

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 26 APRIL 1870

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PARLIAMENTARY DEBATES

DURING THE

THIRD SESSION OF THE FOURTH PARLIAMENT OF THE COLONY
OF QUEENSLAND, AUSTRALIA,

APPOINTED TO MEET

AT BRISBANE, ON THE TWENTY-SIXTH DAY OF APRIL, IN THE THIRTY-THIRD YEAR OF THE REIGN
OF HER MAJESTY QUEEN VICTORIA, IN THE YEAR OF OUR LORD 1870.

LEGISLATIVE COUNCIL.

Tuesday, 26 April, 1870.

Meeting of Parliament.—Vice-Regal Speech.—Appointment of Members.—Resignation of former Members.—Ministerial Statement.—Municipal Law Amendment Bill.—Address in Reply to Opening Speech.

MEETING OF PARLIAMENT.

The Parliament, which had been prorogued successively from the 14th of September, 1869, to the 30th of November, 1869, then to the 25th of February, 1870, and then to the 26th day of April, met this day "for the despatch of business," pursuant to Proclamation by His Excellency the Governor. The honorable the President and members of the Legislative Council assembled in the Legislative Council Chamber at noon; and the Proclamation of His Excellency summoning Parliament was read by the Clerk of the Parliaments.

VICE-REGAL SPEECH.

His Excellency the Governor came down to the House in state; and having taken his seat on the dais, the Usher of the Black Rod was directed to request the attendance of Mr. Speaker and members of the Legislative Assembly.

The honorable the Speaker and members of the Legislative Assembly having entered the Chamber of the Legislative Council, and taken their seats below the Bar,

His EXCELLENCY was pleased to deliver the following Speech:—

"HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"1. The ensuing Session will demand your diligent and earnest attention to transact the important public business that will be brought before you.

"2. You will be asked to sanction and provide for the extension of the Railway from Ipswich to Brisbane in the Southern, and from Westwood to the Dawson in the Northern Division of the Colony; for the construction of additional Telegraph Lines, for the improvement of our Harbors and Rivers, and for Water Supply to various districts and places.

"3. A Bill will be introduced containing the powers necessary to enable the Government to guarantee interest on moneys to be expended, by individuals or companies, in the construction of cheap lines of Railway.

"4. To prepare the way for the introduction of Bills for a Re-distribution of the Electorates, and a revision and improvement of our Electoral Law, you will be desired to consider a measure repealing some provisoes in the Constitution Act of 1867, which require unusual majorities in passing certain amendments of that Statute.

"5. The Additional Customs Duties Continuation Act of 1869 will expire on the 31st December next, and you will be advised to reconsider its provisions early in the present Session.

"6. The Committee of the Legislative Assembly on the Administration of the Supreme Court, which had not finished its work during the last Session, will probably resume its inquiries in the forthcoming sitting.

"7. An investigation into the state of the Laws affecting Gold Mining is every day becoming more needful, and I trust you will find time for this useful labor.

"8. Bills will be submitted to you for the purpose of assimilating the Insolvent Law of the Colony to the latest legislation on that subject in England; for the promotion of Classical and Scientific Education, by enabling students in the Colony to obtain University Membership, and Degrees in Arts and Sciences, by means of local

examinations; for issuing Commissions of the Peace within and for Municipalities; for Regulating Distillation from Sugar; for the better Supervision and Regulation of Public Asylums, Gaols, and Places of Detention; and for other purposes.

"9. The Polynesian Immigration has largely declined, and indeed has become almost stationary. The increase in the number of this class of laborers within the Colony has not, so far as can be ascertained, exceeded fourteen during the past year. No further legislation for their protection seems to be necessary. In deference, however, to the expressed wishes of the Home Government, a Bill will be brought in for further regulating this Immigration.

"10. Papers and Correspondence on various matters of public importance, will be placed in your hands as speedily as possible.

"GENTLEMEN OF THE HOUSE OF ASSEMBLY,—

"11. The Estimates of Expenditure, for the year 1871, will be sent to you at an early date.

"12. You will be invited to provide for the various public works before-mentioned, and for the due security of the Public Trust Funds.

"HONORABLE GENTLEMEN AND GENTLEMEN,—

"13. The rapidly increasing settlement of the population on the land, and increasing confidence in the resources and strength of the Colony, lead us to hope that, in undertaking the completion of the important public works I have named, we shall, in humble reliance on Divine aid, help onward the material prosperity of the country."

The House then adjourned until three o'clock.

The House resumed at twenty-seven minutes past three o'clock.

APPOINTMENT OF MEMBERS.

The PRESIDENT informed honorable members present, that he had received a letter from the Private Secretary to His Excellency, announcing that His Excellency had, by the advice of the Executive Council, appointed John James Galloway, Esquire, and James Francis Garrick, Esquire, to be members of the Legislative Council of Queensland.

The Honorable J. J. Galloway was then introduced into the Council by the Honorable E. I. C. BROWNE and the Honorable D. F. ROBERTS; and having produced the writ of summons to the Legislative Council, took the prescribed oath and signed the roll.

RESIGNATION OF FORMER MEMBERS.

The PRESIDENT informed the Council, that he had received a letter from the Private Secretary to His Excellency the Governor, announcing the resignation of John Douglas, Esquire, and John Bramston, Esquire, as members of the Legislative Council.

MINISTERIAL STATEMENT.

The POSTMASTER-GENERAL said he believed that now it was the proper time for him to offer an explanation to honorable gentlemen, of the position which he occupied. No doubt, honorable gentlemen were aware that, on the resignation by Mr. Douglas of the office of Postmaster-General, during the recess, in consequence of his acceptance of the office of Agent-General for the colony, the honorable the Colonial Treasurer held the office of Postmaster till the 20th of January last. On that day he (Mr. Gore) received a note from the honorable the Premier, requesting his acceptance of the office of Postmaster-General. At first, he felt some hesitation in complying with the request; but, after mature consideration, he came to the conclusion that he should accede to it; especially on account of his acquaintance with the duties of the office obtained a few years ago. He hoped he might be able to discharge the duties of the department satisfactorily to the country; and that, as the representative of the Government in the Legislative Council, he would succeed in acquitting himself in a manner that would meet with the approval of honorable gentlemen on both sides of the House.

MUNICIPAL LAW AMENDMENT BILL.

The POSTMASTER-GENERAL presented, *pro forma*, a Bill for the Amendment of the Law relating to Municipalities, and moved that it be received and read a first time.

Agreed to.

ADDRESS IN REPLY TO OPENING SPEECH.

The PRESIDENT reported that he had, for greater accuracy, obtained a copy of the Speech which His Excellency the Governor had been pleased to make to both Houses of Parliament; and having read such portions as were addressed specially to the Legislative Council,

The POSTMASTER-GENERAL moved—

That a Select Committee be appointed to consider and prepare an Address in answer to His Excellency the Governor's Opening Speech, and that such committee consist of the Honorable W. Hobbs, the Honorable J. J. Galloway, the Honorable D. F. Roberts, and the Mover.

Question put and passed.

The committee then retired to consider the Address.

The POSTMASTER-GENERAL having brought up an Address in Reply to the Speech of His Excellency the Governor, as prepared by the Committee, the same was read by the President, and again read by the Clerk, as follows:—

"To His Excellency SAMUEL WENSLEY BLACKALL, Esquire, Governor and Commander-in-Chief of the Colony of Queensland and its Dependencies.

"MAY IT PLEASE YOUR EXCELLENCY,—

"1. We, Her Majesty's loyal and dutiful subjects, the Members of the Legislative Council

of Queensland in Parliament assembled, desire to assure your Excellency of our continued loyalty and affection towards the Person and Government of our Most Gracious Sovereign, and to tender our thanks to your Excellency for the Speech with which you have opened the present Session.

"2. We shall carefully consider the important public business which will be brought before us, with a view to promote the material prosperity of the country.

"3. In humble reliance on the Divine aid and blessing, we trust that our efforts to secure the good of the people may lead to successful issues."

The Hon. W. HOBBS said it was the usual custom, on the opening of the session, for the junior member of the House to move the adoption of the Address in Reply; but, on the present occasion, he had been requested to undertake the duty, probably on account of his being the youngest member present. The Address in Reply was very short, and did not pledge the House to support in any way whatever the measures that might be introduced by the Government. It only proposed to thank His Excellency the Governor for the very promising Speech he had been pleased to deliver. However, before asking honorable gentlemen to agree to the motion he had the honor to submit to their attention, he would ask their attention to a few of the more important matters noticed in the Speech of His Excellency. The most important proposals were those recommending the extension of the Southern Railway from Ipswich to Brisbane, and the extension of the northern line of railway from Westwood to the Dawson. He believed that most honorable members would agree with him that those were works of a most important nature, and which should be undertaken with the least possible delay. He believed, also, that honorable members would agree with him in the opinion, that a great mistake was committed in commencing the line of railway from Ipswich, instead of from the capital of the colony. He believed that the time had come for the extension of the railway from Ipswich to Brisbane; as he saw that such extension was absolutely necessary, in order to make the line from Ipswich to the South and West remunerative, inasmuch as it would be the means of opening up the Darling Downs to speedy communication with the capital, and affording the agriculturists of that and the intermediate districts a ready market for their produce. Another beneficial effect would be, that much of the money that had at present to be sent to other colonies for supplies, would be retained in this colony. He thought the remarks he had just made with respect to the extension of the railway from Ipswich to Brisbane, would apply with equal force in regard to the

extension of the Northern Railway, between Rockhampton and Westwood, to the Dawson. It had been said that the line between Rockhampton and Westwood did not pay, because the carriers were able profitably to compete with it on account of the shortness of the line. Now, if the line were extended to the Dawson, squatters, agriculturists, and others, would have unprecedented facilities of forwarding their produce to a shipping port, or profitable market. Squatters in the interior, for instance, would have the opportunity of sending their wool to Rockhampton at a much lower cost than they could do at present, and consequently would, themselves, derive considerable benefit, while increasing the revenue of the colony. He believed that the extension of the Northern Railway from Westwood to the Dawson was necessary, in order to make the portion of the line already constructed reproductive. Another necessary and reproductive work referred to in His Excellency's Speech, was the improvement of the harbors and rivers of the colony. At present, as honorable gentlemen knew, the Brisbane was not sufficiently deep to allow of any but vessels of small draught of water to come up to the wharves; and a very heavy expense was, in consequence, imposed upon importers for lighterage. They had all heard a great deal said about the hardship of the *ad valorem* duties in Victoria; but the hardship of the expense of lighterage in this colony was far greater. Another subject of the utmost importance to the welfare of the colony, referred to in the Opening Speech, was that of water supply. Honorable gentlemen, he felt assured, would agree with him, that provision for a permanent supply of water would greatly conduce to the settlement and progress of some of the most important districts of the colony; and, considering the luxury the inhabitants of Brisbane had enjoyed of late, from such a provision, there could not, on the part of the members for the city, or those occasionally visiting Brisbane, be any objection to extending a similar boon to other districts. For his own part, he must say that he had not, during the many years he had been resident in Brisbane, enjoyed such a luxury as had been afforded since the completion of the Enoggera Waterworks, and the introduction of the water to the city. Instead of the filthy water the inhabitants were formerly under the necessity of using, they were now able to obtain an abundant supply of clear and pure water. The works had, no doubt, been expensive; but he believed they would, very shortly, be found to be not only reproductive, but that they would yield a large interest on the money borrowed for their construction. He next came to a portion of the Speech, with respect to which there might be some difference of opinion. He did not mean to say much respecting it, because, in his own opinion, he thought the object desired to be attained

could be accomplished in another way than the one proposed. Honorable gentlemen would, no doubt, understand that he now referred to the fourth clause of the Speech, in which it was proposed to bring in a measure for the purpose of repealing some provisos in the Constitution Act of 1867, requiring unusual majorities for the passing of certain amendments of that statute. He must say that he did not think that the introduction of such a measure as the one indicated—the repeal of what was known as the two-thirds clause—was altogether advisable; because he believed that the repeal of that clause, or the proviso to it, might be attended with injury in the long run. He thought it was not desirable to introduce such a subject in the ministerial programme, as the object could be effected by an Additional Members Bill. However, that was a matter on which there was ample room for difference of opinion; still, it was a question to which, when it was brought before the House, honorable gentlemen would, no doubt, find it to be their duty to give the most careful consideration. There were other portions of His Excellency's Speech which he would pass over, and come to the paragraph relating to Polynesian immigration. With all due deference to the opinions of others, he must say that he thought the introduction of Polynesians ought to be encouraged. The Government ought to extend their efforts for immigration in every direction possible. It was true that they had an Immigration Agent at home; but he could not obtain for the colony, such laborers as were obtainable only from the Polynesian Islands. He was sorry to find that the importation of Polynesians was not acceptable to the colonists generally, for he thought that the employment of South Sea Islanders would be of great benefit in the development of some of the most important resources of the colony. His own opinion was that sugar and cotton cultivation would never be successfully carried out in the colony, without a supply of such laborers. From what he had seen of them, he thought it would become necessary to employ them in large numbers. He considered them to be a most useful and valuable class of immigrants. He did not consider it necessary to occupy the time of the House longer, and he would, therefore, now conclude by moving that the Address in Reply to His Excellency's Speech be adopted.

The Hon. D. F. ROBERTS seconded the motion.

The Hon. T. L. M. PRYOR said that honorable gentlemen might consider that it became his duty, as having been a member of a previous Government, to be the first to make some observations with regard to the Address in Reply to His Excellency's Opening Speech. He must confess that it had been his intention to move an amendment; but the Address was so artfully worded that

it was almost impossible to take exception to it. He could see only one ground of objection to the motion, and that was, that they should be required to tender their thanks to His Excellency for a Speech, the contents of which they could not endorse. It must be evident to honorable gentlemen that the present Ministers had not come up to what the country expected of them; and the only thing that could make their positions secure was that there were no others in sufficient numbers to replace them; and he very much regretted that such should be the case. He understood that while the present head of the Government was in Sydney, recently, he ordered the construction of sea-going steamers without having previously obtained a vote for any such purpose; and, as honorable gentlemen were aware, that was a proceeding altogether contrary to the constitution of the colony. Again, they found the honorable the Premier, having accepted a brief in a certain case—*McDonald versus Tully*—appearing in court against the interests of the Crown, and obtaining large damages for his client. Now, it struck him that such a course was not correct; and he must say, that if it had been possible for the honorable and learned gentleman to throw up the position he held, after he came to be the head of the Ministry, he ought to have done so. No doubt the Speech read by his Excellency was an able concoction. In the first place it referred to the construction of the railway between Brisbane and Ipswich; and, as a set-off to that, it was proposed to extend the Northern Railway from Westwood to the Dawson. Now, the question arose, whether the country was in a position to afford such an expenditure. For his own part, he must say that, if the propositions of the Government in the matter of railway extension should be agreed to, he would bring forward the question of the construction of railways throughout the colony. They were trying all they could to get into a better financial position, but the excessive taxation they had to pay kept the colony down. Now, it was, he maintained, the function of the Legislative Council to oppose any project that would have the effect of being injurious to property. Those who were possessed of property were alone those who would suffer from an increase of taxation; while the other members of the community would derive all the benefit. The result of increased taxation for public works, at present, would probably be, that property-holders would sell out and leave the colony. He would like to see no more money borrowed, and no further works undertaken, until the colony was in a position, from its own resources, to bear the consequent obligations. It was true there were many persons in the colony complaining because of the want of employment; but his belief was that most of those who so complained were unfit to get a

living in this or any other country. He should certainly do all he could to oppose the extension of railways generally; but if it should be determined by the Legislature to extend the railway from Ipswich to Brisbane only, or even from Westwood to the Dawson, he would not object; but, if from Dalby to Roma, or from Maryborough to Gympie, he should certainly have to object, because of increased expenditure, on the ground that they would have the question of railway extension agitated over the whole colony. He thought it would be well that the practicability of railway construction by private enterprise should be ascertained before the Government undertook further responsibility in that direction. The only reason he did not bring forward an amendment was that he feared that even a worse set of men than the present might be brought into power. His honorable friend, Dr. Hobbs, in moving the adoption of the Address in Reply, referred to the fourth clause of His Excellency's Speech, which was as follows:—

"To prepare the way for the introduction of Bills for a Re-distribution of the Electorates, and a revision and improvement of our Electoral Law, you will be desired to consider a measure repealing some provisos in the Constitution Act of 1867, which require unusual majorities in passing certain amendments of that Statute."

His honorable friend expressed dissent with respect to that clause, and admitted that it afforded grounds for difference of opinion. He must say, that he fully agreed with what his honorable friend had stated in regard to that particular passage of His Excellency's Speech. He did not wish to detain the House any longer, but he wished to express his condemnation of the greater portion of the present Ministry; and he did not know that any honest-minded colonist could have that confidence in the present Ministry which he ought to have in the Ministry of the day.

The Hon. H. G. STURSON said that he agreed in many respects with the honorable gentleman who had just sat down, but not altogether. He believed the time had come when railway works ought to be undertaken. He was strongly impressed as to the necessity for the extension of the line from Ipswich to Brisbane, which he believed would not only be self-supporting but would pay a good interest upon the cost of construction; and the northern line, if extended to the Dawson, would, so far as he had been informed, be highly reproductive. As regarded guarantees for the cheapness of construction, that would altogether depend upon what was considered to be cheapness. The railways in existence were considered, at the commencement, to be cheap; but they had since been found to be anything else but cheap. As to the amendment of the Constitution Act, he thought the course referred to by his honorable friend was preferable to the

one proposed, as he thought the Act should not be meddled with more than was absolutely necessary. With regard to the Customs revenues, he was of opinion that the *ad valorem* duties could not be interfered with without much injury being done to the financial affairs of the country, unless some other taxes were imposed to make up for the deficiency that would result. He was sorry that Polynesian immigration had declined, because he considered that it provided a most valuable class of laborers for this country, especially in the matter of sugar and cotton cultivation; and he did not think that the demand for white laborers was at all interfered with by such immigration. In his opinion, it was a waste of white men's labor to employ it in the way in which Polynesian labor was employed. He could not say that he was a supporter of the present Government; but he thought it was better to bear the ills they had, than fly to others that they knew not of.

The Hon. J. F. McDougall said he thought the time had come when a distinct expression should be given with respect to the Brisbane and Ipswich railway. He thought that the worst had been got over, and that they could now enter upon the extension of their railway works. He was, further, of opinion that there could be no better time for their doing so than the present. If they waited till they could say that they could undertake the works, paying for them out of the revenues of the colony, they would have to wait for an indefinite time. He believed that the extension of the line from Ipswich to Brisbane, would not be at all an extravagant undertaking. They had all been alarmed because of the heavy expense of the line to the Darling Downs; but it should be remembered that that was the most expensive portion of their railway works. The line from Westwood to the Dawson was only about thirty miles, and could, he believed, be also constructed at a comparatively cheap rate. It would be the main trunk line for the northern district, and he considered that it was their duty to support its extension. He entirely objected to the fourth clause of the Speech, and would oppose, to the utmost of his power, any attempt to alter the constitution in the way proposed. He thought the fourth clause was a very wise and valuable portion of the Act; and, as he had already said, he would oppose any alteration of it. He was glad to see that it was proposed to bring in a Bill to modify the heavy taxation from which the country was at present suffering. As to the matter of Polynesian immigration, which was referred to in the ninth paragraph of the Speech, no doubt great abuses had occurred in connection with such immigration, and would have to be provided against as early as possible. It seemed to him that the third paragraph of the Speech proposed to ask for what, he thought, would

be a very dangerous power to place in the hands of any Government. It seemed to him that a measure of the kind indicated, would give the Government full power over the expenditure of the public moneys; and that was a power which, he maintained, should be vested solely in the Parliament, and not in the Government. The Address in Reply was very carefully worded, and did not commit honorable members in any way; and, therefore, he would vote in support of it.

The POSTMASTER-GENERAL said that as no other honorable gentleman seemed inclined to address the House, he would now make a few remarks; and, in the first place, he would thank his honorable friend, Mr. Prior, for the handsome manner in which he had expressed himself. The first portion of the honorable gentleman's speech to which he would refer was that relating to the ordering of steamers from Sydney. Now, there was a great deal of exaggeration about that matter. It had been said that there were three steamers ordered, but such was not the case, for there was only one ordered; and all that was done further in the matter was to promise to ask the consent of the Legislature to the building of other two. Honorable gentlemen would, therefore, see that the building of the other two steamers was altogether dependent on the decision of Parliament. He believed that the building of those steamers would effect a very large saving to the colony. The circumstance that gave occasion for the proposal was the refusal of the A.S.N. Company, in the course of last year, to carry the mails on the same terms as previously. The honorable the Colonial Treasurer ascertained that the increased demand would amount altogether to £14,000 a year. Now, such an exorbitant demand was not to be tolerated. The Government was prepared to continue the services of the company on the same terms as previously, but determined not to accede to the large increase asked for. Well, the company did everything in their power to obstruct the Government in the matter of the mail service; and, on one occasion, the English mail had to be sent overland to Sydney. The next thing the Government had to do was to advertise for the best steamer that could be got. The steamer they got was certainly a very undesirable one for the service, but she was only approved of unconditionally for one month. Well, one of the directors and the manager of the A.S.N. Company afterwards came up here, and arrangements were made for the resumption of the mail service by the company. He was not in a position to state exactly what the terms were, but they were much lower than had been demanded. Now, he maintained that, as the A.S.N. Company were demanding a most unreasonable sum, the Government took a manly and proper course in ordering at least one steamer to meet the difficulty in

which the colony was at the time placed. There was another matter which his honorable friend had adverted to, and which had been made the subject of remark out of doors. He referred to the part the honorable the Premier took in the case of "*Tully versus McDonald*," by appearing against the Crown. Now, there was not such a great amount of turpitude in his doing so as some people seemed to think. The honorable the Premier, as a legal gentleman, had, before his acceptance of office, been entrusted with all the circumstances of the case on the part of the defendant, and he could not, therefore, as a matter of honor, afterwards depart from the position he had taken. His honorable friend next adverted to the Brisbane and Ipswich railway.

The Hon. T. L. M. PRIOR: I do not object to the railway, but to the expense.

The POSTMASTER-GENERAL: Well, he believed the expense would not be so much as his honorable friend seemed to think; and the increase of traffic that would ensue would fully meet the interest on the amount required, besides defraying the working expenses. Then, as to the Northern Railway, it must be apparent to every honorable gentleman that the thirty miles extension, from Westwood to the Dawson, was required to make the portion of the line which had been constructed useful and reproductive. He believed it was not the intention of the Government to go into further extensions than those he had referred to; but, if capitalists could see their way to enter upon such undertakings, the Government would give any proposition of the kind their favorable consideration. His honorable friend had spoken against the imprudence of borrowing more money until the colony was in a more populous and prosperous condition, and maintained that it would bring about a reaction; but he must say that he thought the views expressed by his honorable friend on the subject would be a reaction in the wrong direction. The fourth clause of the Opening Speech was a very important one, as proposing the repeal of that portion of the Constitution Act requiring unusual majorities for certain amendments of the Act. As honorable gentlemen were aware, there had long been a great outcry for a measure of reform, and many were of opinion that the course proposed was the most effectual one that could be adopted; but, for his own part, he must say, he believed that if an angel were to come down from heaven, and bring in a Bill for political reform, he would fail to satisfy the people of the colony. He maintained that to bring in a Bill shadowing forth political reform, without proposing to repeal the two-thirds clause, would merely mislead people. His honorable friend, Captain Simpson, had referred to the cost of construction of the railways now in existence. No doubt, those railways had cost more than was at first

expected ; but he believed that the extension of the lines could now be carried out at a far less cost, and that the amount required could be obtained at a much lower rate of interest. It would be greatly to the benefit of the colony that the railways should be extended ; and he contended that no Ministry would be secure that did not support such extensions as were proposed by the present Government. As to the Polynesian question, he concurred in much that had been said respecting the value of Polynesian labor, especially for the purposes of cotton and sugar cultivation. Of course, the Opening Speech usually formed the bone of contention between parties, and for that reason he was glad to have been able to lay before the House an Address in Reply which would furnish the foundation for a substantial motion in opposition, if any honorable gentleman considered it expedient to bring forward an amendment. He was pleased to find that the Ministerial programme had been so favorably received. There had been some exceptions taken ; but he could not expect that any honorable member would rise in his place and defend all that was contained in the Opening Speech, or in the Address in Reply to it.

The motion was then put and passed, and the honorable the President, with the mover and seconder, were appointed to present the Address to His Excellency on the following day.