

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 7 SEPTEMBER 1865**

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## LEGISLATIVE ASSEMBLY.

*Thursday, 7 September, 1865.*

Alteration of the Hours of Sitting.—Proposed Increase to Auditor-General's Salary.—Eastern Downs Electoral Roll (Report from Committee).—Telegraph Extension to the Gulf of Carpentaria.—Adjustment of Accounts with New South Wales.—Proposed Remittance to Imperial Emigration Commissioners.—Jury Bill (discharged).—Health Bill (discharged).

## ALTERATION OF THE HOURS OF SITTING.

On the motion of the COLONIAL SECRETARY, the House ordered—"That the ordinary sitting of this House, to-morrow, do terminate at 1 p.m., and that this House do sit again on the same day, at 5 p.m."

## PROPOSED INCREASE TO AUDITOR-GENERAL'S SALARY.

The COLONIAL SECRETARY moved—"That this House will, to-morrow, resolve itself into a committee of the whole, to consider of an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for the service of the year 1866, the sum of £200, for the purpose of raising the salary of

the Auditor-General to £800 per annum." He explained that this motion was made in consequence of the accidental omission of the item from the Estimates, and that it should have appeared on the Estimates-in-chief, because of a promise that had been made by the Government to the Auditor-General, that the subject should be brought under the consideration of the House during the present year. It was well known that that gentleman had received no increase of salary since the Audit Act was passed in 1860—since his appointment as Auditor-General. He (the Colonial Secretary) had the less reluctance in bringing the motion forward, as the gentleman was not in the civil service, and was not therefore affected by the increase to officers provided under the Civil Service Act, the provisions of which did not apply to him. That was a matter he pressed on the House; for the salary might be increased without reference to the civil servants. He would suggest, further, that the Auditor-General, from his high position, should receive a higher salary than he now had.

Mr. MACKENZIE said, in the first place, the salary of the Auditor-General was fixed by Act of Parliament; and, secondly, a motion had come before the House, only a short time ago, to raise the salaries of certain officers, amongst whom was included the Auditor-General, and the honorable the Colonial Secretary himself had objected to it, and proposed to bring the subject before the House next session. Rumors were afloat that this had been forced on the Government, and that the Auditor-General had threatened to resign. He wished to be understood that he had no objection to the Auditor-General getting £200 a year more added to his salary; but he did not see that that gentleman held a higher position than any other of the officers who had been named in the former motion. He was quite willing that he should get it, and that the others should get it also, but he could not see why, under the circumstances, one officer should be sought out for an increase. Wait until the question was brought before the House in its entirety; then the House could deal with it. At present, it was brought out in driblets: the Chairman of Committees, the Auditor-General, and, next, somebody else. He (Mr. Mackenzie) must oppose the motion.

Mr. BLAKENEY said: As the honorable member who had just sat down had referred to the Act, he thought it would not be inappropriate to quote the 3rd section of 25 Victoria, No. 15, which was known as the Audit Act:—

"The Auditor-General appointed under this Act during his continuance in office shall not be capable of being a member of the Executive Council or of either House of Parliament and shall receive a clear annual salary of six hundred pounds and such salary shall be a charge upon and paid out of the consolidated revenue after and subject to the payment and satisfaction of all

other sums which at the time of the passing of this Act were by law permanently charged thereon."

Now, there was an Act of Parliament shewing what the salary was; and, although it might appear invidious for him to oppose the increase of the salary of a gentleman whom he esteemed highly, and whom he might call by the name of friend, he did so because he thought that, if carried, it would be an injustice to the Registrar-General, unless he also got an increase. There was certainly the understanding, when the Registrar-General took office, that his salary was to be £800 a year. Of course, an arrangement made with the Government was contingent on the vote of the House. The sum of £800 was placed on the Estimates, but it was reduced by the House to £600. The Registrar-General sacrificed salary when he gave up his former office and took his present one; and if any proposal for increase deserved to be brought forward at the end of the session, it should have been for that officer. Why another officer, whose salary was fixed by Act of Parliament, should be singled out for an increase, he (Mr. Blakeney) could not see. He admitted that both officers deserved an increase, and he should be glad if the colony could afford it; but he would not agree to any increase until the Registrar-General had justice done him.

The COLONIAL TREASURER said he did not think that the principal reason which the honorable member for the Burnett, Mr. Mackenzie, had advanced against the motion was a true and a good one. It was true, that the Act specified £600 a year as the salary of the Auditor-General; but it appeared to him (the Colonial Treasurer) that there was nothing in the Act which prevented the House voting £200 a year more: it did not interfere with anything the House might choose to vote. If that was the correct view, he thought that the other reason alleged by the honorable member, Mr. Mackenzie, was not a good one. There was no analogy between the Auditor-General and the officers of the civil service who were of a similar grade; because the heads of departments in the civil service were all officers under the Government, while the Auditor-General was actually an officer of the Parliament, and distinct altogether from the Government: and, therefore, the House had a right to consider an increase to his salary when it was proposed. Those two reasons being disposed of, he thought the House might see fit to vote the amount asked for.

Mr. R. CRIBB observed that it was very unfair of the Government to put the House in such a position as they were in with such a motion. While he must vote against it on principle, if he studied his private feelings, as a friend of the Auditor-General, he should vote for it. He appealed to the Speaker to inform him whether the motion could be put, in the face of an Act of Parliament?

He thought there must be a Bill to amend the Act. What was the use of an Act of Parliament if a resolution of the House could override it? He thought that the Government should wait until the whole subject of the salaries of the heads of departments was brought forward. What did the honorable the Colonial Secretary mean, by saying that the proposed addition was omitted from the Estimates?

The COLONIAL SECRETARY explained that it had been omitted by mistake from the last batch of Supplementary Estimates, the promise of an increase having been given to the Auditor-General only a short time ago.

Mr. R. CRIBB: That only made the matter worse—to put it on the Estimates without any instruction from the House.

Mr. PRING.: Why did he not bring in a Bill like the Chief Justice's Salary Increase Bill?

Dr. CHALLINOR said he opposed the motion on the same ground as he had opposed a former motion for the increase of salaries—to avoid having an increased salary as a starting point for the commission, who would compare the duties of other officers with those of the Auditor-General. He thought the House ought to reject the motion.

Mr. PUGH said he felt in a very awkward position. He believed that the principle of having all heads of departments on a level as regarded salary was wrong. It was perfectly absurd to put the overseer of a printing office on the same footing as the Collector of Customs. While he should be very glad to see the Auditor-General get what he ought to have, he did not think the Government should have brought the motion before the House at this stage. If they intended to propose a commission to inquire into the subject of the salaries and the duties of the heads of the departments, it was unnecessary to bring the motion forward. He wanted to know what was the necessity for a Bill to increase the salary of the Chief Justice?—and why a Bill was required to increase the salaries of Ministers? If it was necessary in those cases, it was equally so in the present case, for the salary of the Auditor-General was fixed by statute. He believed the salary, as laid down, was not too high; and, further, that the Auditor-General had been placed in a false position since Separation. He found the Registrar-General getting his £300 gratuity, which made his salary very much more than £600 a year since Separation; he found the Collector of Customs getting £100 a year as Water Police Magistrate, and he might multiply instances: but the Auditor-General had not been treated fairly, being kept at £600 a year all the time.

Mr. WALSH said he was prepared to vote for the motion conditionally. He really thought the Auditor-General, like all the heads of departments, was not adequately paid, and he regretted that the Government

had not made a greater effort to have them properly remunerated. He would vote for the motion only on condition that the increase should be given to the Auditor-General on the understanding that he must give up private practice, and that he should devote the whole of his time between certain hours of the day to the public service; and on no other condition ought the House to consent to it. He was satisfied, from information that had reached him, that a great deal too much of the time of public officers in Brisbane was devoted to private practice. Such a system should not exist. If the Government would assent to the condition he asked for, he hoped that other honorable members who had spoken against the motion would vote for it. He thought it was parsimony of the worst form to underpay such officers as the Collector of Customs, the Auditor-General, and the Registrar-General.

Mr. PRING said he had a great respect for the Auditor-General, as he believed every honorable member of the House had; but their respect must give way when the interests of the colony were concerned; because, he took it, they were met to do the best they could for the interests of all the people of the colony, and the Government were especially bound to take the greatest care of those interests. The Government ought to be a little careful about coming down with motions of this kind, without having considered whether or not they were justified in doing so. It was perfectly clear that the Government had misunderstood their duties, or, if they had not misunderstood them, that they were ignorant of them, and therefore greatly to blame. But he could not believe that such a talented man as the honorable the Colonial Secretary was represented to be, would come down to the House with supplementary estimates to increase the salary of an officer which was fixed by an Act of Parliament, and that one of his own creation—the Audit Act. Why was that Audit Act passed? The Colonial Secretary knew—or, he should know;—if he did not, he (Mr. Pring) would tell him. It was passed so that the Auditor-General should not be under the influence of the Government—that he should scrutinise the accounts of the public for the public—that when he furnished his report of the public accounts to the House, it should be an unbiassed report, as between the Government and the Legislature, who represented the people whose affairs the Government administered. That Act having been passed for what was thought to be, and for what might be, a very good purpose, it would be found that it placed the Auditor-General in pretty much the same position as the Supreme Court Act placed the Judges of the colony. The Judges could only be removed by Her Majesty, upon an Address from both Houses of Parliament; and the Auditor-General could be removed only upon an Address from both Houses of Parliament

to the Governor; therefore, his office was not dependent upon the Government, nor upon the Legislative Assembly or the Legislative Council, but upon both Houses jointly. The Auditor-General's salary was secured by Act of Parliament. He could perform his duties without being fettered or controlled by any Government for the time being. That being so, what was the effect of the supplementary estimate—even if one had been brought before the House in the first place? It might be said that it was to increase the Auditor-General's salary; but might not the country put this interpretation upon it?—he did not say that it was so—that the Auditor-General finding out that the Government accounts were in a bad state, the Government said: "We will get you £200 a year more to keep your tongue quiet"? If the Auditor-General was, by the Audit Act, secured against the action of the Government, then he should be secured in his £200 a year increase by Act of Parliament. Then he would be placed in the same position as he was in under the Audit Act. If he was to get an increase in the way proposed, the Audit Act was not worth a farthing. If he could get £200 extra in that way, why could not his income be supplemented as easily by £1,000? Why was not the proposition brought down before? He was not aware that the Government had such a large amount of business before them for the last six or seven months, that it should have prevented them from bringing down a Bill of two or three lines to settle the matter—the same as the Chief Justice's Salary Increase Bill; and, perhaps, it would have suffered the same fate. He should like to know how it was that the Estimates should be supplemented by a new Audit Act; or, who advised the Government in the matter? The advice was like that once given, that resolutions were as good as an Act of Parliament; but a very different interpretation was put upon it when the opinion of the Crown Law Officers came out from home. He supposed that was the kind of advice that the Government had received recently. Why should the House not have a Bill? Perhaps the Parliamentary Draftsman had too much business, and could not find time to draw a little Bill. Perhaps it was easier for the Colonial Treasurer, in his *bureau*, to work the motion up, because the item was omitted from the Estimates by mistake. He (Mr. Pring) doubted whether it was omitted by mistake. He thought it was a little afterthought; and, perhaps, a little pressure had been brought to bear. However, it appeared to him that, if the House acted consistently with their duties, they would not open the door to comment. If it was considered necessary on a previous occasion to secure the Auditor-General in such a manner as was shewn under the provisions of the Audit Act, it was now necessary to secure him in his increase by another Act. It was not

business-like to ask the House to vote that officer an increase in the way proposed; it placed the Auditor-General in the anomalous position of receiving £600 a year by Act of Parliament, of which he could not be deprived, and getting £200 a year according to the humor of the Government; for, though it should be voted this year, they might not think proper to put it on the Estimates next year. He (Mr. Pring) asked, was it right of the Government to put him in that false position?—or would it be right for the House to put him in that position? Let the House grant the increase whenever a Bill to amend the Audit Act should be brought down for their consideration; but not in the way now proposed by the Government. It was a very hard thing for the Auditor-General, if he deserved the salary—and he did deserve it—that he should not get the increase. If £200 were handed over to the Auditor-General by the House, it could not be considered as salary; it would be a gratuity. Of course, the House had a legitimate right to grant a gratuity; but it should not be called increase to salary. But if the parliamentary business was to be carried on in a proper manner, he (Mr. Pring) submitted that the £200 increase to the Auditor-General's salary ought to be secured by an Act of Parliament, and not by supplementary estimates.

Mr. DOUGLAS observed that a new light had evidently dawned on the honorable and learned member (Mr. Pring) since he had parted from the fostering care of the paternal Government of whom he had spoken. There was some hope for the future from him. He was, of course, bound to presume that the honorable and learned member had cast away the works of darkness and was about to become a child of light.

Mr. PRING: I am perfectly right in every word I said.

Mr. DOUGLAS congratulated the honorable member on the mere fact that he was about to propound some doctrines that would shake the foundations of the substructure on which the Government were based. He cordially agreed with him, and admired the stand which the honorable member had taken. It was very undesirable that the Auditor-General should be merely the servant of the House.

Mr. BLAKENEY: Or of the Government.

Mr. DOUGLAS: His salary was fixed by Act of Parliament, so that he should be exempt from the influences that might be brought to bear on him were he in a less independent position. Were the House to consider, every year, what they should vote for his salary? He hoped not, for that would completely alter his position. He was quite willing to concede to the Auditor-General what was generally conceded to him; and he believed that he was the most deserving officer, and the hardest working, in the public service. Although that gentleman did his work to the satisfaction of the Govern-

ment and the country, he found that he had a great deal of extra time. It was not as if he were overburdened with work, and had no other means of livelihood; it was well-known that he devoted more of leisure hours to work and study than other officials did, and that he made £400 a year more than he received from the Government. But that should not bear upon his claims to consideration next session. It was hardly fair that the Audit Office should be exempted from the operations of the committee or commission that had been referred to, for the purpose of inquiring into the duties and remuneration of the higher officers of the public service. If it were desirable to know the amount of work that was performed, or whether any of the officials were oppressed with any work that they ought to perform, there was no reason why the Audit Office should be exempted. If it should be found that the increase was deserved, he (Mr. Douglas) hoped it would be secured to the Auditor-General by an Act of Parliament, as his present salary was under the Audit Act.

THE SECRETARY FOR LANDS AND WORKS said he was desirous of offering an opinion on the question before the House, and he must say that he concurred to a certain extent with what had fallen from the honorable member for Port Curtis. But he could not help expressing his astonishment and regret at the observations of his honorable colleague the member for Ipswich, Mr. Pring, because it struck him that that honorable member had put forth an argument which told most severely against himself. As he understood him, the honorable member first maintained that the Government had no right to propose, and that the House would not be justified in voting, a sum of money to increase a salary that was secured by Act of Parliament. That was the whole drift of his argument. He (the Secretary for Lands and Works) asked the honorable member whether he did not recollect the time when the salaries of Ministers, secured by Act of Parliament, were only £700 a year?—and he should like to know from him, whether the honorable member waited for an Act of Parliament to be passed before he received the increase that was voted by the House, and which made the salaries £1,000 a year? And, further, he should like to ask the honorable member whether, on a subsequent occasion, when those salaries were authorised to be raised, he waited till an Act was passed, before he received the increase? He thought the honorable member ought to keep those facts in mind when he charged the Government with impropriety. He admitted at once that a salary fixed by Act of Parliament, if increased permanently, ought to be secured by another Act; but he had yet to learn that because an Act of Parliament fixed a salary it was incompetent for the House to increase the salary by their vote. He maintained that there was no

impropriety whatever in the House supplementing a salary fixed by Act of Parliament, if they considered that the services of the recipient of the salary deserved anything of the kind. But the House were never told by his honorable colleague at the head of the Government, that it was not intended to increase the salary of the Auditor-General by Act of Parliament; they were never told that the Government were coming down from year to year—

MR. PRING: The Government never thought of it till now—when they were told.

THE SECRETARY FOR LANDS AND WORKS: If he recollected aright, he could say that the honorable and learned member (Mr. Pring) was present at the meeting of the Executive at which it was proposed to increase this salary. He had not the slightest objection to the honorable member divulging anything he liked; but what he had already stated he repeated, that there was nothing improper in the House increasing this salary, if they thought that the services of the Auditor-General were deserving of it. But the Government never intended that that officer should continue to receive £200 a year without coming down to the House to ask them to legalise it by Act of Parliament. He would refer to the Bill which had been brought in to increase the salary of the Chief Justice, and ignominiously thrown out. What was the use of the Government bringing down another Bill to increase the salary of the Auditor-General without knowing the feeling of the House? The Auditor-General was not in the position of a subordinate head of a department. He stood in the position between the Parliament and the Government, and he had no business to be placed in the list of those officers whose salaries were lately brought forward for increase. He stood in a separate and distinct position; and although the House did reject the proposal, and were perfectly justified in so doing, on the ground that it was intended to make an inquiry into the departments next session, and to give an increase to those officers who deserved it, that did not relieve the Government from the pledge they had made to bring forward a proposition to increase the salary of the Auditor-General, who was not a subordinate officer of the Government at all. It was admitted on all hands that that officer was deserving of an increase; it had been admitted that he performed his duties most efficiently; and honorable members had expressed a desire to give him the increase, provided the Government would bring down a Bill on the subject. Since it was too late in the session to bring down a Bill, if honorable members were in earnest, they would have no objection to vote the increase on the present occasion, and the Government would bring down a Bill next session. But he recommended his honorable colleague to withdraw the motion.

Mr. PRING, in explanation, said he was present at no meeting of the Executive at which this increase of salary was brought forward. He was not present at any meeting where estimates or money were considered; his business was elsewhere. He could not have been present a week or two ago, when the matter now under discussion was brought forward; for he had not been at a meeting of the Executive Council for a month. His own salary had been voted by the House, and secured by Act of Parliament, and scheduled in the Estimates; and he denied that he had been in the same position as the Auditor-General.

Mr. JONES contended that, without exhibiting any feeling, it would be best for the House to take a constitutional view of the question. It was admitted on all hands that the salary of the Auditor-General had been fixed by an Act of Parliament, so that that official should be outside the influence of the House and the Government. If the Auditor-General, with his salary so fixed for the purpose of securing his independence and impartiality, looked forward session after session to standing well with a Minister of the Crown for the time being, who would place a vote on the Estimates to increase his salary, there was an end of the Audit Act. Instead of standing independently, that officer would become a courtier and a server of those whose influence was strong enough to increase his salary. He (Mr. Jones) thought that was a state of things that the House should prevent. He had always thought it wrong for officials, heads of departments, to seek in a greedy way to improve their positions at the expense of other gentlemen holding equally high positions. He hoped the subject would be fully considered during the next session of Parliament. It was admitted that the Auditor-General was inadequately paid; but, under the circumstances, it would be better to allow him to remain as he was until next year, and then to have his salary increased in a proper constitutional manner by an Act of Parliament; and to shew that there was no use in any gentleman consulting a Minister and urging him to attempt to get an increase of salary.

The COLONIAL SECRETARY intimated that he intended to withdraw the motion; but he would give way to the honorable member for North Brisbane, who had risen with him.

Mr. BROOKES said he was sorry to be obliged to ask the honorable the Colonial Secretary to give way to him; but he wished to offer a few remarks on the question. He trusted that the honorable the Minister for Lands and Works would not again commit a breach of official etiquette; for he ought not to have spoken of what had taken place at a meeting of the Executive Council.

The SECRETARY FOR LANDS AND WORKS: I did not.

Mr. BROOKES said he had no objection to hear it; for he thought it would be for the good of the colony if more were known. But, perhaps, it would be for the welfare of the Government not to irritate in that matter one who used so lately to sit with them. It could hardly be said that the House would refuse to acknowledge the arguments of the honorable member for Ipswich, the late Attorney-General; because he had put the question before the House in such a way that they could not vote for the motion, even if the Colonial Secretary should not consent to withdraw it. In spite of what had been said by the honorable the Secretary for Lands and Works, it was clear that the motion ought not to have been brought forward; and it was quite amusing that immediately after his endeavor to convince the House that the motion was right, he should advise its withdrawal, and that the honorable the Colonial Secretary should rise and consent to withdraw it. It was only one of those motions which caused the waste of so much time this session, and for which the Speaker had reprimanded one honorable member in a kind and fatherly way: it was a motion of a frivolous and vexatious character. It could not have escaped honorable members, that there was a difficulty between the Auditor-General and the Government as to the way in which the public accounts were kept; and he (Mr. Brookes) thought that the public sympathy was with the Auditor-General. There was an impression abroad that the public accounts were cooked, that they did not represent in a fair and legitimate way the position of the colony. It might be assumed that if the Auditor-General got £200 a year more, he might be more tractable. The motion was one of the greatest possible danger; and he (Mr. Brookes) hoped that after so much had been said about the forthcoming committee, no more such motions would be brought before the House.

The COLONIAL SECRETARY said he merely wished to observe, in answer more especially to what had fallen from the last speaker, that that honorable member did not appear to have looked fairly at the relations of the Auditor-General and the Government. He had brought the motion forward in consequence of a request made by the Auditor-General, and a promise made to him. He asked, were not the Government obliged, looking at the wishes of the Auditor-General, to bring forward his request? In moving the question, he guarded himself against the House regarding it as part of the policy of the Government; and he did not really see how the Government could be blamed for it. The Auditor-General was not one of the civil servants, or else he (the Colonial Secretary) could have answered him by telling him to wait till next session: he was a high official, beyond Executive control. The Government ought not, there-

fore, to be accused of withdrawing from any matter of policy, when he withdrew the motion. He saw it was not the sense of the House to entertain the motion, and that the position of the Auditor-General should be considered with that of officers of another grade; so that he thought, in withdrawing the motion, he was doing justice to that gentleman, as he had desired to do in bringing it forward.

The motion was then, by leave of the House, withdrawn.

#### EASTERN DOWNS ELECTORAL ROLL (REPORT FROM COMMITTEE).

MR. BLAKENEY, in moving the adoption of the report from the select committee on the Eastern Downs electoral roll, said the report was very short, and with the permission of the House he would read it:—

"1. Your committee have examined the returning officer for the district of Eastern Downs, also the clerk of the bench for the town of Warwick; and have received a written statement from Mr. J. C. White, the Police Magistrate for that town, who presided on the revision of the lists for said district.

"2. Your committee beg to report that, in the case under their investigation, the requirements of the Act of Parliament regulating the proceedings of the revision court have not been complied with.

"3. Your committee, without imputing improper motives to the magistrates on this occasion, cannot but consider that a very illegal proceeding has taken place, and regret that a paid magistrate of the colony should not have more carefully observed the explicit directions of the Act of Parliament for regulating the proceedings of these courts.

"4. Under all the circumstances of the case, no roll having been signed or initialed, nor any one of the provisions of the Act of Parliament having been complied with, your committee are of opinion that no legal revision of the roll for 1865-6 took place at this revision court."

It appeared by the evidence, that no objection was made to the names of any electors on the roll, and that was stated to the magistrates in open court,—the court consisting of only three magistrates, the clerk of the court, and one policeman. It appeared then that the list produced by the returning officer was proved to have been the same list in which the Police Magistrate ran his pen through the names of 104 electors, and thus attempted to disfranchise more than one-half of the electors of the Eastern Downs. It was proved, also, that no initials were placed against the names struck out, so that a magistrate might run his pen through a number of names and hand over the list to the clerk, and there was nothing to prevent the clerk from striking out other names in the same way. The Act of Parliament also required that each sheet of the electoral roll should be signed by the magistrate. It had been attempted to be shewn, that it was on account of the division of the Eastern

Downs electorate that these names were struck out, and that it was intended to place them on the proper roll. But that was not done, and, therefore, those electors would not be able to vote in either electorate. The Police Magistrate had admitted that he not only struck out the names of persons who were dead, but those of persons who had left the district. That was not according to the Act of Parliament, and he thought, under these circumstances, the committee could have come to no other decision than that the whole proceedings was null and void, and that there was no proper revision of the electoral roll for the present year. He moved that the report be adopted by the House.

The question was put and passed.

#### TELEGRAPH EXTENSION TO THE GULF OF CARPENTARIA.

The COLONIAL SECRETARY moved, pursuant to notice,—“That it is expedient that the northern extension of the electric telegraph be continued to the Gulf of Carpentaria, and the cost thereof defrayed from the unexpended balance of the amount authorised by the Loan Act of 1863, to be raised for the construction of telegraphs.” The honorable gentleman said the House would recollect that, upon the occasion of his asking for authority to construct in a similar manner, from the surplus of that loan vote, an extension of the telegraph from Roma to Condamine, it was the feeling of the House that the Government should obtain authority to expend the remainder of the vote in further telegraph extension to the north. He thought it was unnecessary to advance any arguments in support of the motion, as he believed the feeling of the House was unanimous in its favor. At no distant date it would be necessary to establish a settlement on the Albert River, or at some other point in the neighborhood of the Gulf, and it would be very difficult for the Government to keep up communication with the settlement unless a line of telegraph were constructed. The advantages of such an extension would not be merely of a colonial character, but it would be an important consideration in the communication with Europe and Asia. He believed the surplus of the vote would be quite sufficient for this extension, that was to say, if the tenders were anything like those which had been sent in for the more southern sections of the line. The character of the country was favorable; it was well timbered, and not very broken; and it might fairly be expected that the cost would not be greater in this case.

The question was put and passed.

#### ADJUSTMENT OF ACCOUNTS WITH NEW SOUTH WALES.

The COLONIAL SECRETARY: Sir, in accordance with the Act 24 Victoria, No. 4, for the adjustment of accounts with New South Wales, I now move—“That this House



approves the appointment by the Government of the Auditor-General, and, if necessary, one other person, as commissioners for the purposes of the Act 24 Victoria, No. 4, for the adjustment of accounts with the colony of New South Wales." I may state that certain communications on this subject have lately passed between this Government and the Government of New South Wales; and the Auditor-General of New South Wales, now on a visit to this colony, has intimated that he sees some hope of a successful re-opening of this question, although, of course, it is impossible to say whether it will be settled. The great difficulty is, that the Acts passed by one colony do not cover the same extent of ground as the Acts passed by the other, and there may be a difficulty in finding a *locus standi* sufficiently broad to form a starting point. The Act of New South Wales mentions certain liabilities which we do not admit of. However, the House will probably be glad to re-open the question, and will assent to this motion, in order that the Government may be able to appoint during the recess one or more commissioners to confer with those of New South Wales. It has been my opinion that the Auditor-General of each colony would be proper persons, without appointing any one else; but the Government of New South Wales are of opinion that such appointments would not be sufficient. They admit that the Auditor-General would be a very proper person for such an office, but they are of opinion that some one else should be associated with these officers on either side, more especially as the inquiry may be protracted, and it might not be possible for those gentlemen to devote their whole time to that duty. As there is no immediate prospect of this appointment being made, I have not been able to mention the name of a second person to act with the Auditor-General, but I presume the House will not object to leave that in the hands of the Government. I have no particular desire to appoint any one besides the Auditor-General unless it is considered absolutely necessary, as such an appointment will, of course, add considerably to the expense of the negotiation. The Act states that these appointments shall be subject to the sanction of the Legislature, and I think, therefore, a general approval of this nature is necessary. But if the House desire to name any second person to be appointed, the Government have no objection. He should be a person of high standing and ability. I do not, however, recommend that such an appointment be made at present.

Mr. MACKENZIE said he had no doubt the House would agree to the appointment of a commissioner, but the Act plainly stated that the commissioners must be nominated and appointed with the approval of Parliament, and he did not see how that proviso could be got over.

Mr. FORBES said that when the Act was passed it was distinctly understood that one member from each House should be appointed, so that they would be in a position to give an explanation of their proceedings in reference to the adjustment of accounts. The honorable member at the head of the Government had also stated that, as the appointments would be made from the two branches of the Legislature, there would be an additional responsibility attaching to them for the due fulfilment of the duties entrusted to them, and they would be better able to satisfy the inquiries on the subject in either House. He was of opinion, also, especially after what had transpired that evening, that the Auditor-General was an officer who could not well be spared from his official duties. It might be well for the colony of New South Wales to appoint their own Auditor-General, as he would be on the spot; but he thought, before an officer holding such a high and responsible position was sent from this colony, some further explanation was necessary.

Mr. WATTS said, if he recollected aright, it was understood, when the question was brought up some few sessions ago, that no such appointments were to be made until the Government of New South Wales had refunded the £18,000 due to the Government of this colony. He thought that understanding ought to be adhered to; he hoped the House would assert their right to that sum before any steps were taken towards an adjustment of the accounts between the two colonies.

Mr. BLAKENEY said, he agreed with the honorable member who had spoken last, that the payment of the £18,000 in question should be insisted upon, prior to any settlement of accounts. He well recollected the animated, not to say angry debate, which took place in reference to the alleged unauthorised payment to the Government of New South Wales of the sum of £1,200 for some purpose connected with the old Government House. Many members at that time, and he was one of them, took exception to the conduct of the Government in paying over that sum, when there was such a large admitted debt due to this colony consisting of rents, licenses, and other receipts since Separation, unjustly and improperly taken by the New South Wales Government. He quite concurred with the honorable member for Western Downs, Mr. Watts, and he thought that before proceeding to any settlement of accounts, this colony should be placed in a proper position in reference to all matters before Separation. This colony had to pay for the gaol before Separation, and in that the Government of New South Wales had done towards Queensland all that the hardest taskmasters could do. All debts existing before Separation ought, he thought, to be settled before any adjustment of accounts were entered into.

Mr. WALSH asked the Colonial Secretary whether the motion before the House embraced any expense to the country?

The COLONIAL SECRETARY: Yes; £4 a day for each commissioner.

Mr. WALSH said, that from his knowledge of certain persons in the neighboring colony, he felt convinced we should never succeed in getting any money from them. He happened to be in Sydney at the time of Separation, and he had taken great interest in this matter, and from the determination evinced by the authorities there, he was quite sure that not one farthing would ever be recovered. He did not, therefore, see the use of employing two commissioners at four guineas a day, as it would only be throwing good money after bad. The cleverest financiers might be appointed to act for this colony, but he believed the youngest member in the House would never live to see the debt liquidated. Supposing it were proved by the commissioners employed that money was due on either side, there would be no means of enforcing the claims, and the attempts to do so would only create ill-feeling and produce no satisfactory result.

Mr. PUGH said he intended to vote against the motion, for the simple reason that it would be a waste of money to send commissioners to New South Wales. If it were proved that the neighboring colony owed a large sum to this colony, did any honorable member suppose for a moment that we should get it? or, on the other hand, if the commissioners proved that this colony owed New South Wales a certain sum, should this colony pay, until New South Wales had made some effort to return the £18,000 which this colony had been literally robbed of? That large sum was collected in 1859, after Separation had been accomplished; an application for it was met with the answer that we were to wait for the adjustment of accounts. There was never a settlement between New South Wales and Victoria, and, after the latter colony had made out her claim, the matter was given up. The Legislature of New South Wales were constantly saying that Queensland owed New South Wales something; but they did not appear to be in a great hurry to come to a settlement.

Mr. FITZSIMMONS said it appeared to him that the New South Wales Government would be perfectly satisfied if the accounts were never adjusted, and that was the reason they held back a large sum of money which they had collected belonging to this colony. Until they refunded that money to Queensland, no commissioners should be appointed to meet the representatives of New South Wales for the adjustment of accounts.

Mr. TAYLOR said he should like to see a resolution passed that the Colonial Treasurer be empowered to demand from New South Wales a statement of accounts. He could not see that the New South Wales Government could have any possible objection to hand over such a statement, and then we

should have something to go upon—then it would be time enough to send down commissioners.

Mr. R. CRIBB maintained, as he ever had, that the best policy for Queensland was to let the matter rest; for, whatever might be found due to this colony, there was no chance of getting it from New South Wales. No expenditure should be incurred, at any rate, until New South Wales had handed over the amount due to Queensland from Separation, and a statement of accounts.

Dr. CHALLINOR opposed the taking of any step in this matter, as proposed. Reference having been made to the Act, he did not see that the House could adopt the motion. As a necessary preliminary to any further negotiations, the colony of New South Wales should refund to Queensland the £18,000 which had been collected in this colony subsequent to Separation, for they had as much right to the payment of this £18,000 as that colony had to receive from Queensland the £1,200 for furnishing Government House. It was necessary that the House should be well assured that the commissioners were persons in whom the House had the fullest confidence. Objections had been raised, and he thought very sound ones, to the Auditor-General leaving the colony for such a time as would be required to examine the accounts; and well adapted as that gentleman was for the duty, he could hardly be spared. The persons appointed, should be directly responsible to the House, and they could proceed only in accordance with the basis of the Act which had been passed by the Queensland Parliament. Therefore, he did not see, unless New South Wales was willing to come to our terms, that it would be otherwise than useless to send commissioners to negotiate for an adjustment of the accounts: but if they were appointed, it should be on the same conditions as the late lamented Treasurer.

Mr. DOUGLAS remarked that, perhaps it would be discourteous to refuse to pass a resolution of the kind proposed. He supposed that the New South Wales Government had no intention whatever to deal with the subject; but still it would not be wise to treat them as if they had no intention to deal fairly by this colony. With reference to the £18,000, Queensland had a clear claim to that before we entered upon negotiations at all. He proposed that the following proviso be added to the motion: "Provided that, in the first instance, a refundment be made of the dues collected by the Government of New South Wales, on account of revenue accruing subsequent to the date of Separation." If New South Wales would meet that claim in the same fair and open spirit that the claim by that colony had been met by our Government—in an unauthorised manner, it was true—this colony could not, with a good grace, refuse a proffer to negotiate; and the passing of the

resolution would shew that we were willing to go into the accounts.

Mr. STEPHENS said he felt himself bound to oppose both the motion and the amendment, on the simple ground that by the appointment of commissioners this colony would seem to be acknowledging some debt. He believed that this colony did not owe New South Wales anything, and that whatever amount was shewn to be due by New South Wales to Queensland, we should never get a sixpence. We ought to insist on the refundment of the £18,000 before doing anything else, and then we should negotiate on the basis of the Act that had been passed by the Parliament of this colony, and on none other.

Mr. TAYLOR expressed his intention of voting against the amendment, as he did not like the look of it. He thought the best way was to give up the whole thing.

The COLONIAL SECRETARY said he did not think the amendment would be a judicious one for the Government to support, for the reason that it would be reverting to a state of things the House were perfectly cognisant of when the Act was passed. The country well knew that the £18,000 was due to this colony, when the arrangement was consented to for the settlement of accounts; and it would not do to make the payment of that amount a preliminary to a conference, because further proceedings should be under the Act. It would be far better for the House to express themselves distinctly on the subject of the motion. The Government had found themselves necessitated to bring the motion before the House, as the Government of New South Wales had pressed forward negotiations for a settlement. It would never do for the Government of this colony to say—whatever might be the opinion of honorable members—that they had no faith in the Government of New South Wales. In their proceedings it must be, for decency's sake, presumed that they had confidence in the other colony. The House would deal with the motion as they liked; but, in bringing it forward, the Government had only done their duty. If they wished, he would undertake that the Government should bring down, for the approval of the House, the names of the persons to be appointed to carry out the negotiations.

Eventually the amendment was, by leave, withdrawn; and the original motion was put and negatived.

#### PROPOSED REMITTANCE TO IMPERIAL EMIGRATION COMMISSIONERS.

The COLONIAL SECRETARY moved—"That the Government be authorised to transmit to the Imperial Emigration Commissioners, in order to provide passages for emigrants sailing in vessels under their superintendence, to arrive here during 1866, a portion, not exceeding £15,000, of the amount authorised to be raised by loan for emigration purposes."

He did not desire, he said, unless the House should cause him to do so, in any way to go over the ground which he had gone over before on the subject of emigration matters generally. He stated when the general question of emigration was under discussion, at an earlier period of the session, that he was strongly of opinion it was necessary to continue, to a limited extent, the system of emigration carried out by the Imperial Emigration Commissioners; and he then gave the reasons why he considered it was necessary. The very fact that there was much more decency and order generally maintained on board their ships than on board the Black Ball ships, and the fact that rivalry and competition between two lines of ships were exceedingly salutary—the Government being determined to shew the Black Ball line that there was another class of ships on which the colony could rely for the conveyance of emigrants to this colony—were mentioned, and should weigh with the House. With reference to the argument that the present proceeding was an interference with Mr. Jordan, that was set aside by the fact that he had never sent out so large a number of emigrants, and in such good condition, as he had during the time that the colony was receiving emigrants by the Commissioners' ships; and when their agents were collecting emigrants, and advertising and chartering ships for their conveyance, he sent larger ships and a better class by far than he had ever succeeded in sending before. As to the difficulties which he apprehended from another system working parallel with his own, and from the interference of the Commissioners, his efforts, it might fairly be assumed, would enable him to overcome them. He (the Colonial Secretary) asked for £15,000, because he thought it would be enough to send out from three to five ships, according to their tonnage, during 1866. That was not a large number; and, if it were only for the sake of assisted passengers—persons nominated by friends in this colony for passages—the House ought to encourage the Commissioners' system. It was highly appreciated, because, as he had before stated, many persons who had travelled by the Black Ball line had not a favorable impression of those ships, and would not bring their friends out in them; and it was a fact that persons in the colony had stipulated for their friends to come out in the Commissioners' ships, which were characterised by a more healthful discipline, both morally and physically—they were better managed and more strictly conducted in every respect—and more accomplished and experienced surgeons were on board of them than was the case with the Black Ball ships, spite of every effort that was made by Mr. Jordan, and the adoption of the most approved regulations. It was also shewn, by papers on the table of the House, that the Commissioners had received a large

amount for assisted passages, which had not at all interfered with the success of Mr. Jordan. There was another question, and that was the cost of passages by his vessels. The present rate by the Commissioners' ships was nearly £1 cheaper per statute adult than by Mr. Jordan's ships. As he (the Colonial Secretary) had found by his experience of some fifty of Mr. Jordan's ships and about fifteen of the Commissioners' ships, he was bound to say that by the latter the colony got a better article, and at a cheaper rate, than by the former; and he had, therefore, some confidence in submitting the motion to the House.

Mr. MACKENZIE commended the honorable the Colonial Secretary for bringing the question before the House; for although a portion of the money had been spent, it was fair and proper that it should be brought before them.

The COLONIAL SECRETARY: No; this is for next year.

Mr. MACKENZIE: Admitting the cogency of the honorable member's argument, with regard to the Emigration Commissioners' system being the best, why did he not ask for a larger sum of money? What were four ships amongst so many during a year? If the colony was to have two systems of immigration working together, let there be £50,000 for one, and £50,000 for the other; then there would be something like fair competition. The honorable the Colonial Secretary stated that many persons preferred bringing their friends out by the Commissioners' ships; but if only four ships would arrive, would they meet the pressing demand?

The SECRETARY FOR LANDS AND WORKS: £60,000 must be provided by Mr. Jordan.

Mr. MACKENZIE: He did not think that one ship at intervals of three months was sufficient to meet the demand. However, he would leave it to the House to decide whether the two systems of emigration could be carried out simultaneously.

Mr. WALSH said he was placed in a difficult position with regard to the motion. It was known that he was not in favor of the Jordan system of immigration: the country was getting too much of it. Too much confidence had been placed in Mr. Jordan, and he was getting into a position he should not occupy. The question was, whether the House could, without illegality, sanction the motion. He trusted they could. If the Government would shew him that he would be justified in voting for it, he would vote for the motion; because he was satisfied, from inquiries he had made lately, that there should be two systems carried on. He admitted that Mr. Jordan was doing a great deal of good in his way, and that lately the colony had derived great advantage from what he had done. He was not sure that it was not a rival system of the other, or that the colony would get so much advantage from it if the Commissioners' system

were stopped. Nothing that had been said had convinced him that there was not an enactment which placed the whole immigration of the colony in the hands of Mr. Jordan; and, if that was the case, he did not feel that a resolution of the House would set aside an Act of Parliament. As he read it, the motion was meant to enable the Government to do that which an Act said they should not do:—

"It shall be the duty of the Agent-General for Emigration and he is hereby authorised and required to make all necessary provision for the selection of emigrants and their conveyance to the colony and to receive and account for all moneys \* \* \* \* on account of such assisted passages as are hereinbefore mentioned \* \* \* \* and to make all contracts and issue all notices and to do all things relating to emigration to Queensland \* \* \* \*."

It appeared to him that nothing could be stated in the English language more plain or stronger than that. If the motion before the House were agreed to, he did not see that the Government would have the power to send money home to the Imperial Commissioners. If they had done it formerly, he believed they acted unconstitutionally. The Government should have brought in a short Bill to authorise them to carry on both systems, not such a motion as that before the House. He should vote against the motion with regret, but until the Government removed from his mind the doubts that he had about their power to send money to the Commissioners, he could not vote for it.

Mr. BROOKES said that when he, yesterday, heard the honorable the Colonial Secretary extenuate and plead for the "Commodore Perry," and the state of things that had been brought to light by the select committee with reference to that vessel, he confessed he had hopes that the honorable gentleman had begun to see, as other people did—that it was impossible to have large immigration to this or any other colony without having mixed with it a great deal which might very reasonably be complained of. He was surprised that the honorable gentleman should bring such a motion as the present before the House. He did not wish to talk as a partisan, but to take everything on its merits. It might be that the honorable gentleman had thought he should not allow this session to close without some expression from the Government, which would lead parties in the United Kingdom to indulge somewhat longer in the belief that the colony did not yet believe in the system of immigration that was propounded by Parliament last year. If honorable members who had made prophecies about the financial condition of the country, did not wish those prophecies to be fulfilled, they would not interfere with the Immigration Act. What he (Mr. Brookes) wished, was, that a constant stream of immigration should pour into the colony. We had embarked in very heavy

financial operations, and he was perfectly satisfied that our debentures only remained firm in the English money market so long as people at home knew that the Black Ball ships came monthly to Queensland full of passengers. He trusted that we had for ever got rid of the fallacy—which, however, he saw the other day in a petition—that labor followed capital. He appealed to every man of intelligence in the House, and he maintained that the history of civilisation proved that exactly the reverse was the case, and that capital followed labor. Wherever labor was, there would be capital. He referred to the evidence taken by the select committee on immigration last year. The Agent-General in England had the English Government looking askance at him; there were noblemen and gentlemen who did not believe that Queensland should have an immigration system of her own; there were people with the ideas of twenty and thirty years ago, who believed that the colonies of England should receive, if not the convicted portion of the population, at any rate, the damaged portion. He (Mr. Brookes) appealed to the honorable the Colonial Secretary, as a gentleman whose information was more extensive, and, perhaps, more exact than that of any other honorable member in the House, and he asked him if the opinion of the times did not indicate that a colony such as this should have the right to choose for herself? That Queensland had the right to choose who should have her land orders, could not be disputed. If we gave our land away, we had the right to choose to whom we should give it.

THE COLONIAL SECRETARY: Hear, hear.

MR. BROOKES: The Agent-General stated that if there were two rival systems of emigration, one ship a month could not be filled; and that, instead of all persons from all parts of England going to one place, and getting off in a month, there would be two ships, in different places, slowly filling up. The Imperial Commissioners gave him the cold shoulder, and they would not give him the assistance that they should give him, because they had to look after their own system. His (Mr. Brookes') reading and observation gave him the knowledge—and the House might as well be open to conviction—that the Commissioners were in direct communication with the Government: they worked with all the official personages, who sent to the Commissioners, to be set on our shores, all those who were convicted in the courts of justice; they worked with all the reformatory and penitential institutions in the country; they worked with all the institutions for fallen women—spotted characters. He asked the House to refer to the Act of Parliament, and they would find that the Agent-General was to make all contracts and to do all things required, relating to emigration to Queensland. In the face of that, how could a resolution of the House authorise the Gov-

ernment to make other arrangements independent of the Agent-General? It was impossible that it could be so. He did not know in what terms to express his surprise that the honorable member at the head of the Government should have brought forward such a motion. He denied that the Imperial Emigration Commissioners' ships were better than the Black Ball ships; and he took the testimony and experience of the colonies of New South Wales and Victoria. Did not everybody know that at the time Mr. Taylor was in Brisbane, a captain of one of the Commissioners' ships was brought up, at Sydney, for a crime blacker and fouler than any ever charged against a captain of a Black Ball ship? Honorable members must not think he was generalising. There was a great difference between the ships under the two systems. The Commissioners' ships had flush decks, and were under military discipline. He did not say that should not be; but, the colony got a lower class of immigrants by those ships than under the land order system. He called upon the Government to endeavor to try to improve the *morale* of the Black Ball ships, and not to commit a breach of contract by allowing rival ships to come in. They should not be like children, who plucked up in the morning the bean which they had planted over night, because it had not grown. The class of immigrants received by the operation of the land order system was the most desirable for the colony to obtain; and he called upon the House to support that system, and none other. If they assented to the motion, there would be an end to immigration; and the great railway works of the colony would have to be stopped for want of the means to carry them on.

THE COLONIAL SECRETARY, in explanation, said that he had consulted a high authority, and, having reference to the speech of the honorable member for Maryborough, he found that the honorable member was correct; and it would be necessary to introduce a Bill to amend the Immigration Act before the proposition before the House could be carried out. That would be done next session. He did not wish to interfere with the discussion, or to stop any honorable member who had any observations to offer to the House: but he should withdraw the motion.

MR. PRING said he disagreed with the remarks of the honorable member for North Brisbane, Mr. Brookes, because he thought that the work of the Imperial Commissioners might be well carried on with our own system. But he had a serious objection to entertaining the motion, because the 17th section of the Act of 1864 contained this remarkable provision, which appeared to have escaped the notice of the Government:—

“For the purpose of defraying the expenses authorised by this Act it shall be lawful for the Governor in Council to issue debentures to an amount not exceeding one hundred thousand pounds in each year.”

That was the loan out of which they proposed to take the £15,000; and the Act said it should be devoted to one purpose, and no other. The Government ought to have known this before introducing the motion.

Mr. DOUGLAS said, admitting that so long as the Act was in force proper effect should be given to it, he thought some wholesome competition was desirable. The class of men who were introduced by the Emigration Commissioners were good, as a rule, but there were some black sheep amongst them, no doubt. The immigrants that now come out under the auspices of Mr. Jordan were not bringing so much money with them as formerly, and the banks were complaining that such was not the case; and, strictly speaking, the people introduced by the Black Ball ships were not a bit better than any likely to be introduced by the Imperial Commissioners. Now he submitted that there could be no check more likely to be effectual than would be provided by competition, and under the Act they might bring competition into operation, for there was nothing in the Act to prevent them bringing out immigrants by other ships than those of the Black Ball line. In order to effect a real control over the Black Ball line, they must bring into existence some competitive system; and in all other cases wherever any large system was carried on, competition was at the bottom of it. It was competition that caused the large immigration to America, and all experience shewed that competition was the best security the public could have that they would be properly treated.

The motion was then withdrawn.

#### JURY BILL.

On the order of the day being read for the second reading of the Jury Bill,

The SECRETARY FOR LANDS AND WORKS said that, in consequence of the lateness of the session, the Government were not prepared to go on with this Bill, and he, therefore, moved that it be discharged from the paper. He believed there were some objectionable clauses in it, which would give rise to a great deal of discussion.

The question was put and passed, and the order of the day for the second reading of the Bill, and the Bill itself, were discharged from the paper.

#### HEALTH BILL.

On the order of the day being read for the further consideration of this Bill in committee,

The COLONIAL SECRETARY said that as this Bill had only just gone into committee, and was a very long one, he did not feel called upon to press it upon the House during this session. He believed the time would come when such a measure would be found very necessary. In the meantime, a good object had been attained by its introduction: the

Bill was printed, and had been circulated, and its provisions would form the subject of careful consideration next session. It was not a measure which was immediately required, and he, therefore moved that the order of the day, and the Bill itself, be discharged from the paper.

The question was put and passed.

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