

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 16 NOVEMBER 1870

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LEGISLATIVE COUNCIL.

Wednesday, 16 November, 1870.

Opening Speech.—New Member.—Validity of Seats.—
 Leave of Absence to Members.—Licensing Act
 Amendment Bill.—Opening Speech.—Address in Reply
 to Opening Speech.

OPENING SPEECH.

The House met at twelve o'clock.

His Excellency the GOVERNOR came down in State, and was conducted by the honorable the President and honorable members to his seat on the dais.

The PRESIDENT then directed the Usher of the Black Rod to acquaint honorable members of the Legislative Assembly that His Excellency the Governor desired their immediate attendance in the chamber of the Legislative Council.

The Speaker, Mr. Macalister, accompanied by honorable members of the Legislative Assembly, having entered the chamber and occupied their respective places,

His Excellency the GOVERNOR read the Opening Speech, which was as follows:—

“HONORABLE GENTLEMEN OF THE LEGISLATIVE
 COUNCIL, AND GENTLEMEN OF THE LEGIS-
 LATIVE ASSEMBLY,—

“1. I have postponed the meeting of Parliament to the latest possible period in order to enable those among you who are engaged in pastoral pursuits to complete the most important business of the year, and thus enable every Member to attend and give his undivided attention to the pressing duties of legislation.

"2. Among the most important subjects which will be brought before you, and to which I have to direct your earnest attention are—

"1st. A Bill to enable the Government to raise on the security of the General Revenue of the Colony a sum of Money sufficient to cover the cost of Railway Works, Electric Telegraph Extension, and Parliamentary Buildings, for the construction and repair of Roads and Bridges, to carry on Immigration, to cover the amount of Savings Bank Deposits, to provide for the expense of building the Steamship 'Governor Blackall,' and to meet the cost and charges of raising previous Loans.

"2nd. A Bill for granting to Her Majesty certain Duties of Customs in lieu of those granted by the present Act, which will expire on the 31st December next.

"3rd. A Bill to regulate Distillation.

"4th. For the Division of the Colony into Separate Financial Districts.

"5th. To provide for Additional Representation.

"6th. To regulate and amend the Laws relating to Elections.

"7th. To fix the Salary and Allowances of all future Governors.

"8th. To provide for three Judges of the Supreme Court, and to regulate their salaries.

"9th. To equalise and reduce the salaries of Ministers of the Crown.

"10th. To authorise the imposition of a tax of five per cent. on the salaries of all persons in the service of the Government.

"11th. To reorganize the Volunteer Force.

"12th. Bills, to amend the Insolvent Law, for the better regulation of Gold Fields, to encourage the Investment of Private Capital in the Construction of Railways, and to amend and consolidate our Railway Laws, to facilitate the Payment of Wages, to amend District Courts Act, for Registration of Brands, with others, will be laid on the Table, but, at this late season of the year, it is not proposed to proceed with many of them beyond the first stages, leaving the consideration of the remainder to the next session, which it is proposed to summon not later than March.

"3. Your attention will be called to a provisional arrangement made between the late Ministry, and the Government of New South Wales, with respect to a Mail Service by steamer from Sydney to San Francisco, *via* Auckland, which, though subsequently withdrawn from, I think deserves your serious consideration. You will also have brought under your notice a pro-

posal for a line of steamers from Sydney to San Francisco, calling at this port, New Caledonia, Fijis, and Sandwich Islands, both on the outward and inward passages, making this port the first of arrival and last of departure on this continent.

"GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"4. The Estimates of Expenditure for the year 1871 will be laid before you at an early day.

"5. A Bill for providing a retiring allowance for your late Speaker will be submitted to you.

"HONORABLE GENTLEMEN AND GENTLEMEN,—

"6. The extension of the Telegraph Lines from Cardwell to Normantown will, it is confidently expected, be completed by July, 1871, thus placing Queensland in the most favourable position for telegraphic communication with the established lines from Europe. It is proposed to further extend our present lines to Goondiwindi in the southern, and Springsure in the northern portions of the Colony.

"7. Further correspondence on the subject of Telegraphic Communication with England, which, I regret to say, has not as yet led to any practical result so far as this Colony is concerned, will be laid before you. I am confident, however, that any company landing a cable on the north or north-eastern shores of Australia, will find that they must connect with our lines if they wish for efficient telegraphic communication with us or the Southern Colonies.

"8. Settlement under 'The Land Act of 1868' has steadily progressed, the Government have lately introduced its provisions into some of the Unsettled Districts, and arrangements are now being made to have further areas made available for settlement in those districts by proclaiming and throwing open to selection extensive Township Reserves.

"9. The depression of the pastoral interest has caused the abandonment of a large extent of country; it will be a matter for your consideration whether additional facilities should not be given to induce the re-occupation of such forfeited country, particularly in the extreme Northern portion of the Colony.

"10. The success which has attended the cultivation of Sugar is a subject of congratulation; indeed, we may now view this as an established industry, and a source of permanent wealth to the Colony.

"11. The Reports from our various Gold Fields are most encouraging. I have reason to believe that mineral deposits extend over vast areas of country, only requiring capital and labor to thoroughly develop them.

"12. You will have heard with equal regret with myself of the unfortunate war which has been raging on the Continent of Europe. A war most deplorable in any aspect, but peculiarly

disastrous to the commerce of the Australian Colonies. I feel confident I may rely upon your assistance to preserve that neutrality which Great Britain has fortunately, so far, been enabled to maintain; and even if she should be forced to enter into the conflict, I am equally confident that there is no sacrifice you would not be prepared to make in order to uphold the independence and integrity of our common country. I trust, however, that under Divine Providence, such trials may be averted, that peace may soon be restored, and with it increased prosperity to Queensland."

His EXCELLENCY then left the Chamber, and honorable members of the Legislative Assembly having also withdrawn, the House adjourned till three o'clock.

NEW MEMBER.

The PRESIDENT, on the House resuming at half-past three o'clock, said he had the honor to acquaint honorable gentlemen that he had received from His Excellency a communication announcing that His Excellency had, by the advice of the Executive Council, appointed the Honorable Gilbert Elliott, Esquire, to be a member of the Legislative Council of Queensland.

The Honorable Gilbert Elliott was then introduced by the Honorable J. F. McDougall and the Honorable J. J. Galloway.

The PRESIDENT, addressing the Honorable G. Elliott, said it afforded him great pleasure—and he was sure that in saying so he also expressed the feeling of every other honorable member of the House (hear, hear)—that His Excellency had been pleased to appoint him to a seat in that House. He had no doubt that the House would derive great benefit from the honorable gentleman's knowledge and long parliamentary experience.

The Hon. G. ELLIOTT then produced his writ of summons to the Legislative Council, and took the prescribed oath and subscribed the roll; after which he was warmly congratulated by other honorable members.

VALIDITY OF SEATS.

The PRESIDENT brought under the notice of the House that a question had arisen as to the validity of the seats of the Honorable James Francis Garrick and the Honorable John Christian Heussler, who had been absent for two successive sessions, contrary to the 23rd section of the Constitution Act, 31 Victoria, No. 38.

LEAVE OF ABSENCE TO MEMBERS.

The PRESIDENT informed the House that he had received a letter from the Private Secretary to His Excellency the Governor, under date the 30th August, 1869, granting leave of absence to the Honorable F. E. Bigge for one year; also, another letter from the Private Secretary to His Excellency the

Governor, under date the 19th September, 1870, granting a further leave of absence to the Honorable F. A. Bigge for one year, in addition to the leave already granted; also, a letter from the Private Secretary to His Excellency the Governor, under date the 5th September, 1869, granting leave of absence to the Honorable J. Gibbon for one year.

LICENSING ACT AMENDMENT BILL.

The POSTMASTER-GENERAL presented a Bill, *pro forma*, for the Amendment of the Licensing Act, and moved that it be read a first time.

The motion was agreed to.

OPENING SPEECH.

The PRESIDENT then said that, for the purpose of securing greater accuracy, he had received a copy of the Speech read by His Excellency in opening Parliament at an earlier hour of the day, and in accordance with Parliamentary usage he again read the Speech to the House, with the exception of the portion addressed to honorable members of the Legislative Assembly.

ADDRESS IN REPLY TO OPENING SPEECH.

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 E. I. C. Browne, The Honorable C. B. Whish, The Honorable D. F. Roberts, The Honorable J. J. Galloway, and the mover.

The motion was agreed to and the committee retired.

On their return,

The POSTMASTER-GENERAL presented the report of the committee, and moved that it be read.

Agreed to.

The report, which consisted of the Address in Reply, was accordingly read by the Clerk. It was 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 Parliament.

"2. The various subjects brought under our notice by your Excellency shall have our most serious consideration.

"3. We receive with pleasure the assurance that the telegraphic line to the Gulf of Carpentaria will probably be completed during the ensuing year, and that settlement under '*The Crown Lands Alienation Act of 1868*' is so satisfactorily progressing.

"4. It is also a subject of congratulation that our mineral and agricultural resources are being steadily developed.

"5. In common with your Excellency we deplore the war which we have heard of as raging in Europe. We trust, however, that peace may be soon restored."

The Hon. C. B. WHISH moved that the Address in Reply to His Excellency's Opening Speech, as read by the Clerk of the Parliaments, be now adopted by the House. In doing so, he said the Speech of His Excellency the Governor comprised a lengthy programme of measures to be brought forward, but the whole of which he would like to see carried out. The course of action taken by the Government during the last session of the last Parliament had, by the recent elections, been fully endorsed and justified by a majority of the constituencies of the country. To him it appeared that the programme shewed the Ministry was prepared to act up to the responsibility of their position, and to carry out, as far as it was in their power to do so, the several measures they proposed to bring forward. For his own part, he had no hesitation in saying that, if most of that which was foreshadowed in the Opening Speech of His Excellency the Governor were carried out, there could be no fear of the colony standing still. Of course, the proposed Bill for granting certain duties of Customs, in lieu of those granted by the present Act, which would expire on the 31st December next, must be taken into consideration in connexion with other propositions—such as the Bill to regulate Distillation; to fix the Salary of future Governors; to equalise the Salaries of Ministers of the Crown; and to authorise the imposition of a Tax of five per cent. on the Salaries of all persons in the service of the Government. As regarded the latter, he had no doubt that only those members of the Civil Service who were best able to bear the proposed reduction, would be called on to submit to it. As to the fifth paragraph in the Speech, which referred to additional representation, he considered there was great difficulty in obtaining the number of members at present required. He had no doubt, however, that some measure of reform was necessary; and the most satisfactory way of accomplishing such reform might be by an equitable re-distribution of members. That, however, would, of course, be a matter for future and mature consideration. The eleventh paragraph of the Speech referred to the re-organisation of the Volunteer force. Any re-organisation of the force must be effected

thoroughly; and the first steps taken should be with a view not only as to the present impending, but also as to the future probable necessities of the colony. He must, however, confess that he could not see in what way, in a new colony, anything short of a conscription would produce a sufficient number of men to avert any attempted invasion. There was always one element of difficulty with a volunteer force—and that was a want of discipline. On that account volunteers—on some occasions, if he might so express himself—ceased to be soldiers. They would say that, as they were volunteers, they would do as they liked. Now, in such a case, there was an end to all discipline. Well, the question arose, in his mind, whether it would not be better to have a militia force that would be subject to strictly military discipline. As to the mail services, he considered that any arrangement that would have the effect of breaking down any existing monopoly would be beneficial to the colony. With respect to telegraph lines, the routes should be fully considered before they were finally adopted, and when any route was adopted it should be adhered to; and main lines of roads should also be carried along the same route as nearly as possible. All routes of roads, of any kind whatever, when once adopted, after due consideration, should be decidedly adhered to; and that not only for general convenience, but for the benefit of those wishing to take up lands in the neighborhood. The eighth clause stated that settlement under the Land Act of 1868 had steadily progressed. Such information must, he thought, be highly gratifying to every honorable member of the House. Altogether, the vitality of the colony under present circumstances was most astonishing. The success which had attended the cultivation of sugar was in the highest degree encouraging, and he believed that, in a few years, it would be found to be one of the most important interests in the colony. The prospects of the colony were certainly much better than they had been for many years past, and he sincerely hoped that, for the welfare of the colony, they would continue to improve. If such should be the case, there could be no doubt that the colony would soon surmount all its difficulties and enter on a career of further progress.

The Hon. E. I. C. BROWNE said the Speech which had been brought before the House was, though not expressed exactly in the same words, similar to the Speech that was brought before the House about six months ago. The Address in Reply which had been brought up was also similar to the one submitted to the House about six months ago. It was not, however, his intention to go fully into a discussion of the Speech, because, on the whole, he was very well satisfied with it. The first clause in the programme of the Ministerial policy involved a question that had been frequently and earnestly considered. It com-

prised subjects that had been a bone of contention between the Government and the Opposition—or, he should rather say, the former Opposition—as the present Opposition was now placed in a remarkably strange position, because of its having had its head cut off. He hoped, however, that the Ministry would be able to carry out the public works referred to in the first clause of their programme. He also hoped they would give due weight to the strongly expressed feeling of the colony, especially of the southern and most populous portion of the colony, respecting the carrying out of a particular and urgently required public work. He did not mean to beat about the bush. It was not his habit to do so. He would, therefore, state, at once, that he referred to the construction of a line of railway between Brisbane and Ipswich. Not only in Brisbane, but in the interior districts of the colony, there was a strong desire expressed for the completion of the line with the capital; and, if the Ministry could see their way to the carrying out of the work, he hoped they would not hesitate to comply with the wish of so large a portion of the inhabitants of the colony. As to the seventh clause in the first portion of the Opening Speech, he must say that it was somewhat of a mystery to him. The clause he referred to was the one intimating that the Government proposed to bring in a Bill to fix the salary and allowances of all future Governors. Now, he would like to receive some explanation of that clause, as it did not clearly appear to him what it meant. He would like to know if it was intended by the Bill to increase or to decrease the salary of future Governors. He was much pleased with the eighth paragraph, which proposed to provide a third judge for the Supreme Court. Altogether apart from professional influences, he considered it was high time that a third Supreme Court judge should be appointed. It was not for him to say what course should be pursued, but he might state that, if a third judge of the Supreme Court was appointed, the Metropolitan District Court might be done away with. In dealing with this question, he hoped that the right of the Chief Justice to an increase of salary would be considered. When the Chief Justice was asked to come to the colony, there was something like a promise that his salary would be increased. For his own part, he thought it should at least be made equal to that of Mr. Justice Lutwyche. As to the salary of a judge, his opinion was that it would not be possible to get first-class men to occupy the position of a judge of the Supreme Court for a salary less than £1,500 per annum. He was pleased to see that it was proposed to equalise the salaries of Ministers of the Crown; for he never could understand why the Postmaster-General, being a member of the Ministry, should not have a salary equal to that of any other member of the Ministry. As to the proposed

reduction, he was not much in favor of it; but if the members of the Ministry were willing to work for less than had hitherto been paid to other gentlemen who had occupied the same offices, he did not see that any one had a right to object. He would like to know what was the meaning of the tenth clause, which proposed the introduction of a Bill to authorise the imposition of a tax of five per cent. on the salaries of all persons in the service of the Government. What was the meaning of that? Why tax only the members of the Civil Service? If it was considered necessary to resort to an income tax, why not tax every one? The twelfth clause referred to a number of measures of a very important nature, and also stated that at this late season of the year it was not proposed to proceed with many of them beyond the first stages—leaving the further consideration of the others till next session, which it was proposed to summon not later than March. He hoped the honorable the Postmaster-General would inform the House as to what measures would be proceeded with this session beyond the first stage. It would, he was sure, be convenient to other honorable members, as well as to himself, to have such information, as it would enable them not only to know what business was to be proceeded with, but also to form some opinion as to how long the session was likely to last. With those remarks, he begged to second the adoption of the Address in Reply, as read by the Clerk.

The Hon. H. G. SIMPSON said he did not like to let the motion for the adoption of the Address in Reply pass without his saying a few words on the subject—not, however, because he was in any degree opposed to the present Government. He believed that the Opening Speech, and the Address in Reply, were both very good; but he must say that in each case it was the old story they had heard over and over again. The programme put forth by the Ministry was, no doubt, a very good one; but there was one thing which he considered absolutely necessary that was not mentioned in it. He thought there should have been some proposition in the programme of the Government for the completion of the railway between Brisbane and Ipswich. By the twelfth clause of the Opening Speech, he saw that it was proposed by the Government to introduce a Bill to encourage the investment of private capital in the construction of railways, and to amend and consolidate the railway laws of the colony. Now, if he could have believed that it was the intention of the Government to carry out the extension of the railway from Ipswich to Brisbane—a public work which he considered to be absolutely necessary, not only for the local, but for the general welfare of the colony—he would not have deemed it necessary for him to have said anything at all on the present occasion; but, taking into consideration the agitation that had been carried on through-

out the interior districts of the colony for the completion of the southern line, especially as between Brisbane and Ipswich, he thought it was necessary to endeavor to elicit some distinct information as to the intentions of the Government on the subject from the honorable the Postmaster-General, as the representative of the Ministry in the House. In the course of last session he stated what he considered would be the probable cost of the construction of the line, and also the amount of revenue which might be expected from it. He had since found—and his honorable friend, Mr. Fitz, could bear him out—that he, on that occasion, had greatly under-rated the receipts. His honorable friend would bear him out in saying that an account he saw gave much greater returns than he ventured to estimate them at last session.

The Hon. H. B. FRIZ: Yes. From the steam company's books.

The Hon. H. G. SIMPSON: Under those circumstances, he thought there could be no doubt that the completion of the line would be a paying speculation on the part of the Government. The general feeling of the colony was in favor of its completion; and its completion could not, he believed, be much longer deferred. Unless the honorable gentleman representing the Government could give the House some assurance that the line would be proceeded with, he would consider it to be his duty, on a future day, to table some resolutions on the subject.

The Hon. J. J. GALLOWAY said he did not rise for the purpose of criticising the Speech read by His Excellency the Governor on the opening of Parliament; but he merely wished to take the present opportunity of asking the honorable the Postmaster-General what Bills honorable members might expect to be brought forward and passed during this session. He did so because he found it had hitherto been the habit for Bills that had been passed through the other branch of the legislature to be rushed through the Legislative Council at the last moment, and with such haste that due consideration could not be given to them. He also wished to obtain some information from the honorable gentleman respecting the mail services alluded to in the third paragraph of the Opening Speech. Honorable members would remember, that, during the session of 1869, resolutions were passed in favor of a mail service *via* Torres Straits and Singapore. Now, it seemed there had been some alteration made by the Government, and he hoped the honorable the Postmaster-General would give the House some information on the subject.

The POSTMASTER-GENERAL said he fully agreed with the honorable gentleman who last addressed the House, that it was not advisable to suspend the Standing Orders, with the view of hastily passing, at the close of the session, Bills that had received the

sanction of the other branch of the legislature. In response to the appeal that had been made to him, he could only at present say that he would take the earliest opportunity in his power of informing the House as to what measures would be brought forward with the view of their passing through their several stages and becoming law. At present, however, he was not in a position to do so. Honorable gentlemen were aware that there was not much time this year to bring forward many of the measures mentioned in the Opening Speech; all of which, he believed it would be generally admitted, were more or less required. He could, however, inform the House that it was imperatively necessary that during the present session Bills for the Amendment of the Customs Duties Act, for the Regulation of Distillation, and a Loan Bill, should be passed. With regard to the proposed mail service *via* San Francisco, he believed that instead of its preventing the carrying out of a mail service *via* Torres Straits, it would have the effect of promoting it. With regard to what fell from his honorable friend, Captain Simpson, he could not agree with him that the extension of existing railways would be a paying speculation—taking into consideration the interest on the present loans. When his honorable friend brought forward the resolutions he referred to, he (the Postmaster-General, would be in a position to inform the House of the cost of the railways and the revenue derived from them. He thought that most honorable gentlemen would agree with him that the present was not the proper time to enter upon expensive works that could only benefit certain localities—the more especially as it would be necessary to raise large sums of money for the formation and maintenance of roads and bridges throughout the colony, and for other works that were absolutely required in several districts of the colony. The circumstances of a comparatively newly settled and thinly peopled colony, such as Queensland, should not be at all compared with those of an old and densely peopled country with respect to the carrying out of public works. In the matter of railways alone, he believed that if the whole of the population of the colony were settled along either line or at both ends of either of the lines, the revenue would not be sufficient to cover the expenditure. Only a very few of the inhabitants of the colony would be benefitted by the extension of the existing lines of railway. With respect to what had fallen from his honorable friend who had seconded the motion for the adoption of the Address, he must say that the honorable gentleman's views were almost, if not altogether, in accordance with those of the Government. Before concluding, he would only add that he thought the opponents of the Government could not say that the Government had not enunciated a comprehensive and distinct policy,

The Hon. Sr. G. R. GORE said the honorable the Postmaster-General concluded his speech by saying that even the opponents of the Government could not say that the Government had not brought forward a comprehensive and distinct policy. For his own part he must say, that if the Government carried out the whole of the programme submitted in the Opening Speech, they would accomplish a great amount of very important legislation. He did not, however, believe that the Government seriously intended to carry out all that they promised; and if they did, he and others had not confidence that the measures proposed would be carried out in a way that would be satisfactory to the country. There were several members in the present Government who would take advantage of every loophole to advance their own interests. He would admit that there was an urgent necessity for the amendment of the Land Act of 1868, for under that Act there had been a great amount of jobbery practised. As to the Speech, he had not much objection to offer to it. On the whole he thought it was well enough. The first paragraph stated that the meeting of Parliament had been postponed till the latest possible period, in order to enable members engaged in pastoral pursuits to complete the most important business of the year; so that every member might be able to attend and give his undivided attention to the pressing duties of legislation. Well, though the Opening Speech commenced with such a paragraph, it was only a few months ago that the present Ministry would not allow business to be carried on and finished before the time that it was necessary for honorable members engaged in pastoral pursuits to be relieved from their legislative duties. If it was intended that the Parliament should be prorogued about Christmas, they would have only about a month to deal with all the measures which the Government proposed to bring forward. Now, all the measures mentioned could not be dealt with in that time, and what, therefore, was the use of introducing so many Bills in order that they might be passed only one stage? He observed that one of the measures proposed to be brought in by the present Government was to provide for additional representation. Now, he did not think that he could agree to any measure of the kind that might be introduced by the present Government. He did not believe that the Government would bring in a measure that would have an equitable application to the whole colony. They might, and probably would, give additional members to the Maranoa, and other outlying districts; but he did not believe they would submit a measure that would provide for additional representation for the several districts of the colony. As to the Attorney-General, who resigned his seat in the Legislative Council

with the view of obtaining a seat in the Legislative Assembly—that gentleman had been three times foiled in his attempts to be elected as the representative of a constituency. He thought therefore, that, under such circumstances, in the event of the Government appointing the honorable gentleman to a seat in the Legislative Council, the House would regard it as an insult such as they would not be willing to bear. He should be glad to see the appointment of a third judge for the Supreme Court; and, in saying so, he would add that he considered the present position of the Supreme Court was very unsatisfactory. Some years ago he took steps to have the court improved, but he did not meet with sufficient support to enable him to have his propositions carried out. Respecting railway extension, he considered that very great inconvenience was occasioned to settlers in the interior, as well as to merchants and other inhabitants in Brisbane, by the railway from Ipswich to Brisbane not being completed. He fully agreed with the paragraph in the Opening Speech, relating to telegraphic communication with England. He did not think the colony had been fairly dealt with in the matter by the other colonies. His own opinion was that a line of telegraph from South Australia, across the country, could not possibly be kept in working order; and he should not be sorry if the South Australian line, which was projected by a spirit of petty jealousy, should turn out to be a failure.

The motion for the adoption of the Address was then put and passed.

The POSTMASTER-GENERAL then moved—

That the Address, as adopted, be presented to His Excellency the Governor, by the President, the mover and seconder, and such other members as might be present on the following day, at half-past eleven o'clock.

The motion was agreed to and the House adjourned.