

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 26 JUNE 1872

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£8,000 in additional surveys of railway lines from Brisbane to Ipswich, and Westwood to the Mackenzie River; such amount to be charged to loan unforeseen expenditure, in the first instance, and to railway loan when voted.

2. That an Address be presented to the Governor, praying that His Excellency will be pleased to recommend to this House the necessary appropriation to give effect to the foregoing resolution.

3. That these resolutions be transmitted to the Legislative Council, for their concurrence, by message in the usual form.

Mr. FERRETT said before the motion was put, he should certainly like to have a little more information on the subject. It was now proposed that a sum of £8,000 should be spent in making additional surveys of railway lines, whilst he knew that already four or five surveys had been made of the proposed line from Ipswich to Brisbane. Then with regard to the other line, from Westwood to the Mackenzie River, although a fresh survey might be desirable, he would like to have some information. He did not approve of a motion of the kind, now before them, being passed without any explanation whatever.

The COLONIAL SECRETARY said he had not thought it was necessary for him to make any observations when introducing the motion, as it was merely that the House should go into committee on the following day, to consider certain resolutions, on which a full discussion could then take place. He had not, however, let the motion go as a formal motion, thinking it was probable that some honorable member might wish to say something on the question. Now, he believed himself, that it would be found that if £10,000 was spent in making surveys of the proposed lines of railway before they were undertaken, it might have the effect of saving the country thousands in the cost of their construction.

HONORABLE MEMBERS: Hear, hear.

The COLONIAL SECRETARY: Although there had been already three or four surveys made of the line between Ipswich and Brisbane, he believed that if more were made, they would be found to pay well before the line was made. The present surveys would not be lost, as they would be of good service in guiding the engineer who would make the future surveys. He thought it extremely probable that none of the surveys which had been made would do, but that a far better line than any yet pointed out could be found, and that it would be possible to cross the river higher up, and bring the railway to North Brisbane. He was not an engineer, and could not, therefore, say that that would be done, but still it might be done. He believed honorable members would, therefore, agree with him, that £10,000 spent in making surveys would be money well spent. With regard to the northern line, a survey had already been made from Westwood to the Mackenzie; but to shew that it was not a good one, he might mention that when a preliminary survey of the bridge across the

LEGISLATIVE ASSEMBLY.

Wednesday, 26 June, 1872.

Electoral Districts Bill.—Railway Surveys.—Appropriation Bill.—Customs Bill.

ELECTORAL DISTRICTS BILL.

The COLONIAL SECRETARY moved that the Order of the Day for the adoption of the report of the committee on the above Bill, be postponed until the following day. He stated that his object in so doing was, that the Bill had been reprinted, and several new clauses were to be proposed by the honorable member for Fortitude Valley, which required time for consideration.

Motion agreed to.

RAILWAY SURVEYS.

The COLONIAL SECRETARY (pursuant to notice) moved,—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider the following resolutions, viz. :—

1. That it is desirable that the Government should be authorised to expend a sum not exceeding

Dawson was being made by the engineer, a far better and easier line was discovered, which would save the country thousands of pounds in the construction of that line. He was sure the money would be well spent, as the more attempts made to get the best surveys, the better it would be for the country. Money had been spent already on the Ipswich and Brisbane line, but not to any very great extent; and he had been surprised to find, the other day, how little had been spent—not £3,000. He considered that those surveys, however, were not enough, and that money would be saved by having fresh ones made.

HONORABLE MEMBERS: Hear, hear.

Mr. CLARK said he quite agreed with the honorable the Premier, that before commencing the vast undertaking of making railways, proper surveys should be made. He hoped that the Government would take care to have a proper man to superintend those surveys. He did not believe that there was such a man in the colony at the present time, and, therefore, he thought it should be a *sine qua non*, that a competent person should be imported from England, or from some other colony, to superintend them—a man of experience, and in whom the country would have confidence. He thought that they had seen enough to shew them the necessity of having such a person, and that no salary in moderation would be too much for any man who, from his experience and competency, could enjoy the confidence of the country. He trusted that the Government would say that they were going to employ such a man—one who was trustworthy—for he imagined that the railways would cost not less than a million of money, and would take some years to complete; and it was necessary that during that time the people should know that the supervision of the expenditure of their money was in proper hands.

Mr. HEMMANT said he would not have arisen on the present occasion, except to refer to the statement which had been made by the honorable member who had just sat down, that the Government should get a competent surveyor from England. Now, he objected to such an arrangement as that, as it would entail a delay of at least seven or eight months, and he hoped the Government would not accede to such a proposal. He was sure that there were plenty of men in the colony quite capable of carrying out such an undertaking.

Mr. CLARK thought the honorable member had misunderstood his meaning. He had not intended that the Government should bring out a man to superintend the surveys of the line, but to superintend the whole construction of the railways.

Mr. J. SCOTT said the honorable member who had just spoken had stated exactly what he had intended to refer to. Now he objected to the proposition made by the honorable member for the importation of a competent man from England. They had in Eng-

land got into a groove of expensive railways, and it would consequently be very difficult to find such a man there as was required for the railways of this colony. In England the engineers were in the habit of constructing expensive railways only, which were quite unsuited for the requirements of this colony. Such a gentleman would do very well for the line between Ipswich and Brisbane, where the works must be of a substantial character to provide for a large traffic; but he should most decidedly object to any man being imported from England to superintend the northern lines, as he hoped they would be of a much lighter and more inexpensive character than any lines yet constructed in the colony. If any person was imported, it should be some one who was accustomed to cheap railways. He had been glad to see the motion brought forward, and should support it, with the hope that it would be carried.

Mr. LILLEY thought himself, and he believed the honorable member at the head of the Government would endorse such a statement, that there was no intention to cause any delay in starting about the construction of the railways, by the adoption of the present resolution. He took it that the Government were acting in perfect good faith regarding the commencing and carrying out of those works, both in the North and South; and he quite agreed with the honorable the Premier that before undertaking works of such an expensive and important character—although he hoped they would not cost quite so much as the honorable member for Warwick seemed to think they would—it was necessary to obtain the most perfect surveys they could procure. He understood, however, that there were competent men in the colonies who could be procured. He hoped soon to hear from the honorable the Colonial Treasurer, that the money matters in connection with those works would be submitted for their consideration, in accordance with the programme put forward by the Government. He quite agreed with the honorable the Premier, that the surveys should be made carefully, as they had been taught the necessity of that by the statements which had been made respecting the line over the Main Range. In the North the lines would be of a less substantial and expensive character.

Mr. THORN said he did not agree at all with the honorable member for Warwick, in his proposal to import engineers. He considered that they had had quite enough of English engineers on the present railways, and that they should profit by that experience. There was another matter in connection with the Ipswich and Brisbane Railway which was out of the sphere of the engineers, and which he would mention, namely, the site of the Brisbane terminus. Now, he believed, from what he had heard, that unless the line was taken into North Brisbane, it would be perfectly useless; and that unless it was taken into the heart of the city, it

might just as well stop at Ipswich, as at present. He felt quite certain in his own mind, that if, instead of being taken into the heart of the city, the line was allowed to stop anywhere near the residence of the honorable member for South Brisbane, it would be useless, and only a burden to the colony.

Dr. O'DOHERTY said he was sure that if they had to wait for the railway from Ipswich to Brisbane, until the honorable member for West Moreton was willing to have it brought down even to South Brisbane, they would have to wait a very long time. He thought the present was rather an inopportune moment for entering into a discussion of the railway question, and, therefore, it would be better to defer it. He thought that the proposition of the honorable the Premier was a reasonable one, and he quite agreed with the honorable member for Fortitude Valley, that no unnecessary delay in carrying on the works was intended by bringing it forward.

Mr. MOREHEAD agreed with the honorable member for Warwick, and thought that some competent engineer should be imported from England to superintend the construction of the works, as he did not believe that any such man could be obtained in the colonies. The honorable member for the Leichhardt had stated that the English engineers were too much in the groove of expensive railways, but the honorable member should have recollected that some very cheap railways had been already constructed in both England and Wales, and the question was now being agitated there. He, therefore, believed, that it would be easy to get a gentleman from England, at a moderate salary, who would have a knowledge of the construction of such lines, and that that would be better than employing anyone here. Or, if they were to go in for cheap railways, why not import an engineer from America, where very cheap lines were made?

Mr. THORNTON said he did not agree with the honorable member who had just sat down, as he thought that there were men in the colony quite competent to carry out the construction of railways, without importing any from England or elsewhere.

Mr. STEPHENS said he was not quite prepared to give an opinion as regarded the competence and experience of gentlemen in the colony, but he quite agreed that one should be found with sufficient ability to carry out our works. He must say that their experience of importing engineers, especially to execute cheap works, had not been very satisfactory. It should be borne in mind that Mr. Fitzgibbon was imported to the colony to give a cheap system of railways, but certainly cheapness was not an element in that gentleman's work, and it was generally admitted that the surveys were unsatisfactory—and that in every part where skill was required, their experience was not satisfactory. It must also be remembered that if they imported an

engineer from England, the carrying out of the whole work would be placed in his hands—but he thought that instead of that, it would be a much better plan to procure the best engineer they could, and then let the Government exercise their own discretion as to the carrying out of the work. He had been very glad to see the resolutions brought forward by the honorable member at the head of the Government, and would cordially support them. He did not think that the present was the proper time to say where the line should terminate, but he thought the money spent in surveying the line would be money well spent, presuming that the main object was kept in view, namely, the selection of the cheapest, best, and most direct line. The object of any survey should be not to benefit any one individual, but to give the best and most practical line.

Mr. MACDEVITT said the resolution of the honorable the Premier was that the House should, on the following day, go into committee, to consider the advisability of voting a certain sum of money for making surveys of proposed lines of railway; and, therefore, it had appeared to him that the discussion upon the resolutions might very properly have been deferred until then; especially as they were desirous of getting on with business as quickly as possible. He now rose to say that whilst he had no hesitation in supporting the motion—and in doing so was simply following the example of other honorable members—he hoped it would be borne in mind by honorable members, and particularly by those of the Opposition, that the railway policy had been advocated by them during the last two sessions, on one very important condition, namely, that the districts for which such railways were constructed should be made liable to any charge in connection with them, that would otherwise fall upon the general revenue. He trusted that that condition would still be insisted upon.

Mr. HANDY said he did not rise to address himself to the question as to whether or not a gentleman should be imported from England to superintend the construction of railways, but to say that he quite agreed with the honorable the Premier, that money would be well spent in making fresh surveys. He believed that a better and cheaper line from Ipswich to Brisbane, could be found, than was represented by either of the surveys already made. He thought that a crossing higher up the river could be found that would entail less expenditure. Whether it went near the residence of the honorable member for South Brisbane or not, was not a matter for consideration, but the railway should certainly go into the heart of the city. He believed, from what he had heard, that the most direct way of crossing the river would be near the shallows.

The motion was agreed to.

APPROPRIATION BILL.

The COLONIAL TREASURER moved that the Order of the Day for the adoption of the Report of the committee on this Bill be struck out, and that the Bill be re-committed for the purpose of making some amendments in it.

Motion agreed to, and House put into committee.

Amendments made.

The House resumed and the report was adopted.

CUSTOMS BILL.

Mr. RAMSAY, in moving the second reading of the above Bill, said he might be expected to give some explanation as to how it was he came to be in charge of the Bill. It was, that when the Bill was first introduced by him he was Treasurer; and when his successor took office, it seemed likely that there would be a great deal of work on his hands, and, therefore, he (Mr. Ramsay) had promised to undertake the charge of, and initiate two Bills—the one before the House, and another which he hoped to introduce next session. In regard to the present Bill, he might say that for some time past there had been a very strong necessity for Customs reform. The Custom House was at present regulated under the provisions of an old Imperial Act, 9 Vic., No. 15, which they had brought with them from New South Wales. That had been repealed in England, in 1853, and was superseded by the Imperial Consolidation Act, 16 and 17 Vic., No. 107, which had been found to work extremely well in England, and in some of the colonies where it had been copied. The Act, which had incorporated in it a great many old Customs Acts, had become the law in Victoria and South Australia; and it had been felt for a long time that it should be made law in this colony, as a great deal of fault was found with the one now in force here. The framers of the measure now before them deserved a great deal of credit for the trouble and care they had shewn in drawing it up, as every difficulty in connection with the Customs appeared to be provided for;—he might say that he had had nothing to do with drawing it up himself, but had only taken the responsibility of passing it through the House. As he said before, he thought that every difficulty that could possibly arise under the Customs laws had been provided for, and, although the Bill was very long, he did not think that a single clause which was in it could be omitted with safety. He quite agreed with what had been said by the honorable member for East Moreton, Mr. Griffith, a few evenings ago, that an Act of Parliament could be too short. He thought it was far better to take the trouble of going through a few additional clauses in a Bill, at the time the Bill was before them, than to pass a Bill with only a few clauses in it, and find out afterwards that it would require amended Acts to make it work properly. There were in the proposed Bill forty-six

clauses which referred to the legal provisions of it, and he thought it would be acknowledged that something of the kind was very much required. They had had only one Customs' prosecution in the colony, under the existing Act, and there were two legal gentlemen, members of that House, who, he thought, would bear him out in saying that that prosecution proved how much the law required alteration. The case he alluded to was that of *Curphey v. Hoffnung*, and, although the property seized in that case was only worth £1,500, the costs in the suit amounted to £2,000. That defect had been taken in hand by the framers of the proposed Bill, and, instead of requiring that an officer should proceed in that old and cumbrous manner, there were clauses in it which provided that there should be a court established for the trial of such cases, from which a final appeal could be made to the Governor in Council, who would also have the power to mitigate or remit the penalties exacted; but that did not take away from the party the right of appeal to the Supreme Court. He thought that that mode of proceeding would not only be found of great convenience to the Customs' officers, but also a great safeguard to the public in general. In going through the Bill in committee, he would point out all the new clauses, and also the authority on which the framers of them had relied. He would also point out, as far as he could, the reasons for their adoption in this colony, and where our laws differed from those of Victoria and South Australia—and our circumstances differed from those of those two colonies. Besides those forty-six clauses relating to the legal provisions of the Bill, there were sections from 25 to 32 which referred entirely to the jurisdiction, not altogether to questions simply of law, but where cases of dispute between the Collector of Customs and individuals arose, and those sections would be found very important. There were a great many questions which arose at the present time on which the Collector of Customs was compelled to rely upon his own responsibility. Under the old Act also, 9 Vic. No. 15, there were many cases in which the Custom House officers acted more in accordance with established usage than according to any right by law, and therefore the present measure would be a great safeguard to them; for although the things done by the officers might be necessary for the protection of the revenue, yet if they were asked to shew by what authority they acted, they would find it very difficult to do so. Now that was a state of things which should not exist any longer, and therefore the Bill proposed to put an end to it. There was another provision in the measure which would lead to the very much better management of bonded warehouses, and to the benefit of the warehouse keepers, the law at present being very unsatisfactory on the subject. The Collector of Customs now had very little jurisdiction over them, and

hey themselves, in some instances, were frequently subjected to very oppressive enactments. One instance of that was, that if goods were sent to a bonded warehouse, and no rent was paid on them, they must remain there for three years before the warehouse keeper could dispose of them, in order to pay the rent incurred. Now honorable members would know that when goods had been in bond for three years they would greatly depreciate in value; and, in fact, it had been frequently found that when the warehouse keeper wished to dispose of them at the expiration of the time allowed by law, they had so deteriorated as not to realise, when sold, sufficient to pay the rent. But by the proposed Bill warehouse keepers would have the power to sell all goods, on which rent had not been paid for six months; and he thought owners of goods could not complain of that, if they did not choose to pay rent for them. The Bill would also amend, and improve, the Bonded Storekeepers' Act, and place them on a better footing; and would also regulate the power of the Collector of Customs over those bonded storekeepers. At present the Collector had no power, but it had so happened that a respectable class of men had been engaged in that trade, and therefore no difficulty had arisen; but difficulties might arise between them and the Collector, and therefore it was better to make some provision in that respect. Under the present Act the Collector could not enter a store for the purpose of taking stock, except by the permission of the owner, who could order him out if he chose. The only power he had over them was to cancel their licenses, which was an extreme step and one that no collector would like to attempt except under very serious circumstances. Again, the Bill proposed to give another very desirable power to the Governor, which was, that of remitting or mitigating any penalty, supposing a breach of the law had been committed unintentionally: at present a breach of the Act might be committed quite unintentionally, and yet there was no way of a person getting out of the difficulty he was thus placed in. For instance, a case of drapery might be consigned to a firm, and upon its being opened, if there was only found one bottle of *eau de Cologne* in it not reported, the collector would have no option but to confiscate the whole case, and yet that bottle might have been put there by mistake, and without any wish or intention to defraud the Customs. Therefore, it was desirable that power should be given to the Governor to mitigate the punishment in such cases. Another very good provision included in the Bill was in regard to the passing of entries, by which they must be made more frequently than by the present Act. The time at present allowed was twenty days, so that there was nothing to prevent importers from making a warehouse of a ship for that time, thus putting the shipowners to very great inconvenience. It was now proposed

that the time should be limited to forty-eight hours. He thought that that would be found a very valuable provision, and one that would be found of great benefit, not only to the ship owner, but to the owner of the goods. Then again, the removal of goods by lighters was another question dealt with by the Bill. Of course there was great danger of smuggling going on by those lighters, which offered considerable facilities for it, but by the Bill provision was made that they should be properly looked after under certain circumstances. There were a great many other matters connected with the measure to which he would allude when it was in committee; as to go through a Bill of 245 clauses on the second reading would be occupying the time of the House unnecessarily. He had alluded to the most important portions of the measure; but there were many others—such as boarding ships, issuing licenses to officers, and requiring a certain description of papers from masters of vessels. There was nothing in the present Act to make the captain furnish any particular papers. They were furnished, it was true; but there was no power to compel their being furnished, and supposing a master refused to furnish them, the Customs would be in an awkward position. There were, in fact, a great many things now done which there was no power to enforce being done; but the Bill provided for all such cases. He might mention that the Imperial Act, before being passed into law, was first submitted to the leading mercantile houses of London and Liverpool, by whom it was seriously discussed; and it was owing no doubt to that circumstance that it had been found to work so well. He believed that the same course had been pursued here in respect to the measure before the House, and that it had been discussed by the principal merchants. He had every hope that it would be found of great service, not only to the Collector of Customs and to his subordinates, by defining their powers and duties as granted by law, but also to the public, by making their position in regard to those officers very much safer. He did not know that he need trouble the House with any further remarks. If the Bill had been short, he could perhaps have spun out his remarks on it; but as he knew that its provisions would be well considered in committee, he would postpone any further comments until then. He would now move that the Bill be read a second time.

Mr. GRIFFITH said he quite concurred with the general principles of the Bill, but in regard to the legal provisions of it, he thought some great improvements could be made. As far as regarded the proceedings in the Supreme Court, the Bill proposed to make little or no difference. In the case of *Curphy v. Hoffnung*, which had been mentioned by the honorable member, there was a very great waste of time and money in initiating proceedings, and he could state some improvements which could be made in

that respect readily; and, it appeared to him, the Bill was the proper place to have them inserted. In the first place, the Bill provided that information must be laid with the Attorney-General; but it happened sometimes that that gentleman was absent, so that it should be provided that some other officer, such as the Collector of Customs, might do as well, as otherwise the proceedings would be delayed. Again, the practice in regard to the courts was very obscure. The information was to be presented to the court, whilst the court was sitting in Banco; but he did not see any reason why an information could not be commenced just before term. There was again no reason why proclamation should not be made in the *Gazette*, and if the form of proceeding was simplified, and made under the Common Law Procedure Act, it would save a great deal of trouble. Then there was another cumbrous arrangement about appraising the value of goods, which had the effect of prolonging the proceedings twenty times over, which could be saved if an agreement was arrived at between the owner of the goods and the Customs. That was another alteration which would have to be made. Those were matters, however, to be dealt with when the Bill was in committee.

The motion was agreed to.

Mr. RAMSAY moved—

That the House go into Committee upon the Bill.

The motion was carried, and the House was put into committee.