

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 28 MAY 1873

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THE
PARLIAMENTARY DEBATES

DURING THE

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

APPOINTED TO MEET

AT BRISBANE, ON THE TWENTY-EIGHTH DAY OF MAY, IN THE THIRTY-SIXTH YEAR OF THE REIGN
OF HER MAJESTY QUEEN VICTORIA, IN THE YEAR OF OUR LORD 1873.

LEGISLATIVE COUNCIL.

Wednesday, 28 May, 1873.

Opening of the Session.—The Governor's Speech.—
Changes in the Council.—Suspension of the Standing
Orders.—The Address in Reply.

OPENING OF THE SESSION.

By proclamation of His Excellency the Governor, bearing date the 22nd of April last, this day was appointed for the meeting of Parliament, "for the despatch of business."

The Council met at noon.

The Clerk of the Parliaments read the proclamation.

The PRESIDENT informed the House that it not being convenient for the Governor to be present, His Excellency had caused a Commission to be issued for the opening of this session.

The two other Commissioners appointed to act with the President were seated on his right and left, upon the dais.

A message was despatched to the Legislative Assembly, to acquaint that House that the Commissioners desired their immediate attendance in the Council Chamber, to hear the commission read.

And members of the Assembly, with their Speaker, being introduced by the Usher of the Black Rod, and being seated below the bar,

The PRESIDENT said: Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly—I have to acquaint you that it not being convenient for His Excellency the Governor to be personally present this day, he has, in the name of Her Majesty the Queen, been pleased to cause Letters Patent to be issued under the Great Seal of the Colony, constituting myself and the other Honorable Gentlemen of the Legislative Council therein mentioned his Commissioners, to do all things in His Excellency's name, or on his part necessary to be performed towards the due opening and holding of this Parliament.

Thereupon, the Clerk read the Commission, as follows:—

"VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

"To all to whom these Presents shall come,

"Greeting:

"Whereas, by Proclamation made on the twenty-second day of April last, by His Excellency GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Governor and Commander-in-Chief of Our Colony of Queensland and its Dependencies, the said George Augustus Constantine, Marquis of Normanby, did, in pursuance of the power and authority vested in him as such Governor by 'The Constitution Act of 1867,' proclaim that a Session of the Legislative Council and Legislative Assembly, constituted under the said recited Act, and composing the Parliament of the said Colony of Queensland, should commence and be holden on Wednesday, the twenty-eighth day of May instant; And whereas for certain causes, our said Governor cannot conveniently be present in person at the opening of the said Session, on the said twenty-eighth day of May instant: Now know ye, that we, trusting in the discretion, fidelity, and care of our trusty and well-beloved The Honorable Sir Maurice Charles O'Connell, Knight, President of the said Legislative Council, and The Honorable Daniel Foley Roberts, Esquire, and The Honorable Thomas Lodge Murray Prior, Esquire, Members of the said Legislative Council, do give and grant, by the tenor of these presents, unto the said Sir Maurice Charles O'Connell, Daniel Foley Roberts, and Thomas Lodge Murray Prior, so being such President and Members of the said Legislative Council, or any two of them, full power in our name to open and hold the said Session of the said Legislative Council and Legislative Assembly, on the said twenty-eighth day of May, in our behalf, and to do all things necessary to be done in our name, or in the name of our Governor of our said Colony, in and about the opening and holding of the said Parliament; commanding also, by the tenor of these presents, all whom it concerns, to meet in the said Parliament, that to The Honorable Sir Maurice Charles O'Connell,

Daniel Foley Roberts, and Thomas Lodge Murray Prior, or any two of them, that they diligently attend in the premises, in the form aforesaid.

"In testimony whereof, we have caused these our letters to be made patent.

"Witness our Right Trusty and Entirely-beloved Cousin and Councillor, George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave, of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council, Governor and Commander-in-Chief of our Colony of Queensland and its Dependencies, at Government House, Brisbane, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-sixth year of Our reign.

[L.S.] "NORMANBY.

"By His Excellency's Command,

"A. H. PALMER.

"Entered on Record by me, in the Register of Patents, No. 3, pages 133 and 134, this twenty-eighth day of May, one thousand eight hundred and seventy-three.

"H. H. MASSIE,

"(For the Colonial Secretary and Registrar.)"

The PRESIDENT then said: Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly—We, the Commissioners appointed by His Excellency the Governor, under the Commission you have just heard read, do now proceed to acquaint you with the cause for which this Parliament has been called together, and to read to you the Speech entrusted to us by His Excellency, for this purpose.

THE GOVERNOR'S SPEECH.

The PRESIDENT read the following Speech:—

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

"The Electoral Act passed by you during the last Session of Parliament having provided for a very large increase in the number of the representatives of the people, and for a complete redistribution of the electorates, I should have preferred, were it possible, to leave to the New Parliament to be elected under that Act the settlement of all questions of importance. There are, however, some matters of pressing necessity, for the settlement of which I have thought it necessary to ask your advice and assistance. Among these are:—

"A Bill to remove all doubts as to the power of the Governor in Council to appoint an Acting Judge or Judges of the Supreme Court during the illness, absence, or incapacity of any of the present or future Judges of the Supreme Court.

"Careful and elaborate Surveys, in addition to those previously made, of the extension of the Great Southern and Western Line of Railway from Ipswich to Brisbane have been prepared, and you will be asked to approve of the Plans and Specification, which, after mature consideration, my Government are of opinion will be most conducive to the interests of the public. The Line is intended to cross the River near Oxley, and thence follow the north bank nearly into the centre of the city.

"Your concurrence will also be asked in a plan for a proposed deviation in the existing Line on the western side of Ipswich, by which a large saving in distance and working expenditure can be made.

"The Report of the Proceedings of the Inter-colonial Conference, held at Sydney during the months of January and February last, will be laid before you, and you will be asked to confirm the action taken by the Representatives of this Colony, which has been approved of by my Government.

"A number of Bills which have been previously introduced, some of which had made considerable progress and are of importance, but which do not involve the discussion of matters of any political or party importance, will be again submitted to you.

"Correspondence and a Conditional Agreement on the subject of direct Telegraphic Communication with Europe, by a Line totally independent of the South Australian one, will be placed on the table, and you will be asked to ratify the conditional arrangements made between my Government and those of New South Wales and New Zealand, with Mr. Audley Coote as agent for Messrs. Siemens Brothers, and others.

"In accordance with resolutions passed in both Houses of Parliament during last Session, a contract for a Mail Service *via* Torres Straits has been entered into with Messrs. Mactaggart, Tidman, and Co., full particulars of which will be laid before you.

"GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:—

"Supplementary Estimates for the year 1873 have been prepared, and you will be asked to pass them.

"The Estimates-in-Chief for the year 1874 have been prepared, and will be submitted to you; but for the reason alluded to in the opening paragraph of my Speech, it is not intended to press them during this Session. My Government propose to take only such a vote in Supply as will be absolutely necessary to enable the Government of the country to be properly and efficiently conducted until the assembling of the new Parliament, which I propose to call together as soon after the completion of the Electoral Rolls under the Act of 1872 as possible.

"HONORABLE GENTLEMEN AND GENTLEMEN:—

"I have much satisfaction in informing you that the facilities afforded by the Homestead Areas Act of last Session have been largely taken advantage of, and a considerable number of industrious persons have been settled on the lands set apart for their use.

"Notwithstanding the unusually wet season which has interfered with the works, very considerable progress has been made on the extension of the Great Southern and Western Line from Ipswich to Brisbane, and on the Great Northern extension from Westwood towards the Comet River.

"I have every reason to believe that the system adopted by my Government of making their own engineers responsible, not only for the design of their works, but for their completion, without resorting to the very expensive and unsatisfactory medium of large contractors, will be found thoroughly successful.

"I have to congratulate you on the continued prosperity of all classes in the Colony, as exemplified by a revenue steadily increasing in almost every branch, and I trust that your consultations may, under the Divine blessing, lead to a continuance and an increase of that prosperity."

The PRESIDENT then said: Having heard His Excellency's Speech read, it will now be for you, Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly, to take the matters submitted to you, and such other matters as in your wisdom you may deem fit, into your grave consideration, in those places in which you are appointed to sit.

And the Legislative Assembly with their Speaker having withdrawn,

The Council adjourned until a later hour. The sitting was resumed at twenty-five minutes past three o'clock.

CHANGES IN THE COUNCIL.

The PRESIDENT informed the House that he had received letters from the Private Secretary of His Excellency the Governor, informing him of the resignations of John Alexander Bell, Esquire, and Francis Edward Bigge, Esquire, as members of the Council; and of the appointment of the Hon. William Houston Long, as a member of the Council.

SUSPENSION OF THE STANDING ORDERS.

The POSTMASTER-GENERAL said: Honorable gentlemen were aware that the Supreme Court had not been sitting, owing to certain difficulties in the appointment of an acting judge. The Ministers, in another place, would at once bring in a Bill, and, if possible, pass it through all its stages, so as to enable the court which was suspended to resume its

sittings, and, when the doubts were removed as to the appointment, to go on with the business of the country. This was, as honorable gentlemen would see, a case of great difficulty, and it was urgent that the measure should be passed, in order that justice might be done in the colony and not be hampered or delayed any longer. With the permission of the House, he would move the suspension of the Standing Orders for the purpose of enabling a Bill to remove all doubts as to the power of the Governor in Council to appoint an acting judge or judges of the Supreme Court to be passed through all its stages when it came up to the Council. He trusted that honorable members would form a House, to-morrow, for the purpose of passing the Bill.

The Hon. H. B. FITZ said it was very desirable, no doubt, that such a Bill should pass without any delay; but he thought it reflected great discredit upon the Government that the Parliament and the country should have been brought into such a position as that in which they now stood. The Ministry had the reins of Government during three years, and, as it was not done before, he did not think there was any immediate necessity for introducing at this time such a measure. The first thing for the House to consider was the adoption of an Address to the Governor; and, when that had been disposed of, let the honorable gentleman who represented the Government take whatever else he had in hand. No doubt, it was urgent, that the Government should have the power to appoint an acting judge; but no such steps should be taken as the Postmaster-General now suggested, by suspending the Standing Orders. Let the Council go on with the ordinary business—the consideration of the Address—and when that was completed he (Mr. Fitz) should be happy to proceed with the other business.

The PRESIDENT: The motion could not be put, if it was opposed.

The POSTMASTER-GENERAL remarked that it was not the fault of the Government in any way that the country had been brought into its present state in relation to the Supreme Court. The Government were of opinion that they could appoint judges; but honorable gentlemen must be aware of what had transpired lately. The Bill was to remove doubts that existed elsewhere as to this power. He knew that, if the honorable gentleman opposed the motion, he could not bring it forward for the decision of the House without the usual notice; but he did not believe there was any other member of the Council who would take upon himself to stop the laws of the country from being properly administered.

The Hon. H. B. FITZ: There was plenty of time to do it.

The POSTMASTER-GENERAL: The Council met on Wednesday and Thursday only; and

if honorable gentlemen would not make a House to-morrow, they could not meet again before next week, and meanwhile the Council could not sit. He hoped the honorable gentleman would withdraw his objection.

The Hon. H. B. FITZ: No, no; certainly not.

The Hon. H. G. SIMPSON: He did not understand from the Postmaster-General's proposal whether the honorable gentleman intended to do anything, to-day, or to proceed with the debate on the Address, so as to have the field clear for action when the Bill should come up. There was no probability of the Bill coming up until to-morrow; and he thought it would be best to let the Address pass through to-day, in proper order. He had no doubt that when the Bill was received by the Council, honorable gentlemen would be happy to assist the Postmaster-General in facilitating its progress.

The POSTMASTER-GENERAL said he had no intention of stopping the business of the day; but his reason for wishing to make the motion was that there was a majority of the Council now present. There might not be a majority at their next meeting.

The Hon. E. I. C. BROWNE observed that the honorable gentleman who represented the Government had brought the difficulty upon himself. If he had gone on with the Address, the debate might have been over now; and then he would have been in a position to bring forward his present motion. To discuss the motion now would be only a waste of time. Let the House get on with the Address.

The POSTMASTER-GENERAL: Perhaps, after the Address, the Honorable Mr. Fitz might not press his opposition?

At a subsequent stage of the proceedings, the POSTMASTER-GENERAL gave notice of his motion for to-morrow.

THE ADDRESS IN REPLY.

The PRESIDENT informed the Council that, for the greater accuracy, he had obtained a certified copy of the Speech delivered by Commission from his Excellency the Governor upon the opening of the Session; and he read that portion of it which was addressed to the House.

Upon the motion of the POSTMASTER-GENERAL, the following members were appointed a Select Committee to prepare and bring up an Address in Reply to his Excellency's Speech:—The Honorables S. W. H. Long, F. H. Hart, H. G. Simpson, W. Thornton, and T. L. Murray-Prior. And, the committee having retired, and being returned;

The Hon. W. H. LONG presented the report of the committee, and asked that it be read.

The Clerk read the following Address:—

“To His Excellency The Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council, Governor and Commander-in-Chief of the Colony of Queensland and its Dependencies.

“MAY IT PLEASE YOUR EXCELLENCY—

“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 thank your Excellency for the Speech with which you have been pleased to open the present Session.

“We shall bestow our earnest attention on the various matters brought before us.

“We learn with satisfaction that fresh and careful surveys of the line of the proposed Railway from Ipswich to Brisbane have been made, and we shall be prepared to give the subject our best attention.

“The report of the Intercolonial Conference, the Conditional Agreement with Messrs. Siemens Brothers and others for Telegraphic Communication with Europe, and the Contract for a Mail Service *via* Torres Straits, are subjects which demand, and shall receive, our serious consideration.

“The progress made in the extension of the Northern Railway from Westwood is a matter of congratulation, as tending to open the large and important districts to which it will be the outlet.

“We are gratified to learn that the Act passed last year, providing for additional settlement on the land, has been largely taken advantage of; and we trust that the continued prosperity of all classes, on which we receive your Excellency's congratulations, will be maintained.”

The Hon. W. H. LONG, on rising to move the adoption of the Address, said he must crave the indulgence of the House, which was ever generously extended to those who for the first time fulfilled the duty which he had now to perform. Honorable gentlemen would have heard with satisfaction that the railway works of both the southern and the northern extensions were progressing, and that the system adopted had proved both economical and efficient. This was the more gratifying, as the inauguration of the same cheap method of executing important public works might be extended far more than it

had been hitherto throughout the country. The opening up of the postal route through Torres Straits to Singapore would bring considerable commerce to the northern ports of this colony, which, for various reasons, had not hitherto received that attention from the general public and the world at large which he thought the North deserved. Brisbane being the first port of arrival of the English mail, strangers and foreigners coming to Queensland saw very little, as a rule, of the northern part of the country. Under the proposed new arrangements, the North would be first touched by the steamers, and Brisbane last; and he trusted that the country would take a far more prominent position amongst the colonies than it had occupied up to this time. The last clause of the Speech, which informed Parliament that there had been a great increase in the prosperity and in the revenue of the colony, was the most satisfactory one; and he trusted that such prosperity would continue to increase. He moved—

That the Address, as read by the Clerk, be now adopted by this House.

The Hon. F. H. HART rose to second the adoption of the Address. He said that after what had fallen from his honorable friend, Mr. Long, there was very little left for him to add. Looking at the Address, which was a very short one, he thought it might be taken by the House as satisfactory on the whole. He was glad to see in the first clause of the Speech the allusion to the Electoral Act, and that the session was likely to be a short one. It was not desirable, he thought, to undertake any important work in the present Parliament, but that the additional members should be in another place before that was done. With regard to the measure to give the Governor in Council power, without doubt, to appoint judges of the Supreme Court, he thought that all honorable members must admit after what they had seen during the past few months that some such power was desirable, in order that the business of the country should not be delayed as it had been delayed. He would remark about the railways, that it was satisfactory to everyone to see the works progressing so well, and that additional surveys had been made. He was glad to see that the Government had come forward and stated plainly the side of the river on which the line was to go. This was not the proper time to make any remarks about that matter, but when the plans and specifications should come before the Council; then, if the reasons why the Government came to the northern side of the river were satisfactory, it would be shown by the action of honorable members thereupon. He agreed with what had fallen from the Honorable Mr. Long about the northern line; and he thought that not only would justice be done to the northern districts of the colony, but that great general advantage would accrue from giving

them a regular steam postal service, which they had not yet enjoyed, and which would promote the opening-up of the territory in a greater degree than people generally would give it credit for.

Question put and passed.

The House ordered that the Address be presented by the President and the mover and the seconder, with such other honorable members as could give their attendance, tomorrow, at a quarter past three o'clock.