

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

MONDAY, 11 SEPTEMBER 1865

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Monday, 11 September, 1865.

Fourth Responsible Minister.—Distillation Bill (committed).

FOURTH RESPONSIBLE MINISTER.

The Hon. W. WOOD moved—"That this House is of opinion it is highly desirable that one of the four responsible Ministers of the Crown should have a seat in this House, in accordance with the promise made by the Government when the resolutions relative to a fourth Minister were passed." Honorable gentlemen, he said, were aware that this was a motion which had been brought forward annually. He brought it forward on this occasion with the view of placing the matter again before the Government; and with the view also, if they were not to have one of the four responsible Ministers in that House, of having a fifth Minister appointed with a seat in the Legislative Council. He thought it was hardly necessary for him to point out to the House that the resolution originally passed by the Legislative Council was only passed because the Government had tried in the Assembly to get a fourth Minister appointed, and the House did not see its way clear to assent to the proposition. The resolution was then passed in the Council, to shew it was considered necessary there should be one of the responsible Ministers in the Council. The resolution was sent to the Assembly, and their answer was that they concurred in it, and that steps would be taken to give effect to it. In fact, they agreed to it, and for one year it was carried out. The late Attorney-General then had a seat in the Council, but when a dissolution

took place, he left the Council and obtained a seat in the Assembly. In bringing forward the motion, he (Mr. Wood) had no desire to express any dissatisfaction with the honorable gentleman who represented the Government in the Council, and who was now Attorney-General. All he contended for was the appointment of a fifth responsible Minister, so that there might be the Attorney-General in this House, and a Solicitor-General in the Assembly. There seemed to be an extraordinary opinion entertained by honorable members of the Assembly that the Attorney-General was not the Attorney-General of the Government but of the Assembly, and that he was required there to answer legal questions. Now, he could not see that such was the case, but rather considered it was one of the functions of the Attorney-General to give legal advice to the Government. In New South Wales the Attorney-General was in the Council, and his two predecessors had also represented the Government in the Council. It might be replied that there was a Solicitor-General in New South Wales, who had a seat in the Assembly, and that there was no such officer here, but at a previous period both the Attorney-General and the Solicitor-General were members of the Assembly in New South Wales. Now, he saw no reason why there should not be a Solicitor-General here, and that the Attorney-General should represent the Government in the Council. Nor did he see why some of the other Ministers—the Colonial Secretary, or the Minister for Lands and Works might not be in the Council. There seemed to be a strange opinion in the Assembly that all the Ministers should be in that branch of the Legislature. In other places the Colonial Secretary had been in the Council, and he saw no reason why he should not be in the Council here. But whether the opinion was good or not, he thought the Attorney-General was the proper person to represent the Government in the Council, and he therefore thought the House should continue to insist on an arrangement being made by which either the Attorney-General or the Solicitor-General should be in the Council. The honorable gentleman who represented the Government in the Council at present night, or might not, now be a member of the Executive, but if he were not then there was no responsible officer of the Government in the Council. He had no wish, as he had already stated, to complain of the honorable gentleman who conducted the business of the Government in the Council, but he would like to see him a member of the Executive, and if he could be assured that he was he would be satisfied. The last time this motion was before the House it was lost only by the casting vote of the President, which was given in accordance with the rules of Parliament. He had no doubt the honorable gentleman representing the Government would be able to inform the

House as to what were the intentions of the Government for the future; and that, whether the motion should be carried or not, he would be able to shew that he still continued to hold a seat in the Executive Council. If the honorable gentleman could shew that such was the case, he would not press the motion; but if he could not shew that, then he should be prepared to press the motion to a division, and so take the sense of the House, for the third or fourth time, upon it. The Council, he considered, had been very hardly treated by the Government in this matter. The Government got the Council to assist them in obtaining a fourth Minister, who was to have a seat in the Council, and then when they got him they removed him to the other House.

The Hon. Sr. G. R. GORE said he had opposed this motion on every occasion it had been brought before the House, and it was his intention to oppose it again. Of course there would some time have to be a responsible Minister to conduct the business of the Government in the Council, but he thought such an appointment as that proposed by the motion would be premature at present. When the number of responsible officers was increased, and when they saw how they were to be arranged, the Council might then say if they were satisfied. He did not see there was any special virtue in the representative of the Government in the Council being a responsible Minister; but whether there was or not, the honorable member who now filled that position was as responsible as any of the other members of the Government. During the time the honorable gentleman had carried on the business of the Government in the Council, he had been a member of the Executive, and was therefore in all the secrets of the Executive, and consequently able to answer any question that might be put to him. But he would even go further, and say that a more painstaking person than the honorable gentleman he never saw in his life ever since he conducted the business of the Government in the House. He thought also that if one of those responsible Ministers they heard so much about were in the House, he would not, in consequence of being embarrassed with other business be able to give so much time and attention to measures as his honorable friend had undoubtedly done. Judging by the past, he thought they had nothing whatever to desire. They had a member of the Executive—and as such he was responsible—to carry on the business, and they had been able to carry on the business of the House, which was a sort of court of revision over the proceedings of the other House, in a most satisfactory way; and no doubt their experience in future would be the same as their experience in the past—at least so long as the present arrangements lasted. He agreed with the honorable gentleman that there should be a

member of the Executive in the Council to carry on the business of the Government, and if the Government appointed any one who was not a member of the Executive he would object to it. But he objected at this time to any proposition that would tie up the hands of the Government in any particular way. If they carried this resolution, and if the responsible Minister who might be appointed did not carry on the business satisfactorily, they would have to stand by him, in consequence of having carried such a resolution. If the honorable gentleman pressed the motion to a division, he hoped he would lose it.

The ATTORNEY-GENERAL said that if the honorable gentleman who brought forward this motion had only asked him the question, if it was his intention to resign his seat in the Executive Council, the time occupied in discussing this motion would have been saved, nor would the motion have appeared on the paper. He felt the motion was altogether uncalled for, and declined to address the House upon it; and he would, therefore, only state that he had no intention of resigning his seat in the Executive Council, nor, as at present advised, did he see that he would be otherwise situated than he had been during the last three sessions. So far as the abstract question went, he did not think the House would, at that period, pass a motion that amounted to a vote of want of confidence in itself. The House had been pleased to accept of his leadership for the last three years, and now, at the end of this session, honorable gentlemen were asked to pass a vote of censure upon themselves for doing so.

The Hon. E. I. C. BROWNE said he hoped that, after what had fallen from the honorable the Attorney-General, the motion would be withdrawn. For his own part, he was perfectly satisfied with the assurance that they would continue to have a member of the Executive in the House to represent the Government. They had gone on very well for the last three sessions, with that honorable gentleman representing the Government, and he agreed with him, that such having been the case, to pass this motion, would amount to a vote of censure on themselves. The resolution was all right enough, but honorable gentlemen were all well aware that the general business of the country would not be so well carried on if one of the four responsible Ministers were removed from the Assembly and brought into the Council. He would recommend the honorable gentleman, having aired the question according to some promise he had made to himself, to withdraw the motion.

The Hon. G. HARRIS said he did not think it was the intention of the honorable gentleman, Mr. Wood, to express by the motion a want of confidence in the honorable gentleman who represented the Government in that House. To a certain extent, he concurred in the object of the motion, as he understood

it; and last session, it would be remembered, that he considered the gentleman representing the Government in the Council should be a member of the Executive. The honorable gentleman representing the Government had conducted the business of the House with much satisfaction, and as he had assured the House that he was not to resign his seat as a member of the Executive Council, the motion, he thought, should be withdrawn.

The Hon. W. LANDSBOROUGH said that when his honorable friend Mr. Wood rose to propose his motion, he was under the impression that the honorable gentleman who had so long led the House, and led it so well, was no longer to continue to do so. He was convinced that his honorable friend had the same opinion. Now that the honorable gentleman had informed the House that it was not his intention to resign the leadership, he thought the motion ought to be withdrawn.

The Hon. W. WOOD, in reply, said he had not the slightest intention of casting any reflection whatever upon the honorable gentleman who represented the Government; and he thought he had so carefully worded the motion that the construction could not be put upon it that it was of the nature of a vote of want of confidence. What he wished to do was to shew that it was the desire of the House to have a responsible Minister to be the leader in the House. As honorable gentlemen did not concur in the motion, he would withdraw it.

The motion was accordingly withdrawn.

DISTILLATION BILL.

The ATTORNEY-GENERAL moved that the House be now put into committee for the consideration of the Distillation Bill.

The Hon. L. HOPE said he did not wish to oppose the motion for going into committee, as to do so might provoke discussion, and elicit information which might have been obtained by honorable gentlemen since the second reading of the Bill. He desired, however, to state that in his opinion the Bill was calculated, not so much to encourage sugar growing and the production of rum as to encourage the distillation of rum. One of the clauses provided that persons growing canes might have small stills, and it appeared to him that under that clause any person growing canes, if he was not required to make sugar, would be enabled very profitably to make rum, if he made nothing but rum. An opinion of his had been referred to in the course of the debate on the second reading of the Bill—and, perhaps, too favorably referred to—as being an opinion based on his experience during the last four or five years. If the Parliament intended to pass this measure into law as it at present stood, their doing so appeared to him very much like the conduct of a person walking on the brink of a precipice, where also there were a number of

interested persons ready to push him over. He thought, however, that there was a safe way out of the difficulty—a safe way down the precipice to the land of promise, but if they were not careful, and if they allowed this practice of distillation to go on, they would break their necks before they got there. He had said that this Bill would do a great deal of harm. The harm he referred to was harm to the revenue rather than to anything else, and before next session it would be found that some better considered measure would have to be introduced. Before next session not much harm could be done to the revenue. The Parliament, however, would do a grievous injury to small capitalists if they encouraged them to grow canes, and gave them such facilities as the Bill provided for distilling rum. It was his belief if the use of small stills was allowed to be introduced, that, in a year or two, there would be plenty of cane grown, but nothing but rum would be made from it. The limited distillation the Bill allowed would be of no benefit to large sugar growers who were to be subject to all kinds of vexatious taxes and restrictions. The measure would also necessitate a large staff of officers all over the country. As a member of the House, he considered it his duty to oppose the Bill as far as it referred to distillation, and he further objected to a Bill of so much importance being hurried through the House. But they were told the measure must go through, or they did not know what might happen. Again, his remark that the Bill would not do much harm, could not, he held, be regarded as an argument in favor of the Bill. It was a poor argument in favor of any measure, that it could not do much harm, and the weakness of the argument required in support of a measure should shew honorable members how worthless the measure was. He regretted, therefore, extremely to hear honorable members state that the measure would not do much harm if it were passed. As an instance of the smallness of the information possessed by honorable members on the subject, he might notice the remark made by the honorable member, Mr. Wood, at a previous stage, to the effect that sugar would not granulate, in some way on account of the pressure of the atmosphere. That remark was very significant of what he had said as to the ignorance of honorable members on the subject, and suggested the necessity of a close inquiry and more accurate information being obtained before they attempted legislation on the subject. He hoped honorable members would not suppose he said this in any spirit of sarcasm, but he merely referred to the remark as shewing that they possessed extremely little knowledge of sugar making as yet. It appeared to him that the only pressure which would be the grand cause of non-granulation, would be a pressure on the breeches pocket. It would be much more

profitable to make rum from canes, than to make sugar. In making those remarks about distillation, he hoped honorable gentlemen would understand that he did not claim to possess any practical knowledge of distillation *per se*, but merely as an adjunct to sugar making. His knowledge of the distillation of rum had been obtained principally from books, and especially from "Ure's Dictionary." By that work he found that, for a plantation making one hundred and sixty tons of sugar, a still of one thousand gallons capacity would be required for the profitable conversion of the molasses and other refuse into rum. Now, that shewed that a fifty gallon still would be very worthless for a plantation growing one hundred and fifty or two hundred tons of sugar. He was rather diffident in giving his own experience, because he was learning only himself. Whatever practical knowledge therefore, he possessed, was very limited. He had intended to give the country the benefit of his experience, but he regretted that a recent vote in the Legislative Assembly prevented his doing so, by limiting the sphere of his utility. There were many clauses in the Bill, which were taken out of the old distillation Act, that might require to be amended to make it applicable for rum making. He believed the Bill was proposed in a different shape at first, and several amendments had been made on that draft. It was not his intention to throw out any suggestions for alterations, the tendency of which would be to facilitate the making of rum. He should be sorry to see all the moral evil that would be occasioned by the producing of rum in this country, and which he apprehended would result from the passing of this Bill. He should be very glad, as a sugar grower, to see all possible encouragement given to sugar growers, but he took a larger view, and would like to see such a Bill brought in as would encourage sugar growing so as to be a benefit to the country. In order that the distillation of rum might be beneficial to the *bonâ fide* sugar grower, the still he should be allowed to use would require to be much larger than was contemplated in the Bill. The charging and discharging of a still was very expensive, and a small still might have to be charged and discharged half a dozen times a day. Now, a still that was large enough to require to be worked once or twice a month only, the expense would of course be much less, and there would also be less annoyance by inspection. Then there was another evil in the Bill—that notice had to be given of the times when distillation was to be carried on. Now, he believed, it was impossible to give such notice in the case of rum distillation, as, so he was informed, fermentation was extremely irregular, and required most careful watching hour by hour to prevent loss; so the wash might go into violent fermentation before the time notified, and great loss would ensue if it were not at once distilled. If he had done any benefit to the

country, by warning the House of the evils that would result from the measure now before it, if it should be passed into law, he would consider that he had done his duty to the country as a member of that House.

Mr. Wood, in explanation, said that he had been misunderstood. What he actually stated, and what he still believed to be true, was, that the saccharine matter, whilst waiting for perfect machinery to complete the granulation, was liable to injury from atmospheric causes, and, therefore, it would pay better to distil it.

The Hon. *ST. G. R. GORE* said that, when the Bill was brought up for a second reading, he expressed his views respecting it. Since then, he had done all he could to obtain information as to the expediency of passing the measure, and the conclusion he had arrived at was that it would be best to pass the Bill with as little alteration as possible. Because, in the first place, with such little practical knowledge as honorable members possessed on the subject, it was impossible to say how the Bill would work; and, also, because it would act as an advertisement that the Legislature were willing to do all they could for the encouragement of sugar growing. The Legislature would still remain, and if there was any evil done by the measure, they might, when the question was next before them, from having practical experience within their reach, be able to say what alterations should be made. In the meantime, he should be disposed to pass the Bill as it stood, and shew that they were disposed to give every encouragement to sugar growing. Now, as to the producing of wine, which was also provided for in the Bill, he might mention, as shewing the encouragement that was given to wine growing in New South Wales, that a gentleman who was a wine grower in that colony told him, that on its being shewn that a certain extent of land was under vines, the owner was allowed to have a still, and on their giving a bond that they would not defraud the revenue, they were allowed the full use of the still. They gave a bond, with substantial sureties, that they would not abuse the liberty. That was certainly a very novel kind of legislation, but his friend told him that the privilege had in no instance been abused, and that the system was found to work well. That would be a very great improvement, as it could enable them to do away with the nuisance of having bonded warehouses and excisemen on every sugar plantation. He was not very sanguine as to the value of any amendments that might be made on the Bill, as most honorable members, he believed, were as ignorant on the subject as he was himself.

The Hon. *W. LANDSBOROUGH* said his honorable friend Captain Hope had introduced an entirely new industry to the colony, and one which he hoped would make a great and beneficial change on the colony. He

was, therefore, sorry to find that the Legislative Assembly did not accede to his request for 2,000 acres, to enable him to test the suitability of the soil and climate of the north for sugar cultivation. He thought the policy of the Government, and of the Legislature, should be to place as little restriction as possible on any industry in the country. The honorable and gallant gentleman, Captain Hope, had informed the House that if the Bill should pass in its present shape, it would be injurious to sugar growing, but he did not say it would hurt sugar-cane growers, and if cane growers should find it more profitable to convert their produce into rum than into sugar, he did not see any reason why they should be prevented from doing so. He should be sorry to oppose the views of his honorable friend Captain Hope, who must know more on the subject than any other honorable member. He was sorry, therefore, that the honorable gentlemen who was opposed to the Bill had not given any sufficient reason why they should not pass it; and that being the case, he would support the Bill.

The Hon. *R. J. SMITH* said that at that period of the session it would, he thought, be unwise to make any alteration on the measure before the House. The honorable Captain Hope had very correctly said that honorable members knew very little about the distillation of rum. Now there would be only a small quantity of sugar grown during the recess, and before next session they might be sufficiently informed to know what was necessary to be done. The colony was indebted in a great measure to Captain Hope, for his perseverance in the matter of sugar growing, and for the amount of capital he had expended in the promotion of that industry. He hoped the honorable gentleman's efforts would be largely successful, and eminently profitable to himself. The honorable gentleman was equally sanguine of the success of cotton growing; but he (*Mr. Smith*) was one of those who maintained that cotton would not be successfully grown in the colony till they had Coolie labor; and he now said the same with respect to sugar growing. He did not think that it either would be successful until there was Coolie labor to work the plantations. He thought, therefore, it would be unwise to make it appear to the people of England that sugar growing would be successful here with white labor, and so induce them to come here with that expectation, or with the expectation that there was an agricultural population here sufficient to supply them with labor sufficiently cheap to render sugar growing profitable. He had tried cotton growing in every stage, and by every style of labor, and had been concerned with others in managing a cotton plantation, and had expended thousands of pounds upon it. He was sorry to say that all he invested in the enterprise had been lost, which was attributable mostly to

the high price of labor. There was no doubt that if the cultivation of cotton or of sugar was to be carried on with success in the colonies, they must have a different kind of labor introduced. There was no doubt as to the sugar-cane growing, or of its being productive: there was no doubt it would yield an abundance of saccharine matter,—but the enemy that stood in the way of success was the want of cheap labor; and it was only right that the people in the mother-country should know that—both capitalists and laborers: the former, that they might not be induced to invest their capital in a way that would not be profitable; and the latter, that they might not be induced to come here in the expectation that they would get anything like remunerative wages, either by the cultivation of sugar, or cotton, or indigo—at any rate, wages that would be as remunerative as wages in Europe. The thing was not to be done.

The motion was then agreed to, and the House went into committee.
