

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 3 JULY 1872**

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LEGISLATIVE COUNCIL.

*Wednesday, 3 July, 1872.*

Production of Papers.—Appropriation Bill.—Land Orders Bill.

PRODUCTION OF PAPERS.

Certain papers having been laid on the table, by the POSTMASTER-GENERAL, and ordered to be printed,

The Hon. H. B. FITZ rose for the purpose of calling attention to what he regarded as a great irregularity. Where the blame rested, he was not prepared to say; but the House had been treated, either by the Government or by the honorable gentleman who represented the Government in the Council, in a manner which ought not to have been observable. For instance, amongst the papers which the honorable the Postmaster-General had laid on the table, was the Report of the Chief Inspector of Distilleries, which he saw for the first time, a few days since, in the *Courier*

newspaper, and which honorable members were aware was presented to the other House last week; and again, there was the Report of the Chief Inspector of Sheep, which had been lying on the table of the other House for several weeks, and that, also, had appeared in the *Courier*. Unless such irregularity was noticed by the Council, honorable gentlemen might have to look to the *Courier* for the official reports, or to ask some honorable members of the other House to oblige them with a loan of theirs. He had been anxious to read the Report of the Inspector of Distilleries, in order to see what progress had been made in sugar growing; and he had had to read it in the newspaper, being aware that it had been presented to the Assembly some days previously. He did not wish to blame the Postmaster-General: perhaps the papers had not been placed in the honorable gentleman's hands; but he blamed his colleagues, and he brought the matter before the House to prevent a recurrence of such irregularities in future.

The POSTMASTER-GENERAL: The matter was very easily explained, as to the report of the Inspector of Distilleries; and his honorable friend must know all about the delay. He was sure that the members of the Government would not do anything that the Council would not like. That report was not laid on the table of the Assembly until Thursday last, and, as the Council had not sat since, until to-day, it would have been rather difficult for him (the Postmaster-General), even if there had been an omission, to have foreseen it. He did generally look at the papers, and, as a rule, his colleagues sent them to him. An omission might take place, without doubt; but he thought that the honorable gentleman need not have made so much of it.

The Hon. H. B. FITZ: What about the report of the Chief Inspector of Sheep?

The POSTMASTER-GENERAL: His memory hardly served him for that.

#### APPROPRIATION BILL.

The POSTMASTER-GENERAL moved the second reading of "a Bill to authorise the Appropriation out of the Consolidated Revenue Fund of certain sums to make good the Supplies granted for the years 1872 and 1871."

The Hon. H. B. FITZ said he rose merely to ask a question. He saw the sum of £55,335 set down for "railways generally." What was the object of the appropriation of that amount?

The POSTMASTER-GENERAL: Expenses.

The Hon. H. B. FITZ: He knew that. What was it for? It was under the Department of Public Works.

The POSTMASTER-GENERAL: He thought he could explain it to the honorable gentleman. It was to make good certain deficiencies that were not provided for before.

An HONORABLE MEMBER: Working expenses.

The Hon. H. B. FITZ: Was he to understand that the £55,335 was the deficit upon the working expenses of railways? Was that to make up a deficiency on the working expenses of railways?

The POSTMASTER-GENERAL: It was very easy for the honorable gentleman to pick out certain sums which were not in his (the Postmaster-General's) department. He should not like to give a wrong answer. If the honorable gentleman would table a question, he should be able to give him an answer, after due notice. He (the Postmaster-General) thought the sum was for working expenses of the Railway Department.

The Hon. H. B. FITZ: He was really surprised at the honorable gentleman's answer. When moving the second reading of a Bill, the honorable member representing the Government should be in a position to explain the objects of the Bill. He (Mr. Fitz) was merely asking for information, and the Postmaster-General ought to be in a position to afford that information to the House. He now asked, Whether the sum of £55,335 was a deficiency on the working expenses of the railways of the colony? He presumed it must be. Still, he should like to ascertain the fact from the honorable gentleman.

The POSTMASTER-GENERAL: He quite disagreed with the honorable gentleman, that he should be in a position to answer every question by word of mouth, and to answer it correctly. If he were only a simple member of the House, he should not so much care. He should like to answer the question just put correctly. He had given the honorable gentleman the best answer he could give to his question. If the honorable gentleman would table a question, and give him time to reply, he should be able to give him the information he required; but he could hardly expect him to answer every question at once.

The Hon. J. TAYLOR: It was evident that the Honorable Mr. Fitz was endeavoring to put the Postmaster-General into a bit of a fix in this matter. It struck him that the sum referred to was for the current estimated expense of this year—to carry the railways on to the 31st December, 1872, and no farther. But, to put the matter in the pointed manner that the Honorable Mr. Fitz did—to put the honorable gentleman who represented the Government in a hole—was not fair. He thought it was taking the Postmaster-General at a very great disadvantage. He should say, again, that the £55,335 was for the working expenses of the railways for the twelve months ending 31st December, 1872.

The Hon. H. B. FITZ: Deficit.

The Hon. J. TAYLOR: No; for working expenses.

The Hon. H. B. FITZ: Where were the profits?

The Hon. J. TAYLOR: He thought the honorable gentleman might put the profits

into a very small space. The receipts from railways went into the consolidated revenue.

The Hon. H. B. FITZ: Well, he must say that the honorable the Postmaster-General had not satisfied him with reference to the subject. It came badly from the honorable member who represented the Government, that he was not, as he ought to be, able to explain everything about a Bill when he moved the second reading. He (Mr. Fitz) still maintained that the sum to which he had called attention was a debt upon the railway works! The object of the Bill was to legalise the appropriation of the revenue, and the honorable gentleman ought to be in a position to explain any matter raised in connection with it, and to give information when asked for it.

The POSTMASTER-GENERAL: He wondered that the honorable gentleman did not know better than appeared from his statements. If the honorable gentleman only took the trouble to look over the Estimates, and if he knew how those things were carried on, he would understand that the sum was to pay the working expenses of the railways for this year; that the receipts for the railways were placed to revenue account; that those working expenses were paid out of the revenue; and that the sum placed in the Bill did not mean any deficit whatever, but the current expenses of the year. The honorable gentleman had asked him a question, and he (the Postmaster-General) did not know what he meant when he was asking about a deficit.

The Hon. J. C. HEUSSLER: This being a matter of account, he did not find any difficulty about it at all. He was astonished that the Postmaster-General did not at once give the answer, which was on the face of the Bill. The item was, "Railways, generally, £55,335;" and he supposed it was for the general expenditure on account of the railways, for this year, which expenditure was required for the working of the railways. As to the income of the railways, he supposed that that came under the head of revenue. The expenditure was £55,335; and it appeared that the colony got something like £75,000 a-year from the railways. The £55,335 could not be a deficiency, as suggested by his honorable friend, Mr. Fitz.

The POSTMASTER-GENERAL: His honorable friend, Mr. Taylor, was perfectly right. He (the Postmaster-General) did not quite understand the question, at first. If the Honorable Mr. Fitz would only refer to the Estimates for 1872, he would find in the summary to the department of Public Works, the following:—

"RAILWAYS—		£
"Stores and Department	...	3,754
"Southern and Western	...	44,612
"Great Northern	...	6,969
"Total		£55,335"

The Hon. H. B. FITZ: That was a deficiency.

The POSTMASTER-GENERAL: Not at all.

The Hon. D. F. ROBERTS: He would just point out to the Honorable Mr. Fitz that he had somewhat forgotten—it was so long since the Council had an Appropriation Bill before them—that the House must either pass or reject a money Bill.

The Hon. H. B. FITZ: He was aware of that. He was not going to offer any opposition.

The Hon. D. F. ROBERTS: He was about to remark that he did not think it was in order that a discussion such as the present should arise in the House: in committee, if honorable members thought it their duty, they could ask as many questions about the sum for railways as they liked. He would point out that they could not interfere with any item in the Bill.

The Hon. H. B. FITZ: He was well aware of that.

The Hon. D. F. ROBERTS: Very well, then. They must either accept or reject the Bill.

The Hon. H. B. FITZ: He was quite as well aware of that as the honorable gentleman. He knew the forms of the House as well as the Chairman himself. He wished him, also, to learn that when a Bill was presented to the House, and when an honorable gentleman moved the second reading, if he was called upon to afford any explanation with reference to the principles of that Bill and the object of it, the member in charge of the Bill ought to be able to afford such information or explanation. He had merely asked the Postmaster-General for information, which he had a perfect right to do, and he expected to get it, on the second reading.

The Hon. J. TAYLOR: The honorable gentleman had—

The PRESIDENT: The honorable gentleman has spoken.

The Hon. J. TAYLOR: Well, you allowed Mr. Fitz to get up half-a-dozen times—

The PRESIDENT: I have.

The Hon. J. TAYLOR: I am as good a man as he is; and I have a right to speak as often as he does. No objection was made to him, and he spoke half-a-dozen times; and I don't see why I should be objected to.

The PRESIDENT: It does not follow that because one honorable member does wrong, that another should do the same.

The Hon. J. TAYLOR: I have as good a right to speak as he has.

The PRESIDENT: If the House is willing to listen to the honorable member, I am willing.

The Hon. J. TAYLOR: The Honorable Mr. Fitz had taken a wrong view altogether of the matter. He must be aware that the £55,335 was not a deficit. If he had a grain of common sense at all, he should know that that was simply the amount voted for working the railways for 1872, and was not a deficit.

The Hon. H. B. FITZ: He differed.

The Hon. J. TAYLOR: They might differ; for the honorable gentleman was totally wrong. How could it be a deficit? If he looked at

the Estimates, he would find that there was no other item for railway expenditure but the £55,335.

The Hon. H. B. FITZ: It did not work the railways.

The Hon. J. TAYLOR: That honorable member ought to be a Minister! It was to work the railways for 1872, and for no other purpose.

The question was put and passed.

#### LAND ORDERS BILL.

The House went into committee, on the motion of the POSTMASTER-GENERAL, for the consideration of "a Bill for the Cancellation and other Disposal of Non-transferable land orders."

Clause 1 was moved, as follows:—

"The Immigration Act Amendment Act of 1867' is hereby repealed together with all existing regulations or notices made respecting non-transferable land orders issued under 'The Immigration Act of 1864' except as to any act matter or thing heretofore lawfully done or performed thereunder."

The Hon. H. B. FITZ rose and contended that the Council should not be a party to an act of repudiation, which would be the effect of the passing of the Bill. Clause 9 of the Immigration Act of 1864, said:—

"Upon deposit of a non-transferable land order it shall be lawful for the Government to advance to the owner thereof a sum equal to one-fifth of the nominal value thereof and upon repayment at any time within two years of the sum so advanced together with the additional sum of one pound the said land order shall be returned to the owner thereof."

That was amended by the Immigration Act of 1867:—

"1. Notwithstanding anything contained in 'The Immigration Act of 1864' it shall be lawful for the Government to return to the owner or his authorised agent any land order deposited under the provisions of the ninth section of the said Act upon the repayment at any time after the term fixed by the said section of the sum advanced with the additional sum of one pound and interest at the rate of one shilling per month or part of a month for the time beyond the period of two years the said land order shall remain in the hands of the Government.

"2. Such land orders so redeemed shall for twelve months after such redemption be available for the purchase of country land or land in agricultural reserves anything to the contrary in the eighth clause of 'The Immigration Act of 1864' twenty-eight Victoria number seventeen notwithstanding."

If the existing law was repealed, as proposed, the Governor would have the power of cancelling £51,000 worth of land orders which were lying in the Treasury. If those land orders remained where they were, in the course of a few years the accumulated interest alone would redeem them; and in that case there would be no repudiation. As honorable members were aware, a great many of the owners

of those land orders upon which Government had made an advance had taken up their residence in different parts of the colony—some in the extreme North; and why should the agreement which had been made by the Government with them be broken? A good proportion of them were, no doubt, calculating upon returning and redeeming their land orders.

The POSTMASTER-GENERAL: The reason why the Government brought in the Bill was to give some finality to the land orders. It did not only concern the land orders in the Treasury, which amounted to £46,000—he thought that was the sum; but it would give vitality to other land orders. The honorable gentleman must see that a large sum in suspense was a great inconvenience to the Government. The Government wished to deal fairly with the owners of the land orders. The honorable gentleman must allow that a large number of the land orders in the hands of the Government would never be taken up. If he looked further into the Bill than he had done, he would see that all non-transferable land orders which were in the hands of the Government, as security for advances made upon them, might, on or before the first day of July, 1873—the date with which he (the Postmaster-General) proposed to fill up the blanks in the fourth clause—be redeemed as hereafter provided. After that there was a special clause, which renewed the vitality of cancelled land orders. A person must make application in the proper quarter, and each case would be considered upon its merits. He (the Postmaster-General) need hardly say that no Government would refuse, under that clause, to allow land orders to be redeemed, on good cause shewn. He thought that provision did away entirely with the objections of his honorable friend, Mr. Fitz.

The Hon. H. B. FITZ: He could not agree with the honorable gentleman representing the Government. He always felt that a land order was a negotiable document, and so it should have been continued, as in the first instance. There had been too much legislation about the land orders; and there was no necessity for the Bill. The accumulation of interest on the sum advanced by the Government, at one shilling a month, or, twelve shillings a year, would soon empower the Government to cancel the land orders which might not be redeemed by the persons entitled to them; and then the Government would not be guilty of an act of repudiation.

The Hon. J. TAYLOR said the Bill was a very complicated one. It did not propose to deal with transferable, but with non-transferable land orders; and it provided, amongst other things, to issue negotiable, or transferable, land orders for non-transferable land orders. No doubt the outstanding land orders were the cause of a great deal of trouble to the Government. There was no doubt that not a single soul could come in, now, to the Government and claim them.

The Hon. H. B. FITZ: Yes; for ever.

The Hon. J. TAYLOR: Well, the sooner they were done away with the better. There was a certain clause in the Bill which he did not like, which gave power to the Governor in Council to re-issue land orders under certain conditions. He should like to see some arrangement made with the holders of land orders, and that the thing should come to an end; but he would not give the Government power either to re-issue or to transfer the land orders. With the Honorable Mr. Fitz he agreed, that the land orders should not have been made non-transferable; they should always have been fair negotiable documents, as in the first instance. Still, he thought the Government were right in trying to cast off the incubus of the land orders.

The Hon. H. B. FITZ argued that the land orders could be placed to suspense account. As the Government had determined not to issue land orders again, or, rather, not to make advances on land orders, again, time would work out those in their hands.

The Hon. J. C. HEUSSLER said he should vote against the clause. Only eight days ago, a number of persons came to him to redeem their land orders from the Government, which shewed that the argument that the owners of land orders would not redeem them, was futile. He could not see why people should be deprived of their right by an act of repudiation. If he had a right in a land order, he did not see why he should not use that land order, if he was so inclined; or, at any rate, he could not see why legislation should deprive him of the right to use it. The Government should open a register in which each individual land order could be registered, and they could deal with each case as it arose. If it was meant to do a good thing to a certain number of persons who were owners of land orders, it could be done it that way.

The POSTMASTER-GENERAL said it seemed to him, from what had fallen from honorable gentlemen, that they hardly understood what was meant by the Bill. For the present argument, he would say that there was a number of land orders in the Treasury at this moment, which, by the Act of 1867, might be redeemed at any time. The Treasury had found it very inconvenient that an open account should be kept for an indefinite time; and, to prevent any imputation of repudiation at all, the Bill proposed to give the owners of land orders a year from the date of its passing to redeem them. But the Bill did not give to persons who were not the owners, *bonâ fide*, of land orders, a chance of redeeming land orders in the hands of the Government. If honorable members would study the Bill, they would find that it was not intended to attack the holders of land orders, *bonâ fide*; and that, under its provisions, the Government would be empowered to grant to persons holding non-transferable orders, transferable land orders in lieu thereof, for one-half of the amount available. It struck him (the Postmaster-General) that the

Bill would do a great deal of good in many ways; and it would help those persons whose land orders were not in the Treasury to get something for them. Regulations were made some time ago by the Government for dealing with the land orders; but owing to a decree of the Supreme Court, they were not in operation.

The Hon. H. B. FITZ: He did not think a better system was ever adopted than the first, under which land orders, transferable, were issued in this colony; but the regulations of the Government had ruined the whole system. He urged that the land orders should be left where they were, without further legislation; let them remain in the Treasury, and let them be redeemed as the holders might think fit. The Government would be wise in withdrawing the Bill, and taking no further notice by legislation of the land orders.

The Hon. J. TAYLOR said he should like to know whether the Postmaster-General's colleagues knew of the Bill coming forward, now; and what they thought of it. He thought it was a measure which should have been brought forward by the Colonial Treasurer, in another place, and not by the Postmaster-General, in the Council. It was a financial measure, and a very complicated one, too. He should like to see the Government introduce a much simpler Bill than the one before the House—say, one empowering them to take up non-transferable land orders by transferable land orders, or for a certain sum of money, within twelve or eighteen months; and, after that time, to have no more to do with them.

The POSTMASTER-GENERAL insisted that there was no room for the imputation of repudiation in virtue of the Bill. He thought the Executive would be able to judge of any case on its merits, and to decide accordingly. If a case was good on its own merits, the Government would issue an order to the person who had shewn he had a good case. The Bill was a very good one, indeed. It had been postponed several times, this session, in order to get a full House, and now there was a good attendance of honorable members. But they had not, he could see, considered the Bill seriously. He should move that the Chairman leave the chair, report progress, and ask leave to sit again on Thursday week.

The Hon. H. B. FITZ said he should move an amendment, that the Chairman report no progress; and the Bill could be left by the Postmaster-General to his colleagues in the other House, where it should be dealt with. He (Mr. Fitz) agreed with the Honorable Mr. Taylor, that as the Assembly represented the country, the feeling of the public with regard to such a measure as the one before the Council would be best shewn by its being considered first by the other House.

The Hon. J. TAYLOR: They were all anxious that the question should be settled. He would sooner that the land orders were cancelled by money payments to the owner—that they should be bought out at once—than that the trouble concerning them should be

continued. They had been a great trouble. But the question was a great financial question, and it should be dealt with by the Legislative Assembly, and not by the Council.

The POSTMASTER-GENERAL: Honorable gentlemen were not, perhaps, aware that a similar Bill was before the House last year, and that it was referred to a select committee. The present Bill was an alteration of that Bill, so as to meet the views of the committee, though no report was brought up. He had been a member of that committee, and the Honorable Mr. Fitz had been a member. The Bill embodied, as nearly as possible, what the committee had wished. To report no progress would be to throw the Bill out, which he thought would be improper. The Honorable Mr. Taylor, with his shrewd business habits, could soon master the Bill, if he would but apply himself to its study.

The Hon. H. B. FITZ: Last year the honorable gentleman who represented the Government opposed a paltry Bill, which he (Mr. Fitz) introduced for Legalising the Sale of Colonial Wine, as a measure that ought not to be originated in the Council; and now, he wished the Council to deal with a far more important financial question. He was almost sorry that the committee did not ask for the President's ruling on this matter.

The Hon. W. THORNTON said he could not see why the House were not competent to deal with the Bill. It imposed no tax on the people, nor did it involve the disposal of a large sum of money out of the revenue. It would, he thought, be best for the Chairman to report progress, in order that honorable members might have another opportunity of studying the Bill.

The PRESIDENT said he rose for the purpose of saying that he somewhat regretted the aspect which the question had assumed, as it was now before the House; because he fully agreed with a great deal that had been said by the Honorable Mr. Fitz and the Honorable Mr. Taylor with reference to the question. He always thought it was a great misfortune for this country that the land order system as originally established had been interfered with;—the transferable land orders having been done away with and non-transferable land orders substituted for them, a difficulty was created under which this country had suffered ever since. The country, having obtained an immigrant, was bound to meet its obligation and to give that immigrant something that was a valuable consideration for his passage money expended in coming to the country. Non-transferable land orders had evidently proved not to be a marketable commodity to the immigrant, and a number of them were now in the hands of the Government; and the difficulty of how to dispose of them was, no doubt, the cause of the Bill being introduced. He agreed perfectly with the Honorable Mr. Fitz, and he felt very much inclined to say, as the Government had made the difficulty, let them get out of it as best they could.

Still, he confessed that he had not sufficiently studied all the bearings of the Bill, and he was not prepared to affirm, as his honorable friend was desirous to do, that this was a question which the Council were not competent to deal with. On the contrary, he thought it would be dangerous for the powers and privileges of the Legislative Council, if they said that the Bill involved such a money question as they were not competent to deal with. The question was one more with reference to the disposal of the Crown lands than to affect the revenue of the colony. Therefore, he thought it would be dangerous to throw out the measure at its present stage, under the plea that they did not think the question was one that they were competent to deal with originally under the Constitution Act; and he was strongly of opinion that it would be best to adopt the suggestion of the Postmaster-General, to take time for the further consideration of the Bill. If the Chairman reported progress, and asked leave to sit again on a future day, honorable members would be able, meantime, to look into the various provisions of the Bill, and to decide how they should deal with it in the future.

The Hon. H. B. FITZ, adopting the view of the honorable the President, that the House must not lose sight of their privileges, withdrew his amendment. He did not altogether agree with the remark that the Bill did not affect revenue; for the Government had advanced £9,000 in cash on land orders, and the Bill proposed to deal with that.

The Hon. J. C. HEUSSLER suggested that the members of the select committee that had been appointed might be able to give the House some information which was desired and sought at the time of the appointment of the committee.

The Hon. H. B. FITZ: He had been chairman of the committee, who were taking evidence at the time of the prorogation, and, the committee had lapsed. Of course, the evidence was in print; and, no doubt, it would be forthcoming. A great deal of valuable evidence was given by gentlemen who had been examined; but nothing could be done under the circumstances.

Upon question put and passed, the Chairman left the chair, and the House resumed. Progress was reported, and leave was given to the committee to sit again on Thursday, 11th July.