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1901-10-23

Senate.

The President took the chair at 2.30 p.m., and read prayers.

#### MOTION OF CENSURE

Special Adjournment

Post master-General

Senator DRAKE

. - I beg to move -

That the Senate, at its rising, adjourn until Wednesday next, at half-past two p.m.

It is hardly necessary for me to say anything on this motion, because the reasons that are actuating me in moving it are the same as those stated by the Vice-President of the Executive Council in moving the adjournment of the Senate until today.

Senator HIGGS

- I am still of the same opinion as. I was when a similar motion was under review last week. I think these adjournments are a very great waste of our very valuable time. Personally, I find the holiday, if it may be so called, most objectionable. I really find a difficulty in putting in my time in a profitable way. Though I know there is a very great deal of important legislation which we will have to study, still through these adjournments I do not feel at all inclined to settle down to serious work. I suppose that is also the condition of mind of other senators. I am inclined to think that the attitude which some of us took up last week - that there was no occasion whatever for the Senate to adjourn while a motion of censure was under consideration in another place - was a justifiable attitude. There is such a very great deal of legislation which must be passed in the interests of the whole Commonwealth, and with a view to running the federal service smoothly, that I think we ought to go right on.

Senator Sir William Zeal

- Suppose the Government are defeated, we. cannot bind their successors.

Senator HIGGS

- The honorable senator is only meeting trouble half way. If the Government is to be defeated, it will be quite time enough for us to consider that defeat when it happens, and we should not be in any worse position if we went on with the consideration of several of the Bills now before us. This unfortunate delay is possibly going to keep us here right into next year, and I am sure none of the senators who come from other States than Victoria desire that to happen. I do not at all agree with the proposal.. I think the motion which has occasioned this delay is, as I have said before, only a means of doing certain propaganda work.

The PRESIDENT

- I do not think the honorable senator ought to discuss any motion which is before another branch of the legislature.

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Senator HIGGS

- No ; but surely we should be permitted to consider what is at the bottom of the proposal that we should adjourn? Nothing has occurred during the past week which, in my opinion, places the adjournment now proposed in any more reasonable light. I think that the more attention we give to the reasons for the proposed adjournment, the more we must feel that there is little or no business in the proposition at all. It must be remembered that we have come from the other States to do business. Next year I imagine that when we, from Queensland, at any rate, will be expected to be in Melbourne, our presence will be required in our own State. I know that others, who come from Queensland, as well as myself, will feel it a great hardship if they are obliged to remain in Melbourne during the months of January, February, and March of next year.. I should like those who are in a position to express an opinion as to why we should go right on with the business, to do so this afternoon, because I believe that some further information has come to the minds of some honorable senators to show that the position we took up last week was the correct one.

Senator DOBSON

- Like Senator Biggs, I have felt exceedingly inconvenienced by these repeated delays; and I am still of

the same opinion as before, that there is no necessity for the Senate to' adjourn under the circumstances. I make that statement again, and I do so now, confirmed by the authority of Mr. MacArthur, one of the Liberal "Whips" of the House of' of Commons. I had the pleasure of travelling to Sydney with, him- last week. I mentioned what the Senate proposed, and the reply that it was quite unconstitutional and unheard of for the Senate to continue to do its business while the Government were meeting a vote of want of confidence in another Chamber. He said, that had. we continued to do our business it would have been quite in accordance with Imperial precedent.

Senator DRAKE

- The House of Lords precedent. We do not want our practice to be governed by the House of Lords.

Senator Higgs

- What was proposed last week was that we should follow the practice of the House of Lords and of every other Upper House.

Senator DOBSON

- It appears to me that we have to make our own precedents. Ministers have not given sufficient attention to the fact that we have certain' machinery legislation to pass if we are to lay the foundation of the Commonwealth. There are matters before us of more importance- than this motion of censure- in another place. At the same time, there are matters- that are before us which are not of a contentious or a party nature, but absolutely and positively of a judicial nature. It therefore appears to me that we are shirking, our work, and positively wasting our time by refusing to go on.. One of the judicial matters, I refer to, is about the first on- the notice paper, dealing, with the petition against the return of an honorable- senator. We all know that the Senate is getting, into disrepute- because of the- delay which, has attended the hearing, of that important matter. Why should' not that matter hn.ve been discussed' last week, and why should it not be discussed now? Everything, common sense; our own dignity, and justice- demand! that we should) now or to-morrow discuss that matter, and not adjourn because of what has taken place in another place. I point out that Members of Parliament may die or may have to resign, and there is no machinery whatever for their election upon a uniform basis. We should, have had the Elections Bill introduced here; as we understood was to bethe case; last week, and that measure could have been gone on with. Why should we not go on with the Public Service Bill that was introduced in another place ? There is nothing particularly contentious about it.

Senator Glassey

- How was Mr. L. E. Groom elected for Darling Downs on the death of his father?

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Senator DOBSON

- What I say is that there is no uniform method of election. With the machinery we have, we can go on, but it is not as perfect as we should\* like it to be. I am pointing out that there is a difference between business of a contentious and party character, and business of a purely formal character which must be done by this Chamber no matter who is in office. I think that in making. our own. precedents, as we must, we are exceedingly foolish in maintaining in the first session of the Federal Parliament that our business must come to a standstill, because a vote of censure upon the Government is moved in another place. I point out to the Minister that the whole complexion of our work has been, altered by the debate which has taken, place. I do not suppose foi- a moment that any Tariff proposals emanating from; the present, or any other- Government will be laid upon the table of the Senate before Christmas. That means that we shall, have to adjourn or prorogue for a time, and to come back immediately after. Christmas; and during the hot weather, in order to enable the: Senate to discuss the uniform Tariff, without which we cannot get on. This delay is causing an enormous amount of: harm, injury, and disturbance to trade. One hears: that every hour one is in the street and is brought face to face with business men. Owing, to these delays and this- debate it is perfectly certain that no Tariff will be- agreed to by Parliament this side of Christmas. All these things should be considered, and Ministers should, put on their- thinking caps and try to bring 'the1 debate in: another place to a termination-,, in order that as soon as possible- we in. the. Senate may know when it is likely that we shall be able to get on with the important business of the Tariff. I do not suggest that we should go on with business at this moment, because I understand that the Vice-President of the Executive Council is not here, and there may be one or two other senators who have not come, thinking that there would be an adjournment. I understand that the Postmaster-General, with that courtesy

and kindness for which he is famous, sent a telegram to our friends who were visiting Tasmania as members of the select committee on steam-ship communication with that State, to inform them that there would be an adjournment this week. I find that the whole of those honorable senators are present to-day, and prepared to go on with business. In order to test the matter, and in order that we may make our own precedents and have this matter fully discussed, I move -

That the words "Wednesday next" be omitted, with a view to insert in lieu thereof the word "to-morrow."  
The PRESIDENT

- I point out to the honorable and learned senator that the amendment is a direct negative. The motion before the House is "That the House at its rising adjourn until Wednesday next, the 30th inst.," and if that motion is negatived, the House will meet to-morrow at half-past two o'clock.

Senator Sir JOHN DOWNER

- As honorable senators know, I was one of the comparatively few who took the view that there was no necessity for an adjournment in consequence of anything that was being done in the other House. I pointed out that a number of Bills had been sent up from the House of Representatives which we might fairly go on with, and to which we might devote our time instead of being - and I sympathize very much with Senator Higgs on this point - simply thrown adrift, having our time wasted, and doing no good to ourselves or anybody else. The Senate took a different view about that. Senator O'Connor put the matter as strongly as it could be put from his own point of view. The honorable and learned senator treated it in this way : In the case of a no-confidence motion in either House, he contended that it would be a little indecent to go on with business, and that the challenge that was given was a challenge to him as leader of the Senate, as well as to other members of the Cabinet in the House of Representatives. The Senate generally took that view, and, certainly against my opinions on the subject, agreed to adjourn until the road was cleared by the no confidence motion being disposed of. It was on that understanding that we adjourned. We hoped the discussion upon the motion would have been over before now ; certainly I hoped so when the adjournment was carried. Senator Dobson has just told us that the members of the Senate visiting Tasmania had notice direct from the Postmaster-General of the intention to adjourn to-day, and I saw in the Sydney papers a statement that the Senate was going to adjourn, and that honorable senators need not therefore trouble to attend. That was undoubtedly the understanding come to, whether rightly or wrongly, and I think it will have to rule so far as this particular occasion is concerned. It would be well, however, for us to treat it as a warning rather than as a precedent, and not to allow the same thing to occur again. Whatever may be my own personal feeling, it appears to me that the Senate deliberately and thoughtfully resolved upon adjourning until the no confidence motion was disposed of. We adjourned until to-day, believing that in the meantime it would be disposed of. We settled the principle, at all events, for this occasion, and we have now no alternative but to again adjourn.

Senator Dobson

- We did not do it deliberately or thoughtfully. ' We had not time to discuss it.

Senator Sir JOHN DOWNER

- It was discussed a good deal. Having acted upon that principle, which should never be accepted as a general principle, but as a warning for the future, I think that so far as this occasion is concerned we must carry it out. It has undoubtedly had the effect of keeping honorable senators away who are never absent. They have stayed away by direct invitation, and on the assumption that the Senate would follow the resolution already arrived at until this particular crisis was disposed of. Under the circumstances, I hope that the motion submitted by the Postmaster-General will be carried.

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Senator PULSFORD

- I ought to say on behalf of three New South Wales senators that they had berths engaged in last night's train, and but for news being received in Sydney that last week's procedure would be followed again this week, they would have been in their places to-day. Such being the case, I judge that it would be quite out of the question for last week's procedure to be varied this week. At the same time I should like to express some regret at the break in our proceedings. I confess I do not see that it would be possible for the Government to go on with their own work in this Chamber, but in view of the fact that we have on the business-paper a considerable amount of private business which has been interrupted, I think, for at least two months, it would have been a fair compromise if the Senate had arranged to allow Government

business to stand on one side in favour of private business, until the proceedings now taking place in the House of Representatives had terminated. I hope that should an occasion like this again arise, some such discrimination between Government and private business will be made.

Senator Sir JOSIAH SYMON

- I should only like to say that I was one of those who strongly took the view that was announced to the Chamber by the Vice-President of the Executive Council. It appeared to me then, and it still appears to me, that the constitutional course was that which was then pursued by the Government. Undoubtedly it is a course which involves, and particularly on this occasion, very considerable inconvenience to honorable senators, and more so perhaps from the point of view just suggested by Senator Pulsford, that is in regard to the private business upon the notice-paper. But unfortunately these exigencies are attended on all occasions with more or less inconvenience. The public business has, in the interests of the country, to be pursued in various ways, and it may happen that the pursuit of the paramount public interest in a particular direction may involve inconvenience in individual cases. It therefore seems to me that we must have regard so far as we can in these instances to the constitutional usage which we have adopted, and therefore even if we felt disposed, from the point of view just suggested, to adopt some kind of compromise, that might be a matter for later consideration. We should scarcely be justified, however, in departing from the course we followed a week ago, and upon which honorable senators have felt themselves free to act ever since. I may say that specially feel the inconvenience in relation to the election matter affecting Senator Matheson. I certainly had hoped that that would have been disposed of to-day, and it is just possible that, so far as I am personally concerned, I may not be able to be here next week when it may be dealt with. Therefore, in adhering to the position which the Government took up, I think constitutionally, on the last occasion when this matter was dealt with and this procedure was followed, I am doing so under a sense of special personal inconvenience in relation to a matter of public business in which I take a very deep interest.

Senator Lt Col NEILD

- I only rise to ask whether the Postmaster-General when replying will be kind enough to inform the Senate whether the House of Representatives will be prepared to adjourn if a similar motion to that which is being discussed in another place is moved here?

Senator Sir John Downer

- I asked that question before, and I could not get on answer.

Question resolved in the affirmative.

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14:52:00

Senate adjourned at 2.52 p.m.