Another thing I will say; I am bound to say it. As one who loves his country and seeks to see it free from the objectionable elements that are sometimes brought in, in the criticisms of public men, I certainly object to the attempts to appeal to prejudice when a man indicates in any way the side which he takes in old-world politics. I feel that, if I happen to be in favour of the Home Rule party in Ireland, surely it may be permitted to me, when using any illustration, to indicate that I may be on that side. I feel that to appeal to popular prejudices in such a case is decidedly unfair. I am sensible of the responsibility of saying such a thing as this; but I protest against this appealing to popular prejudice when I indicate my position. Sir, I am far more proud of the fact that I have English blood in my veins than even that I was born under the Southern Cross. I love my English ancestry and antecedents; I am proud of them; but there is one thing I will never begrudge to Englishmen, and that is their bitter prejudices. And now, even in the old country, some of the best men in England are sorry for the prejudices they have nursed for years. Why, then, should we indulge in anything of that kind here? In reference to the attitude of the country on these questions, I feel I am bound to agree with those honorable members who say, and who have pointed out clearly, as I think, that the country has not given the verdict which Ministers are claiming it has given on this matter. The verdict that the country gave on this matter was its discountenance of

obstruction, and the electors had a very clear and distinct idea of what obstruction is, because they were thoroughly tutored to believe that obstruction had taken place. It has been freely stated in the press and in this House that certain members of a former Parliament have suffered for what was called their policy of obstruction. Well, some of us have suffered for sins that we did not commit at all. I suffered during the recent election contest by being stigmatized as an ally of the Roman Catholic party in this country, and all I asked then and all I ever shall ask is that the reasons may be given why I should be thus classified. And I have not the slightest doubt that others were likewise abused, and that obstruction was made up out of what would otherwise be called, and perhaps ought to be called, honest opposition. Still, I am bound to admit, as one who has taken an interest in the public affairs of this colony, that obstruction has been practised and that the country has spoken out against it. But my contention is this, that instead of adopting the closure, the thing that should be relied upon as most effectual in preventing members from blocking the public business is that which is most effective in regulating the conduct of men in private as well as in public life, and that is public criticism. It was public criticism with which the cause of obstruction was visited during the late election contests, and public criticism spoke of it in such a manner that men will be careful in the future lest the press, which will make these assertions, should get an opportunity of stigmatising them as obstructionists. And I hold that the true safeguard in the conduct of public business is a state of liberty, as it is in everything else. I believe, as the Attorney-General most conclusively proved last night, that we should by all possible means take care that we bridle the lawyers. I certainly believe that the Attorney-General gave us the clearest instances that could possibly be given to demonstrate the necessity of bringing legal gentlemen under control, because he showed us how those very gentlemen who were patterns of decorum in the courts of law—where there are certain penal powers which enable the presiding magistrate to punish and repress disorderly conduct in court—were the very gentlemen, who, when they went into Parliament, became patterns of disorder. Certainly gentlemen of that kind should be controlled.

“The fear o’ hell’s a hangman’s whip,  
To haud the wretch in order.”

If it is only the fear of consequences that will restrain them, we must undertake to provide penal consequences for their misconduct, as a deterrent; but with free men the real fear is the fear of committing wrong or being understood to do wrong, and I certainly hold that it should be the public criticism of the country, the careful watch which the country keeps on its representatives, and the full clear and impartial reports that the press should give of their doings, which should conspire to prevent obstruction, and to give us an orderly Parliament.

Mr. RICHARDSON.—Mr. Speaker, I must congratulate the honorable member who has just resumed his seat on both the manner and the matter of his speech, and I think, sir, with your experience, you must agree that the honorable member, as far as debating power is concerned, is an addition to this Chamber. I hesitated to rise and address the House, because I have been watching the other side to see whether any action would be taken in reference to the speeches which have been made from these benches, and I most seriously ask the Government whether they do not intend to reply to the important speech of the honorable member for Dalhousie? That speech certainly should be answered. Now, I am prepared to give the Government credit for the position they have taken, and so far I am prepared to endorse that position: but I certainly feel that the arguments which the honorable member for Dalhousie has advanced, the dangers he has pointed out in connexion with the proposals that are now being made, really ought to be replied to by the gentlemen who are responsible for putting these propositions before this Chamber. The honorable member for Daylesford did not attempt to answer those arguments—he did not propose to do it; in fact, to a certain extent, he supported those arguments—and it does not lie in my way to reply to them. Indeed those arguments appeared to me to carry such force with them that we ought to submit to them, and if I am to understand that the conduct of the Government in not replying to them is because they agree with them, or because they see that the force of those arguments is so great that they could not be replied to, then I think it is time the debate should cease. However, I propose to address myself very briefly to the resolutions themselves, and in doing that I am prepared to say that I go so far with the Government as to declare that in all cases the majority must rule, and that in any wise attempt that is made to allow the majority to rule I think we

should support the Government. But I ask the Government seriously to consider the position they have taken up in proposing these resolutions. The Premier never attempted last night to make out a case, to give a reason why the resolutions were proposed: or, rather, the reason he gave us—a reason that has been combated by the speakers near me to-night—was that these new rules of procedure have been adopted in the House of Commons. I need not reply to that argument. It has been effectually dealt with by the honorable member for Williamstown. The circumstances here are altogether different from the circumstances under which the House of Commons received and adopted the closure. If we are to take it that there are reasons for asking this House to adopt these new rules of procedure, I submit that those reasons ought to have been stated. The Attorney-General did show us, towards the close of his address, that there had been obstruction in certain stages of business during the past Parliament, but neither the Premier nor the Attorney-General has shown us that the obstruction was of such a character as to justify the stringent resolutions that are now being proposed. If the Government do not give us sufficient reasons for the adoption of these resolutions—if they do not give us any other reason than that similar resolutions have been adopted in other countries—I don't think that reason will be sufficient to induce this Assembly to pass these resolutions. The fact that these, or similar resolutions, have been adopted by the Legislatures of other states is no reason why we should adopt them here. I look upon the necessity, if necessity there had been, to propose these resolutions as showing that we were getting into a barbarous condition of society, and that this Chamber was becoming barbarous in its conduct and in its action. I don't think there can be any reason given why resolutions of this kind should be adopted *in globo* in the stringent form in which they are presented to us, except it be that we are getting into a barbarous condition, and that it requires barbarous rules to guide us. I do not think that the Government will attempt to show us that that is the case. It is true that the question of obstruction was put before the country at the late general elections, and it is true that the country has spoken out against obstruction—and this Legislature has, on all occasions, by a majority of its members, spoken against obstruction—but has the obstruction been of such a character as to demand the entire

revolution that is now being proposed by these new rules of procedure? I would like the Attorney-General or the Premier, in introducing and speaking to these resolutions, to have considered that question and given the House some information as to why the rules of procedure which govern us in our debates and in the conduct of business in this Chamber exist. I would like them to have shown that the existing rules are not applicable to the condition in which we find ourselves, or to the conduct of the business here. Now, if I were to state that the forms of procedure in the House of Commons, as they have been adopted and practiced in this Chamber, were intended, in their initiatory stages, to be a restraint upon the Crown, the Attorney-General would agree with me that at the time of their adoption they were for that purpose. The Premier did state that they were old forms and old usages, and he appeared to give that as a reason why they should be abolished. It is true that we no longer need those forms and rules of procedure to restrain the Crown or to protect the people of the country, through their representatives, from the encroachments of the Crown; but we have now, as it appears to me, to protect the people of the country and to protect their representatives in this Chamber from a more dangerous power than the power of the Crown, and that is the power of the Executive. The Executive has taken the place of the Crown in the conduct of business, in the collecting of taxes, in the disbursement of money, and the rules of procedure are required in this Chamber to protect the people of the country and the members of the Legislature from the Government itself. And the necessity exists now as much as it ever did to protect the taxpayers of the country from any unjust proposals that may be made by the Government of the country. The question, therefore, arises—are the rules now in existence sufficient for that purpose? and are the new rules proposed to be adopted rules that would permit the people of this country and their representatives to be protected from the Executive? I choose to put the Executive in the place where honorable members have been putting the majority of this Chamber, because the Executive are responsible for the actions of the majority who support them, and they must take the responsibility in this case. It is from them that we need to be protected, and from their proposals. Now, how are we to be protected, and what are we to be protected from? We

are to be protected from having those things passed in this Chamber to which we object, and to which our constituents object. And if these new rules of procedure be adopted, can we be so protected? I ask the Premier to give that question his most grave consideration. Perhaps there is no man in this Chamber, or in this country, who knows more about constitutional usages or constitutional history than the Premier, and if these propositions had been made by any other person, and they had been intended to protect this Chamber against the Crown, what position would the Premier have taken in a case of that kind? I venture to say that no man would have been more demonstrative, more determined, or more nerved to protect the people of this country from such an encroachment than the Premier? On a former occasion, when the honorable gentleman sat on this side of the House, and a proposition was made that this Chamber alone should deal with the finances of the country, or something very nearly approaching that, I remember very well the eloquent denunciation which the Premier uttered against that proposal, which he described as a great monstrosity.

Mr. GILLES.—Oh, no; you are quite wrong.

Mr. RICHARDSON.—I think I am within the lines when I make that statement. The Premier declared, I know, that the proposal was a monstrosity, because I have remembered that expression ever since, and whenever the word has occurred in the vocabulary of a public speaker I have always thought of the Premier, and of the eloquent denunciation he made on that memorable occasion. I do not wish to infer that the Premier is now making a proposal that he thinks will be dangerous. I believe that the Premier and the Attorney-General have persuaded themselves that if these proposals are carried they will be perfectly safe in their hands and in the hands of the Speaker. And I certainly think that these proposals would be as safe in the hands of the Premier and the present Government, and as safe in your hands, sir, as Speaker, as they would be in the hands of any other men in the colony; but my contention is that these resolutions will give a power to the Government that no body of men ought to have given to them—a power that no Government, no majority, and no minority ought to have given to them, and that no individual ought to have given to him. No reply has been made to the two very important speeches which have been delivered



against these proposals, and apparently it is not the intention of the Ministerial side to debate this question. However, if public matters of this importance are not to be discussed, and the action of the Ministerial side is simply to vote, then we shall have the closure in force without adopting it. I do not suppose that honorable members opposite have come to the conclusion that they cannot reply to the arguments which have been adduced against the Government propositions. On the other hand they can hardly have come to the conclusion that those arguments are not worth answering, because, when they appear in to-morrow's newspapers it will be seen that they are arguments that require reply and ought to be replied to. I would again ask whether the rules which we possess have proved insufficient, and whether the proposals now made will not, if carried, interfere with the rights of members and, through them, with the rights of their constituents? I would like any honorable member who purposes to address the House in support of the Government propositions to answer those two questions. I venture to say that no honorable member will be able to answer them. The present rules of Parliament were made in order that honorable members might make their constituents heard, on public matters, and especially where grievances require to be redressed, and the rules are framed to give every opportunity for accomplishing this purpose. I think the supporters of the new proposals ought to have shown either that the present rules have failed or else that there is no necessity whatever that honorable members should be heard or that their constituents should be heard through them. But neither of those points has in any way been touched upon. What will be the effect of the proposed standing orders? The existing rules are framed so as to give an opportunity at every stage of business to honorable members to be heard, but if the proposed rules are adopted where will there be an opportunity for any honorable member to be heard, so that he may submit any grievance brought under his notice to the Legislature? As a previous speaker has pointed out this is the High Court of Parliament; it is our duty and our business here to redress grievances and to hear petitions and requests of all kinds. In fact that is the only reason why we are here. If there were no grievances to be redressed, no requests to be made, no petitions to be heard from the country, what would we have to do here? I do not

*Mr. Richardson.*

think that, under such circumstances, the people would trouble themselves to elect representatives or that representatives would trouble themselves to come here. The new rules will effectually shut out any honorable member from addressing himself to any grievance, or the public of this country being heard by any petition. Is that a state of things to be desired? We have certainly had, as has been admitted, in some cases, "stone-walling." No one is more opposed to "stone-walling" than I am. I never joined in the "stone-walling" of 1876 or more recent "stone-walling."

Mr. WOODS.—I did.

Mr. RICHARDSON.—I know honorable members did, and that they thought it right to do so, and the fact that they succeeded and the country approved showed that they were right. I am not making this statement for the purpose of condemning those who engaged in "stone-walling" in 1876. I dare say if the same state of things arose they would again engage in "stone-walling." I, however, am prepared to look upon "stone-walling" generally from the standpoint which I think every liberal ought to take—namely, that the majority in all cases must rule. But the fact that an isolated case may arise in which it is thought desirable that restraint should be put upon an honorable member or honorable members in speaking is no reason why it should be carried to such an extent as to close the mouths of honorable members generally; yet that is what the proposed rules, if adopted, will do. Now do honorable members on the Ministerial benches desire that? I do not think that, if they ask themselves the question, they will be able to answer it in the affirmative. I do not think they can come to the conclusion that any representative should be prevented from addressing himself to any grievance or to any request made by the people of this country to the High Court of Parliament. But the proposed rules will certainly have that effect. Honorable members can address themselves at present to any question that may be submitted to this Chamber; they can address themselves to any Bill on its first, second, or third reading; they can put notices on the notice-paper, and when opportunity offers they can address themselves to every proposal that has been placed on the paper. The new rules will limit that privilege to a very serious extent. They will make it very difficult indeed for any private member's business to be done in the House at all. The House of Commons, where these rules have

been adopted, has come to the conclusion that it is almost impossible for private members to have any business done there. It is very difficult in this Assembly, even under the present rules, to obtain the transaction of any private members' business, but the proposed rules will render it absolutely impossible. Again, an honorable member at present can put a notice on the paper that on the order of the day for the House to go into Committee of Supply he will bring forward a certain proposition, and it is generally a grievance that is submitted in this way which the honorable member has failed to obtain an opportunity of ventilating in any other manner. Under the proposed rules, however, that privilege will be obliterated entirely. However urgent the business which the honorable member wishes to bring before Parliament, that privilege will be denied him. One of the greatest objects of the present forms of procedure, which have been transmitted to us by the House of Commons, was that the redress of grievances might be considered before going into Supply, and yet that is now proposed to be taken absolutely away from us. Again, it is proposed that, in connexion with a Bill on which the Chairman of Committees has previously reported progress, the Speaker, on the order of the day for again going into committee on the Bill being read, shall leave the chair without putting any question, and no debate is to be allowed on the question that a Bill be committed. In fact, it would seem that an attempt has been made to close every avenue whereby honorable members might take up the time of the Chamber. Now, it is a very easy matter to distinguish when discussion is legitimate and when there is premeditated "stone-walling," and if the Government had simply proposed some remedy for the latter state of things there would have been no objection to it. I do not think that any honorable member on this (the opposition) side of the House would have objected; at any rate, I do not think any should have objected. No doubt the Government in adopting these rules saw that it was next to impossible to provide for men who were determined not to respect the proper modes of doing business in this Chamber, and because of that difficulty they have adopted the more general rules now submitted to us. An objection has been stated by the Premier with reference to motions for the adjournment of the House. Now, my experience of this House, extending over some years, is that honorable members never resort to

moving the adjournment of the House unless it is to obtain some information which they have previously failed to obtain, or unless they have asked some question which has not been satisfactorily answered, and they adopt this form of proceeding in order to get an answer which they could not otherwise elicit. I am not prepared to say that the power of moving the adjournment of the House has never been abused, but the fact that it so seldom abused—that the abuse is the exception—ought to prevent us from running to the extreme which is proposed by the Government. I would ask honorable members sitting on the Ministerial bench, whether they are prepared to take the full consequences of the rules which they have proposed. What are the circumstances and reasons which have influenced them in bringing these proposals before Parliament at the present period? I am quite prepared to admit that the position of Parliament now is very different from what it has been—that Parliament does not now form public opinion in the country as it has done. The opinion is gaining ground in the country that the men sent to Parliament are not sent here to speak. I am quite prepared to admit that a change is taking place in public opinion, and why is that change taking place? It is because the press of the country is gaining ground, and is becoming a greater and more important element in forming public opinion than it has been. Writers in the press keep abreast of the general topics of the period; they are well informed on almost every question, and the demands which they have to meet every morning are met with an ability which is surprising. Hence they are gaining influence on the country, and it appears to me that in gaining that influence and forming public opinion they are working a revolution in the representation of the country. I am very much inclined to think that the influence of the press has had a good deal to do with the Government submitting these drastic proposals. The press of the country demanded it, and the Government are submitting these propositions in obedience to that demand. It may be that during the last Parliament, of which I was not fortunate enough to be a member, the obstruction was of such a character as to warrant the Government in taking action, but if the obstruction was so great as to justify the proposals now submitted I am a stranger to it. It may be that members who sat here and had to bear the pressure of obstruction have become so exhausted or so exasperated that they are now determined

to submit to anything in the opposite extreme—to submit to have their mouths closed, to be no longer representatives able to give utterance to the sentiments of their constituents, to allow the press to lead public opinion, and to propose the measures which are dictated to them without discussion and have them passed, into law. We may come to that state of things, but I think we have no right to come to it without some protest against it. Public opinion can always be best formed by men addressing themselves to public assemblages, and if the press faithfully reports what takes place in Parliament, the constituents will respond, and their representatives will come here charged to do the work required of them, and will have to do that work. I do not think the Government would be wise in pressing the proposal to abolish the address in reply to the Governor's speech at the opening of Parliament. The speech might be left to be dealt with as it was dealt with—and dealt with wisely—at the opening of the present session. If there is nothing in the speech to challenge we need not enter upon a discussion of it, but we ought to have the opportunity of doing so should occasion arise. The proposal with regard to the suspension of the standing orders is a most dangerous one, and the example of the House of Commons is not followed in that proposal. The suspension of the standing orders there is moved at the commencement of the sitting—it is proposed that at a certain period of the day the standing orders shall be suspended, and they are suspended accordingly—but the proposal made here is even more drastic. The Premier said that the motion for the adjournment of the House could come at the close of a debate, but I see no provision for that in these proposals. The Speaker is to leave the chair without debate, and if that is the case how can provision be made for a motion for the adjournment of the House when no debate is to be allowed? In fact the proposed rules are so drastic that, except on the second reading of Bills, it seems to me that honorable members will have no opportunity of addressing the Chamber unless it is upon a proposal which has been placed on the notice-paper to come on for consideration during the time allotted to private members' business. That does not seem to me a desirable state of things. If the Government can propose anything that will prevent "stone-walling" or systematic obstruction, I will engage that they shall have my assistance at any rate in carrying it, but unless they can show that

*Mr. Richardson.*

the liberty of speech is provided for I do not think that the House ought to consent to the proposals now submitted. I agree with the honorable member for Williamstown that if we are to err at all we should err on the side of liberty, and we have no right to refer to nations which have not made the advance we have made in regard to the freedom of speech. I trust the Government will be prepared to abandon a number of their propositions, or, if they do not, that the House will reject them. I do not expect that the closure as a rule would be so dangerous as it appears to be. In times of peace, when fair and quiet discussion was going on, it would not be resorted to. I have, however, a very distinct recollection of the time of the "iron hand," when an honorable member sitting behind the Government, and who was supposed to be an officer of the Government, took every opportunity of moving the previous question, and closing discussion in that way. That, no doubt, was a time of excitement, and it would be when we got into a time of excitement again that the proposed closure, if adopted, would be exercised, with the result of raising bitterness and hostility. It is times like those we have to provide for more than times of peace, when matters are discussed in the ordinary way. I cannot use terms strong enough, and at the same time respectful to the honorable gentlemen who have proposed these resolutions, in which to express my condemnation of the proposals. They are condemned in my opinion by justice, by precedent, and by common sense; they are condemned by the arguments which have been offered against them on the floor of this House—arguments which have not yet been answered; they are condemned by the instincts of honorable members who will have to submit to them if they are carried, and I believe I would be failing in my duty if I did not offer a protest against them as an infringement on the rights of the people of this country and of their representatives in this Chamber.

Mr. T. SMITH.—Sir, when the honorable member for Williamstown stated in effect that the question now before the House was one that new members could be expected to say very little about, he expressed my opinion exactly. I take it that the question now under consideration is above all others the most difficult for young members to talk upon. I feel at any rate that the position is a very delicate one, and I don't think I would have said a word on the subject had it not been for the speech of the honorable member for Williamstown. From the

argument of that honorable member I could not help coming to the conclusion that, in his opinion at any rate, the occasion had not yet arisen—never had arisen—when anything of the kind proposed by the Government was at all necessary to be brought into vogue. Now, as one who sat in the Speaker's gallery for a good many nights during last session and for a few nights during the session previous, I say for myself that I consider some change from the state of affairs which has existed has become requisite, and I for one am prepared to vote for a change. At the same time I must confess that I feel exceedingly obliged to the honorable members of the Opposition for the views they have expressed, and I have listened just as carefully and as earnestly to their remarks as I have to the remarks of the Premier himself. As I have already said, the question is one which we young members must approach most cautiously. I am old enough to remember something of the "iron hand," and, remembering that, I say at once that I should be extremely sorry ever to raise my voice or to give my vote for any proposition which would result in anything equivalent to the "iron hand" of old. Further, I wish it to be distinctly understood for myself—and I am sure I also express the opinion of other new members in saying this—that we shall not feel called upon to vote for these 21 propositions as we find them printed, but that it will be our privilege to consider each one seriatim on its merits, if it have any. However, if no change of this sort is really necessary, I am at a loss to understand what we have been talking about last evening and to-night. The honorable member for Dalhousie made allusion—and pointed allusion, because he referred specially to young members—to the fact that the newspapers in this country have become a great power, and we were cautioned not to accept as gospel everything that appears in those newspapers. Well, I think that we who have lived in this country for a number of years are as well able as other people to judge as to what is right and what is wrong, and that we are no more liable to be led by what any particular newspaper says than older politicians are. At the same time I am not sorry that the newspapers are a power in this country, because we are proud of the newspapers we have in Victoria. In one particular I venture to suggest an alteration in these proposed rules of procedure. In my humble judgment a limitation in the time occupied by speakers, after perhaps the

second or third night of a debate, would be far preferable to the alteration proposed by the Government. I shall be honoured if this suggestion is acted upon later on, and enlarged upon by some honorable members who have been able to study the question to a greater extent than I have. I feel the gravity of the position for myself. I feel that it is a very serious thing for new members to be called upon to deal with a question of such importance. At the same time, I realize that this is really the time to consider the question of procedure—when we are all cool, and when, for the present at any rate, it is not absolutely necessary that a change should be brought about. But lest that should be necessary, as it certainly has been necessary, by all means let us settle the question now, so that when we are heated—if Members of Parliament ever get heated—by debate, later on in the session, we may have this bugbear out of the way.

Mr. HALL.—Mr. Speaker, I am not surprised at the sensitiveness shown by honorable members in not desiring to enter into this debate, because we must feel that the introduction of rules like those now proposed is a sort of reflection upon the House itself. I do not mean to say but what there is a necessity for something being done in this direction. I think every member who has spoken has already admitted that, and many of us who were here last session must have seen that something of this kind would be necessary to be brought forward in order that business might be properly conducted in this Chamber. But, if I am to judge from the debate which has taken place so far on the Government propositions, I find that six members have spoken against the proposed rules as a whole, while only two members have spoken in favour of them as a whole. If we are to be guided by this, therefore, we must say that the rules as a whole are condemned; but, of course, the voting on the question may reverse that. For my own part, out of the 21 rules that are proposed, I think I may heartily assent to 18 or 19, perhaps without the slightest alteration. I would have confined myself to giving my opinion of the proposals as we went on, clause by clause, but if the Speaker puts the motion in the form in which it stands on the notice-paper, it appears to me as though there would be an end of the discussion altogether. The motion is "That the following resolutions be standing orders of the House," and if that is decided in the

affirmative, it appears to me that there will be an end of the whole thing.

The SPEAKER.—I purpose putting the resolutions clause by clause, so that every honorable member will have an opportunity of discussing each one as it arises.

Mr. HALL.—Of course that can be done, but I was speaking of the motion as it stands. Even the course proposed by the Speaker will prevent any honorable member from referring to anything which may be omitted from these proposals, and I think there is a grievance existing in our procedure which apparently has been overlooked by the Government in framing the proposed rules. Old members, I think, will agree with me that the grievance to which I am about to allude has been perhaps as great a block to business as some of the others that are dealt with. I refer to the practice under which, when a member is speaking on any subject, another member may rise to a point of order. That has often been done—oftener than moving the adjournment of the House—and much time has been wasted in discussing such points of order. Not only that, but it causes great inconvenience to the member who is speaking to be interrupted in that way, because the moment a member rises to a point of order the Speaker immediately puts down the member who is speaking. The Speaker may subsequently rule that there is really no point of order; still the member who has been speaking is thrown off the track, and that may be the object of the member interposing. This is a nuisance which should be put down. I may also point out that the practice of raising points of order may be used for “stone-walling” purposes. I am not relating anything new when I say that sometimes, when a member is speaking for the purpose of obstructing and he wants relief, some friend of his will raise a point of order to give him breathing time. So that in both cases the practice has worked badly, and I consider it a nuisance. With regard to the 3rd proposal, which prohibits an honorable member from moving the adjournment of the House “unless a majority of members present shall thereupon rise in their places as indicating approval of the proposed discussion,” the Premier informed us that this is a rule of the House of Commons. But that statement was misleading, because, as a matter of fact, no rule of the House of Commons requires “a majority of members present” to rise before a motion for adjournment can be submitted. Does the honorable gentleman not recollect that, some years ago,

it was a rule of this House—a rule adopted at my instance—that six members should signify their acquiescence by rising before a motion for adjournment could be moved? That rule worked very well. So long as it was in force, the motion for adjournment was not resorted to for the purpose of ventilating matters of a frivolous nature. Ultimately the rule came to be regarded as rather too stringent, and another rule was substituted for it requiring every member, on moving the adjournment of the House, to state the subject to which he proposed to address himself. That rule has worked well on the whole. Now, why should we make the great jump which the Government propose? Why should it be necessary for “a majority of members present” to rise in their places before a motion for adjournment can be moved? Supposing that, just before the House assembles, an honorable member sees in the evening newspapers something of importance to the district he represents, or the colony generally, and wishes to bring it under the notice of the House, he would have to go round the chamber, newspaper in hand—which, according to our rules is in itself disorderly—and explain to member after member why it is that he wants to move the adjournment of the House. There may be 50 members present, and, if so, he will have—under the proposed rule—to obtain the co-operation of at least 26 before he will be in a position, by means of a motion for adjournment, to say what he has to say to the House. Is not that a most ridiculous position for an honorable member to be placed in? There is no precedent for it anywhere. I still consider that if an honorable member can get from six to ten other honorable members to support him in moving the adjournment of the House, that ought to be a sufficient guarantee that he has something of importance to bring forward. Frequently the adjournment of the House has been moved simply because the member moving it has received an unsatisfactory reply to a question addressed by him to a Minister. I don't think that is right. And if a member who became offended from that cause had to consult six other members before he could move the adjournment of the House, his excitement would wear off, and probably he would be counseled not to proceed any further. I think there will be a perfectly sufficient safeguard if the consent of six members is made necessary to the proposing of a motion for adjournment, without attempting to adopt the absurd and ridiculous

idea of majority suggestion as to the sitting Minister adjourn directly to begin to I have not modified prop. after a member question be no- prop. and the without a special be a prop. would be desc. assist the prop. for the which I a mitted. On the the defect. RABB The r- into fro time and RAB. was was was Mr. W. the res. Mr. I vide for make a in the res The was was EL ( The ation fit purpose previous Aut Mr. W the res Dr. point.

idea of securing the acquiescence of "a majority of members present." As to the suggestion that a member who has a grievance to ventilate may do so at the close of the sitting when the Premier or some other Minister moves "That this House do now adjourn," we know what that means. Why, directly that motion is submitted, members begin to leave the chamber. For the reasons I have given, I think there must be a great modification of the 3rd proposal. The 18th proposal, which relates to the closure, I consider far too stringent. It provides that after a question has been proposed any member may claim to move "That the question be now put." That motion may be made immediately after an important proposal has been submitted by a Minister, and the question may be put and passed without any one having the opportunity of speaking upon it. Thus discussion could be completely stifled. Such a proceeding would not be fair at all. In conclusion, I desire to say that I am quite prepared to assist the Government in carrying all those proposals which I regard as really necessary for the proper conduct of business, and which I am glad the Government have submitted.

On the motion of Mr. ARMYTAGE, the debate was adjourned until the following day.

#### RABBITS DESTRUCTION BILL.

The resolution in favour of an appropriation from the consolidated revenue and of fines and penalties for the purposes of this Bill (passed in committee the previous day) was considered and adopted.

Authority being given to Mr. Dow and Mr. Wrixon to introduce a Bill to carry out the resolution,

Mr. DOW brought up a Bill "to provide for the destruction and suppression of rabbits and other vermin," and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

#### EDUCATION ENDOWMENT COMMISSIONERS BILL.

The resolution in favour of an appropriation from the consolidated revenue for the purposes of this Bill (passed in committee the previous day) was considered and adopted.

Authority being given to Dr. Pearson and Mr. Wrixon to introduce a Bill to carry out the resolution,

Dr. PEARSON brought up a Bill "to appoint education endowment commissioners,

and to vest certain Crown lands in such commissioners for educational purposes," and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

#### UNIFORMITY OF PUNISHMENT AND CONTEMPT OF COURT BILL.

Capt. TAYLOR moved for leave to introduce a Bill to secure uniformity in the punishment of prisoners convicted of felonies and misdemeanors, and to regulate the jurisdiction and practice of the courts of law on questions of contempt of court.

Mr. ZOX seconded the motion.

Mr. WRIXON said he was not aware what the Bill contained, and the action of the Ministry with respect to the measure would depend upon what it contained.

The motion was agreed to.

The Bill was then brought in, and read a first time.

#### DUTY ON LIVE STOCK.

##### DRAWBACKS.

Mr. WEBB (in the absence of Mr. McCOLL) moved—

"That no drawback of duty be allowed to any importer of live stock if the stock be not exported and the duty claimed within seven days from the time of import, unless special permission has been obtained from the Commissioner of Trade and Customs, and no extension of the time shall under any circumstances exceed seven days."

He explained that the motion was submitted thus early in the session in the hope that it might induce the Minister of Customs to take action to abate a nuisance and plague which the farmers of the northern district had suffered from for years. He referred to the travelling stock nuisance. It was well-known that graziers in New South Wales were frequently compelled, by bad seasons, to travel their sheep, and they entered into contracts with drovers whose ability was well known to obtain grass for sheep honestly if they could, but at all events to obtain it. The facilities for travelling sheep in New South Wales were not so great as in Victoria, and, in consequence, whenever there was drought in the sister colony, flocks were passed across the Murray in bond, and registered to be returned within six months. According to some section of the Land Act, those sheep were supposed to travel to some destination. Instead of doing that, as soon as they came into Victoria they made their way to a district where the grass was somewhat plentiful, and there, irrespective of law and regulation, they travelled up

one road and down another, they passed from one reserve to another, until every bite of grass had disappeared. The northern farmer might not grumble at this, if the intruders confined themselves to the grass on roads and reserves. But they were not content with that. The sheep were allowed by the drovers to graze on selections, to the extent of at least three chains on each side of the roads. If the fences were not sheep-proof, the drovers made the excuse that they could not possibly prevent the sheep going on the selections, and if the fences were sheep-proof, they did not hesitate to cut and tie-up the wire in order that the sheep might have admission. When a farmer expressed indignation at these proceedings, his protests were received with the best of humour, the drovers knowing that, in the present state of the law, the farmer would hesitate before instituting legal proceedings which might end in his pocket suffering largely. There were other persons—jobbers and speculators—who had also become a great nuisance so far as travelling sheep were concerned. They purchased, in New South Wales, flocks of sheep which they brought into Victoria, and travelled with until such time as they could find a market. If they happened to sell to a New South Wales buyer, the sheep were sent back again, and drawback claimed upon them. If the sheep were sold to a Victorian, drawback was obtained on a flock which resembled them. Thus the farmers of Victoria were defrauded in regard to the benefit which they expected to derive from protection. This had been done over and over again. It might be said that the Customs officers were supposed to identify the sheep; but how could a Customs officer identify a flock of sheep which came under his notice six or twelve months ago—sheep which had been shorn in the meantime? There was another class, one with whom he had some sympathy, and—if it were possible to frame regulations which would protect the farmers of this colony from the influx of sheep—he would allow them to bring their sheep into the colony with the right to drawback on their return. He referred to persons who possessed land on both sides of the Murray. One fact which should be borne in mind in connexion with sheep which were travelled about until they were sold was that they seriously damaged the roads, the repair of which became a serious charge on shire funds, and they also polluted water dams to such an extent that the water became unfit for human consumption. Another fact which should be borne in mind was that

*Mr. Webb.*

these sheep, while travelling about, were the means of spreading a noxious weed to such an extent that a large expenditure would be entailed upon the Government, and that at a day not far distant, for the purpose of eradicating it. He alluded more particularly to the Bathurst burr. The Echuca Shire Council, of which he was a member, had made some efforts to eradicate the weed, but to completely eradicate it would require all the shire funds which were available for expenditure during the year. He did not say that the weed was quite as bad as the rabbits, but it had got to such a head that it could not be exterminated without the expenditure of a large sum of money. He hoped that if the House thought fit to adopt the motion, the Minister of Customs would have backbone enough to give effect to it. In connexion with this subject he desired to call attention to the fact that a resolution passed by the Assembly, last session, at the instance of the honorable member for Numurkah, that the gristing of oats in bond should cease, had not been given effect to. The practice still continued, and a very objectionable practice it was. He would like to give an illustration showing how the practice worked to the detriment of the farming industry. Indian wheat, which was worth in the Melbourne market from 3s. to 4s. 3d. per bushel while Victorian wheat was selling at 5s. 6d. per bushel, had recently been imported and placed in a bonded store, not under lock and key, so that it might be gristed under circumstances which would ensure the export of the article imported, but in such a way that the miller could do what he liked with it, a debit and credit account being kept against him at the Customs. The wheat was gristed, and the flour was sold, on the basis of the price of wheat being 5s. 6d. per bushel; and the miller would not work off his debit at the Customs until the next cargo arrived, when he knew that wheat would not command more than 3s. 3d. per bushel, and would have to be exported—when he would be compelled to export whether he had a debit to work off at the Customs or not. Now, that was a fraud upon the interests of the farmers of Victoria. He hoped the House would realize this, and that the Minister of Customs would have backbone sufficient to do what his predecessor did not do—namely, to see that the gristing of oats and wheat in bond was not allowed except under lock and key, so that the stuff imported should, in its altered form, be exported. In conclusion, he must express the hope that the

House would take steps to prevent what he regarded as so many robbers coming into the country and depriving the selector of the grass he was entitled to, without contributing one shilling to the revenue.

Mr. GORDON seconded the motion.

Mr. PATTERSON said he would have been glad if this motion had been allowed to stand over until the honorable member for Gunbower, who placed it on the paper, was present. He would remind the honorable member for Rodney (Mr. Webb) that the two subjects to which he referred in his speech—gristing in bond, and the admission into the colony of travelling sheep—were separate and distinct, and should be dealt with accordingly. He did not see what good effect the adoption of the motion would have. In fact, he did not see what advantage a New South Wales grazier could derive from bringing live stock into Victoria, if, in order to be entitled to drawback of duty, the stock had to be sent back within seven days. The drawback system might as well be abolished at once. Either that system must be maintained, or Parliament must go straight for the other thing. With regard to the damage done by sheep brought across the Murray to roads in Victoria, he might mention that an Amending Impounding Act, passed in 1886, provided that notice should be given of the direction in which such sheep were going, and that they were not to be allowed to wander more than a quarter of a mile from the main road. Before then, sheep could be taken backwards and forwards from one track to another, whereby they did a great deal of injury. One part of the question the honorable member for Rodney had omitted to refer to, and that was the fact that farmers on the Victorian side of the Murray frequently let their paddocks to New South Wales owners for *bond fide* grazing purposes. Then, again, a number of Victorians derived great advantage, when drought prevailed in that colony, by being able to send their stock into Riverina. Did honorable members desire these arrangements disturbed? Then the possibility of the abolition of the stock-tax, if not in the immediate present, at all events in the near future, should be recognised. No doubt abuses had arisen under the present system. No doubt sheep had come from New South Wales to Victoria, and drawback had been obtained on other sheep which had gone from Victoria to New South Wales; and he did not think it was possible for any one to say that the sheep on which drawback was allowed

were the same sheep that duty had been paid upon. The matter was one which required serious consideration, and therefore he hoped that the motion would be allowed to stand over.

Mr. WEBB intimated that he was willing that the motion should stand over until such time as the Minister of Customs might mention.

On the motion of Mr. PATTERSON, the debate was adjourned until Wednesday, July 3.

#### NORTH MELBOURNE RAILWAY ACCIDENT.

Mr. LAURENS moved—

“That there be laid before this House a return showing—1. The names and positions in the department of the persons appointed to inquire and report upon the recent railway accident at North Melbourne. 2. The evidence taken by such board, and by whom given. 3. The report presented by such board to the Railway Commissioners.”

Mr. HALL seconded the motion.

Mr. GILLIES suggested that, as the evidence was voluminous, the honorable member for North Melbourne should be content with having the papers placed in the Library, which would be done as soon as possible—say within the next few weeks.

Mr. BURROWES expressed the hope that the papers would be laid on the table of the House and printed. The accident referred to in the motion was of a kind which had not occurred in the colony before. It was a puzzle to railway engineers. And it might be beneficial to the working of the railways hereafter if the information which the honorable member for North Melbourne sought to obtain were circulated among honorable members.

Mr. TUTHILL urged that the return should include all the information available with respect to a second accident of a similar nature which occurred a few days afterwards and in the same locality. These accidents were a serious matter to country members, who were in the habit of travelling by railway.

Mr. MUNRO thought the Premier ought to allow the motion to be carried as it stood. The accident in question had aroused a great feeling of uncertainty as to the safety of the railways in the minds of the public; and it would be well, for the purpose of allaying this feeling of uncertainty, that the information at the command of the Government should have full publication.

Mr. GILLIES said, under these circumstances, he would offer no opposition to the



motion; but he would suggest that the production of the documents should be deferred until the report on the second accident was ready.

Mr. MUNRO intimated that he did not believe in that course. He considered that the information with respect to the first accident should be available at once.

The motion was agreed to.

#### DIFFERENTIAL RAILWAY RATES.

Mr. WEBB moved—

“That there be laid before this House a return showing—1. The loss which the railway revenue of the colony suffers in its dealings with New South Wales through the system of rebates or differential rates on goods crossing the border inwards and outwards. 2. The number of cattle and sheep imported paying duty, and the number returned on which the duty has been remitted. 3. The quantity of wheat, oats, and barley imported and again exported, in any form, on which no duty has been charged in each case, for the twelve months previous to the 1st instant.”

Mr. GRAHAM seconded the motion.

Mr. GILLIES observed that there was some misapprehension in connexion with the first item of the motion. As a matter of fact, there was no loss at all to the Railway department arising out of the traffic referred to. The question simply was whether the differential rates should be maintained, or whether traffic should be allowed to go elsewhere. Therefore, the information sought for by the first portion of the motion was quite unnecessary. Besides, it was not wise to publish to the world that the traffic on the railways, so far as that from the other side of the Murray was concerned, was being conducted at a loss. He would repeat that it was not conducted at a loss. If the honorable member for Rodney (Mr. Webb) thought there was any doubt about the matter, he (Mr. Gillies) would be happy, personally, to place before him the most incontrovertible evidence on the subject. If, after that, the honorable member was not satisfied, he might consider himself free to ask for such a return as he had now moved for, and the motion should go unopposed.

Mr. TUTHILL said he was prepared to accept the Minister's statement that there was no loss to the Railway department. But shopkeepers in the border towns of Victoria sustained a loss. They were handicapped by the Railway department charging for the carriage of their goods a higher rate than was charged to persons on the other side of the Murray. Could not the Railway Commissioners come to some arrangement with

the Railway Commissioners of the other colonies, whereby the differential rate could be abolished?

Mr. GILLIES remarked that the Railway Commissioners, both of Victoria and New South Wales, had been considering the matter with the view to come to some arrangement whereby a uniform tariff might be established without the colonies trying to cut each other's throats.

Mr. WEBB explained that what he wanted to know was the difference between the charge made to the Victorian trader, and that which was paid by the resident of New South Wales.

The motion was withdrawn.

#### MINING LEASES.

Mr. BAILES moved—

“That there be laid before this House a return showing—1. The number of leases, and the names of the holders, of all mining leases in the district of Sandhurst, showing the area of each lease and the number of men required to be employed to comply with the labour covenants. 2. The leases complying with the labour covenants. 3. The leases exempted from compliance with the labour covenants. 4. The leases not fully complying with the labour covenants. 5. The number of tributers engaged on each lease.”

Mr. WILLIAMS seconded the motion.

Mr. GILLIES suggested that, for “district of Sandhurst,” the words “division of Sandhurst” should be substituted. The area of the mining district of Sandhurst was very large, and he presumed the motion was intended to apply only to the Sandhurst division. (Mr. Bailes—“And Eaglehawk.”) Eaglehawk was included in the Sandhurst division.

Mr. WILLIAMS observed that Eaglehawk was now a distinct mining division from Sandhurst. There had been some changes of late years.

Mr. GILLIES said he was not aware of this. Anyway, the return would be made to relate both to Sandhurst and Eaglehawk.

The motion, amended as suggested, was agreed to.

#### LAANECOORIE RAILWAY BILL.

On the order of the day for the second reading of the Bill,

Mr. J. S. STEWART, on behalf of the honorable member for Gunbower, who was absent, asked that the order should be postponed.

Mr. McINTYRE said he would be glad to comply with the request if he could understand that the honorable member for Gunbower had the slightest reason for asking

for the postponement. When that honorable member took action, last session, in connexion with the subject of the route of the Laanecoorie Railway, he represented a district affected by the Bill. But the honorable member no longer represented that district. He (Mr. McIntyre) was the sole representative. So far as the local requirements of the district were concerned, he was solely responsible.

Mr. STERRY stated that, as representing a portion of the district interested in the Laanecoorie Railway, he also would ask the honorable member for Maldon to postpone dealing with the Bill for a week.

Mr. McINTYRE remarked that he alone had the honour of representing the district concerned in the present question, and he must decline to accede to the request made. He begged to move the second reading of the Bill, and to ask the particular attention of honorable members to what he would urge on its behalf. As a matter of fact, the question involved was one of the most important that had ever come before the House from a private member, for it had to do with most weighty considerations in connexion with railway construction in Victoria. Probably a number of honorable members were not fully seised of the facts of the case. True, the matter was brought up last session, but only towards its close, and when, in order to meet the views of other honorable members, who had business to bring forward, and only a very limited period in which to do it, and also because, although it was private members' night, the Government were determined to go on with certain of their own measures, the whole debate on the subject was limited to half-an-hour. So that he was not then able to place all the facts before the House in the proper way. A motion was moved to the effect that the Maldon and Laanecoorie Railway "be constructed as scheduled in the Act," upon which he moved an amendment requiring the whole question at issue to be referred to the Railway Commissioners, with full authority to them to act; but it was negatived. The original question was then put, and a division was called for, but the call was not pressed, on the ground that carrying the motion would practically amount to nothing. The motion was then declared to be carried. He stated, however, that he would bring the matter forward again next session. His constituents had agitated for this railway for 20 years or more, and at last it was given to them in a certain form under the Railway Act of 1884. There was, in fact,

a line scheduled in that Act, as the Maldon and Laanecoorie Railway, which had ever since been called "the scheduled line," but it should be explained that the schedule was not put forward as absolutely correct. It was placed there simply for the purpose of enabling the Bill to come before the House with such a line in it. That schedule provided for a deviation of seven miles with the view of taking the line round Mount Tarrengower.

Mr. GILLIES observed that the schedule was the same as the one included, for the same line, in the Bent Railway Bill.

Mr. McINTYRE admitted that the schedule in both Bills was nearly the same, but, when the Gillies Railway Bill was passing through the House, he distinctly mentioned to the Minister of Railways that his (Mr. McIntyre's) people were not satisfied with it, because the route went through Shelbourne and Woodstock, going away from Laanecoorie altogether. Moreover, what, when the honorable gentleman found himself further pressed on the subject, did he say? He said that the line would go as near to Baringhup as the engineering difficulties in the way would allow. It was for that purpose that the seven miles deviation was provided for. All this could be proved by referring to the words used at the time by the honorable gentleman himself, and subsequently by Mr. Service, the then Premier. He (Mr. McIntyre) would also say that the Laanecoorie line would never have been authorized at all, but for the distinct promise that the deviation would bring the line into harmony with the requirements of the people who originally agitated for it. Why, on the very night the Bill was passing through, when he and another person interested were pressing the Minister of Railways on the subject, in the passage, his own words were—"After what I have said, it would seem as if an angel out of Heaven would not please you." Besides, there was the direct testimony of Mr. Service himself. On the 12th December last, that gentleman spoke in the Legislative Council as follows:—

"The Hon. J. SERVICE said that he wished to give honorable members some little information with respect to the two routes in question, not only because he was the head of the Government who proposed the Railway Bill of 1884, but because, when the agitation for the Laanecoorie Railway was at its height, he represented Maldon in the Legislative Assembly. Over and over again, while he was member for Maldon, was he pressed to move in the direction of getting the line to Laanecoorie sanctioned; and the idea in the minds of the people concerned was always

that it should go as near to Baringhup as possible. In short, it was the Laanecoorie and Baringhup people who, from the first, interested themselves to get the railway. As to the people of Shelbourne, Woodstock, and Newbridge, he never received a deputation from any of them, while deputation on deputation from the other people were constantly coming in. Reference had been made to the terminal points of the rival lines, but what could that have to do with the question? For the present, the terminal points were only temporary, and probably all that was marked by either of them was some old stump selected by the surveyor. In fact, the Government who proposed the enormous Railway Bill of 1884 were desirous to supply the wants of so many different parts of the colony that they could not afford to go in for great lengths of line except in rare instances. They were inclined rather to propose instalments of lines. The question of the terminal points of the routes now in dispute might, therefore, be put entirely out of sight. Mr. Sterry mentioned that the Railway Commissioners were in favour of the deviation line. Well, would not every honorable member, who deplored and deprecated the exercise of political patronage, admit that the voice of the commissioners ought, in every case of the kind, to be all-powerful?"

Well he (Mr. McIntyre) was now asking the House to authorize the Railway Commissioners to carry out their intention and wish in the matter.

Mr. GILLIES said he would ask the House not to permit the Railway Commissioners to do anything of the kind.

Mr. MCINTYRE remarked that when he had laid before the House the statements of the commissioners on the subject honorable members would see that it was not desirable that those gentlemen should continue to hold their present position an hour longer unless they were empowered to make the deviation his (Mr. McIntyre's) constituents wanted. It was to be hoped that the Minister of Railways would not introduce any political feeling in the matter, for he (Mr. McIntyre) was simply doing his duty. He was simply fighting the battle of his district against the determination of a very powerful Minister. Mr. Service went on to say:—

"For himself, he (Mr. Service) might also say that he went in for the deviation line on personal grounds, because he felt, personally, very strongly on the matter. The reason for this sentiment was not very far to seek, inasmuch as it lay in the circumstance that after he had, as a private member, fought for the line for many years, it was carried at the instance of the Government of which he was the head. And he might add that if the interpretation which it was now sought, by the advocates of the scheduled line, to put upon the wishes of Parliament in the matter had been anticipated in the Cabinet at the time the Railway Bill was being prepared, the Laanecoorie Railway would never have been proposed. This he had told his colleagues, in-

cluding the present Premier, who was then Minister of Railways. When the deputation waited upon the Premier, and informed him that every one understood that the railway was to go as near Baringhup as possible, the honorable gentleman said the schedule to the Act could not be altered. He (Mr. Service) was not going to ask for an alteration of the schedule, nor to support the motion which Mr. Zeal had submitted; but he would ask the House to agree to the following proposal, which he begged to submit as an amendment on the question before the chair:—

"That, in the opinion of this House, the construction of the proposed Maldon and Laanecoorie Railway by any other route than that recommended by the Railway Commissioners should not be proceeded with until Parliament shall have a further opportunity of considering the matter."

He did not think this was asking too much. Honorable members had the positive assurance of himself as member for the district for several years, and as a member of the Government that obtained the passage of the Railway Construction Act 1884, that the railway as scheduled—a straight line without deviation—was never intended. It was never expected by the people of Baringhup or Laanecoorie. The insertion of the scheduled line in the Act was an afterthought. The very fact pointed out by Mr. Zeal, that a seven miles deviation was allowed, showed that there was something very peculiar about the line."

Mr. Service's proposal was carried unanimously, yet, in the face of that, tenders for the construction of the line according to the scheduled route had since been advertised for.

Mr. GILLIES said he desired to ask one question. How did the honorable member reconcile what he was stating with the fact that the Service Government were simply copyists in the matter—that they took the schedule, the seven miles deviation and all, from the Bent Railway Bill?

Mr. MCINTYRE stated that the honorable gentleman's question could be very easily replied to. That schedule was taken simply because it was necessary to have some schedule, but it was taken with the distinct understanding that the line would eventually, by means of the power of deviation, be run as near to Baringhup as possible. What did the honorable gentleman himself say when the subject was before the Assembly on the 5th December last? He spoke to the following effect—

"With reference to the Laanecoorie and Maldon Railway, a margin of deviation was allowed by the Act; and the desire of the then Government, including both Mr. Service and himself, at the time that the Act was passed was that the line should go as near Baringhup as possible consistently with the limits of deviation."

If that was not to be done what was allowing the power of deviation but "a mockery,

a delusion, and a snare"? The whole thing necessarily meant that a deviation would be allowed. That was practically admitted by the honorable gentleman when on the same occasion he said—

"He was sorry if it would not go near Baringhup; but the Government were bound to see that the line was carried out as authorized, and not to allow the terminal points to be altered."

As for an alteration of the terminal points, how, in the name of Heaven, was it possible to deviate by seven miles a short line of twelve miles without altering at least one of the terminal points to some extent? Certainly, it was most unfair of the Minister of Railways, when the Bill was passing through, to give him (Mr. McIntyre) the promise he did if no terminal point could be altered except by Parliament. It did not matter whether an honorable member was sitting on the Treasury benches or in opposition, no Minister was entitled to lead him astray in such a fashion. Besides, what did section 5 of the Railway Act provide? It stated—

"It shall be lawful to deviate from any of the lines of railway described in the schedules to this Act on either side thereof at any part thereof."

Mr. GILLIES remarked that that portion of the section was governed by the remainder, which referred to the extent to which a line might be increased in length through deviation.

Mr. MCINTYRE said that did not matter much. The point was that the honorable gentleman seemed to have forgotten this section altogether. Because, when the commissioners asked for his judgment on the terminal point question, and a case was sent for the opinion of the Attorney-General, section 5 was never referred to. Hence the Attorney-General's decision was obviously an unfair one. The case sent was as follows:—

"The opinion of the honorable the Attorney-General is desired upon the following point under the above-mentioned Act:—

"Section 3 of the Act authorizes the construction of (among others) the following line, viz.:—

"(30.) A railway commencing on 'the Castlemaine and Maldon Railway, at or near the Maldon railway station, and terminating in the parish of Woodstock in the line and upon the lands described in the 30th schedule hereto, to be called the Maldon and Laanecoorie Railway.' It further provides that such railway may be made 'within any deviation thereof as herein provided, &c., &c.'

"In the 30th schedule the line is described as commencing at about 10 miles 13 chains 87 links from Castlemaine, on the Castlemaine and Maldon Railway, proceeding thence and terminating at the northern boundary of section 6A

in the parish of Woodstock.' Bearings magnetic. Limit of deviation, seven miles.

"The question upon which advice is requested is whether the power of deviation conferred by the section and schedule of the Act quoted is confined to portions of the railway lying between the commencing and terminating points as described therein, or whether, on the other hand, it extends to the fixing of the positions of the commencing and terminating points themselves; in other words, whether it would or would not be competent for the Railway department to fix those points at any place not exceeding seven miles from the positions described in the schedule."

Surely this omission of any reference to section 5 was most unjust. The opinion given by the Attorney-General was the following:—

"I think that the terminal point is substantially fixed by the sub-section and scheduled, and that the limit of deviation does not apply to it."

When this became known to the people concerned in having the scheduled route deviated from, in the interests of different localities, it was immediately decided to seek the opinion of other counsel on the point. Accordingly, application was made to Mr. (now Mr. Justice) Hodges, then one of the leading counsel of Melbourne, being a lawyer of undoubted ability, and also to his (Mr. McIntyre's) son. It might be added that their attention was directed to not only the 3rd, but also the 5th section of the Railway Act. They were requested to advise whether the power to deviate, as authorized by the Act, applied to the terminating point described in the scheduled route, and their joint opinion was as follows:—

"We are of opinion that the deviation referred to in section 5 of the Railway Construction Act 1884 must be taken to extend to 'the terminating point' as well as to any other part of the line. By the words of the Act, the deviation may be on either side thereof at any part thereof. The end of the line is as much a part of the line as any other portion of the line; and there seems to us no distinction made between the terminating point and any other point along the scheduled line of route so far as particularity of description is concerned. On looking at the schedule it will be observed that the several parts of the line are described as specifically as is the point at which it is provided that the line should terminate. For example, in line eleven the following words occur:—'Passing out of allotment 3B of section 5 into a road'—which is apparently a specific description of the course the line was intended to take. Still it would not be contended that the deviation authorized by the Act did not apply to this portion of the line so as to prevent any alteration to the extent of the limit provided by the Act. There is no provision in this section or in any other part of the Act drawing any distinction between 'the terminating point' and any

other point along the line of route. If to the words 'on either side thereof at any part thereof' the words 'between the termini' had been added, then there would have been no room for doubt, but as there is no such limitation we think (as has already been stated) that the deviation may also be allowed at the 'terminating point.' Then the latter words of the section seem to mean that if in consequence of any such deviation as aforesaid, it became necessary to increase the length of the authorized line in order, say, to obtain a more convenient stopping place or terminus, the line might be increased in length to any extent of not more than one-tenth of the entire length of such line as described in the schedule. If there was any deviation, it will readily be seen that the total length of the line authorized by Parliament might place the terminating point at a spot which would not be of much public advantage, and in order to prevent this, Parliament has provided that an extension may be made in order to bring the line where it will be of greater public convenience. It must be taken for granted that the Railway Commissioners will carry the line of railway through such places and on such a route as will be most conducive to the public welfare, so long as they do not overstep the limit of deviation allowed by the Act, and if they think that it is desirable that the line should be constructed in accordance with their permanent survey, we are of opinion that there is nothing in the Act to prevent them from so doing, even though the terminating point be not identical with that in the scheduled route."

Surely even the Attorney-General would agree that that opinion was, at all events, worth something. Those who gave it would hardly commit themselves so far unless they felt pretty sure they were correct.

Mr. GILLIES asked whether the honorable member thought the line could be legally begun seven miles from the starting point?

Mr. McINTYRE observed there could be no doubt that the Attorney-General had the matters on which he was to give his opinion very cunningly placed before him. Of course it would be ridiculous to start the Laanecoorie line from a point where there was no railway. The intention of Parliament clearly was that the line should start from Maldon, with a deviation of seven miles between that point and the terminal point. Some time after the Act became law, the people interested in the line sent a number of deputations to interview the Railway Commissioners, and to advocate the different rival routes they were respectively desirous to see adopted, but Mr. Speight and his colleagues declined to express any opinion as to the best route, or to take any step in the matter, until they had themselves visited the locality. However, after they had several times carefully inspected the various routes,

and taken evidence on every side as to the matters in dispute in connexion with them, they came to the conclusion that the best among them was the one known as the western route, in fact the very route which he (Mr. McIntyre) was advocating.

Mr. STERRY remarked that long before the Railway Commissioners visited the place a permanent survey was made of the route they preferred.

Mr. McINTYRE said the statement of the honorable member for Sandhurst South would seem to imply that the commissioners were, in his opinion, totally unfit to hold their position. If that was the case surely he should go a step further, and say that they ought to be sent to the right-about. But to come back to the history of the case. Soon after the commissioners received the opinion of the Attorney-General, they sent the following memorandum to the Minister of Railways:—

"Melbourne, 11th January, 1887.

"We have perused the case submitted to the honorable the Attorney-General *re* the Maldon and Laanecoorie line, and his opinion thereon.

"We are, however, in a dilemma in dealing with the matter, and would under the circumstance desire definite instructions as to what should be done.

"The papers indicate that the route the line was to take through the district was an open question, and the provision of a seven miles deviation appears to have been made for the purpose of giving the widest latitude.

"Our previous memo. gives the result of the inspection we made of the district and the route which would best accommodate it, and, if the terminating point is to be taken as a fixture, the widening of the limit of deviation would be of no value when taken in conjunction with the general condition that the length of a railway authorized shall not be increased more than 10 per cent. from end to end by reason of any deviation made within the authorized limits.

"The departmental records indicate that terminal points have not in many cases been adhered to, but it is only right to say that no case having such exceptional features as the one in question has arisen.

"We feel sure the majority of the residents are in favour of the western route, which we also think is the right one, and it may also be worth while considering that as the line authorized does not provide for construction within some four (4) miles from the point indicated as the termination in the schedule that the 'terminating' point does not necessarily become so important.

"We would be glad of instructions, or we might be permitted to suggest, if there is any doubt about the intentions of Parliament, that nothing further be done until a more explicit definition of the route to be adopted has been given.

"R. SPEIGHT, Chairman.

"R. FORD, Commissioner."

Could not the Minister of Railways, under all the circumstances, and considering the position taken up by the commissioners, see his way, in justice to his (Mr. McIntyre's) district, to carry out what the commissioners thought ought to be carried out? That would mean the construction of a line which had already been surveyed, which would pay immediately, which the people of the district concerned had asked for many years, and which he (Mr. Gillies) had himself said would be carried out.

Mr. GILLIES observed that the commissioners could not be said to have a voice in the matter at all. They had simply to carry out the decision of Parliament.

Mr. McINTYRE said he quite agreed with the last statement of the Minister of Railways. But Parliament having decided upon a seven-miles deviation, were not the commissioners the proper parties to decide where and how the deviation should occur? If the decision were to rest elsewhere, who could say that it was not arrived at from some political reason? Again, so far from speculation in property having gone on with respect to the scheduled route, the land on that route had not, of late years, improved at all in value. Any speculator paying a high price for land which was three or four miles away from the centre of settlement, would naturally be set down as a fool. On the other hand, the land along the western route—the route of which a permanent survey had been made, and which had recommended itself so highly to the commissioners—had greatly improved in value. In their report on that route, they expressed themselves as follows:—

“All the papers indicate that the route to be adopted was left open, and the provision in the act of seven miles deviation corroborates this. An inspection of the district leads us to the conclusion that the railway to Goodrich's Corner by the western route should be made, as affording the greatest general accommodation.”

(Mr. ZoX.—“What is the date of that report?”) It was dated October 26, 1886. This was the route he now asked the House to sanction. Surely, in the face of the opinion so expressed, the Minister of Railways, in not making the application to Parliament which the commissioners suggested he should make, had acted most unjustly. He (Mr. McIntyre) would say that if the Government decided not to support the views of the commissioners, they ought also to decide that the commissioners were unfit to perform their duties.

Mr. GILLIES stated that the commissioners were fit to perform their own duties, but they were not fit to perform the duties of Parliament.

Mr. McINTYRE asked who was to determine how the deviation within the seven-mile limit should be carried out if not the commissioners?

Mr. GILLIES expressed the opinion that the question must be decided on engineering grounds.

Mr. McINTYRE asked if he was to be told that one route ought to be preferred above another simply because it went straight? Why, there was scarcely a line in the country that went straight. He would mention, in addition to what he had said on the same subject already, that he had received the following letter from Mr. Service:—

“Dear Mr. McIntyre.—The purport of what I said at the deputation to Mr. Gillies was this—That there was no doubt whatever as to the intention of the late Government in scheduling the Maldon to Laanecoorie line of railway, their intention being that the line should go as near to Baringhup as the features of the country would allow. I was able to speak with knowledge and with perfect recollection, as the matter had been often before me when I was member for Maldon. But, so far as I know, Mr. Gillies himself does not dispute that the original intention was as I have stated. What reasons there may be for deviating from such intention I do not know, but I regard any deviation from the line originally contemplated as a breach of faith with the people of Baringhup.

“Yours truly,

“JAMES SERVICE.”

Were all these statements by Mr. Service to be taken to mean nothing? As for the promises of the Government at the time the Bill was being passed into law, let honorable members listen to the following statement made in the Legislative Council by Mr. Zeal on the 12th December last:—

“When the Railway Bill including this line was before the Council, he (Mr. Zeal) prepared a schedule under which the line would better serve the interests of the people of Baringhup and the valley of the Loddon, but, when he was about to move it, the then Postmaster-General (Mr. Campbell) requested him to withdraw it on the ground that, as a limit of deviation to the extent of seven miles was allowed in the schedule, it would enable the line to be brought as near Baringhup as engineering considerations would permit. He withdrew his amendment on the assurance of the Postmaster-General that the limit of deviation was inserted to enable the department to select the most desirable line.”

Would the Minister of Railways deny that Mr. Campbell ever made that statement? It would appear that he (Mr. McIntyre), at all events, had been most thoroughly misled.

Time after time was he told by the Minister of Railways that he need not be afraid to let the Railway Bill pass, because, under it, he would get everything he wanted—that the Government intended that the line should go in the direction of Baringhup. Yet the honorable gentleman now insisted upon the scheduled route being followed exactly, and tenders were being called for the construction of the line on that basis. (Mr. Gillies—“As ordered by the Assembly last session.”) Nothing of the kind. As he (Mr. McIntyre) had already explained, the decision of the Assembly in December last was accepted solely to save time, and because it could not mean anything definite one way or the other. It was with that feeling that he then and there gave notice that he would bring the matter forward the very next session. This he had now done. The Minister of Railways stated last December—

“The Attorney-General had given the opinion that, although the commissioners held that it would be better to construct the Laanecoorie line by the western route, before that could be done the alteration must be sanctioned by Parliament. It was Parliament that had sanctioned the construction of the line by a certain route, and the route could only be changed by the authority of an Act of Parliament.

Well, it was the object of the present Bill to supply that authority. It was to be hoped that honorable members all round understood clearly that his (Mr. McIntyre's) sole aim was to get justice done to his district, and also to secure a proper administration of the law relating to the construction of railways. In that sense the question at issue was more national than local. It could not be said either that he was opposing the Government, because he was simply advocating the carrying out of the intention the Minister of Railways formerly expressed, and which was also clearly the intention of Parliament. There was no need to quote statistics to show that the western line would be the most advantageous to the largest number of people, because its selection by the Railway Commissioners was sufficient proof on that head. Another point was that, although under the Electoral Act of last session, both the rival routes were now comprised in the present Maldon electorate, and, also, although the railway question was, at the last election there, the question of questions, still the views expressed by him on the subject were so generally acceptable, that in the particular division concerned 360 out of 480 electors were in his favour. Would the Government supporters have

*Mr. McIntyre.*

allowed him a walk-over if a large body of electors had been in favour of the route which the Minister seemed determined to carry out? Would they have allowed him to be returned without a contest, if he did not represent the views and feelings of a very large majority of the electors interested in the question? The other day the honorable member for Sandhurst South brought up a resolution which was passed at the Marong Shire Council—a portion of whose district was in his (Mr. McIntyre's) electorate—condemning his action in Parliament in reference to the Maldon to Laanecoorie Railway. Now, he did not go behind a man's back to speak about him, and if necessity required him to say anything concerning an honorable member he said it openly and deliberately on the floor of the House. The Marong Shire Council was not the only municipal body in his electorate. There were other councils interested in the Maldon to Laanecoorie line, his electorate including, besides a portion of the Marong shire, one whole shire and portions of two others. The whole interests of the shire of Maldon were identified with the proposed railway, and on the day that resolution was passed by the Marong Shire Council, condemning his action in Parliament with respect to that line, he received from the secretary of the Maldon Shire Council the following communication:—

“Shire Hall, Maldon, June 8th, 1889.”

“Re Railway Extension, Maldon to Laanecoorie.”

“Sir,—I have the honour under instructions to express the hope of this council that you will not in any way relax your efforts or leave any stone unturned to ensure the adoption of the western route, and I am desirous to ask you to lodge the firm but respectful protest of this council against the action of the Government in so utterly ignoring the recommendation of the Railway Commissioners in favour of that route, after such a crucial investigation by them of the merits and demerits of the respective routes.

“That investigation, as you are aware, was made personally by the commissioners, with much care and thoughtfulness, and with every facility afforded them for arriving at a careful and just decision in the interests of, not merely individual inhabitants, but of the colony at large, and the action of the Minister of Railways in subverting that decision by calling for tenders for the construction of the line on the eastern route is calculated to bring the whole matter under the suspicion of a political influence that the original appointment of the commissioners was intended to guard against. Will you therefore have the goodness to persevere in your efforts, and say if this council can in any way strengthen your hands?”

“I have, &c.,

“LIONEL P. WELLS, Shire Secretary.”

Mr. STERRY.—That is the wish of the Maldon Shire Council only. The other councils are just as strongly in favour of the eastern route.

Mr. McINTYRE.—That letter was from a united shire in the centre of his (Mr. McIntyre's) electorate, and it conveyed a decision of the council arrived at without any influence on his part. He had not been pulling the strings. Honorable members would bear in mind that what were his circumstances now might be their circumstances some day. The determination of the precise route of a line ought to be left in the hands of the Railway Commissioners, who would choose the best route within the margin of deviation allowed by Parliament, having due regard to engineering difficulties and the population to be served. If that policy was not to be adhered to, then the House must, in future, insist on determining every inch of the route of every new railway, and fix the schedule so that there could be no departure from the exact route. Mention had been made of a deviation of a mile and a half in the Warrenheip to Gordons line, and several other instances could be cited. In the case of the Numurkah to Nathalia line there was a deviation of a mile and a quarter at the terminal point. In justice to his constituency and to the country, in justice to the commissioners, in justice to the House—and if the House had been wrong, it could easily be set right now—he asked honorable members to assist him to carry the Bill; and he would urge the Premier to let the matter be dealt with by the members of the House upon its own merits. If the Bill were dealt with on its merits, he (Mr. McIntyre) would be quite contented. The honorable member for Dunolly represented an adjoining district, and knew that every word he had urged in support of the Bill was perfectly true. The district of the Minister of Lands was affected almost as much as the Maldon electorate, and, when the present Minister of Customs was on the opposition side of the House, he made a most manly and telling speech in his (Mr. McIntyre's) favour, and entered a strong protest against the action of the Government on that occasion. He was sure that the opinion of the honorable gentleman had not been altered by his transfer to the Treasury bench. For the reasons he had given, the House should be left free to exercise its unbiased judgment, uninfluenced by the Government, so that the Maldon to Laanecoovie Railway might be constructed on the lines recommended by the Railway

Commissioners, who were, after all, the most qualified to determine which route should be taken in the interests of the country.

Mr. CHEETHAM seconded the motion for the second reading of the Bill.

On the motion of Mr. STERRY, the debate was adjourned until Wednesday June 19.

The House adjourned at three minutes to ten o'clock.

## LEGISLATIVE ASSEMBLY.

Thursday, June 13, 1889.

Moe Swamp—Tramway Employes—Burnley and Oakleigh Railway—Coburg Railway Service—Tarwin River Jetty—Foxes—Public Instruction—School Diagrams—Mr. E. R. Barry—Adjournment—New Procedure Rules: Third Night's Debate—Railway Construction.

The SPEAKER took the chair at half-past four o'clock p.m.

### MOE SWAMP.

Mr. GROOM asked the Government when tenders were to be called for the contour drains of the Moe Swamp?

Mr. PEARSON stated that, owing to the work of constructing the main drain being stopped by the wet weather, the contour drains were now being proceeded with by piece-work.

### TRAMWAY EMPLOYES.

Mr. LANGRIDGE called attention to a complaint published by the *Herald* newspaper on the 6th June, with regard to the hours which tramway employes were compelled to work, and asked the Premier to state whose duty it was to see that section 62 of the Melbourne Tramway and Omnibus Company's Act was carried out in accordance with the intention of Parliament when the measure was passed? That section provided as follows:—

“The days of labour of any person employed by the company as a driver or conductor of any tramcar or of the animals working any tramcar shall be eight hours, but any person so employed may work for the company overtime for special payment, provided that no person so employed shall in any case work for the company more than 60 hours in any one week, and the company shall be liable to a penalty not exceeding £5 for each and every breach of this section.”

He did not desire to cause any trouble, particularly as the tramway service of the metropolis was carried out in a very effective manner; but the section which he had



read, and which was inserted in the Tramway Company's Act at his instance, was the first recognition of the eight hours principle in an Act of Parliament. Of course, the employés had only one service to look to—that of the large company to which they were attached; but he considered they were entitled to some protection, and he desired to know how and in what way they could be protected.

Mr. GILLIES observed that as soon as the honorable member for Collingwood (Mr. Langridge) gave notice of his question, a copy of it was forwarded, without any comment whatever, to the Tramway Company. He was informed, in a memorandum which he had received in reply, that the company had always been very careful to obey, not only the spirit, but the letter of their Act; and they denied that there was any truth in the newspaper statement. It was not the duty of the Government to seek the enforcement of the provisions of the Act. If any employé felt aggrieved with regard to the hours of labour, he could take proceedings against the company under section 62. It appeared that no other person save some person aggrieved had the right to take action.

#### BURNLEY AND OAKLEIGH RAILWAY.

Mr. MOUNTAIN asked the Minister of Railways when the railway from Burnley to Oakleigh would be open for traffic, and what had caused the delay in completing the line?

Mr. GILLIES said he was informed that the principal cause of delay had been the difficulty experienced in connexion with the foundation of the viaduct over the Yarra, near the commencement of the contract. The other works were in a forward state, but it was not possible, at present, to say when the line could be opened for traffic.

#### COBURG RAILWAY SERVICE.

Mr. METHVEN asked the Minister of Railways when the Railway department intended to run half-hourly trains to Brunswick and Coburg, when the contract time for the construction of the Coburg and Somerton Railway expired, and when the line would be opened for traffic? The population of Brunswick and Coburg numbered over 20,000, and they had to be content with only one train per hour. Naturally they considered that they were entitled to more consideration at the hands of the department.

Mr. GILLIES said the Railway department would not be in a position to increase the number of trains on the Coburg line until it was in possession of additional rolling-stock. Of course, when the line from Coburg to Somerton was opened, additional trains would be run, and passengers on the Coburg line would benefit by them. The contract time for the Coburg and Somerton line expired on the 1st July, 1888. He believed the line would be open for traffic in about two months.

#### TARWIN RIVER JETTY.

Mr. GROOM inquired of the Minister of Customs when tenders were to be called for the jetty and shed at Tarwin River, Anderson's Inlet?

Mr. PATTERSON replied that tenders would be called for about the 26th June.

#### FOXES.

Mr. HIGHETT asked the Premier if he would take steps, as a matter of urgency, to have a short Bill introduced, giving local bodies power to offer a bonus for the destruction of foxes?

Mr. WOODS said, before the Premier replied, he desired to remark that the course suggested in the question seemed a somewhat unusual one, because, from what he gathered, it sought to get funds out of the public revenues and apply them to purposes which were strictly private. It was well-known that the Chirnsides introduced foxes into the colony, and they had plenty of property to enable them to eradicate foxes at their own cost. On the Chirnsides, and not on the State, lay the responsibility of exterminating foxes.

Mr. GILLIES observed that, as he understood, the object of the honorable member for Mandurang was that municipalities should undertake the work of eradicating foxes, and charge the expense they incurred against the local rates. He did not understand that the honorable member asked for a vote of public money from Parliament for the purpose. The Government certainly were not prepared to accede to anything of that kind. The Local Government Bill would be under the consideration of honorable members during the session, and, if they thought that local bodies should have additional powers to enable them to deal with this matter, they would have an opportunity of giving effect to their views.

Mr. HIGHETT stated that the Premier had fairly indicated what was his desire.

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## PUBLIC INSTRUCTION.

Mr. GORDON asked the Minister of Public Instruction if he would consent to supply all 4th and 5th class schools with diagrams of the mechanical powers. He explained that he desired that State schools in the country districts should be placed in the same position, with regard to those diagrams, as urban schools.

Mr. PEARSON said he would endeavour to arrange for 4th class schools to be supplied this year, and for 5th class schools to be supplied at a subsequent period.

## MR. E. R. BARRY.

Capt. TAYLOR asked the Attorney-General if he had any objection to lay before the House a copy of the papers connected with the transfer of Mr. E. R. Barry from the Master-in-Equity's office to the Registrar-General's department?

Mr. WRIXON stated that no papers connected with the matter were in his office. However, there might be some aspect of the case on which he could give information, and, if so, he would be happy to confer with the honorable member for Hawthorn.

## ADJOURNMENT.

Mr. GILLIES moved that the House, at its rising, adjourn until Wednesday, June 19. He explained that he submitted the motion to enable honorable members to attend a dinner which would be given by the Speaker on the 18th.

Mr. MUNRO seconded the motion, which was agreed to.

## NEW PROCEDURE RULES.

## THIRD NIGHT'S DEBATE.

On the order of the day for resuming the debate (adjourned from the previous evening) on Mr. Gillies' motion for the adoption of certain proposals as to procedure as standing orders of the House,

The SPEAKER said—I desire to call the attention of honorable members to the following standing orders of the House which, I think, have been infringed during the present Parliament:—

“No member shall pass between the Chair and any member who is speaking; nor between the Chair and the table; nor between the Chair and the mace when the mace has been taken off the table by the Serjeant.

“Every member when he comes into the House shall take his place, and shall not stand in any of the passages or gangways.

“No member shall read any newspaper, book, or letter in his place unless in addressing the Chair.

“No member shall refer to any other member by name except for the purpose of distinguishing him from other members returned for the same electoral district.

“Whenever Mr. Speaker rises during a debate, any member then speaking, or offering to speak, shall sit down, and the House shall be silent, so that Mr. Speaker may be heard without interruption.”

The debate was then resumed.

Mr. ARMYTAGE.—Sir, I think it necessary for me to say something on the motion now before the House, because I am sitting behind the Government as one of their supporters, and yet in one of the first divisions which is likely to take place, I shall find it necessary to vote against them. I am extremely sorry for this, because I think the present coalition Government have done a vast amount of good for the country—an amount of good which could not have been secured under a party Government. The mere fact that the existence of a coalition Government does away with all political excitement is a circumstance which the country ought to congratulate itself upon. With regard to the proposed new rules of procedure, I can only speak generally, because my information and knowledge with regard to parliamentary forms and usages must necessarily be limited. So far as my knowledge goes, the question of the *clôture* was not before the country at the general election. The question that was before the country was an amendment of the rules of procedure; and I do not know that the *clôture* was mentioned by the majority of honorable members. It might have been mentioned by the Premier in the same way that he mentioned the bachelor tax. During the whole course of my canvass, I was asked only once about it; and the question was put to me by a man who had asked dozens of questions before, the *clôture* being the last subject he could think of. The Premier has told us that he does not think the *clôture* necessary at present; and I understood him to state, on a recent occasion, that he would be very chary about proposing the *clôture* at all. As far as I know, only one newspaper supports the *clôture*, and that newspaper—and I say it knowing that it is a very bad thing to quarrel with newspapers—is well known for its narrow-minded bigotry. One reason why we should not have the *clôture* is that the proposed new procedure rules have been submitted because there was obstruction in the last Parliament and the *clôture* would not be sufficient to meet that obstruction. Then what is the use of seeking to

create this extremely dangerous power? We are quite unaccustomed to the use of it, and the chances are that we will never want it. The honorable member for Dalhousie has put it to the Premier, indirectly, that the *clôture* is more drastic in its effects than the "iron hand." The Premier did not deny that. Well we know what happened to the party that brought in the "iron hand." They were swept into political oblivion, from which some of them never emerged again.

Mr. J. S. STEWART.—I have come back again.

Mr. ARMYTAGE.—Some have emerged; but it has taken them a very long time to do so. If I were to judge from contemporary events alone, there is no reason why the *clôture* should be brought in. But contemporary events should be dealt with in the light of history. I have a very small acquaintance with the past parliamentary history of my country, but I am aware that there are three events in that history which in some way deal with the *clôture*. The first is the "iron hand," the second is the "stone wall"; and the third is the obstruction in the last Parliament. With respect to the "iron hand," as I said before, the party that used that weapon were practically swept away from public life. In that case, the country pronounced distinctly against the *clôture*. The "stone wall" of 1879 was a case of obstruction by a minority; but did the country call out for the *clôture* then? Not at all. The country backed up the minority, and sent them back to Parliament with increased numbers. That, to my mind, does away with the argument that, in this extremely democratic country, we should always bow to the will of the majority. I think it shows that to that rule, like other rules, there is an exception; that it is not always that the majority are right. I understand that the minority in Parliament in 1879 was a mere handful, and that they had what might be considered the disadvantage of being connected with classes which are supposed in some quarters—though I hold that to be a mistake—to be distinctly opposed to the masses. Some were connected with squatters; some were known to frequent that awful place, the Melbourne Club; and some were more or less identified with banks. All these were distinct disadvantages to the minority when they were opposing the will of the majority. In this country we are supposed to be extremely democratic; but the fact is that we are very conservative; and I think that the

more power the people acquire—the more widely that power is distributed—the more conservative they will become. The third event is the obstruction in the last Parliament. That has been dealt with by the country. The majority of the offenders have been relegated to private life; and the others have received a lesson which they are not likely to forget. Thus we find, in the first place, the *clôture* distinctly pronounced against by the colony on one occasion; in the second place, the country justifying the acts of a minority against a majority; and, in the third place, the obstructionists in the last Parliament rejected by their constituents. Therefore I say that the *clôture* is not necessary. I think that one of the most effectual ways of suppressing obstruction will be to issue a daily *Hansard*, so that the constituencies may know what actually goes on in this House. If the obstruction, last session, was as bad as the press wanted to make out—if the country had known that for certain, the result of the general election might have been still harder on the obstructionists than it was. My opinion is that the power which the press has obtained in this colony is a very serious matter indeed. To my mind, the press is the most autocratic of any body in the colony. I will just mention an instance in point, which has happened only during the present week. The honorable member for Normanby, having delivered a most eloquent and practical speech on the Government proposals, a morning newspaper, next day, described him as a "conservator of abuses." Is there any honorable member on the Ministerial side of this House who will uphold that? A great deal has been said in this House about the native-born population, and a certain association which is constantly patted upon the back by the Chief Secretary; and the Attorney-General seeks to distinguish between those persons who were born in Australia and those who were born elsewhere. But I recognise no such distinction at all. I am a subject of Her Britannic Majesty, and it matters not to any one whether I was born here or in another part of the world. If I am able, when I am on my dying bed, to say that I have been as good a man as my father and grandfather before me, I shall feel that my life has not been spent in vain.

Dr. PEARSON.—Mr. Speaker, I don't think the Government can complain of the way in which this House has dealt with their proposals so far. We have had an intimation from the leader of the Opposition that the

greater number of them will be accepted unquestioned; and when we come to consider the criticisms which have been passed upon the others, and the suggestions as to proposals which might be substituted for them, the Government find their best, though not their most discreet, friends among their critics. Take, for instance, the honorable member for Normanby who, in his interesting speech on Tuesday, which he delivered with his usual fervour, intimated that there were one or two great reforms which he would prefer to see carried. And the honorable member has been followed, in the same strain, by one or two other honorable members. The proposal to abolish the debate on the address in reply to the Governor's speech is one that, I think, does not receive general acceptance; but if it were carried it would undoubtedly add enormous strength to the Government. There is no single purpose that a debate on the address subserves more than a general review of administrative blunders. During the greater part of the session Bills and other public business have to be discussed; but on the opening of the session the Opposition have nothing to criticise but the blunders committed by the Government during the recess; and though it may be perfectly possible to take up such a question as the Chinese, and make it the subject of a substantive motion, I think it is perfectly certain that the Government of the day would be far less shaken by a motion directed against any single point of policy, than by an indictment covering larger ground and attacking the acts of several Ministers. Therefore, I think, if we were covetous of power, we might cordially accept that amendment: but I don't think it would be wise for the House to concede it. Another reform which has been suggested, and which I see has been advocated by the press, is to allow the carrying on of a Bill from one session to another. I say for an honorable member to advocate such a proposal, while denouncing the closure, is certainly like straining at a gnat and swallowing a camel. If it became possible for a Government to take up any measure, good or bad, at the stage at which it was left the previous session, a Government would be able to carry any measure. The Opposition would become heart-broken from their inability to exercise their functions with any effect. I am speaking not of Bills of a popular character, but Bills which do not attract any particular attention; and I say such Bills would unquestionably be carried by the Government if the enormous

and extravagant power I refer to were brought into existence.

Mr. LAURENS.—What about private Bills?

Dr. PEARSON.—I think that private Bills stand, to a certain extent, on a different footing. I submit that if the privilege I am discussing were conceded at all, it ought to be conceded to honorable members who have charge of private Bills.

Mr. MUNRO.—It is frequently done by means of a special standing order.

Dr. PEARSON.—The question at issue concerns not so much the Bills in charge of private members, as the relations of the Government of the day towards the Opposition of the day. The proposal concerning the suspension of the standing orders has been denounced by more than one member as one of the most dangerous of all. But I would ask honorable members to recall a late instance in which the particular standing order, of which the objected-to proposal is a copy—because the particular power exists already—was nearly being applied. After the session of 1888 had been literally wasted, we came at last, in the last week, to the passing rather hastily of a great many Bills. One had been recommended by a Royal commission, and had been carefully thought out by the Government. I refer to the Bill relating to banking and currency. It was demanded by a large majority of the House, and, as it happened, it was passed through nearly all its stages in ten minutes. It went up to the other House, where it was passed with nearly equal despatch.

Mr. MUNRO.—It contains laughable blunders.

Dr. PEARSON.—I know the honorable member is one who would have used his power against it.

Mr. MUNRO.—I intended to speak against it.

Dr. PEARSON.—No doubt the honorable member's opinion would have been listened to with the greatest respect. But it was another honorable member who intimated that he would stop the passage of the Bill, and I do say that a power of that kind is an inordinate and dangerous power to intrust to a single member of a large House. To say that one man who may have a fad against a particular measure should be enabled to arrest the course of legislation for a year is to arm him with a most extravagant power. I will say, also, in regard to the power which we are now asking for, that

it is extremely doubtful whether we are asking for more than the Speaker already possesses. I remember a case in which I thought a Bill was being rushed through the House with unusual precipitancy, and as it involved the raising of a large loan in England, I thought another night might well be given to its consideration. I was, therefore, inclined to prevent the Bill passing through all its stages, but the late Speaker—who, we all know, was a man well versed in precedents, and one who had the greatest respect for constitutional law—sent for me privately, and intimated that, if the matter was pushed, he would not allow my opposition unless it was supported by a considerable minority of the House. So that, in his estimation, the power was even then subject to the regulation of the Speaker, and I may explain that it was for this reason alone that I withdrew my opposition on that occasion. Another proposal which has raised a good deal of opposition is the proposal that unruly members may be suspended. But I ask honorable members to consider for themselves what other punishments we could have. It has been suggested that fine or imprisonment would be better remedies, but either of those penalties is very humiliating. Besides, I would remind honorable members that a greater farce was never witnessed than what took place on a former occasion, when a member of the House was committed to the "tower," or the "leads," and used to come down from time to time—I believe, on one occasion, bringing with him a sardine, which he exhibited as a specimen of his "prison fare." As to expulsion, in the first place it is so tremendous a punishment that it would hardly ever be inflicted, and in the next place I am inclined to doubt if this House ought ever to inflict it, unless in those exceptional cases where a member has been guilty of such an offence that his constituents ought to have an opportunity of deciding whether they wish him to represent them again. For the mere disorder of a member to disfranchise his constituency for a time—to send a man out of the House for, at least, several weeks who has simply been guilty of an audacious liberty of speech on behalf of what, perhaps, he conceived to be popular rights—would be a very high-handed measure, and the precedents of the mother country are against it. Besides, the cases with which we have chiefly to deal in this House are cases arising from the heat of the moment—cases in which during the excitement of debate, a member, perhaps, uses angry words or threatening gestures,

*Dr. Pearson.*

and refuses to submit to the Speaker or Chairman. I think that in cases of that kind to order the offending member to withdraw from the chamber, to give him an opportunity of cooling down, and by his withdrawal to allow the whole cause of offence to die away, is, perhaps, the very wisest plan we could adopt in dealing with trouble of this sort. The proposal, however, which chiefly excites opposition in the House and a partial opposition in the press is the proposal to introduce the closure. It has been said that we have no mandate from the country to discuss such a strong interference with parliamentary precedent as this. In reply to that I have to say that I believe a change of this sort was made a part of the Ministerial programme on every platform where a Minister spoke. The proposal was distinctly set forth by the Premier, the Attorney-General, and myself.

Mr. McINTYRE.—On the contrary, the Premier said he would not go to extremes.

Dr. PEARSON.—I explained to my constituents in every part of the constituency that this was the exact proposal that I wished to see carried, and I explained the difference between these times and the times of 1875 and 1876. I showed that it had become necessary to revise our old procedure, and I asked the electors to declare that they would not tolerate disorder any longer in Parliament—that they would sooner see the licence of speech curtailed a little than see Parliament turned into a mockery as it had been. Therefore, so far as the question of a mandate from the country is concerned, I maintain that we have an absolute mandate from the country to deal with the question, and in this way. It was submitted to the country just as much as any single item of policy except the one leading item can be at a general election. In the next place this proposal of the closure is after all not a very tremendous one. Indeed, in the very kind and forcible speech with which the honorable member for Grant has just inaugurated his entry into this House, I understood him to say that he objected to the closure partly on the ground that it was of no great efficiency. It cannot affect a debate to any great extent. Take, for instance, the case of a Bill being brought in which a great many honorable members may strongly dislike, and dislike on good grounds. Those honorable members are entitled in the first place to a debate of four or five weeks on that Bill before any Speaker would venture to interpose. The Speaker, a passionless authority, must be ruled by the

precedents of the House, and we all know that the precedents for a debate of that length are so numerous that it would be impossible to disregard them. Then the Bill would go into committee, and as an ordinary Bill contains from 60 to 100 clauses, if 30 members of the Opposition spoke only five minutes on each clause and were answered at half the length from this (the Ministerial) side, some six weeks more would be occupied—in all ten or twelve weeks to be devoted to that single Bill. I think that if the Ministry really consider a Bill to be of such importance that ten or twelve weeks may reasonably be devoted to it—if they are prepared to make it a cardinal part of their policy, by which they are ready to sink or swim—they have a right to have that policy fought out to the very end, and not to have it defeated by obstruction. If we allow that obstruction to take the shape of proposing endless amendments or indulging in needless speeches, we as a necessary inference are allowing the minority to rule the majority. Why, sir, what was the great constitutional quarrel which took place a few years ago? Did we not say that the majority in this country, which we in this Assembly represent, was not to have its measures thrown out by a House representing the minority? We carried that contest to a successful issue, we asserted the principle that we were not to be blocked, and we never have been blocked in that way since. Will any man say that a minority in this House—a minority which constantly does not represent even the apparent number in the country by which it has been elected, a minority which is merely kept together it may be by the ardent spirit of party—is to have the right to deny to an old and honorable House, a House which claimed for a long time equal powers with this Chamber, the power of thwarting the will of the majority of the people, and at the same time to claim that right for themselves?

Mr. MUNRO.—The other House claims equal power with this House now.

Dr. PEARSON.—We are bound to respect the dignity and independence of the other Chamber, and it would be monstrous to give ten or twelve men among ourselves a power which we have deliberately denied and fought for years to deny to the Second House. Now I notice that a good many new members of the House are disposed to make very little indeed of the obstruction which went on in the last two or three years, and to treat it as a matter of exceedingly slight consequence. Therefore, I would like

to recall to the memories of the House a few facts in connexion with the session of last year. It would be too wearisome to go into the whole history of legislation, but I have taken as samples of the work we did four Bills which we passed with proper discussion, four Bills which we passed without proper discussion, and four Bills which we ought to have passed but did not pass at all. Of the Bills passed with proper discussion, the first was the Marine Board Bill. That was a Bill which required very little to be said about it, and it was in the hands of a highly competent gentleman, and one whom the House was inclined to treat with great kindness on account of the state of his health. The second was the Loan Bill, which it would have been most unpopular to obstruct because its object was to obtain money for the needs of the country. The third was the Licensing Law Amendment Bill which came on late, but which was, I think, discussed as much as it deserved; and the fourth was the Electoral Bill, which was fought fairly through to a conclusion. Now coming to the Bills which were passed without proper discussion, I may mention the Banks and Currency Law Amendment Bill—a Bill which the honorable member for Geelong (Mr. Munro), who knows a great deal about the subject, tells us contains much that is faulty. That was a Bill which ought to have been discussed for hours. We got it from a commission, we improved it as best we could, all that the Cabinet or the draftsman could do was done to make it perfect. But we required the wisdom of Parliament to enlighten us. A House of 80 or 90 is bound to be wiser in these matters than a small commission or a Cabinet, and the country was defrauded of the proper assistance of Parliament in reference to that measure. Although we thought it better to pass the Bill in ten minutes than not at all, that Bill is a permanent record of parliamentary obstruction.

Mr. MUNRO.—You did not bring it on until late, and then you gave us only half-an-hour to consider it.

Mr. ZOX.—That was not the Government's fault. It was threatened to be "stone-walled."

Dr. PEARSON.—I cannot attempt to answer now whether it was the Government's fault or not, but I ask any honorable member who has doubts on the subject to look over *Hansard* for last session. He will then see how much time we had left when we had discussed the four Bills I have mentioned, the Budget, which naturally took up a good deal

of time, the Estimates, and the 20 or 22 motions for adjournment which were moved.

Mr. MUNRO.—You introduced that Bill before the Estimates, and then put it aside. You did not want it discussed.

Dr. PEARSON.—Again, there was the Public Health Bill. We despaired of passing that Bill in any shape, although it was a Bill that was imperatively necessary to the health of this country. At the last moment that Bill was settled with some amendments by the Chief Secretary, in the lobby, with eight or ten gentlemen who took an interest in the matter. He agreed to withdraw certain clauses, some of which were of considerable value, and they agreed to accept others which were exceedingly important, and the Bill was passed in that shape. I say again that it was far better for the Bill to be passed so than not at all, and we have to thank the Opposition for their courtesy on that occasion. Then there was the Inebriates Law Amendment Bill, and, lastly, a Bill in which I myself was interested—the Education Law Amendment Bill, which came before the House for the second time. The latter Bill was passed with a certain amount of discussion, but certainly not with the discussion which the importance of the measure deserved. On all these subjects the House can add information to that in the possession of the Government, and even a slight amendment suggested in the House is often productive of great benefit. Then I come to the four Bills which ought to have been passed, but were not. First, there was the Merchandise Marks Bill, which was entirely on English lines, and contained nothing objectionable that could not easily have been removed. Next, there was the Duties on Estates Bill, which would have reduced the probate duties in certain cases, the Forests Bill, which would have tended to the conservation of our woods, and the Education Commissioners Endowment Bill on which both sides of the House were agreed or nearly so. Now, I ask those honorable members who think there was no obstruction in the last Parliament to inquire of themselves whether they consider that the record of four Bills passed with discussion and four Bills passed without proper discussion is sufficient to obliterate the recollection of a dozen others which had to share in the "massacre of the innocents" at the end of the session? Of course there were other Bills passed but those which I have instanced were the only ones of any great importance. These being the facts—and I could make the case immensely

stronger by going back two years and taking the record of the last two sessions—can it be said that we in Victoria are doing something that is unheard of and unnecessary because we ask that this system of obstruction shall be in some slight degree reformed? We are only seeking to do what has been done all over the world. There is not a country in Europe—except, I believe, Norway and Hungary—that has not adopted the closure in some form. The United States possess it in a modified form, and two of the neighbouring colonies have adopted it. Is it then degrading or humiliating to us in Victoria to follow the example of those countries, old and new, most of them having constitutions, with no desire to take what was obsolete or to introduce what was unnecessary? The work of Parliament is becoming greater day by day, and more liable to be blocked by a minority, and if parliamentary government is to hold its own—to be effective—if it is to measure itself with the highly centralised Governments of the old world, it must revise its forms and become as rapid and vigorous as a monarchy itself can be. It has been said that the closure was introduced in England as part of a bitter party war from which we are happily exempt. The case of England undoubtedly is this:—That in England, where parliamentary government is a matter not of a few years but of centuries, where Members of Parliament are so familiar with its checks and restraints that they are able to work it with an ease which those unaccustomed to it cannot hope to imitate, nevertheless it was not a new thing to the British Parliament that there should be obstruction which required to be coped with, and what forced the closure on that Parliament was, I think, the feeling that without some machinery of the sort it would not be possible to deal with the needs of the time. Take the case of the actual obstruction in the English Parliament which has been referred to. I have not a word to say in criticism or disparagement of the gentlemen who organized that obstruction. I do not think it becomes us to mix ourselves up in Imperial matters of that sort, and I am quite prepared to believe that many of those gentlemen are high-minded and honorable enthusiasts, as they certainly are able and talented men. But I think it is quite clear that in desiring to obtain what they conceived to be of supreme importance to their own country, Ireland, they were determined to show that government of the Empire should be impossible.

until the Empire conceded what they wanted—that Parliament should have nothing but Irish questions before it, and that no legislation for Ireland should be carried except in the Irish sense. In the first place, that was an attempt of the minority to dictate to the majority, which in itself is revolutionary; but, in the next place, every English statesman must have considered that the time might come when the nation would be face to face with a great emergency, and, assuming a European war to break out, how was Parliament to adopt the prompt and vigorous measures required, if a small body of men could insist for four weeks that the great council of the nation should discuss something that was perfectly foreign to the matter in hand? It was from a feeling of that kind—that in a day of great and increasing armaments England might acquire something of the mobility and rapidity of action of foreign states—that the closure was introduced. And remember that what those gentlemen did in the House of Commons may very well be done in our Parliament. We have had amongst ourselves men who were ardent and enthusiastic in a particular cause, and a body of such men could at any time say “You shall carry no legislation this session unless you concede our demands”—it might be on the temperance question, or the education question, or the land question, or any other question that could stir the hearts and imaginations of men. Under these circumstances England adopted the check I have spoken of, and what England has done we need scarcely be afraid to imitate. I was rather surprised to hear the honorable member for Dalhousie remark that the proper work of Parliament was not to be perpetually legislating, and that it was far better to pass only a few good laws. I could understand that statement as a piece of platform eloquence, addressed to the uneducated crowd, but I cannot understand a gentleman of legal training using such an argument in this House. What are the essential functions of this august body? Undoubtedly we have the control of the finances of the country; undoubtedly we have to see that the expenditure is not extravagant, and now and again to check accounts submitted to us. But I venture to say that we are not essentially a court of audit. I cannot remember a single instance in which this House has ordered an economy, or, if it has ordered one in the fit of a moment by a hasty vote, it has not revoked the order a few months or a couple of years

later. As against one or two cases in which the Government were forced by the urgency of the House to reduce the Estimates, I remember dozens of cases in which a Government, bent on economy, were forced to increase the expenditure of the country at the demand of members. This being the case I do not think we need attach so much importance as some honorable members attach to the financial work we do, although no doubt the control of the finances is a material portion of our functions. In the next place, although I quite admit that we are in one sense the supreme court of Judicature, that the judges have to look to us, and that we can call them to account if at any time they overstep their proper province, or strain the laws in attempting to expound them, still I cannot conceive that any serious man would wish that we should be perpetually interfering, or taking cases out of the cognizance of the proper courts. We are only the supreme court of Appeal; it is only in the last resort that any rational statesman would allow an appeal from a court of justice to be seriously discussed in Parliament. But what we are, and what our very name implies, is a Chamber for making laws, and when members say that we would do far better by not making laws, what they really mean is—

Mr. L. L. SMITH.—He meant grandmotherly legislation.

Dr. PEARSON.—When honorable members object to what they call grandmotherly legislation they object to the State interfering in the interests of the community to protect the individual against the strong and wealthy. But will any man trained in the law or accustomed to discuss Bills tell me that it is possible to draft a Bill so perfectly that when it is put into operation defects will not be found in it? Is it not an axiom that a skilful lawyer can pick holes in any Statute that is framed?

Mr. WOODS.—It is now.

Dr. PEARSON.—And when does the honorable member think the magnificent time existed in which absolutely perfect laws were framed? Why if we go back to old times, the laws then framed were nothing more than expositions of general principles. Magna Charta itself is simply a statement of a few abstract principles mixed up with a lot of trivial matters, and it has been expanded into a great number of other laws. As time has gone on, law after law has had to be superseded or amended, and if that was necessary 50 years ago, it is still more necessary at the present time when the State is



compelled to interfere with a great number of matters which it never touched before. As the State comes to regulate the sale of land, the laws of health, employment in factories, contracts between employer and employed, as it comes to concern itself with the construction of railways, and a host of other things, it gets to cover an enormous domain, and it is perfectly impossible for an individual lawyer or an individual statesman to foresee what new combination may at any moment arise. It is not our lawyers or politicians who are in fault, but the fault rests with those who assume for a moment that any Bill can be passed by Parliament, after the most careful deliberation, in so perfect a form that it need never be touched again. I can conceive nothing more dangerous than to make people believe that such a thing is possible. It has been said—and I notice it with regret—that the press has been interfering with the powers of Parliament and that we are now legislating at the dictates of the press. I am not in the least ashamed of my own connexion with the press, and I hope I shall never see the day when the press will be less powerful than it is now, less intelligent, or less learned. But I firmly believe that the press discharges a perfectly different office from Parliament. The two cannot be confounded or exchanged. The press is legislating for an ideal world. The press deals with matters which have occurred in England or America, or other countries, and it contributes valuable hints in that way. But we in this Parliament are representatives of every part of this country, and we know the wishes and wants of the constituencies more perfectly than the most admirably conducted newspaper can do, and we know also what it is possible to carry out. Guided by what we learn from the press, from public meetings, and from conversation, we arrive in a rough way at what adequately expresses the wants and wishes of the community. There is, however, a power which has been interfering with the proper exercise of the functions of this House, and that is the obstruction of a few individual members. What is the necessary consequence of obstructing the Government in its duties? The old Duke of Wellington, when he wanted a measure passed in the House of Lords, used to say—"My lords, my lords, the Queen's Government must be carried on." It will be obvious to every man that the work of administration must be done in some way, whether well or badly, by the men who are charged for the

*Dr. Pearson.*

time being with executive powers. If you take from them one way of doing it they will do it in another. There have been complaints of late years that successive Governments have intrusted too much power to commissions—that they have delegated to commissions the work of drawing up reports on matters which ought to have been debated in Parliament. But if debates are protracted unreasonably, if motions of adjournment are made without any cause, if Parliament is so bent on discussing the condition of the Chinese or some other matter of equal importance on such motions, then it cannot discuss such questions as the public health, and the Government of the day is bound to appoint a commission on the subject. The public would rise in indignation and hurl it from office if it did not discharge its work in some way or other. That is one mode in which Parliament loses its proper weight in the country. Another way undoubtedly is that the administration must do by executive act now and again what would better be done perhaps by a carefully considered Bill after a thoughtful debate, and I have no hesitation in saying that the country would applaud any Government doing that if they saw that its measures were blocked in Parliament. It is the men who resolutely refuse to do the work they are sent into this House to do—the men who, in past times at least, have tried in every way to thwart the Executive of the country in order to discredit them in the eyes of the people—who are responsible for the fact that to some slight yet very appreciable extent power has been slipping from the hands of this House, and has been transferred to other bodies. And I tell this House that if we treasure the great name and authority of Parliament as every English-speaking community ought to treasure it, if we remember that, young as we are, on us is cast the duty of forming what is destined to be one of the great nations of the world, we are bound to say that we will not allow the faction of a few or the individual arrogance of a single member to impose silence on the great majority in Parliament. I have sat in this house night after night when 40 or 50 members have been silenced by five or six members on the other side keeping up a purposeless debate, and I say that justice in these matters, as well as a sense of what is due to the dignity of Parliament and the efficiency of administration, are things at least as important to consider as the right of a single individual to speak for five

hours a night and to speak every night in the session.

Sir B. O'LOGHLEN.—Mr. Speaker, I thoroughly concur with the aspiration of the Minister of Public Instruction, that we should worthily lay the foundations of a future empire in this country, and that those foundations should be laid in freedom. I think the honorable gentleman will agree with me in this—that however he may think it necessary to limit that freedom, still he wishes it to be there. Before I answer some of his arguments, I desire to congratulate the House upon the display we have had yesterday and to-day of the independence of new members. We find the new members speaking without the slightest reserve their honest convictions. That is the best element of freedom. When we find men having the courage of their opinions no matter to which side of the House they belong, no matter whether those opinions may be agreeable or disagreeable to others, then we have a true basis of future freedom. The honorable member for Grant has spoken in a clear argumentative manner, and put the whole question from a common-sense point of view, and I think he has fairly interpreted the sentiments of the public out-of-doors. The honorable member for Williamstown, with most incisive eloquence, has rebuked the introduction into this debate by the Premier of prejudices which the honorable member hopes as an Australian, will not interfere between man and man in this country. I think myself that the interruption of the Premier to the honorable member for Normanby would have been more worthily abstained from. There was no necessity for the interruption. The honorable member was simply using an argument which was pertinent and relevant, and which he had a right to use, yet the Premier chose to say that it was “an insult to the House.” Now I cannot conceive how the Premier, who is a Scotchman, can consider the introduction of any matter referring to Home Rule to be an insult to this House, because we know that the most ardent supporters of Home Rule in the old country are Scotch members—that there are 50 odd Scotch members out of 72 who are ardent supporters of Home Rule. And when we look amongst the distinguished Scotchmen, men who are distinguished for their intellect and for their counsel, we find that they are all ardent supporters of Home Rule, and that they have even viewed with admiration in the future Home Rule for Scotland, as well as Home Rule for Ireland. When we turn to the House

of Lords, we find that two such distinguished Scotchmen as the Earl of Rosebery, who was Chancellor of the University of Edinburgh, and the Earl of Abdeen, who is High Commissioner of the Presbyterian Church of Scotland, are two of the warmest advocates of Home Rule. Then, when we turn to Edinburgh-shire itself, we find that the Hon. William Ewart Gladstone, who is by descent a Scotchman, represents what used to be called Midlothian, but is now styled Edinburgh-shire, in the Imperial Parliament, and he is, of all other living men, the most prominent advocate of Home Rule for Ireland. We find that two of the members for East and West Edinburgh are Home Rulers. One changed his views, was an anti-Home Ruler, became a Home Ruler, resigned his seat, and was re-elected by a large majority of his constituents; and we find that actually the Mayor and Council of Edinburgh—

Mr. MUNRO.—The Lord Mayor.

Sir B. O'LOGHLEN.—The Lord Mayor and Council of Edinburgh have conferred the freedom of that city upon a well-known champion of Home Rule, Mr. Parnell; so that as a Scotchman, I don't think the Premier ought to sneer at Home Rule, or sneer at Mr. Gladstone, who is perhaps, by descent, the most distinguished Scotchman now living. I am not going, sir, to drag the House further into this question. I think the observations of the honorable member for Williamstown expressed what is the feeling, if not of some gentlemen who brought out different feelings with them when they came to this colony and who have perhaps never taken the pains or the time to reconsider the question, but what is the feeling at large of the later, the native Australians, who, because they enjoy Home Rule themselves, rightly desire that others should enjoy it too. And, just as the Premier himself is now, as Premier, the outcome of Home Rule in Victoria—and it is not a question that has been kept out of politics here—

Mr. GILLIES.—Mr. Speaker, I rise to a point of order. I think it is really too bad that on this House should be thrust the notion of Home Rule in another part of the world. We have our own questions to discuss; let them be discussed. It is decidedly unfair, I submit, for the honorable member for Port Fairy to drag into this discussion on the proposed new rules of procedure in this Chamber the question of Home Rule for Ireland. I wholly object to it as being altogether irrelevant. I submit, sir, that it ought to be put a stop to, and unless

it is stopped we are certain to get into some scene here which is not desirable.

Sir B. O'LOGHLEN.—I shall address myself to the subject under our consideration, and I don't care for the sneers of the Premier.

The SPEAKER.—The honorable member for Port Fairy is at liberty to instance anything of the kind by way of illustration of a subject, but the honorable and learned member is, at present, certainly going somewhat away from the subject of the discussion.

Sir B. O'LOGHLEN.—It may be, Mr. Speaker, that I have been passing away from the subject, but let me point out that the Premier is himself the delinquent in appealing to prejudice when the question of Home Rule was brought forward as an illustration. The Premier himself dragged prejudice across the trail last session, upon an occasion when the payment of salaries to State school teachers was the question under discussion. We all remember that scene, and I allude to it as an illustration of the objectionable features of the proposed closure. Some arguments were addressed to this House by the Minister of Public Instruction, who even spoke upon the question to which I was alluding when the Premier interrupted me—he spoke of it in the way of illustration—and although, no doubt, the Premier sat very uneasily behind his Ministerial colleague, he did not interrupt him and protest that the Home Rule question was not to be brought into the debates of this House. The Minister of Public Instruction, with his fine educational ability, knows the peculiar relations which the question of Home Rule bears upon the very subject we are now discussing, the question of the closure, but I take leave to dissent from the conclusions he has arrived at. The honorable gentleman said that what the Government now propose, the closure, is not so stringent a measure as the measure advocated by the honorable member for Normanby, namely, that Bills dropped at a certain stage at the end of one session should be taken up again at the same stage in the next session. I really cannot see how that can be described as more stringent than the closure. There was one occasion in the Imperial Parliament that I remember reading of, which will serve to show some of the dangers we shall run if we adopt the closure. A Bill of 56 clauses was brought in, and the second reading took place late on a Wednesday evening. A resolution was passed in the

House that that Bill should be reported by twelve o'clock on the following night, Thursday. The Bill came before the committee late on Thursday afternoon, and only 15 or 16 clauses had been passed up to midnight. Then what happened? The order of the House, directing that the Bill be reported by twelve o'clock that night was read, the committee adjourned, the Bill was reported to the House, the closure was applied, the standing orders of the House were suspended, and the Bill was passed, although the committee had considered only 15 or 16 of its 56 clauses. The Minister of Public Instruction referred, I think rather unfortunately, to last session, as to the waste of time that occurred by what he calls obstruction. Perhaps some honorable members who were not in the House last session may not have followed so particularly what happened. We all know that this happened—that the Government brought in a Budget, that they were afterwards beaten on that Budget, and that two-thirds of the session were lost in discussing that Budget, on which they were beaten by their own supporters. Now, I contend, sir, that the real obstruction of the last session was the obstruction on the part of the Government. The Government were beaten on their Budget proposals, but they would not take the constitutional course of resigning or going to the country. An unholy compact of silence was made between them and their supporters, and the result of that compact was what the Minister of Public Instruction referred to when he said that 40 or 50 gentlemen on the Ministerial side of the House could not speak on any subject because honorable members on this side were obstructing. But that, sir, I venture to say, is not a correct statement of the case, because there was between the Government and their supporters the unholy compact I have already referred to, and which I termed at the time a political conspiracy of silence. Only one Minister was allowed to speak, and when any member had spoken from this side of the House no one was allowed to answer him. That was applying a peculiar kind of closure. But the Government not only did that; they went further. The order was given to clear the House and just a quorum was kept. That was another way of applying the closure, because honorable members on this side of the House found a difficulty in speaking to a beggarly array of empty benches. Now, let us suppose, for the purpose of illustration, that the closure which is now proposed

by the Government, had been in operation last session. How would it have worked? Why every one of the Bills which the Government introduced would have been forced through the House by that majority, who were determined then to support the Government, and those Bills would have been passed as they were introduced, without debate, without due consideration, and without amendment. The Minister of Public Instruction referred to the Forest Conservation Bill as one of the measures that had to be sacrificed last session, on account of the obstruction of honorable members on the opposition side of the House. Well, we all know that the Forest Conservation Bill is an important measure.

Mr. MUNRO.—But it never was printed.

Sir B. O'LOGHLEN.—I certainly never saw it.

Mr. WOODS.—Because it was not printed.

Mr. MUNRO.—I asked for it a score of times.

Sir B. O'LOGHLEN.—Exactly; and yet this Bill, which was not even printed, is said to have been sacrificed to the obstruction of last session. I do not agree with members of the Government in regard to that so-called obstruction, because I am satisfied in my own mind that a great deal of what was termed obstruction was really fair debate. It is true, I admit, that there was some little obstruction, but obstruction will always occur when the stronger side try to carry their measures with too high a hand. What we want in a free country is free discussion. We had no free discussion, however, last session, partly because of that conspiracy of silence between the Government and their supporters, partly because the speeches of honorable members on the opposition side of the House were not reported in the press, and partly also, because a great number of the speeches were misreported in the newspapers—they were summarized so that their authors and speakers would not know them. Well, sir, coming to the new rules of procedure now proposed I find that there are three existing ways in which grievances can be brought before this House. One is by motion for the adjournment of the House; another is when the House is moved into Committee of Supply or Committee of Ways and Means and the Speaker is leaving the chair; and the third is when a petition is ordered to be considered then or on a future day. Now, those three modes of obtaining redress of grievances and

ventilating what honorable members wish to have brought before the House and the Government are carefully taken away by the new standing orders. They are abolished, and I ask the Premier where is the mode, when these standing orders are passed, which will enable an honorable member to bring forward any grievance, unless with the consent of the House, or unless he has received the permission of the Speaker to ask a question, or unless he gets a majority of the members of this House to support him in moving the adjournment of the House? The Minister of Public Instruction seems to think that we are merely a legislative assembly; but I would remind honorable members that we are here to do the whole business of the country; we are here to supervise the whole administration of the country. We are not the Executive, but we are here to criticise the Executive, to supervise the Executive, and if we are to look after the administration of the laws as well as the making of them, how are we to do that—by what means, if this right of moving the adjournment of the House is taken away from us, if a petition is not to be discussed by the House, if there is to be no motion made except on one occasion and no debate in this House on going into Committee of Supply or Committee of Ways and Means? How is a grievance to be ventilated, if these new rules of procedure are adopted? Why, actually the little ventilation that may be secured by asking a question is proposed to be taken away. I might wish to bring before the House and before the Government, for example, the very tardy way in which railways are pushed forward. I ask a question, a simple question, and I get an answer, and I have to put up with it. But it calls the attention of the Government, the House, and the country to the delay in making the railway. The Premier, in his statement of the case in support of these resolutions, said that the information asked for in many of these questions might be at once obtained by going to the departments. Yes; but if an honorable member went to a department with a question, he would get a departmental answer, and what is that worth? If the honorable member gets an answer to his question in the House, the Government is bound to support that answer and show it is true on any future occasion. By these new rules of procedure, however, the simple privilege of asking a question in Parliament is practically taken away, because it is hampered by what would too often prove to be impossible conditions. Before an honorable

member can ask a question, he must give notice of it. There is no public attention drawn to the subject. The honorable member gets his answer, but he must not speak in any way on putting the question. I am quite aware that the present rules of this House go so far as to say that a member cannot now speak on the subject when putting a question, without obtaining permission so to do, but the new rules are made still more stringent. There are only two days of the week on which questions will be answered—Tuesdays and Wednesdays—and the questions will have to be put in writing and sent in beforehand, so that if any honorable member happens to hear of anything upon which he would like to ask a question, although it may be a most material question and one which he would ask merely to inform the Government and the House, he will not be able to ask it after these rules are passed. Now, why should the Government seek to take from private members the whole of the three practical ways we at present have of bringing questions under consideration, of bringing forward a grievance and getting it considered by the House and by the Ministry? The first of the Government proposals that I object to is proposition No. 2. That is more of a minor amendment, but I hold that the House and not the Speaker should select the three honorable members who are to be chosen at the beginning of each session to act as *locum tenens* of the Chairman of Committees, when the Chairman himself is unable to take the chair. That would be a much better mode of selecting temporary chairmen than a nomination by Mr. Speaker, and it would relieve you, sir, as the occupant of that chair, from an unpleasant duty, which I think it is clearly the business of the House to perform. Then, sir, I come to proposition No. 3. Well, if the feeling of the House is in favour of doing away with motions for adjournment, I think that they ought to be limited. I believe that they can be abused, and that they have been abused on certain occasions. I am not going to contest that, but I will point out to the Government and the House that there were occasions last session when these motions for adjournment were of use. Honorable members will remember the coal famine—how the necessity of encouraging the development of the coal-fields of the colony was pressed upon the attention of the Government, and how actually the Government finally gave way and carried out what they were urged to do in the debate on the motion

*Sir B. O'Loghlen.*

for adjournment, on the subject of the development of the Gippsland coal-fields. That motion for the adjournment of the House was supported by several members who sat behind the Government, notably by the then honorable member for South Gippsland (Mr. Groom), who knew more about these Gippsland coal-fields than the Ministers themselves; and I suppose that it was because of the weight of the observations which fell from their own supporters that the Government gave way and considered the matter. When the suggestion was submitted from this side of the House, the Government considered it most unreasonable, but when it was advocated by some of their own supporters, who understood more about the subject and the locality of these coal seams than did the Ministers themselves, the suggestion became reasonable and the Government acceded to the wishes of honorable members. If the House is of opinion that it is necessary to pass this 3rd proposition, I would suggest that it be amended by the substitution of the word "six" in place of the word "majority," so that any honorable member would then be prohibited from moving the adjournment of the House on any subject unless six members were willing to support the motion. Six would be a proper proportion to the total number of members of this House, taking as the basis of calculation the proportion of members whose support is required before a motion for adjournment can be submitted by a private member in the House of Commons.

Mr. WOODS.—Six would be slightly over the proportion here.

Sir B. O'LOGHLEN.—Yes it would. If the House is of opinion that the 3rd proposition should stand it would be well to amend it as I have suggested. As to proposition No. 4, with regard to the suspension of the standing orders, I think it should go out. The suspension of the standing orders is at times a most convenient operation to the Ministry, but I think it is a privilege that ought to be kept within bounds as strictly as possible. As it stands, I regard that new rule as a most unsafe proposal. If the House is in favour of making a change in the existing rule which prevents the standing orders being suspended without notice except by leave of the House, no member dissenting, there ought still to be some safeguards against abuse. There ought to be some qualification, and it would be well to provide that if a certain number of the members present object, if a minority of a certain number object, the standing

orders cannot be suspended without due notice. At present, as I have said, the standing orders can only be suspended without notice if all the members then in attendance consent; and if only one honorable member objects they cannot be suspended. Well, sir, if that is found to be too stringent let it be modified by providing that unless a certain number of members object—say five or ten members—the standing orders may be suspended. My own opinion is that this proposed new rule ought to be wiped out altogether, but I would urge upon honorable members, who think that the present rule should be modified, to consider my suggestion. Certainly, as it is proposed by the Government, the new rule is a great deal too strong. Passing over propositions No. 5 and No. 6, we come to No. 7, which provides that on the order of the day being read for the Committee of Supply or Committee of Ways and Means, the Speaker shall leave the chair without submitting the usual motion, if the committee has previously reported progress. That proposed rule is a great deal too stringent; and it will introduce here a practice which does not exist in the House of Commons. There is a rule that on one day a week—Thursday, I believe—the House of Commons must always go into Committee of Ways and Means, and there is another rule that these motions must be made before the House goes into Committee of Ways and Means. I certainly consider that the 7th proposition is a great deal too stringent and too incisive. Passing over 8, 9, 10, 11, and 12, I think that in the 13th proposition, which provides that “clerical, typographical, and other obvious” errors in Bills may be amended by the Clerk of the House, we should strike out the word “obvious” and insert the word “similar”; and there should be a proviso that the Clerk, after making these corrections, must specially report them to the House. My reason for desiring to substitute “similar” for “obvious” is that the latter is too general a term and would cover anything. What might be obvious to one man might not be obvious to another. A thing which might be obvious to the Clerk or to a member of the Ministry who knew everything about the framing of the Bill and what was intended by the Ministry, might not be obvious to the House which, in passing it, took a different view. I think, sir, that proposition 14—that when a motion is made for the adjournment of the debate or of the House, or for the Chairman of Committees to report progress or leave the

chair, the question shall be put without debate—is a great deal too stringent. There may be very good reasons for such motions, and I think that the committee or the House, as the case may be, should be put in possession of those reasons if there are any. The idea of a bald motion being put and no reason being given for it! Honorable members opposed to the motion are entitled to state their reasons against it. It would be sufficient to limit the debate to the subject of the motion, and then the reasons could be urged, if necessary, *pro* and *con*. Why, when we are starting afresh with a new Parliament, we should be hampered in this way, I know not. Certainly the committee or the House, as the case may be, should have an opportunity of hearing reasons why a debate should be adjourned or why it should go on, because honorable members should not be asked to vote in the dark on any question. I consider that the 15th and 16th propositions are over strict, that the general rule of Parliament is quite sufficient without them, and that there are occasions when they will require to be relaxed. However, passing them over I come to proposition 17, which provides, with regard to petitions, that the only question which can be submitted is the question “That the petition do lie on the table.” There can be no motion that the petition be read at the time of its presentation. Now, what reason can the Government give for this change? We all know how these petitions are presented. An honorable member in presenting a petition states its purport, but members are talking all around him, and nobody in the House is a bit aware of what the petition contains, unless it be read by the Clerk at the table. Under the present standing orders a member can move, when he thinks it of public importance, that the petition he is presenting be read, and we have never heard of any abuse of the privilege of having petitions read. Can the Government point out any occasion on which there was an abuse of the privilege of reading petitions? I can point out one occasion on which it was most useful to be able to move that the petition be read, and, afterwards, that it be considered, namely, on the occasion of the presentation of a petition last session from certain female teachers, who wished to have remedied what they considered a grievance against the Public Service Board. On that occasion we had a very practical set debate, in which the Minister of Public Instruction and the Attorney-

General almost agreed to a compromise—which was afterwards carried out, when the Estimates were under consideration—I say we had the matter almost settled, when the Premier rushed in, made a flare-up appeal to the prejudices of certain members of the House, and the debate was adjourned. When it was called upon again the motion was negatived, but a compromise was subsequently effected and carried out when the Estimates were dealt with. Now, I venture to say that, if the closure had been in existence when the debate on the female teachers' petition took place, it would have been applied without stint or mercy. The Premier did not like to be defeated, as it seemed he would be, by the votes of members behind him, if the motion had gone to a division on the night of the debate; but his appeal to the prejudices of certain members on that occasion showed that the responsible leader of the House was in a state of excitement without any just cause, and that he would then and there have applied the closure if he had had it. Well, sir, the Government now propose that, except on one occasion when we are going into Committee of Supply or Committee of Ways and Means for the first time—and at no other time unless a majority of the members of the House rise in their places to support a private member in moving the adjournment—we are to have no opportunities left of stating a grievance or calling the attention of the House, the Government, and the country, to any matter of urgent public importance. The Premier told us that an honorable member may do that on the motion for the adjournment of the House at the close of the sitting, but he must surely think, in making that statement, that the members of this House are mere children. I now come to the 18th proposition, which provides for the closure, and, I say, that that ought to be struck out altogether.

Mr. WOODS.—It is not the first time the "gag" has been proposed here.

Sir B. O'LOGHLEN.—We ought not to submit to it. There are no circumstances in this House or in this country at the present time to warrant the introduction of the closure. Circumstances may have justified its adoption in the House of Commons and in the Legislatures of other countries—I am not going to say whether they did or did not—and such circumstances may arise here; but, at the present time, there is a lull in our politics, there is quietude, we are not harassed by a systematic attempt to oppose business, nor

was there last session any systematic attempt to obstruct business; and why we should trammel this new Parliament with this repressive rule of procedure, I cannot understand. It certainly is not needed, and we ought not to submit to it. I, for one, would see with great sorrow a resolution of that kind passed by this House, and, if such a resolution were passed, I would feel inclined, sir, not to sit any longer in the House, because I conceive that the very foundation of all free institutions is free discussion, without which you cannot have representative institutions properly carried on. I have been taunted in one of the morning papers with having a press mania—a fear and hatred of the press. I have nothing of the kind. I have always been taught to believe, and my reading has confirmed it, that the press confers in free countries the most incalculable benefits upon the inhabitants, and that a free press is one of the greatest institutions which a free country should cherish. I admire a free press, and I don't care whether it is for or against me. What I don't admire, and what I do object to is that, the newspapers, being free, and having full and perfect licence to write what they like, should conspire together to repress free discussion in this country. I deliberately assert that we have a conspiracy of repression on the part of the daily morning papers in Melbourne. If honorable members will look over the country papers on this very question of closure, they will find that the majority of them are against the closure. They look upon it as extreme; they fear what may happen—at any rate, some of the conservative organs—when the pendulum swings the other way, and when those who are now the majority may be, as they have been before, a minority in this House. We all remember the feeling in 1877, when the country rebelled against the "iron hand"; we know that if we had had the closure in operation at that time, two sessions of Parliament would have seen the successful carrying out of extensive and radical reforms, which would have been of the greatest future benefit to the country. I was in favour of those reforms, but, much as I desired to see them brought about, I should have regretted to see those measures passed at the cost of liberty of speech and the freedom of the country. And that, I believe, was the feeling of other advocates of those measures, as well as of honorable members who opposed them. The only authority, the only precedent we have heard quoted that has the slightest weight in favour of the closure, is the

authority and precedent of the House of Commons. The precedents of other countries are as nothing. In England, however, the closure was only adopted under most exceptional circumstances. It was done when a large number of Members of Parliament, supported by their constituencies, were trying to force a certain line of policy upon the majority of the House. But no such exceptional circumstances exist here. Besides, it is publicly stated, and from what I have heard I believe it to be the fact, that the statesman who introduced the closure to England has since expressed the opinion that it was a mistake to do so; and I also believe, on the same grounds, that on some future occasion, when he again holds the reins of power—which is a matter of certainty, if he lives long enough—he will ask the House of Commons to retrace its steps in this respect. Therefore, I regard the whole thing as an experiment which has not answered, and I think the example should certainly not be followed, at all events until we have found the next Parliament of England ratifying the arrangement. To me it would be a most humiliating spectacle to see this House, at its inception, tying up not only its own hands but also the hands of future Houses—honorable members acknowledging that they are not able of themselves, and in their own behalf, to keep within the bounds of order and reason. I think that that is an acknowledgment which, except under the most pressing circumstances, no Chamber professing to be representative of freedom should ever make. I think it below the dignity of manhood to do so. To my mind the English House of Commons, when it adopted the closure, took a step which in future years it will look upon as one in the wrong direction—as a mistake, committed perhaps under circumstances which make it appear excusable, but still a mistake. The Premier gave three reasons in favour of the closure. The first was that it would simplify our procedure. I think it would simplify our procedure with a vengeance. It seems to me that its effect would be to stop all free discussion. I can imagine the adoption of a certain proportion of these propositions simplifying procedure, but not the closure doing so. The second was that it would bring about good order in debate. We are all in favour of good order in debate, but would the closure bring it about? I doubt it. Thirdly, he said it would tend to shorten debate. But is such shortening desirable? These reasons are very plausible, but do they

commend themselves to this Chamber as sufficient to justify so extraordinary a step as accepting the closure? I have never seen a tiger playing with its prey, but I have often taken peculiar interest in watching a cat playing with a mouse. The cat allows the mouse to run off a little way, but in a moment its paw brings the poor thing back. Then, after that has gone on for some time, comes a squeeze, and finally a bite. I observe that an evening paper describes the adoption of the closure as the House putting itself into handcuffs; but, in view of the plausibility of the reasons given by the Premier, I would rather give it the name of the "velvet paw." The operation of the closure will at first be like playing with honorable members, but by-and-by, when the procedure is fully carried out, the claws will appear. So long as it is convenient we shall only see the "velvet paw," but the moment it suits the Government to show its claws they will be fully availed of. I think the "velvet paw" a very good name for the proposition. I observe that it is backed up by a portion of the press. I am told that in saying that there is a conspiracy on the part of the press to support the closure I was wrong—that one of the morning papers is actually against it. So far my statement may have been too wide to be exactly accurate. But what is the burthen of the song which the bulk of the press has been singing in the ears of the country for the last twelve months? That obstruction in the House must be put down. Every one who disagrees with the newspapers or with the Government is an obstructionist, and must be put down.

Mr. WOODS.—Criticism is obstruction.

Sir. B. O'LOGHLEN.—Yes, mere criticism is viewed as obstruction. We were told so by the newspapers in connexion with our criticism of a Bill which has since, as an Act, proved to be as unworkable as we declared it would be. What the press says in effect is that we must all bow down and obey the behests of the Treasury bench. Will that be a proper state of things? Are we with a coalition Government in office, and an apparently helpless Opposition, to give Ministers a greater power than ever to repress—what? To repress free discussion on this (the opposition) side of the House? I almost think that if the Premier had the right of closure over any one he would gladly exercise it upon not only his opponents but also some of his supporters, and that the first it would be tried on would be



the honorable member for Grant. I never saw a more unhappy expression on any face than I saw on the Premier's when he got pure genuine truth told him by that particular Government supporter. Yet what was the honorable member doing? Simply expressing the opinions of those who sent him here. He told us that he for one was never asked on the hustings about the closure, except on one occasion, by a particularly troublesome questioner. Well, I can inform the Premier, for his benefit, that from seven different platforms I addressed my constituents on the subject of the closure, and pointed out its evils, and how it had worked in the House of Commons; and I told them that if I was returned I would oppose it to the best of my power. What would be the effect of the closure here? I tell honorable members that if we had the closure in operation in this Chamber we would have free discussion burked more than it has ever been before. Free discussion has been repressed here, and if we have had what are called "scenes" it has been in consequence of that repression. Why? Because the more repression of free discussion you have, the more excitement there is on the part of those who are kept from expressing their feelings and convictions. Does the Premier himself believe in this 18th proposition? I doubt it. I doubt if he has not some fear of it—some idea that once adopted it might one day be used against himself, when he would be the mouse to be squeezed and torn by the "velvet paw." But he is not his own master in the matter. Why, if the *Argus* was not in favour of the closure, would we not still find the *Age* closure mad? And the Government have to bring forward measures to suit both papers. Has he not been led by the *Argus* to propose what he in his heart would be glad to see rejected by two to one, because he does not want to find himself hereafter made a victim of? I oppose the closure on the broad ground that it would interfere with liberty of speech, but at the same time I am against license of speech, and I think that proper safeguards against it should be provided.

Mr. GILLIES.—How?

Sir B. O'LOGHLEN.—I am now simply saying that I would not object to proper safeguards against license of speech. But the closure would be no such safeguard. I regard it merely as a piece of machinery calculated—that is the intention—to repress freedom of speech. What will be the future of the country if free speech is curbed here?

Is it not the rule that the more free a country is the more prosperous and happy it is? I think that it would be a bitter misfortune for us if we did not encourage freedom of speech in every possible way. Repressing instead of encouraging it would assuredly sap the very foundations of Parliament. A Parliament is elected to speak—it derives its name from that circumstance—because the electors are entitled to be heard through their representatives. Another of the Premier's propositions which I object to is that which provides for the punishment by suspension of members who commit certain offences. I wish to say, however, that I desire to see it not wiped out, but only amended in accordance with what is fair. For example, I think that the decision as to what ought to be done should not rest wholly with the Speaker or the Chairman of Committees. I consider that the action to be taken ought not to be taken unless it is supported by a vote of the House or of the committee, as the case may be—that the authority exercised ought only to be exercised in accordance with the will of honorable members generally. At the same time, I have not the slightest doubt that in the case of members who really deserve to be visited with suspension the Chair will always be thoroughly supported. If the House or the committee differ on the point, I think the offending member should get the benefit of that difference. Upon the whole my opinion is, decidedly, that most of the propositions before us require amendment. As they stand they are too stringent—too severe. They are, in fact, founded on a wrong view of how honorable members should be dealt with. Unquestionably the public business must be carried on, but if you repress free discussion you will have—what? An Assembly which will exist to merely register the decrees of the Government of the day. Now I don't want to see this House turned into anything of the kind. If Parliament is "cabin'd, cribb'd, confin'd" in the way now proposed, it will soon be settled and done for, and most of its usefulness will disappear. I am against the closure out and out; therefore I hope that proposition No. 18 will be struck off the paper.

Mr. ZOX.—Mr. Speaker, with some of the observations of the honorable member for Port Fairy I fully coincide, for I think Parliament should do all it possibly can to foster liberty of speech. Moreover I imagine, that there are not many in the House or outside who hold a different opinion. Every honorable member ought to have full liberty of speech, but that liberty should be

exercised within proper bounds. When that is done every latitude may be allowed. But what have we lately seen here? I am sure that what I am about to say will be endorsed by even the last speaker, who deservedly enjoys the respect of both his fellow-members and the people at large. He knows well that in this Chamber of late years we have had scenes of such a nature that they would be a disgrace to any deliberative assembly. I heard the Attorney-General say the other night that they would be a disgrace to even 'the very lowest oddfellows' lodge. But I beg to assure the honorable gentleman that if the House never went below the level of the lowest oddfellows' lodge, no degradation whatever would attach to it. I may also tell him that several honorable members connected with friendly societies in this country have taken umbrage at his remark. Why, if the Speaker were filling an official position in an oddfellows' lodge, or at any friendly society meeting, he would find that his power to maintain order and to secure the proper carrying on of debate would be simply supreme. In fact, if our debates were conducted as friendly societies' debates are, I am sure no reflection would ever be passed upon us on that score. But I have seen scenes here which I am perfectly certain could only be suppressed by the adoption of strong measures. They need not be extreme—but they must be amply sufficient or they would fail to ensure the decorum which the public expect at our hands. It has been the fashion with most of the previous speakers to pay a tribute of respect to the Australian natives now sitting with us, and I also wish to offer, in all sincerity, my meed of praise, for, so far, what we have heard from those honorable members has been of a character calculated to raise the tone of debate amongst us. At the same time I desire to point out to them that the drastic propositions emanating from the Government which we have now before us were brought into existence not on their account, but rather to act as a check on others who can in no way be described as new members, and to cause them in future to curb all license of tongue and conform to the rules and regulations of the House. For my part I believe that our existing standing orders are ample to exercise every requisite check on the ordinary mind, and that in almost every ordinary chamber of legislation they would be found sufficient for all purposes. But have they been found sufficient with us? Does not the honorable member for Port

Fairy know that in times past we have had debates carried on here in such a way, and the public business procrastinated to such an extent, that the public voice has risen in protest? Consequently, I would say that the Government are perfectly justified in proposing new rules which they think will afford the desired check. The honorable member for Dalhousie told us, and one or two honorable members cheered him, that the country had not been consulted on this matter. I say, however, that the country has been consulted.

Mr. WOODS.—Nothing of the sort. I deny it. East Melbourne is not the country.

Mr. ZOX.—I do not pretend to assert that the country was consulted as to every clause of the propositions before us, but when it was appealed to at the elections it said most distinctly, "We want to see the business of Parliament carried on in a way that will command our respect, and lead to that business being properly and promptly done." There cannot be the smallest doubt of that. I don't wish to cast any reflection on any of the former members of this Chamber who have not found their way back here, because some of them are personal friends of my own; nevertheless, I repeat that the country has said in the plainest way that steps must be taken to prevent in the future the delays with respect to public business which have occurred in the past.

Mr. WOODS.—Who constitutes the country?

Mr. ZOX.—Since the honorable member is satisfied that East Melbourne is not the country, I really dare not undertake to tell him what is. I assert that the country was consulted. Did not the Premier say on the platform that the Government would do all they could for the purpose of putting an end to the proceedings which have disgraced this Chamber? Did not the Chief Secretary, the Attorney-General, and the Minister of Public Instruction each and all say the same? Is there a newspaper in the colony which has not stated that it is necessary to provide some check in order to prevent a recurrence of those scenes? Therefore I am truly glad to find that the Government have taken the steps in this direction which they were called upon to take. Why the Legislative Assembly of Victoria was being turned into a laughing stock. Was I not times without number asked—"Are you going to have a noise in the House to-night, because if so I will come up and hear the debate." People

looked upon this Chamber as a place of amusement rather than as an arena for grave deliberations. On how many afternoons last session did we come here only to be met on the threshold with something like this—"No business to be got through to-day; so-and-so is going to move the adjournment of the House on some frivolous matter, simply in order to prevent anything being done." Was it fair or just to the country, or to ourselves, that we had our proceedings conducted in such a way as to largely deprive us of the respect of our constituencies? Look at the subject commercially. In the first place, there is the amount paid to each honorable member for the services he renders to the country? Then consider the expense incurred in working what I may call the machinery of Parliament, and all the adjuncts connected therewith. I am sure that if any honorable member would regard the matter in this aspect, and take note of the money expenditure involved in wasting the time of the Assembly, he would be utterly astonished. What the country would say on this subject when it was thoroughly informed with respect to it, I scarcely dare to think. Certainly it would be nothing to our advantage. At the same time I cannot admit that I am in perfect accord with all the propositions the Government have placed before us. For instance, I may tell them, in the first place, that I am afraid, and always have been afraid, of placing too much power in the hands of the majority. For one thing, I do not believe that the majority is always in the right. That it is frequently not so is, indeed, beyond all manner of doubt. Do we not remember the axiom of John Stuart Mill, that the majority have no more right to coerce the minority than the minority have to coerce the majority, for the reason that they are each constantly changing places, the majority becoming the minority, and *vice versa*? I remember that, in 1877, when I first entered this Chamber, I sat in opposition, with eighteen other members, and night after night we had to come into contact with the vast majority behind the Government. Nevertheless, we did our utmost to promulgate the views and opinions we deemed to be correct, although we scarcely thought for a moment we would be able to turn the majority into a minority.

Mr. WOODS.—And you never did.

Mr. ZOX.—I do not say we did, but we produced a result nearly as efficacious. We fought honestly, fearlessly, and zealously, and though we did not in the end actually change

places with the then majority, we so made our mark—I say this without fear of contradiction—that many and many of the views and opinions we promulgated were eventually given effect to in Acts of Parliament. Those Acts, of which the whole House is proud, were carried solely through our perseverance and energy. So much for the majority being always in the right. Therefore, I say to the Government, in all sincerity, that while they will have no more ardent supporter than myself in providing for debates being conducted in the proper way, so that all sections of the community may be satisfied, I cannot join them in giving absolute power to the majority in this House for the time being. Take, for example, the question of whether a debate should be adjourned or not. Why should that be decided in the way set out in these propositions, that is to say without discussion? There may be a dozen members, representing some 150,000 electors, who wish to say something on the subject, and—I don't care whether they have a majority of 25 or 30, or even more against them—the views and opinions of those dozen members are fully entitled to respect. Then I put it to the Government, as a friend, that they ought to give some weight to the observations of the leader of the Opposition, whom I congratulate upon his position, and who I am glad to see has started so well. He said the other evening that he was in accord with four-fifths of the Government propositions, but that the other fifth were decidedly objectionable. That is what nearly all of us say. Why then should not the Government, by giving way a little, enable the House to be practically unanimous on the matter? Again, it has been pointed out that, in dealing with rules and regulations of this kind, it is not alone our own case we should consider. Our legislation in the matter will affect those who come after us, and we ought to be careful lest we place them in a false position, by not properly conserving their just rights and privileges. Recollect that in the future we may not have the unanimity that seems to exist just now. Ought not such a probability to be kept in view and legislated for? What have we not seen here again and again? And how can we fairly expect it not to happen in days to come? What, under these rules, will there be to prevent a strong leader, with a strong party behind him, inflicting the greatest possible amount of harm upon the minority opposed to him, although they are equally anxious with himself for the country's good,

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and equally sincere in their views as to how that good should be achieved? On the other hand we are all thoroughly in accord with fresh steps being taken to regulate the conduct of debate. Why, then, cannot the Government say openly that they are not so wedded to their particular ideas that they are unable to concede something to those who so strongly differ from them? Why cannot they say, "Well, let all sides confer together on this matter, and see what can be done?" It was suggested the other evening that these propositions should be submitted to a committee representing every section of the House, when there would be a mutual interchange of thought and ideas on the subject. To my mind, an arrangement of that sort would result in a lot of good. I warn the Government not to stick too closely to what they have proposed. Let them bear in mind that, at all events, many of those who differ from them are as conscientious and honest as ever they can be. Let them also recollect that if the new rules we adopt are adopted unanimously, the whole House will cheerfully join in carrying them into effect. And some new rules are urgently required. Does not the Premier know well how often I have tried to procure the acceptance of a rule under which it would not rest with any single member to say that strangers should be required to leave the galleries, which, of course, would mean the exclusion of the press? Have not eminent statesmen in the British House of Commons—Mr. Robert Lowe, now Lord Sherbrooke, for instance—over and over again declared this power to be a most dangerous one? Of course, when it is exercised discreetly, no one can complain, but, so long as it is open to any single man to exercise it, how can we make sure of it being exercised discreetly? In fact, we know that in many cases it has not been exercised discreetly. Consider how often the House may be at the mercy of a single member, who is, practically, able to say whether business shall or shall not be gone on with.

Mr. GILLIES.—Consider how often we have actually had to submit to that sort of thing.

Mr. ZOX.—Yes, I do consider it, for I know it well. Still, I don't think that, on that account, we ought to go to extremes—such an extreme, for example, as the proposed rule with respect to motions for the adjournment of the House. May not an honorable member frequently have to suddenly bring forward a question, one in which the whole colony is interested, and which could

only be brought forward on such a motion as "That the House do now adjourn?" Are you going to say to every honorable member that, however urgent a particular case may be, he shall not have an opportunity of at once laying it before the House? Why should an honorable member so situated be compelled to go cap-in-hand all round the House before he can be allowed to stir in the matter? I consider that for such a member to have the support of ten or a dozen other members ought to be ample. Turning to another point, let me say that I am truly glad that, in future, any honorable member aspersing another is to be ruled out of order.

AN HONORABLE MEMBER.—That can be done now.

Mr. ZOX.—It may be, but I think that proposition No. 16 puts the case more effectively. And nothing can be more justifiable than making it a breach of privilege for one honorable member to asperse the reputation of another honorable member. It is that sort of thing that keeps so many good men out of public life. Many men of high character and ability—men who could serve the country well—say openly, "I don't want to enter the Legislative Assembly and run the chance of another honorable member casting some reflection upon my character, and at the same time shielding himself behind the privileges of the House." Have we not heard the most diabolical things said in this House in the shape of reflections cast without the slightest foundation—aspersions which the honorable member uttering them would not dare to utter outside, because he would then be no longer behind the shield of privilege. But, because he is a Member of Parliament, and within its walls, he can do it freely. I say the Government are perfectly justified in putting a stop to such proceedings if they possibly can. I am not certain that they would not be justified in going a step further. If any reflection is cast in this House by an honorable member on another honorable member, that honorable member can get up and vindicate himself. But how about public men outside—public men not only of this colony but of other colonies—whose reputations have been aspersed in this House? Why should a reflection be cast in this House upon a Judge in another colony? According to our existing rules, that can be done without an honorable member being out of order; but if we want to maintain our reputation, and to be worthy of the great position we occupy, we ought to be as careful of the reputation of people outside as of

our own. A great deal has been said as to the rule having reference to the suspension of the standing orders of the House. I think we ought to be exceedingly careful about that matter. No doubt the suspension of the standing orders, on some occasions, facilitates business; and I know that the Government have several times asked for their suspension; and I am inclined to question the propriety of providing that, for the future, they shall be suspended only on the acquiescence of an absolute majority of members of the House. The delay in our procedure—in passing Bills—has arisen through honorable members having submitted motions for adjournment both in the House and in committee, with the result of protracting debate to a large extent. Under such circumstances important measures which ought to have occupied the attention of the House a considerable time have been dealt with in a perfunctory way. I think the Minister of Public Instruction—in referring, this evening, to measures which had been passed quickly—absolutely used an argument which might tell against himself. The people of the country never object to the time of this House being occupied in thrashing-out important measures, so that everything connected with those measures, whether in favour of them or against them, may be brought to light. What the people object to is the resort to forms of the House as a means of protracting debate—a course from which no good result can accrue. Do we not know how this resort to mere forms engenders ill feeling? Do we not know how often it has had the effect of making every member annoyed and angry, so to speak, with his neighbour? Do we not know that those who were in the habit of resorting to those forms were only few in number, and that they succeeded at times in coercing the immense majority that supported the Government into doing what they had no right to do? With regard to the closure, I think it would be wise to defer sanctioning that proposal until experience has been had of the working of the other proposals. I would like, if it were possible, for the Premier to discuss that question with the leader of the Opposition so that the ideas of both sides of the House on the point may be known. Surely a matter of the kind should not be made a party question. I would like the House and the country to realize the great importance which we attach to a question which really must govern the House for a considerable time. We want the benefit of

*Mr. Zox.*

the combined experience and knowledge of all the members of the House with the view of passing such regulations as will redound to our credit. Why is it not possible for the Government proposals to be referred to a committee, seeing that fifteen or more of them are regarded with favour, while five or six are of the gravest importance? I may mention that I decidedly object to the closure proposal. I may not be able to attend the House as early as other honorable members, and I should consider it a grievance if after a number of honorable members had expressed their opinions about a particular subject, they should be able to say, the moment I rose to address the House—"Oh! it is time this debate came to an end," and one of them should move—"That the question be now put." Of course it would be for the Speaker to say whether such a motion was or was not an abuse of the rules of the House, or an infringement of the rights of the minority; and I am not afraid of having that power placed in the Speaker's hands. I am sure that every gentleman who occupied the chair of this House would thoroughly realize his responsibility in connexion with the matter. We have always had Speakers who have been a credit to the position they occupied, and the present incumbent of the office is no exception. In conclusion, I may say I would like to see such a compromise over this matter as would secure the adoption of those of the proposed regulations about which there is little difference of opinion, particularly those which are intended to secure the orderly conduct of debate. I want the general public to see that we have not been unmindful of the great responsibility which has been placed upon us by the constituencies at the recent election.

Dr. MOLONEY.—Sir, according to the honorable member for East Melbourne (Mr. Zox) the proposed regulations that we are now considering were placed before the country at the general election; but I beg to state emphatically that the closure was not before the country. I am glad to observe that the Government, in framing their proposals, have not slavishly copied the rules of the Imperial Parliament, letter by letter, word by word, and sentence by sentence. They have not been afraid to merge, when it could be done, two rules into one. I am inclined to think that perhaps the strongest point which the Premier made when submitting his proposals was by quoting what has been done in South Australia. In matters relating to ourselves, I consider it far

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better to follow the example of a neighbour than of a country 16,000 miles distant. There is no doubt that a lot of the old parliamentary forms need to be swept away in Cromwellian fashion, and they should be swept away just as the medical faculty have swept away such things as dried spiders and powdered frogs from the pharmacopœia. I am glad to find that that remnant of a barbaric age—the exclusion of strangers at the instance of a single member—will be abolished. In my opinion, strangers ought never to be excluded. If “scenes” take place in this House, the country should know of them, but how can the country know of them if reporters are ordered to withdraw when they take place? A great deal of fuss has been made about the so-called obstruction of a few members in the last Parliament, but it seems unnecessary to enact stringent regulations against anything of that kind, seeing that the places occupied by those few members know them no more. With reference to the feuds which divide the old country, I say we don't want them brought here. As to the attitude taken up by the Australian native in political matters, I must say that I hold that the man who follows the strongest law in nature—the law of selection—and becomes a denizen of this country by choice has a right to call himself an Australian even before those who claim to be Australians by the mere chance of birth. With regard to the *clôture*, I submit that sufficient regard has not been had to the difference in the number of members as between this Assembly and the House of Commons. Here we have 95 members, while the members of the House of Commons number 670—a vast difference; and, as no more can be got out of an hour there than here, there are reasons for placing limitations on debate in the House of Commons which do not exist in Victoria. I would venture to ask, if it is necessary that more time should be dedicated to our proceedings, why not lengthen the sessions? I regard £300 a year as a very good income; and I am ready to give more time to the work of Parliament if there is a necessity for so doing. I think the matter of the *clôture* might well be remitted to the Standing Orders Committee, and particularly in view of the fact that, judging by what has been said in this debate, there are more members opposed to that proposal than there are in favour of it. Reference has been made to the “fourth estate,” and I must say that that “fourth estate” has fallen foul of me because I happen—

although having an English mother—to bear an Irish name. With all that has been said about the propriety of investing the Speaker with the power, as the 18th proposed rule does, of determining whether the *clôture* shall be applied, I cordially concur. The Attorney-General has mentioned that it is open to the Speaker to take the chair in his shirt-sleeves. I say it is not the garb the Speaker wears, but it is the man himself and the office which he holds that command our respect. I would rather have the matter of determining whether the *clôture* should be applied placed in the hands of the Speaker than in the hands of any majority or in those of any cuckoo-Ministry. Satisfied am I that though the honorable gentleman's right hand might be with the Ministry, his heart, being on the left side, would naturally be with the Opposition; and, under those circumstances, it is not reasonable to suppose that anything but justice would be done.

Capt. TAYLOR.—Sir, I would not have risen to speak on this question, inasmuch as I am a new member and therefore without experience of the forms of Parliament, but for the fact that honorable members in opposition assume to themselves the right of being the only exponents of liberty and freedom. We have heard eloquent addresses about the beauty and importance of freedom of speech; and I say that there is no man in this House, or in the country, who will more stoutly stand up for it than I will. But what is liberty of speech? I think the definition has been entirely ignored on the other side. It is a very old saying, and a true one, that freedom is the offspring of restraint. If it were not so, what would we want with police and armies or any of the bulwarks by which we preserve our freedom? What is the function of those bulwarks? To impose certain restraints on the unruly and disorderly. Now, I take it that the object of the Government in submitting the new procedure rules is to place certain bulwarks in the way not of freedom of speech, but of license of speech. With that object I am certainly in accord. It has been stated, but the statement has been contradicted, that the country gave a mandate to this House to include among its standing orders such regulations as would prevent the recurrence of the unseemly “scenes”—the unseemly obstruction to legislation—which marked the last Parliament. I will venture to say that of the 94 members who sit in this House at present, at least 70 pledged themselves to

support such measures as would prevent the obstruction of public business. I am one of those members. Therefore, on any proposal which the Government may propound with a view to prevent the obstruction of public business, I am with them. At the same time, there is an understanding between my constituents and myself—and I believe many other honorable members have a similar understanding with their constituents—that the prevention of obstruction to public business must stop at the point where it seems likely that freedom of discussion may be interfered with. I believe that feeling on the part of the public has been respected by the Government in framing the new rules. In so far as those rules will prevent the obstruction of public business without interfering with the liberty of discussion, I shall support them to the very best of my ability. Now among the rules which the Government have submitted, there are one or two which, I think, go a little too far. One of these is the 3rd, which relates to motions for the adjournment of the House. I think that to take from an honorable member the power of moving the adjournment without the consent of a majority of the members present will have an opposite effect from that which the Government contemplate. One result will be that honorable members will be placing on the paper special motions on very trivial subjects. I think that the regulation should be that an honorable member shall not be at liberty to move the adjournment of the House unless a majority of the members present set their faces against the proceeding. Thus the burthen of proof would be placed on the right side. I don't think it would be proper for an honorable member to go about among his fellow members to induce a majority of them to support him in submitting a motion for adjournment, particularly if the object of moving the motion was the obstruction of public business, and not the bringing forward of a grievance which ought to be redressed. I also consider it would be wise to insert in the rule words providing that no member should be allowed to bring forward a motion for adjournment "which, in the opinion of the Speaker," is designed to obstruct public business. Were this done I think we should place in very good hands the right of saying whether a motion for adjournment was made *bonâ fide* or not. If the opinion of the Speaker was that the motion was not being made *bonâ fide* for the redress of grievances, but simply for the obstruction of public business, it would then

Capt. Taylor.

be for him to call upon the House to support him in saying that the motion should not be proposed. With regard to the closure, I hope sincerely it may be a very long time before we see anything of the kind adopted in this House. It would operate as the sword of Damocles—hanging as if ever ready to fall upon those who brought it into existence. The proposed standing order with reference to the closure, if passed as it stands, may perhaps be used with a very strong and iron hand in the future. The proposal provides that not less than 25 members shall vote for the application of the closure. I consider that the closure should not be enforced except with the concurrence of a majority of three-fourths of the members present. The only other proposal that I have an objection to is the last one of all. I have the greatest confidence in Mr. Speaker, as I am sure have honorable members generally. Still, I say it is an enormous power to place in Mr. Speaker's hands to enable him to say whether a member is guilty of "irrelevance or tedious repetition." I am afraid that I shall not be able to take part in the debates of this House without indulging in the "tedious repetition" of arguments that may be advanced before. I think the discretion which the rule provides for is one that should hardly be placed in the hands of any one man, be he the most respected in the country. I must say I do not see any necessity for such a regulation. In conclusion, I must express the opinion that the regulations, if amended as I suggest, will ultimately be a great benefit to this House.

Mr. ANDERSON.—Mr. Speaker, I am very much pleased at the pleasant way in which we have been getting on this session. If public business had been conducted in a similar manner in the last Parliament, we would not now be discussing proposals to amend our standing orders. But what we have had in the past we may expect in the future; and therefore I cannot understand honorable members who sat in the last Parliament failing to see any necessity for a change in our standing orders. Were we not kept here, last session, night after night, beyond midnight, and sometimes until an advanced hour in the morning, literally doing nothing—public business being completely blocked, parliamentary institutions being dragged in the mire, and honorable members being made the laughing-stock of the country? Neither can I understand honorable members who say that this matter of the amendment of the rules of procedure was

not before the constituencies at the general election. Why, it was clearly put before the country in the Premier's manifesto, and it was referred to on almost every platform. I say the necessity for an absolute change in the conduct of public business in this Chamber was canvassed, and the country endorsed the contention. I don't quite agree with all the proposals submitted by the Premier. Some I would like to see modified; and I have no doubt the Premier is willing to modify them. Certainly, I would not like to see the adoption of new standing orders made a party question. The proposed standing orders are as much for the benefit of gentlemen who may occupy the Treasury bench in the future, as for those who now occupy it. I think it would have been better if the proposals had emanated from a committee composed of honorable members who sit on both sides of the House. That would have tended in a greater degree than anything else to remove the amendment of the standing orders from the arena of party politics. I think it would also have been better if the House had been invited to deal with each proposal in turn—if one proposal had been submitted and discussed, and dealt with before another was taken up. As it is, I fear that the present discussion will be repeated at a subsequent stage, because every one of the proposals, except those on which honorable members are all agreed, will be discussed when it is formally put from the chair. The first proposal I wish to speak about is that which limits the power of an honorable member to move the adjournment of the House. If there was any abuse, in connexion with our procedure, in the last Parliament, it certainly was on motions for the adjournment of the House, and motions "That the Speaker do now leave the chair." It was proved to demonstration that, by means of one of these motions, it was in the power of three or four members to block public business. But that is a position which, I say, neither this Chamber nor any other deliberative body should occupy. It should be beyond possibility for any very small section of members to completely stop the whole business of the country—to say that the Ministry should transact no business at all. However, these things are of the past, and, therefore, I would say, "Let the dead past bury its dead." Still, I may mention that a number of the older members of this House, who do not seem to favorably regard the Government proposals, knew very little of the obstruction I have referred to,

simply because it was their practice to leave the House at eleven o'clock at night, and therefore they were not acquainted, of their own knowledge, with what took place afterwards. I think that the 3rd proposal should be altered so that a member desirous of moving the adjournment of the House would be able to do so on 10, 12, or 15 members signifying their assent. I don't think such a proceeding should require the assent of a majority of the members present. To require the assent of such a number as I name would be sufficient to prevent the possibility of public business being blocked as it has been in the past. No doubt, as stated by the Premier, when the motion "That the House do now adjourn" is submitted by a Minister at the close of a sitting, it is competent for an honorable member to rise and discuss any matter he pleases. But honorable members know well enough that usually, when that motion is proposed, the Chamber is nearly empty. No doubt it is important that the liberty of speech should be conserved; but I would ask honorable members whether liberty of speech has been conserved in the past. Was it not frequently the case, during the last Parliament, that an entire night was occupied by one or two members, whereby honorable members who could have thrown some light on the subject under discussion, and would have said what they had to say in a few words, were precluded altogether from speaking? No doubt the closure is rather a drastic measure. I don't see that it is calculated to secure the liberty of speech that we all desire. What I would like would be a provision to this effect: that the introducer of a Bill or the proposer of a motion having spoken, and the leader of the Opposition, or some one representing him, having also spoken, the subsequent speeches should be limited to half-an-hour each. I am satisfied that half-an-hour is sufficient time for any honorable member to convey his views to the House. Such a regulation would preclude the possibility of a few honorable members blocking the Bill or motion altogether, as they would be able to do if they had the power of making extremely long speeches. I think the closure would give a power that I would scarcely like to see given to some persons. I don't say that the present members of this House are likely to abuse it. But I can picture to my mind a time when a few members—and they forming a portion of the majority—having spoken on a question, might suddenly call for an application of the closure in order that those



in the minority might not have an opportunity of giving expression to their views. I think the shortening of speeches to half-an-hour would meet, quite as well as the closure, the difficulty the House has had to endure in the past. The last proposition—with reference to irrelevance or tedious repetition—is, in my opinion, perfectly right. Any one who has listened to the debates, and especially during the last session, must have known that in many cases the speaking was not for the purpose of throwing any light on the question before the chair, but was purely irrelevant matter. Moreover, the "tedious repetition" mentioned in the proposed standing orders does not, I understand, refer to an honorable member repeating what has been said by a previous speaker, but to his repeating what he has previously stated himself. I have heard the same sentences uttered half-a-dozen times in the same speech by the same individual. I do not wish to occupy the time of the House, but I hope that these proposals will be slightly amended, and that we shall then carry them. Although we may not now need them, the time to adopt rules of procedure is when we are all cool and prepared to discuss them calmly. I trust that party feeling will not be imported into the consideration of the proposals at all, but that we will all join in framing the best standing orders we can for the guidance of our business without reference to any side of the House.

Mr. DIXON.—Mr. Speaker, allow me in my first speech, after a long absence from this House, to congratulate honorable members on the way in which this debate has been conducted. It is such a marked contrast to the state of things during the time I was previously in Parliament that I began to think, while listening, that there was no necessity whatever for the Government to introduce any of these proposed new standing orders. An honorable member has interjected that I have been out of Parliament during the worst time. I will take the liberty of saying that I think there never were such troublesome times in the political history of this country as during the six years that I was a member of this House. I saw, during that time, the difficulty in conducting public business to as great an extent as honorable members can have experienced in the last Parliament. I have seen overbearing tactics adopted by the majority against the minority, but only on one memorable occasion—when the "iron hand" was introduced—was there

ever an attempt made to stifle or prevent fair discussion on any question. If I remember right, the Premier, in one of his speeches to his constituents, stated that he would long hesitate before he attempted to introduce such another measure as the "iron hand." That being the case, I think we may fairly consider that the closure is not quite justifiable. The Premier, in proposing these resolutions, alluded strongly to the fact that they were necessary now because there had been obstruction in the last session of Parliament. The gentlemen, however, who obstructed public business last session have been dealt with by their constituents, and their places know them no more. With such a lesson before us, I think it will be a long time before any member of this Assembly will transgress in the same way as those honorable members are said to have transgressed. I am glad of the kindly way in which this question has been discussed from both sides of the House, because it ought not to be treated as a party question at all. We are proposing to make rules not only for the conduct of this Parliament, but for the conduct of future Parliaments, perhaps for many years to come, and therefore we should deal with the matter in such a way that we may not be ashamed of ourselves in after years. I am inclined to think that the suggestion of the honorable member for East Melbourne (Mr. Zoxx), was a very wise one, and might be acted upon by the Government, even at this stage—namely, that a select committee should be appointed composed of a certain number of the Ministry and their direct supporters, with one or two members from the corners, to remodel these new rules. Such a committee, I think, would be able to bring up a set of standing orders which would be acceptable, if not to all honorable members, at all events to the great majority, and, moreover, the adoption of such a course would enable us to vote on the proposals free from the suspicion of being influenced in any way by party considerations. As far as my constituency is concerned, I can say that the question of new procedure in Parliament was never submitted to it in any way. I was never asked a question on the subject, and I am not pledged in any way to support the Government in bringing about an alteration of the standing orders of this House. At the same time I admit—and I think every honorable member, and every intelligent man in the community who has read the reports of Parliament must have arrived at

the same conclusion—that some alteration is absolutely necessary so that we may be enabled to get on with the public business. This being admitted, it is the duty of honorable members to consider what is the best and easiest way to overcome the difficulties which exist. If the third of the propositions submitted by the Government—that relating to motions for adjournment—is adopted, it appears to me that a very great injustice may be done to members of this House in the future. I admit that in the past the power of proposing motions for adjournment has been abused. I think that if the suggestion made last night by the honorable member for Moira (Mr. Hall) were adopted, and we returned to the system which prevailed for a short time, under which six members were required to stand up to support a member proposing to move the adjournment of the House, the case would be sufficiently met. I consider that when a member is supported by six others he ought to have an opportunity of bringing any matter of public grievance before the House. The proposal of the Government in its present form is calculated to block freedom of speech and the ventilation of grievances in the Assembly. I remember, many years ago—long before I entered Parliament—when the *Admella* was wrecked between this and Adelaide, the O'Shanassy Government, although deaf to outside appeals, were compelled, by the discussion evoked by a motion for the adjournment of the House, to send assistance to the shipwrecked people, and many lives were saved in consequence. The effect that was produced on the country by the negligence of the Government on that occasion brought about their defeat at the next election.

Mr. GILLIES.—The wreck occurred during a recess, and when the House met the negligence of the Government was made one of the grounds of a vote of want of confidence.

Mr. DIXON.—Perhaps I am incorrect in my recollection of this particular case, but I know that on several occasions motions for adjournment have had a beneficial result.

Mr. DUFFY.—The honorable member for East Melbourne (Mr. Zox) brought a case of wreck before the present Government on such a motion.

Mr. DIXON.—Only on two occasions, during my six years' experience in this Chamber, was advantage taken of the present standing order, and on both occasions the honorable members who took the action were justified in the eyes of the country for

what they did. The first occasion was when the present Premier, as Minister of Railways, proposed, at the end of a session, to connect Oakleigh with Melbourne by what was known as the "outer circle." The present Minister of Customs, the honorable member for Kilmore, and several other members, not now in the House, assisted me in moving the adjournment, and we eventually "stone-walled" the proposal, the result being that, after mature consideration, the Government came down with a proposition for a direct line from Melbourne to Oakleigh. So that on that occasion we were successful, although in a minority, in achieving what will be admitted to be a great public good. The next occasion was when the McCulloch Government introduced certain proposals of taxation which had not been remitted to the country. The minority took a decided stand against those proposals, on the ground that they had not been submitted to the electors, and urged that the country should be appealed to. We "stone-walled" Sir James McCulloch's proposals on motions for adjournment, and the result was that at the next election the Government were defeated and most of their supporters removed from the arena of politics, to which very few of them have ever come back. Those are the only two occasions I can remember on which it might be said that this particular standing order was abused. The next power the Government seek to obtain is that of suspending the standing orders on the vote of an absolute majority of the House. We know of course that, at present, if one member objects to the suspension of the standing orders, the Government are blocked. There may be times when urgent public business may require the suspension of the standing orders, and I think that if the Government altered their proposal so as to read that the standing orders might be suspended provided the suspension was not objected to by more than ten members it might be safely adopted. I do not think that if the matter was one of real urgency, justifying the suspension of the standing orders, ten members of this or any future Assembly would be found to object to the suspension. Instead of introducing the closure, I think that if the suggestion to limit the speeches of honorable members to something like a reasonable time were adopted we would get on very much better. In my experience in Parliament I have seen the House detained night after night listening to "wind-bags" grinding their organs hour after hour in connexion with Bills

which the great majority of honorable members were already fully seised of, and which might have been dealt with in a very short time. No doubt that was also the case during last session, and if the suggestion which has been made with regard to limiting speeches was adopted, it would have the effect of affording some encouragement to members, who like myself do not wish to be always speaking, but at the same time may be able to bring some light to bear on a question, to take their fair share in debate. The closure proposal might be struck out altogether and a time limit substituted. Members generally might be limited to say a quarter or half-an-hour each, greater latitude being permitted to members of the Government or private members in charge of Bills, so that they might have fair liberty to deal with the subject. In the case of a Minister proposing a measure, the leader of the Opposition, or some other gentleman delegated to reply on behalf of that side of the House, should also be allowed fair latitude. I think that under such a system as that we would be able to make such progress with business that we could fairly deal with all questions submitted to us, and the session, instead of lasting till Christmas Eve, might be brought to a close before the end of October, and a recess enjoyed during the hot months. I have only desired to speak on this question in a friendly way. My intention is to support the Government on all questions which may be to the interest of the country. I am not here to pull down this Government in order to put another in its place, unless under such circumstances that I am quite convinced that the Government have forfeited the confidence of this House and the public, and that we can put in their places men who will be able to deal with public affairs in a more efficient manner.

Mr. ANDREWS.—Sir, this is the third Parliament with which I have had the honour to be connected, and although I cannot for a moment presume to deal elaborately with the important proposals which have been made by the Government, there are a few things I desire to say in connexion with them before they are dealt with seriatim. In the first place the proposed rules seem to have been framed with the utmost fairness. There does not seem to be any disposition in connexion with them to take any advantage of the minority. The fact that the leader of the Opposition has intimated that two-thirds of the proposals will be accepted without any compromise

whatever is a proof that the matter has been fairly and fully considered, and that the ripened experience of the Premier and other members of the Government has been brought to bear on the important and intricate question of the standing orders guiding the deliberations of this House. The only thing I fear is that the question has been dealt with from the limited standpoint of the experience of the last few sessions. We are now considering rules for the guidance not only of the present but also of future Parliaments, and I think that too much stress is laid upon the fact that admittedly obstruction, limited to a very few members, existed in the last Parliament. It seems too much like a leap in the dark, on account of that limited obstruction, to submit extreme proposals doing away with standing orders—the result of the accumulated experience of ages in the old country—which are supposed to be the bulwarks of the liberty of speech and the rights of individual members. I think also that not sufficient importance is attached to the fact that we ought to look to the leaders both of the Government and the Opposition, to uphold the corporate dignity of this House, by setting their faces like flint against any invasion of the rules of order—the introduction of personalities, or those gross and absurd interjections which we have heard with regret so often in the past. These evils could not exist to such an extent if we would individually have more regard for the corporate honour of this House, and frown down any such proceedings. There are one or two of the proposed rules which seem to me to require very grave consideration. I do not approve either of the closure or of the abolition of the right of individual members to move the adjournment of the House. Neither do I think there is any necessity for the 1st proposition, which deals in an arbitrary and abrupt way with the rights of members in regard to giving notices of motion. I have never known the present form of giving notice of motion to be abused, and it has been handed down to us from the House of Commons. The proposal that notices should simply be handed in to the Clerk, without being read aloud, would lead to the utmost confusion. Under the present system, if an honorable member, intending to give notice of motion or question to a certain effect, hears the same notice given by another member of course he will not pursue his intention, but, under the proposed change, a number of notices to the same effect may be handed in to the Clerk by

different members, each being unaware of what the other has done. It is said that notices of motion have been largely used as an advertising medium to let honorable members' constituents know that they are in the House discharging their duty to the country; still I have never known the present practice abused in any way, and I see no advantage to be gained by the proposed alteration. With regard to the proposed standing order relative to moving the adjournment of the House, I may say that, while I admire the principle of protection, the Government have in this proposal introduced absolute prohibition, and the policy of this country has not yet got the length of prohibition. The proposal is a step rather too much in advance. I myself have taken advantage of the power of moving the adjournment of the House, and although I know my action was not pleasant to the Government, I had a duty to discharge. On the only occasion on which I moved the adjournment of the House, I considered that my constituents were being badly dealt with by the Government in a matter in which they felt a deep concern. Moreover, as I considered, a blow was being aimed at the fiscal policy of the country without the sanction of this House, and an arbitrary and despotic act was being performed without legality. I knew that under coalition Government, the numbers being up, there was no other form open to me to discuss the question except on a motion for adjournment, and, therefore, I moved the adjournment of the House. I do not think it can be said that I abused the privilege on that occasion, as I was performing a duty which I owed to my constituents in the only way available to me. There have been other occasions on which most important matters have been introduced to the House on motions for adjournment, and such motions have been sometimes instrumental in extracting from the Government, perhaps unwillingly, important and valuable concessions. Who is to decide as to the importance or urgency of a question on which a member may desire to move the adjournment of the House? If an honorable member trifles with the forms of the House, and ignores the claims of other honorable members to such an extent as to waste the time of the House, then I say his constituents will deal with him. The constituents are keenly alive to the conduct of honorable members who are guilty of either systematic obstruction or wilful waste of public time in Parliament. No doubt much time has been wasted by honorable members taking

advantage of their powers of speech to detain and weary the House by four or five hour orations, and I would rather have seen some proposal of a practical character to limit the length of speeches. An hour might be fixed as the limit, because there are subjects which embrace a great variety of matters, such as the Budget proposals for instance, to which honorable members could not be expected to address themselves efficiently in ten minutes or a quarter of an hour. At all events there should certainly be some power to prevent an honorable member from wasting time or depriving his fellow members of the opportunity of addressing themselves to questions of public policy, by making lengthy orations as has been done in times past. No doubt that was a great evil, but while admitting the evil we cannot ignore the fact that there was great provocation given. We ought not, in preparing rules for the future guidance of this House, to be influenced too greatly by the fact that a few individuals in the last Parliament felt it their duty, or wantonly abused their privilege, to obstruct not what they considered the business of the country, but what they believed to be the unfair proposals of the Government. There should be some discretionary power left, and we should not treat altogether as matter of irrelevance that which an honorable member may feel keenly to be his duty to say. A great provocation was given to the Opposition last session by the manner in which the Government conducted the business, and sometimes the tyrannical way in which they insisted that proposals should be carried straight off. They frequently rubbed the Opposition the wrong way of the wool, and, having done so, they had to take the consequence. I certainly think that there was great provocation for many of the sins of commission that were charged upon the liberal section of the Opposition last session. At the same time we must all regret that the abuse of privilege has not only brought on Parliament and the conduct of parliamentary business the severe criticisms of the press, which have contributed largely to undermine the fair view which the country should take of the important functions discharged by this Chamber, but has also brought the people generally to believe that members are given to quarrelling and wasting time, and do no business whatever. I think honorable members should not only feel keenly on that subject, but should do all they individually can to elevate Parliament in the estimation of the country by raising the character of debate, by cherishing feelings of kindness

and consideration towards each other, and by co-operating to assist the Government and the leader of the Opposition to secure the full and practical discussion of public questions in a fair way. As to the closure, I think it is a power which never should be exercised in this free community. I do not believe in conferring that power, even with the confidence I have in the present Government. I do not think that they would wantonly deprive us of our liberty of speech, but they may have a large and silent majority behind them who will not listen to debate, and will insist on the question being put to the vote. We are here to thrash out matters in the public interest, and there would be greater danger to the liberty of the people under such a proposal as the closure than by allowing almost unlimited license of speech, because, if a man gives utterance to nonsense in such a Chamber as this, he brings ridicule on himself, and the feeling of the country is decidedly against him. Our constituents understand perfectly well the way in which their representatives perform the work which they were sent here to do, and have the power, which they very freely exercise, every three years to bring them to account. While saying this, I deny entirely that the question of the closure was ever before my constituency, and I believe my honorable colleague will bear me out in that statement. We have no mandate on the subject whatever from our electors. I was never asked a question about it.

Mr. MUNRO.—Neither was I.

Mr. ANDREWS.—So far from there being any strong feeling in favour of the closure, I believe the feeling is confined entirely to the fact that time is wasted, and that some provision should be made to shorten the time allowed to honorable members, so that five or six or even ten shall not monopolize the time of Parliament, and prevent their brother members from addressing the House on important public questions. I shall be glad to give my assistance to the Government to secure a reform in that direction if they will withdraw the closure. I believe that if the Government showed a greater determination to see that business was carried on even under our present rules more progress might be made. I trust that, as leader of the Opposition, my honorable colleague will do his part towards seeing that order is preserved, and that debate is conducted in a proper manner. I have no doubt that he will do so, and if both sides join in that object, instead of the country feeling as now a sort of want of

confidence in the whole institution of Parliament, we shall be able to set before them the fact not that we are here to rush through public business—to swallow with our eyes shut and mouths open any proposal of the Government—but that we are here to thrash out in the best interests of the country any measure which may be submitted to us. I hope the tone of the House will be raised, and I think there is every promise of it, because the new members have already afforded indication that they will address themselves to important questions not only with dignity but with intelligence and patriotism. I am quite with the Government in taking any means necessary to secure the objects I have indicated, but beyond that I am not prepared to go. I do not wish to sacrifice the right and privilege of free speech which we have inherited from our forefathers. Besides, behind even obstruction there is sometimes a good involved although it may occasion inconvenience at the moment. In view of what has occurred in times past, we should be very careful in taking away any of the rights of individuals or of sections of members representing important interests in the country. History repeats itself, and we know that there have been times when, if such powers as are now proposed had been in the hands of the tyrannical majority at the back of the Government of the day, the result would have been disastrous to the country—the rights and privileges of the people would have been trampled under foot, and parliamentary institutions brought into contempt. Under the minor rules it will be competent for the Speaker, who occupies an impartial position, to determine whether a member is trifling with the time of the House or is introducing subject matter foreign to the question before the chair. Any support we can afford to the Speaker in controlling debate in those respects will be a distinct gain to the community, but I think the Government will act wisely if they accept the suggestions made from their own side of the House, and withdraw or modify the extreme proposals which are not warranted either by the tone or character of the House, and are, to a certain extent, degrading to the Chamber. The adoption of such drastic proposals may involve passion of a more furious kind than we have ever yet seen here, because, if men find an iron hand or irresistible force dead against them like a wall in a Chamber which is devolved to debate, it creates passion where it would not otherwise exist. It must not be forgotten, too, that delay is

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sometimes of great advantage when important measures are sought to be rushed through. It is an old maxim that "delay is the fundamental principle of the British Constitution." There have been proposals submitted to this House—proposals of a dangerous character—in connexion with which, if the forms had not afforded an opportunity of obstructing their rapid passage through, the minority would have been utterly powerless. Another proposal is to take away the right of members in committee to move incessantly motions of a formal character. I am quite prepared to admit that that power has been abused, but my difficulty in agreeing to the proposal of the Government is that behind that form there is a powerful privilege involved, the exercise of which is sometimes extremely valuable in the public interest. I can remember an occasion last session, or the session before, when, at half-past eleven o'clock, the Government made up their minds to force through the estimates of the Education department, involving the expenditure of over half a million of money, in the one night.

**Lt.-Col. SMITH.**—Why they passed through six departments that night.

**Mr. ANDREWS.**—I am speaking of the memorable occasion when a "stone wall" was set up, and I was a party to it. I would not allow the Government or any one else to interfere with my right to discuss those estimates, and the result was that, after an all-night sitting, the Government were brought to their senses, and a compromise was effected by which a full discussion was secured on the following Tuesday. But for the existence of parliamentary forms those estimates would have been passed straight away by the majority at the back of the Government. I do not say that "stone-walling," as a rule, can be justified. I am not going to lift up my voice to support "stone-walling." The occasion I have mentioned was my first experiment in that direction, and I hope it will be my last. At the same time, I trust that no Government will ever again take up such a position as, by an arbitrary majority at a late hour of the night, to seek to force through the whole of the estimates of an important department without that proper discussion which we, as representatives of the people, are entitled to give them.

**Mr. MUNRO.**—They will do it again if they have the power.

**Mr. ANDREWS.**—Perhaps they will. It is quite possible to contemplate a time

when a Ministry may be in power with more despotic views upon these questions, and when they have a majority at their back which they cannot control, but which will drive them forward by declaring—"We will have this through to-night." That has happened during the last session or two, Ministers being goaded on by their supporters saying "We will have this through to-night." There may be no question involved now; but, in abolishing these safeguards, we are entering on dangerous ground, we are surrendering a power which—although I candidly admit it has been abused—is at times of the greatest utility. A far worse abuse, in my opinion, is the inordinate speechifying by certain honorable members who occupy sometimes five or six hours in dealing with a single subject. If that occurred once in a session I would not mind, but they actually monopolize the debate, to a very great extent, on every conceivable subject. In the conduct of debate in this House, we who have been here for some years know, and those who have just joined must feel, that certain members are looked up to as men who can speak with some amount of authority on particular subjects, and when those subjects come up for consideration we feel that we are bound to give way to some extent, and await the opinions and suggestions of those honorable members who are better qualified to deal with the question; and in a certain degree we are guided by what they have to tell us. If that practice were more generally followed in future, the great evil of speaking at inordinate length on a variety of subjects would be avoided; and whatever may be the ultimate result of the suggestions made to us by those who are able to speak with authority, whatever modifications may be arrived at, we shall be able to feel that we have never enforced our rights individually, as members of this House, unless we were backed up by a strong conviction that the exercise of those rights to occupy the time of the Assembly in debate was in the interests of the community at large, and that the ventilation of our views on the subject under consideration would open the eyes of the country and help to lead Parliament to wise and proper conclusions. If that practice is more generally followed in future a great deal of the objectionable matter that we have had to deplore during the last two sessions will disappear. I hope and confidently expect that this session of Parliament will be distinguished by the gentlemanly conduct of honorable members

who take part in the debates, that kindness of feeling will pervade both sides of the House, and that it will be alike the endeavour of the Government and the Opposition to maintain, at all costs, the corporate honour and integrity of Parliament.

Lt.-Col. SMITH moved the adjournment of the debate.

Mr. MASON asked if the Premier could inform the House when it was proposed to go to a division, so that honorable members might not be taken by surprise.

Mr. GILLIES said the Government felt that the reform of the rules of procedure was a matter in which the House ought to act unitedly, if possible. The leader of the Opposition agreed with him that the Government propositions ought not to be dealt with as a party question at all; but that honorable members on both sides of the House should join together to do what they believed to be the best in the interests of Parliament and the country. The more reasonable the conclusions arrived at the better it would be for them all. He would be glad if the leader of the Opposition would take an opportunity of ascertaining when it would be convenient to bring the debate to a conclusion. The honorable member agreed with him at the outset that the best course was to have a general discussion of the whole question before the proposals of the Government were dealt with seriatim, in order that they might ascertain the opinion of the House. It was felt that when they were seized of the views of honorable members, there would be little difficulty in dealing with the propositions separately. He would be most happy to have a chat with the leader of the Opposition, with a view to arrive at some understanding as to the propositions agreed to—and he understood the great majority were agreed to—by the Opposition. (Mr. Munro—"Hear, hear.") Some, as they had gathered from the speeches of honorable members, had given rise to differences of opinion, and he would be very glad if they could come to an agreement, by modifying the propositions which were in dispute, in order that they might do the best thing possible for the House and the country.

Mr. MUNRO said he would do his best to ascertain how many more honorable members on the opposition side desired to take part in the debate, and he would be glad to meet the Premier and endeavour to bring about an agreement with respect to the propositions in dispute. The objections of the

honorable members associated with him were limited to four or five of the proposed new rules, and therefore they might be able by an interchange of views to come to an understanding.

The motion for the adjournment of the debate was agreed to.

### RAILWAY CONSTRUCTION.

On the order of the day for the House to resolve itself into committee to consider an estimate of expenditure under Land Act No. 812, and Railway Loans Acts Nos. 845 and 989,

Mr. GILLIES explained that, in addition to the amount included in the estimate submitted last year for the expenditure on railway construction during the current financial year, it was found that a sum of £150,000 would be required by the 30th June, the works having proceeded to a greater extent and the Railway department having been able to enter into more contracts than anticipated when the estimate was framed.

The motion was agreed to, and the House resolved itself into committee.

Mr. GILLIES moved—

"That the following estimate of expenditure which the Railways Commissioners propose to incur during the year ending 30th June, 1889, under the Land Act No. 812, and the Railway Loans Acts Nos. 845 and 989, schedule I, item 1, be agreed to by this committee:—For the construction of lines of railway, authorized under 'The Railway Construction Act, 1884,' No. 821, £450,000."

The resolution was agreed to, and was reported to the House.

The House adjourned at four minutes to ten o'clock, until Wednesday, June 19.

## LEGISLATIVE COUNCIL.

Wednesday, June 19, 1889.

Presentation of the Address in Reply to the Governor's Speech—Representation of the Northern Province—Railway Deviations—Leave of Absence: Hon. W. E. Stanbridge—Life Assurance Companies Act Amendment Bill—Public Health Bill.

The PRESIDENT took the chair at half-past four o'clock p.m., and read the prayer.

### DECLARATIONS OF QUALIFICATION.

The Honorables J. Service and W. Pearson delivered to the Clerk the declarations required by the Act No. 702.

### ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

The PRESIDENT reported that he, with several members of the House, had waited upon the Acting Governor, and presented to His Excellency the address adopted by the House on Wednesday, June 5, in reply to his speech, delivered to both Houses of Parliament, and that His Excellency was pleased to make the following answer:—

“MR. PRESIDENT AND HONORABLE GENTLEMEN,  
“On behalf of the Queen, I thank you for the renewed expressions of loyalty and attachment to Her Majesty's throne and person contained in the address you have just presented to me.  
“I trust that the desires with which you are animated to promote the welfare and happiness of this community may be crowned with beneficial results.”

The Hon. N. THORNLEY asked why due notice of the intended presentation of the address was not sent to honorable members generally? He for one received no notice on the subject.

The Hon. S. FRASER said that he too received no notice.

Sir J. LORIMER remarked that he was in a similar position.

The Hon. H. CUTHBERT stated that he did not know the exact reason why no notice was sent to honorable members generally, or who was responsible for the omission. Perhaps, however, some blame in the matter rested on his own shoulders. When making inquiry as to what time the address would be received, he did so not in writing but by telephone, and it was not until a week afterwards that he got a reply from the private secretary on the subject. That reply was to the effect that His Excellency would receive the address that very day, at the Government Offices, instead of at Government House. Under these circumstances, he had no time to communicate with every honorable member, but he sent word to as many honorable members as he could.

### REPRESENTATION OF THE NORTHERN PROVINCE.

The PRESIDENT informed the House that he had received from His Excellency the Acting Governor the resignation by the Hon. W. P. Simpson of his seat for the Northern Province.

### RAILWAY DEVIATIONS.

The Hon. W. A. ZEAL moved—

“That the return to the order of the Legislative Council on the 6th July, 1887, and laid on the table of the Council on the 4th October, 1887, be printed.”

He explained that the return related to railway deviations.

The Hon. J. A. WALLACE seconded the motion, which was agreed to.

### THE HON. W. E. STANBRIDGE.

The Hon. W. A. ZEAL moved that temporary leave of absence be granted to the Hon. W. E. Stanbridge, on account of the illness from which he was at present suffering. If the honorable member did not speedily recover, he (Mr. Zeal) would move for leave of absence for him during the whole session.

The Hon. J. H. CONNOR seconded the motion.

The Hon. H. CUTHBERT inquired if a motion for temporary leave of absence was necessary?

The PRESIDENT.—The motion is not absolutely necessary, but carrying it will express the kind feeling of the House towards Mr. Stanbridge.

The Hon. W. A. ZEAL observed that he proposed the motion at Mr. Stanbridge's request.

The motion was agreed to.

### LIFE ASSURANCE COMPANIES ACT AMENDMENT BILL.

The Hon. H. CUTHBERT moved the second reading of this Bill. He said its object was to amend the Life Assurance Companies Act of 1873 in several ways. That Act was a very important one, in dealing with which the Council took a great deal of pains, in order to make it complete, and the result of which had been to give greater confidence to policy-holders. Nevertheless, doubts had arisen and were still widely entertained as to the position of policy-holders who had transferred their policies from the register of a company in this country to the register of the same or of some other company in another country. At the same time, transfers of this sort were not at all uncommon in connexion with both Victorian companies who had branches outside the colony and English companies who had branches in different colonies. For example, it frequently happened, with respect to the holder of a Victorian policy, which was subject to the Victorian law with relation to life assurance, that circumstances arose to compel him to leave this colony and reside in New South Wales, in which case he would naturally seek to get that policy transferred from the Victorian register of his company and placed on their New South Wales register. But the Victorian law with respect to life



assurance differed in many respects from the New South Wales law, and thus it might happen that the Victorian policy-holder who transferred his policy to the New South Wales register of the same company would be placed at a disadvantage which did not exist under the contract originally made by him with the company. As a case in point, he (Mr. Cuthbert) would refer to the well-known provision of the Victorian Act to the effect that the property and interest of any person to the extent of £1,000 in any policy or policies of life assurance—say in a life policy for £10,000—was not, under certain circumstances, subject to be seized in execution of a legal process or by the creditors in the case of insolvency. (Mr. Fraser—"The payment of the premiums must be kept up.") That was to be assumed as a matter of course. But the Supreme Court of Victoria had gone so far as to rule that even when an insolvent policy-holder had not, at the time of his becoming insolvent, paid up on, say, a £10,000 policy to an extent covering £1,000, his friends might keep the policy alive for the benefit of his family. Now, it did not at all follow that, when such a policy was transferred from the Victorian register of a company to its register in another colony, say in New South Wales, this particular advantage would still accrue to its holder. Besides, although there had been, of late years, a distinct practice with relation to these transfers, many doubts had arisen with respect to their validity and so on, and these doubts it was desired to set at rest, in order that future transfers might be made in a simple, secure, and equitable way. This it was now proposed to carry out under clause 3 of the Bill, which was as follows:—

"Any policy issued by a company in Victoria or transferred to the Victorian register of such company under the provisions of the next following section of this Act may if such company think fit be transferred at the request of the policy-holder for the time being to the register of such company in the United Kingdom or in any other country or colony; any such policy so transferred shall until it is re-transferred to the Victorian register of such company be treated in Victoria in all respects as a policy issued in the United Kingdom or some other country or colony (as the case may be), and in particular shall be treated in Victoria as governed by the laws of the United Kingdom or other country or colony (as the case may be) with regard to assignment and the extent (if any) to which policies are protected from creditors."

So that every Victorian policy-holder who transferred his policy to the New South Wales register of the company assuring him would know exactly the conditions attendant upon the transaction—that in future his

policy would be under the laws of New South Wales instead of under those of Victoria. Clause 4 was the exact converse of clause 3, for it made corresponding provision with respect to policies issued in other colonies and transferred to a Victorian register. Each policy would, in fact, be subject to the laws of the country in which it was registered. Clause 5 provided for both the two previous clauses being retrospective as well as prospective in their operation, so as to validate transfers made before the Bill became law. No doubt retrospective legislation was as a rule objectionable, but probably honorable members would regard what was now proposed as highly desirable. Clause 6 provided for all transfers of policies being made in such manner as the assuring company might from time to time think fit to direct. Clause 7 set forth that all policies for the time being on the Victorian register of any company would, for the purposes of the principal Act, be treated as being in force in Victoria, and among the Victorian liabilities of the company. Clause 8, the last, provided, without prejudice to the generality of the foregoing provisions, for the application to all policies on the Victorian register of any company of the provisions contained in sections 37-40 of the principal Act. Those sections had regard, first, to the protection, in case of insolvency or execution under the process of any court, of the property and interest of any person to the extent of £1,000 in the whole in any policy or policies of assurance on his own life which had been over two years in existence; secondly, to dispensing, under certain circumstances, with probate or administration in the case of the widow or child of a person assured for a sum not exceeding £100; and, thirdly, to the assignment of policies and the effect of notice of mortgage or trusts. The Bill would not interfere in the slightest way with the intentions of Parliament in passing the principal Act, but it would ratify certain practices with respect to it which were thought by some not to have at present the sanction of law.

The Hon. J. SERVICE said he would offer no objection to the second reading of the Bill, but he hoped that time would be allowed for consideration before it was attempted to carry it through committee. No doubt the Bill had been well thought out, and would be found all right, but clauses 3 and 4 were too important to be dealt with in any hurry. For instance, the interests of widows and children, or the personal credit of a policy-holder might be seriously affected.

The Hon. S. FRASER stated that he hoped the Minister of Justice would allow an interval of some length to transpire before the Bill was discussed in committee, because he (Mr. Fraser), for one, had not yet had time to master its provisions. Did he rightly understand the honorable gentleman to say that the transfer to New South Wales of a Victorian policy would relieve the Victorian office from certain liabilities with respect to that policy, which would not arise again in the other colony? Was the policy-holder to be subject to only the conditions, with respect to life assurance policies, which existed under the New South Wales law? (Mr. Cuthbert—"The Victorian office would not be relieved of a farthing's worth of liability.") Assuredly the Council ought not to consent to the policy-holder who originally assured in Victoria being deprived of any benefit accruing to him under the Victorian law. (Sir J. Lorimer—"Of course, there will be no transfer of a policy except at the request of the policy-holder.") That was true enough, but frequently a policy-holder was not quite a free agent. For example, the assuring company might have exceptional power over him, or the policy might be mortgaged to it. There were any number of instances of that sort. Would it not be better to extend the conditions of Victorian life assurance contracts to the other colonies—to declare that those conditions should hold good outside this colony as well as inside? That would be something towards federation.

The Hon. H. CUTHBERT remarked that the Government were, by introducing this Bill, setting an example in the very direction Mr. Fraser referred to, and no doubt the other colonies would soon follow the lead.

The Hon. F. S. DOBSON thought that if Mr. Fraser would look carefully at clause 3 he would find his difficulty vanish. Of course for a policy-holder to mortgage his policy to his company was an every day practice, but it was also a matter of course that no company in such a position would consent to a transfer to the register of another colony without some arrangement being made to secure their interests. On the other hand no transfer under clause 3 could be made without the concurrence of both parties to the transaction.

Sir W. J. CLARKE said he did not quite understand the effect of the provisions of the principal Act for the protection of an insolvent's interest in his life policy to the extent of £1,000. Surely, in the

case of policies for large amounts, in connexion with very risky lives, such an arrangement must often be very unfair to creditors.

The Hon. F. BROWN expressed the opinion that the Bill should be amended so as to provide for a difficulty which frequently arose. Often and often had a widow to suffer long delay, or else to consent to the sacrifice of a portion of her claim, because the assuring company would not accept the proof offered that the original statement of the person assured—her husband—with respect to his own age was a true one. In a country like Victoria, where the population was largely derived from immigration, and where there was so much moving about on the part of people, no life assurance company ought to be allowed, after a policy had existed a certain time, to raise any question as to the age of the person assured.

The Hon. J. H. CONNOR thought it was important for honorable members to have plenty of time to consider the Minister of Justice's explanation of the Bill. It certainly seemed at present as though carrying the measure into law would do injustice to many persons. Therefore the more the public outside were enabled to consider the matter the better. Unquestionably no right possessed by any Victorian policy-holder ought to be taken away from him.

The Hon. W. A. ZEAL feared that Mr. Fraser misunderstood the scope of the Bill. As he (Mr. Zeal) read the measure it provided that if a man who was a resident of Brisbane came to reside permanently in Melbourne, he could transfer the register of his policy to Melbourne, if he so desired and the company thought fit. If the policy were not so transferred, the widow would have to apply to the court at Brisbane for probate and would be put to great inconvenience in getting the insurance money. Honorable members were apparently unaware that the present law provided for the protection of a widow in respect of the life insurance policy of her deceased husband.

The Hon. H. CUTHBERT said the Bill would not disturb that law, which would remain as it now stood.

The Hon. J. SERVICE contended that the Bill would disturb it entirely, if a Victorian policy were taken away to Brisbane, unless there happened to be a law in Queensland similar to the law in Victoria.

The Hon. W. A. ZEAL observed that the law of Victoria could not override the laws of the other colonies; but no harm

would be done by the Bill. Precisely the same conditions would be followed as at present, and surely the first thing a policy-holder would do, in seeking to transfer it from one colony to another, would be to see that his policy was not injured. With regard to misstatements as to age, surely, if it were found that a policy-holder had stated his age inaccurately, it was not unfair on the part of the company to seek to have the matter adjusted by making a proportionate reduction. Supposing an honorable member purchased a piece of land as having a 75-foot frontage, and it was subsequently found that the frontage measured 80 feet, of course he would consider it a great gain, but the man who had sold the land to him as 75 feet would consider it just as great a loss, and would expect restitution. Well, it was just the same with a policy-holder who had misstated his age to the company in which he was insured. Most men could get certificates to prove their actual age. He obtained, at a small cost, a certificate from Somerset House which proved beyond doubt what his age was. Some persons were so careless and imprudent as to neglect what was an obvious duty, but that was no reason why the law should be altered, and any fair-minded person must acknowledge that the assurance companies were justified in demanding proper proof of the age of insurers before paying the amount of insurance, and insisting on the rectification of errors consequent upon misstatements of age.

The Hon. W. H. ROBERTS considered that the difficulty which had been raised by Mr. Service was a very grave difficulty. The Bill provided that if a policy were transferred from the Victorian register to the register of the same company in some other colony, it would be protected only as regarded that colony. Supposing a Victorian was in financial difficulties, and transferred his policy to another colony, he might defraud his creditors here. (Mr. Cuthbert—"What's to prevent him doing that now?") The Insolvency Statute stepped in and said—"You shall not, within such and such a time of your insolvency make any distribution of your property in favour of one or more creditors to the disadvantage of the rest." The present Bill would make that legal, however, so far as an insolvent's insurance policy was concerned. The intention of the Minister in charge of the Bill was a very good one, and he (Mr. Roberts) would be very glad to support it, if he could see his way to get over that difficulty. With

regard to inaccurate statements of the ages of persons insuring, he would point out that when the age was stated and the insurance effected both parties accepted the conditions as set forth, and he thought those conditions ought to be binding on both parties. The assurance company having accepted certain evidence of age from the person proposing to insure, and made a contract with its eyes open, ought not to be able to back out of the contract. It would be merely a common law contract. It would never do for Parliament to legislate for such exceptional cases. Legislation should be for the country generally. If a person would not take the trouble to ascertain his age, and assurance companies chose to accept insufficient evidence of age, then they must both take the consequences. Of course assurance companies were anxious to get business, and while the law stood as at present he could not blame them for taking the course they did; but he would like to see a clause in the Bill requiring each person insuring his life to give sufficient proof of age before he could effect an insurance.

The Hon. N. THORNLEY remarked that as he understood the Bill it would enable an insured person who contemplated insolvency to deprive his creditors in Victoria of the benefit of his policy of insurance, by transferring it to the assurance company's register in another colony. The Bill would require careful consideration in committee.

The motion for the second reading of the Bill was agreed to.

The Bill was then read a second time, and committed *pro forma*.

#### PUBLIC HEALTH BILL.

The Hon. H. CUTHBERT moved the second reading of this Bill. He said—Mr. President, this Bill, as the title states, is "a Bill to create a Department of Public Health and to further amend the law relating to public health." I know of no question of more importance to the general community than the subject of health. It is a subject that has occupied the attention of various Parliaments in Victoria for a number of years past. You can go back as far as 1854, when an Act was passed by the Legislative Council "to make more effectual provision for improving the sanitary condition of towns and populous places in Victoria." I remember also there was some debate on this very important question in 1865, when Parliament passed a Consolidation Bill, and we had a

very comprehensive measure passed in 1883. It is that Statute which is referred to in the Bill now before us as "the principal Act." The experience of recent years has shown us that increased powers have become necessary, owing to the rapid growth of population in various parts of the colony. We have now no less than five Acts relating to public health—the Act of 1865 (No. 264) No. 310, No. 501, No. 782, and No. 1011, the last-named being the very important measure which was passed last session. Many of the clauses and provisions to be found in this Bill were introduced to the notice of Parliament last session, but, owing to circumstances which arose in another place, time did not permit of the full discussion of very many of these clauses and they had therefore to be withdrawn. Hence it now becomes our duty to complete, as far as we possibly can, the task that was set before us last session. Under the different laws relating to the public health, we have constituted a Central Board of Health, consisting of nine members, to take the control and management, to a great extent, of the administration of these various Acts. That Central Board have to supervise and watch the proceedings of the different local boards of health throughout the colony; but owing to the machinery provided for carrying into effect the decisions of the Central Board, it is sometimes found that the advice or orders of that board are not regarded by the local boards of health, and complaints have been made from time to time to the effect that the local boards have shown an unwillingness or disinclination to carry out works of sanitation which ought to have been taken in hand and executed promptly. It has, therefore, been represented to the Government by many members of this House, and also by many members of the Legislative Assembly, that it would be desirable to make a change as to the control, regulation, and administration of the various Acts of Parliament relating to the public health; that it is advisable there should be a Minister of the Crown appointed, and that in him should be centred all the powers that are now, by the various Acts of Parliament, centred in the Central Board of Health. The Government entirely agree with that opinion, and this Bill is intended to give it legislative force and effect. Accordingly, one of the most important provisions of this Bill will be found in clause 3, which provides that for the purposes of carrying out the provisions of the Public Health Acts, 1865–1889, a department of Public Health shall be formed,

and that that department shall be presided over by a Minister of Public Health, who shall be a responsible Minister of the Crown. It further provides that the department shall also consist of a Secretary, who shall be an officer of the first division of the public service, and the permanent head of the department. I think that in the selection of a Secretary to the department of Public Health, a very proper choice has been made. A very efficient officer has been appointed to perform the important duties of Secretary. Although it is not provided in this Bill, I may inform honorable members that it is the intention of the Government that the present President of the Central Board of Health (Mr. A. P. Akehurst) is to retain the position of Secretary of the Health department under this Bill. I must say that I don't know of any gentleman who is more thoroughly fitted for the post, nor do I know of any officer in the public service better calculated to discharge the responsible duties of that important position. The department is also to consist of a Medical Inspector, who must be a legally qualified medical practitioner and an expert in sanitary science. The clause further provides that this Medical Inspector "shall be a member of the Board of Health, and shall receive an annual salary of not less than pounds." With the question of salary, of course, this House has nothing to do. This House will not be asked to fix the amount of the Medical Inspector's salary, but honorable members may desire to know who is to be this Medical Inspector, this expert in sanitary science? Well, the object of the Government is to get the very best man that can be found in England, if there is no man with a sufficient knowledge of sanitary science to be found in the colonies. Nearly every one of the officers appointed as medical inspectors in England holds a diploma or certificate from some of the great English universities with respect to his knowledge of sanitary science. That subject has occupied the attention of the professors of our chief English universities for some years past, and the universities have conferred honours on those who have made a special study and obtained a large knowledge of sanitary science. In England the chief medical officer under the Board of Health has a salary of £1,200 a year. There is an assistant to him with a salary of £1,000 a year, and then there are six inspectors, all medical men, all experts, all men who hold diplomas of the universities, and they are in the receipt of salaries ranging

from £600 to £800 a year. If we cannot get a sufficiently experienced man in the colony, it is the intention of the Government to ascertain if such a man can be obtained from England. I think that even from among those English inspectors one may be induced to come out here, and that by offering a salary of £900 or £1,000 a year we may obtain the services of a first-class man, who could look forward to a career of usefulness, where he would have an opportunity of showing his special fitness for the high and important duties devolving upon him, in this colony. In addition to the Secretary and Medical Inspector of the Health department there is to be a chief clerk, an engineering inspector, and "such other inspectors, health officers, clerks, and other officers as may be deemed necessary." All of these officers, with the exception of the Medical Inspector, are to be appointed and removed in accordance with the provisions of the Public Service Act, but the office of Medical Inspector is considered of such great and permanent importance that the Government feel it to be their duty, in the public interest, to obtain the services of the best man they can possibly get, and the responsibility of making the selection under this Bill therefore devolves upon the Governor in Council. I hope that provision will commend itself to honorable members, and that they will not run away with the idea that there is an intention on the part of the Government in framing this Bill to depart from the principle of the Public Service Act 1883. Honorable members will understand that in some few cases it is necessary to make exceptions, and the Government think that this is one of those exceptional cases. In clause 4 it is proposed to abolish the present Central Board of Health and transfer the powers of that board to a responsible Minister.

The Hon. W. A. ZEAL.—Does that mean the appointment of another Minister?

The Hon. H. CUTHBERT. — No. Although the Government consider that the subject of the public health is of sufficient importance to warrant the creation of a Health department, under the direction and control of a Minister of the Crown, who is to be described as the Minister of Public Health—in the same way as we describe the Minister of Public Instruction, under the Education Act—it is not intended that there should be a new office created with a salary attached to it. The Government has no such intention. A gentleman can be selected and appointed from the Ministry to

discharge the duties devolving upon the Minister of Health under this Bill, while in addition to those duties he will have some other department to overlook. Under section 5 it is proposed to abolish local boards of health, and to substitute municipal councils. I confess I never could understand why, under the Local Government Act, we should draw a distinction between the same class of men sitting round a table—why they should be members of the municipal council for one portion of the sitting, and then, as soon as the business in connexion with the municipalities was to some extent over, they should have to resolve themselves into a local board of health, to consider the sanitary matters of the district. This distinction has given rise to complications, and difficulty has, in consequence, been experienced in carrying out certain provisions of the principal Act. I think it is well that that distinction should be removed, and that in future, the municipal council should undertake all the duties of the local board of health. And it is proposed in clause 5 that, subject to the provisions of this measure, the several powers, duties, and liabilities vested in and imposed upon local boards of health shall, on and after the date of the commencement of this Act, be transferred to the council for the time being of each city, town, borough, and shire respectively in the name and on behalf of the municipality. Having abolished the Central Board of Health, you may say—"But how is the Minister to carry on all the work of the Health department?" Well, it is proposed, under section 8, to create a Board of Health, and that board is to consist of five persons. Those persons are to be appointed by the Governor in Council. That board, I should say, would be regarded as a board of advice, not to rule or control the Minister but to carry out duties assigned to them by the Governor in Council; and the board will from time to time be called upon to consider questions laid before them by the Minister, and to tender their advice to the Minister, which advice the Minister, under this Bill, will be at liberty to accept or reject. As to the constitution of this Board of Health, I may briefly foreshadow what it is going to be. We have provided in the Bill that the Medical Inspector shall be a member of the board. I should say that the Secretary will very likely be selected also as a member of the board, and I think a leading engineer—perhaps one of the professors at our University, as at present—a leading chemist, or a lecturer on chemistry at the University, and a medical

gentleman in practice or another engineer. I think it would, perhaps, be better that a medical gentleman should be appointed on the board, because the Medical Inspector might be away attending to his duties in some distant part of the colony when a case of quarantine or some other important medical question suddenly arose, so that it would be well to have on the board at least one medical gentleman. I think that a Board of Health, constituted as I have stated, would command the respect of the people of the colony and would be most useful to the Minister of Health, as the head of the department. I hope I am not wearying honorable members, but really this Bill is one of great importance. I understand also that a number of municipal councils take a great interest in the measure, and would like to have its leading provisions fully explained. And after this brief review—and I will make it as short as I can—honorable members will be better able to understand the reason and the objects of the Government in introducing many of the clauses. Clause 10 provides that every council when required by order of the Minister of Health shall appoint officers of health, analysts, and inspectors. This power to enforce the appointment of inspectors and analysts to the local councils is highly necessary, because some of the local boards of health have been very slow to make such appointments, and the Central Board of Health have had to apply to the Supreme Court if they wished to enforce their orders. Now we provide in this clause 10 that if the appointments are not made within two months after the municipal council has been required to make them—and I think that is a reasonable time—then the Minister may make the necessary appointments.

The Hon. D. MELVILLE.—Who is to pay these men?

The Hon. H. CUTHBERT.—The local council, of course. Clause 11 gives power to the Governor in Council, on the recommendation of the Minister, to remove any officer of health, analyst, or inspector of any council, who may prove himself to be careless or inefficient. This power is also necessary, because, even a careless and inefficient officer might have a majority of friends and supporters in the local council, and it would then be very difficult to remove him, although his removal might be highly desirable in the public interests of the district. Under section 11 of this Bill, however, the Minister may point out that such

an officer is inefficient, and if the local council do not think fit to remove him, power is then given to the Governor in Council to remove him.

The Hon. W. A. ZEAL.—Does that refer to municipal officers?

The Hon. H. CUTHBERT.—Yes, to municipal health officers. It does not refer to town clerks, for example, but only to officers of health, analysts and inspectors. Clause 12 seeks to make only a very slight alteration in the existing law. The present law provides that whenever any inspector has reason to suspect that any article of food, or any drug or tobacco exposed or offered for sale is adulterated, unwholesome, or in any way injuriously affected, he may obtain samples of the same, and convey or send them to the analyst of the council for analysis. Now, in place of that word "may" we put in this clause the word "shall," making it incumbent upon an inspector to secure samples of adulterated or unwholesome food, drugs, or tobacco. There is another alteration of the law which we propose. Before a conviction can be obtained under the present law, there must be an analysis of the unwholesome goods. Well, in some cases, to obtain an analysis is to incur a really useless expense; for instance, when it is clearly evident to the ordinary observer that the article of food in question is rotten and unwholesome. In such a case an analysis is unnecessary, and therefore we have here provided that, if it appears to the court or justices that the offence is sufficiently proved without an analysis, an analysis shall not be necessary to secure a conviction. The same clause also provides that if an analysis is required for the purposes of any prosecution, it shall be no defence to allege that the person who instituted the prosecution is not the person who caused the analysis to be made. Under the present law that is necessary. Clause 12 also make it an offence to tamper with the official seal on samples of articles taken for the purpose of analysis. In one or two cases the seal has been tampered with, and we are anxious to provide against that contingency in future. Clause 13 relates to the prohibition of the sale of articles having deceptive labels, and the latter portion of that clause says:—

"Any person convicted under this section may recover as damages from the person from whom he purchased such article, drug, or tobacco, any penalty in which he may have been convicted, together with the costs paid by him upon such conviction and those incurred by him in and

about his defence thereto, if he proves that he sold or exposed or offered for sale such article, drug, or tobacco without knowledge that such label, mark, brand, name, or description was false, fraudulent, or deceptive, and in the same state and with the same brand, mark, label, name, or description as such article, drug, or tobacco bore at the time of the sale to the person so convicted."

Clause 14 prohibits the sale of milk from diseased cows—cows suffering from anthrax, tuberculosis, or pleuro-pneumonia, or any other disease from time to time declared by the Governor in Council to come within the meaning of this clause. And then, as it has been found difficult to secure a conviction in cases brought before a court of justices, when the person contravening the law in respect of selling adulterated milk or milk from diseased cows is a servant, we have here provided that in any prosecution of this kind it shall be no defence to prove that the defendant is only the servant or agent of the owner of the milk, or is only intrusted for the time being with the milk, both servant or agent and owner being liable under this clause. If, however, a servant or agent is convicted, he will be able under this same clause to recover from his master or employer the amount of any penalty imposed, together with all costs incurred, providing he can prove that he delivered the milk in the same state in which he received it from his employer, and without knowledge that its nature, substance, or quality was injuriously affected. Of course, if he knows that the cows from which the milk was taken were suffering from tuberculosis or pleuro-pneumonia, he has no right, whatever his orders from his master may be, to go about distributing that milk among consumers. Clause 15 is intended to prevent the selling of skimmed milk. Clause 16 is to prevent the sale as butter of imitations of butter—spurious butter but not necessarily unwholesome. It provides that if persons sell or offer or expose for sale any compound of fats, oils, or similar substances other than the fat of milk, or any article resembling butter, they must plainly indicate by brand or label what it is they are selling. If they do not, the goods may be seized and destroyed or otherwise disposed of by any officer of the department or of any council. I think that clause will be found a very proper one. We next come to clause 17, which I consider is a very important provision. It proposes to give power to the Minister of Health or the municipal councils to temporarily isolate houses in which any dangerous

*Hon. H. Cuthbert.*

infectious disease may exist. It sets forth that—

"The Minister may upon such proof as he thinks sufficient or any council may upon proof by the certificate in writing of the officer of health of such council that any house or building contains any person suffering from small-pox, cholera, yellow fever, diphtheria, or any other dangerous infectious or contagious disease order that such house be effectually isolated until such order be revoked or until the issue or refusal of an Order in Council under the provisions of section 75 of the principal Act.

"Such order of the Minister or council shall until such revocation issue or refusal have for all purposes the same effect force and validity as an Order in Council."

Now, the evidence of the health officers all over the colony is to the effect that if isolation were carried out promptly and carefully, such scourges as scarlet fever and diphtheria could very frequently be kept down and even stamped out. This clause enables the Minister to act promptly, and to insist on proper and thorough isolation in any case that may come under his notice.

The Hon. W. A. ZEAL.—That would be a very harsh thing for a Minister to do, unless he gets medical proof of its necessity in each case.

The Hon. H. CUTHBERT.—He would not act on other than good authority. We propose to give him general power—the clause says, "upon such proof as he thinks sufficient." No doubt the Minister will be guided in all such cases by the advice he gets from the medical inspector or other inspectors of the Health department.

The Hon. W. A. ZEAL.—But he may not.

The Hon. H. CUTHBERT.—Then he would be responsible to Parliament, and there are some honorable members in this House who would very soon bring up any case of hardship, if such a case occurred. Clause 18 may be said to be rather arbitrary, because it gives power to remove persons suffering from certain dangerous, infectious, or contagious diseases to a hospital. It is really necessary, however, in the interests of public health, if we are ever to put down disease. The clause in question states:—

"Upon proof by the certificate of the officer of health of the municipal district and two legally qualified medical practitioners that any person is suffering from small-pox, cholera, yellow fever, diphtheria, or any other dangerous, infectious, or contagious disease, and that the removal of such person is necessary to prevent the disease from spreading, such person may, with the approval of the Minister, be forthwith

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removed under the direction of the officer of health to the sanatorium at Cut-paw-paw or to any suitable place appointed by the Governor in Council for the purpose within the district in which such person resides, and such person shall be kept therein until released by order of the Minister or of the Governor in Council."

Of course, when diseases of this kind break out in a large family of children living in a small house of perhaps two or three rooms, the poor mother is not able to take proper care of her sick child, stricken down it may be by diphtheria. The doctor says, in such a case, that the very best thing to be done for the safety of the other children in the family is to remove the sick child to a sanatorium. In all probability the mother will say—"Well, doctor, I will go with my child," and the mother and child will go to the sanatorium, while the rest of the family and, it may be, the whole neighborhood are saved from the ravages of the disease. By such means infectious and contagious diseases may, to a great extent, be stamped out. Certainly if isolation is insisted upon at the commencement of each outbreak, it will have a very good effect indeed.

The Hon. D. MELVILLE.—Does that apply also to typhoid fever?

The Hon. H. CUTHBERT.—Certainly. The clause specifically mentions "small-pox, cholera, yellow fever, and diphtheria," and it adds "or any other dangerous, infectious, or contagious disease." Clause 19 relates to the provisions of the principal Act with regard to the default of municipal councils to provide hospital accommodation, and it states that if any council or councils in combination fail to comply with the provisions of section 88 of the principal Act, the secretary of the Health department, by order of the Minister, will proceed to carry out such provisions, and may recover from the local councils all costs and expenses, including medical and other expenses incurred in and about the maintenance of patients in the hospitals. These costs and expenses will have to be paid by each council rateably in proportion to the number of patients received from its district, and the Minister will finally determine in what proportion the payments shall be made. Section 88 of the principal Act enables local boards to provide hospitals or temporary places for the reception of the sick, or to enter into agreements with the authorities of existing hospitals to receive sick inhabitants of their districts on payment of an annual sum. It has been reported to me by the President of the Central Board of Health that the whole of the local boards, with the exception of some ten

or twelve, have objected to put this wise provision into force. They consider that it is unfair that the ratepayers should be taxed for the sick, and urge that the Government should come forward and bear the expense. The section therefore will be useless unless it is supplemented by the power given in clause 19 of this Bill. Clause 20 relates to private hospitals. Provision has been already made for the Government inspection of public hospitals, which are managed by committees selected by the subscribers. Those hospitals are admirably managed, and are invariably a credit to the districts in which they are situated, and no further regulations are required in respect of them. There are, however, a great number of private hospitals in the metropolis, and they are at present under no control.

The Hon. S. FRASER.—And they are increasing.

The Hon. H. CUTHBERT.—They are increasing, and some of them I cannot say very much for. Some of them, on the other hand, are under the superintendence of medical men who hold a high and honorable position in their profession. Clause 20 provides that the Governor in Council may, from time to time, make, alter, and revoke regulations for the inspection, drainage, good management, &c., of all private hospitals, may require the registration of such hospitals, and may cancel such registration. Any person conducting a private hospital without having previously registered it, or after the registration has been cancelled, is made liable to a penalty. Clause 21 provides for the establishment by local councils of public disinfecting rooms for the use of the ratepayers, and for the sale of disinfectants and deodorants. When disease has attacked the poor, it is a great loss to them to have to destroy beds and bedding, and this loss may be avoided by the councils providing places where these articles may be disinfected at a small charge. By clause 22 it is provided that the council, when required by the Minister, shall carry out the provisions of sections 78, 79, 80, 111, 117, 118, 119, 121, 124, 135, and 137 of the principal Act. Those sections relate to the following matters—the destruction and payment of compensation for all clothing or other articles which have been exposed to infection; the providing of proper places, with all necessary apparatus for the disinfection of bedding, &c.; the conveyance to hospitals of persons suffering from infectious or contagious disease; the closing of polluted wells or other sources of domestic water



supply; the filling-up or drainage of stagnant water-holes; the raising of low-lying land by the owner or occupier to the level of the nearest street; the fencing in of excavations; the provision of public privies or urinals; the filling-up of cesspools; the transport and utilization or deposit of night-soil; and the provision of places for the deposit of rubbish. Clause 23 provides for the reporting of the appearance of eruptive disease on any vessel lying in Victorian waters. This is to meet the case of disease appearing on a vessel after it has been cleared by the health officer. Clause 24 places all vessels lying in Victorian waters, for the purpose of enforcing sanitary measures, under the jurisdiction of the Minister and the nearest municipal council. Clause 25 substitutes an improved provision for section 22 of the Compulsory Vaccination Act, which only applies when small-pox has broken out in the colony. The existing law is defective, as it only provides for reporting any disease "resembling small-pox," while the new clause compels the reporting of any disease "attended with eruption or eruptive symptoms." Clause 26 is in substitution of section 91 of the principal Act, and defines what shall be deemed offensive trades. The new provision includes among offensive trades slaughter-houses or abattoirs, and excludes sugar-works. Where sugar-works, however, are in the nature of an offensive trade, they will come under certain provisions to be found in the clause. Clause 28 is an improvement of section 130 of the principal Act, by providing that the yards and stables of slaughter-houses, as well as the slaughter-houses themselves, shall be paved with impervious material, and shall be provided with such impervious drains and receptacles for offal, &c., as the council may direct. By clauses 29 and 30 the penalty for spilling or depositing night-soil in the street is very much increased. By clause 31 the provisions of section 118 of the principal Act (which empowers the local board to order the owner of low-lying land to fill it up to the level of the street) are extended to all shires or parts of shires to which the provisions of sections 128, 129, 130, and 131 have been or may be applied by the Governor in Council. This is to meet the case of places like Beechworth, Kilmore, and Kyneton. By clause 33, power is given to local councils to provide what are termed "destructors" or incinerators, for destroying night-soil, manure, offal, &c. A destructor has already been purchased and erected by

*Hon. H. Cuthbert.*

the council of the city of Melbourne, at a cost, I believe, of £6,000. The cost of a machine to supply the wants of a population of 10,000 would be about £2,000. It is not incumbent on councils to go to this expense unless directed by the Minister, and I dare say the experiment will be first tried fully in and about the metropolis. Clause 34 greatly extends the powers of local bodies in regard to the making of by-laws, and I believe it will be found very useful indeed. It has been adopted by the Government on the recommendation of the Sanitary Commission. Clause 35 provides that drainage into rivers may be prohibited. Clause 37 relates to dépôts for the reception of night-soil. The Minister is empowered to prohibit the further use of any place used as a dépôt, and the clause also contains the following provision, which was inserted on the recommendation of the Sanitary Commission:—

"Where the Minister makes an order prohibiting the further use of any such place, he may also direct that the surface of such place be covered with a layer of clean earth not less than nine inches in depth, and also that no building be erected on such place until the whole surface thereof be rendered impervious by asphalt or other means, and until the Minister or any council named in such order shall give consent in writing for the erection of such building."

The erection of dwelling houses on land where there has been an accumulation of filth of every description, a thin layer of earth being simply placed over the refuse, has frequently been the cause of outbreaks of typhoid fever, and this practice is not to be allowed in future. Clause 38 relates to the prohibition of keeping swine or dogs near abattoirs, and I think will recommend itself to the House. If a dog is kept near such a place he must be constantly chained. We know that dogs communicate hydatids, and disease might be greatly disseminated by them if they were allowed to roam about abattoirs. Clause 39 repeals section 129 of the principal Act, and provides that no person shall keep swine, sheep, or cattle on any butchers' premises, or dress any carcass for sale on such premises, unless the premises are licensed for slaughtering. The object of this is to prevent slaughtering in the back yards of butchers' shops, and to compel the use of duly licensed slaughter-houses. On one occasion a man was caught by an inspector of the Central Board of Health slaughtering calves on the banks of the Yarra. I do not know whether clause 40 goes quite far enough. It empowers a council to cause a notice to be posted up in the

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neighbourhood of any river, water-course, well, or reservoir, that the water is required for drinking purposes, and that pigs and geese are prohibited from trespassing thereon. Any person subsequently allowing his pigs or geese to trespass there is to be held guilty of an offence against this measure, and on a second trespass within a month after conviction the council may cause the pigs or geese to be seized and sold, the proceeds going into the municipal fund. The difficulty is how are the council to catch the geese, and I am inclined to think that it would be better to give power to destroy them. Clauses 42 to 48 relate to dwelling-houses and streets, and I have no doubt that Mr. Melville will have something to say on this part of the measure. I do not know whether clause 46 goes far enough to meet the honorable member's views. It will be remembered that a couple of years ago the honorable member raised a discussion on the question of permitting buildings to be erected on very small pieces of ground, and there was a very strong objection shown by honorable members to allowing the land about Melbourne to be subdivided into too small allotments. Certain provisions were prepared on the subject, and those provisions are embodied in clause 46 of this Bill. The clause provides that no person after the commencement of this measure shall erect a dwelling-house—the provision does not apply to simple places of business—in any city, town, or borough, or in any portion of a shire which has been at any time a borough or to which part 1 of the Police Offences Statute 1865 is applicable, unless on the following conditions—

“Unless the land forming the site or curtilage of such house has an area of 40 perches at the least of which 14 perches at the least shall be the garden or yard of such dwelling-house and exclusively used as such and for the offices thereof; or unless the land forming the site or curtilage of such house has a depth of at least 100 feet, of which 33 feet by the full frontage shall be the garden or yard of such dwelling-house and exclusively used as such and for the offices thereof, and such land has a frontage to a street or right-of-way existing at the commencement of this Act being 22 feet wide including footpaths, or to a street or a right-of-way hereafter to be laid out or formed being 50 feet wide at the least including footpaths, and unless there is reasonable access to the back premises and offices of such house available for the removal of night-soil and other refuse to some street or road without passing through the house, and unless such house and the site and curtilage thereof can be properly drained, and the surveyor of the municipality, or, if there is no surveyor, the clerk of the municipality has certified to that effect by writing under his hand.”

The latter part of the clause contains provisions to the effect—first, that no person erecting a dwelling-house having a frontage only to a street or right-of-way less than 50 feet wide, including footpaths, shall erect the same or any part thereof within 22 feet of the centre of such street or right-of-way; secondly, that if any parcel of land has at the commencement of the measure a principal frontage to one street or right-of-way and a subordinate frontage to another street or right-of-way it shall not be lawful to erect any dwelling-house with the subordinate frontage only, unless the street or right-of-way at this frontage is not less than 50 feet wide including footpaths; and thirdly, that nothing in the clause shall prevent the completion of any dwelling-house in course of erection at the commencement of the measure. As to the first condition it may be said that a quarter of an acre is too large an area to require, and that perhaps, half the quantity would be sufficient. This provision, however, refers to persons building on a narrow street or right-of-way. If a man has a quarter-acre allotment abutting on a right-of-way 22 feet wide he has plenty of room to go back when building, say 11 feet, and then, with the width of the right-of-way, there will be a distance of 44 feet between his building and that of his neighbour opposite. The intention of the second condition is that in cutting up land in future there must be a depth of at least 100 feet, and a frontage to a street or right-of-way 50 feet wide, and a right-of-way at the back for the removal of night-soil and other refuse without passing through the house. This depth of 100 feet will allow say 67 feet to build upon, the remainder of the area being available for yard and out-houses.

The Hon. W. A. ZEAL.—The clause would stop all building.

The Hon. H. CUTHBERT.—No; it applies to the future laying out of allotments.

The Hon. D. MELVILLE.—But is not the clause retrospective?

The Hon. H. CUTHBERT.—No. I expected that this clause would give rise to some discussion, but I have no doubt the House will pass it in some form or other. By clause 48 power is given to the Governor in Council to suspend the operation of the provision with respect to any portion or portions used for the purposes of business in any city, town or borough. There may be parts of a city where an existing right-of-way is not 22 feet wide, and yet where it may be desirable to allow places of