Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 15 JULY 1874

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LEGISLATIVE COUNCIL.

Wednesday, 15 *July*, 1874.

Business of Committees in Recess.—Waterstown Coal Leases Bill.—Free Conference between the two Houses.—Western Peak Downs Copper Mining Company Bill.—Imported Sugar Refiners Bill.—Crown Lands Sales Bill.—Audit Bill.—Select Committee to examine Member.

BUSINESS OF COMMITTEES IN RECESS.

The Order of the Day was read for the consideration of the Legislative Assembly's message, as follows :—

"Mr. President,

"The Legislative Assembly having had under consideration the Legislative Council's Message of date the 8th April last, with reference to a proposed continuance, during the recess, of the functions of certain Joint Committees of the two Houses, withdraw their proposal; and, instead thereof, now propose, for the concurrence of the Council, that the President of the Legislative Council, the Speaker of the Legislative Assembly, and the Secretary for Public Works, shall, during recess, jointly represent the two Houses in carrying out the duties entrusted during the session to the said Joint Committees.

"Wm. Henry Walsh,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 7th July, 1874."

The Postmaster-General moved—

That this House do now concur in the proposal made by the Legislative Assembly for carrying out

the duties during the recess that are usually performed by the Joint Committees of the two Houses when in session.

He stated that some honorable members held that the Council were yielding a point when two members of the other Chamber were on the Joint Committee and only one member of the Council. For all practical purposes, it appeared to him to be a great advantage to have the Secretary for Public Works on the committee. At the same time, the proposal was only an experiment, and honorable gentlemen would do well to let it go for the ensuing recess. Very little work could be done in connection with the Parliamentary Buildings unless the Minister for Works cooperated. If honorable gentlemen liked to amend the motion, to make it apply to the Parliamentary Buildings, he was willing; but he thought it would do.

The Hon. H. B. FITZ suggested that as there were two members of the other House, the Council should have the same number, and that the Chairman of Committees might be appointed; otherwise, the President would always be in a minority.

The PRESIDENT: Of course, this was a question to which he was bound to address himself. It was a novel proposition, and one which required some consideration. He had given consideration to it. As he had frequently before expressed in the House, there was great difficulty in carrying out any improvements in the Chamber, any additions to the furniture, which might be required, under the authority of the President. It did seem that the other House had greater facilities for obtaining their requirements than the Council, because, as honorable members could perceive, many things were done for the Assembly that the Council equally required and yet could not get accomplished —because there was no vote at disposal therefor. The practice had been to invoke by letter the assistance of the Minister for Works. He (the President) thought it might be possible if, under the resolution, the Minister for Works was asked to lend his assistance to the President and the Speaker during the recess, that thus they would have a more easy means of obtaining that which, heretofore, they had to seek by letter, and of securing attention to their requirements. As the honorable gentleman representing the Government had said, the proposal was only an experiment. Of course, he made a mistake in saying that it was for a committee during the recess: they would not be a committee. The President and the Speaker had their functions to perform as the heads of their respective Houses. But, by the resolution, the Secretary for Public Works was asked to aid the President and the Speaker in performing certain duties of the committees during the recess. Hitherto, those duties had always fallen upon the President and the Speaker. He (the President) was not unwilling to try the experiment. It was only for the next recess. If it was found not to work, it would not exist after the next session of Parliament. It might be productive of good. He did not think there was any great risk of its doing much injury. He might state, further, that the original proposal from the Legislative Assembly was, that the Joint Committees should continue from session to session; a proposal to which the Council objected as in contravention of the Constitution and infringing upon the prerogative of the Crown. The message that the Council had received from the Legislative Assembly withdrew their "proposal,"

"and, instead thereof, now propose, for the concurrence of the Council, that the President of the Legislative Council, the Speaker of the Legislative Assembly, and the Secretary for Public Works, shall, during recess, jointly represent the two Houses in carrying out the duties entrusted during the session to the said Joint Committees."

Therefore, there was no appointment of a committee; but, as officers representing the two Houses, they would carry out the duties which were necessary during the recess, and, in that way, he thought the message might be concurred in.

The Hon. H. B. FITZ, with the permission of the House, said he desired to point out that hitherto the Council had been neglected. Honorable members were aware that the Assembly had a bath room, while the Council could not get one, nor even cloak or hat pegs.

The POSTMASTER-GENERAL; The Minister's room.

The Hon. H. B. FITZ: They were always secondary to the Legislative Assembly, and unless they stood out for their rights, they should not get them.

The POSTMASTER-GENERAL: There was no furniture in the Minister's room: it was a receptacle for candlesticks.

The question was put and passed; and a message intimating the concurrence of the Council was ordered to be sent to the Legislative Assembly.

WATERSTOWN COAL LEASES BILL.

The Hon. G. SANDEMAN moved the second reading of a Bill to enable the trustees of the will of the late Mary Isabella Moffatt, of Waterstown, near Ipswich, in the colony of Queensland, widow, to grant leases of the coal or other minerals on the Waterstown Estate. He said that coal had been discovered on the land, and all that was required by the Bill was authority to enable the trustees of the property to lease it. The Bill was passed by the Assembly, and, as a matter of constitutional right, the sanction of the Council was required for it.

Question put and passed; and the Bill was advanced through all its subsequent stages and passed.

FREE CONFERENCE BETWEEN THE TWO HOUSES.

The time having arrived for the holding of the free conference between the Legislative Council and the Legislative Assembly, in reference to the amendments made by the Assembly on the Council's amendments in the Crown Lands Sales Bill; at four o'clock,

The PRESIDENT directed the names of the managers for the Council to be called over.

Honorable members who had been appointed answered to their names.

The Usher of the Black Rod announced that the managers for the Legislative Assembly were in attendance in No. 1 Committee Room of the Legislative Council, and honorable members forthwith retired from the chamber, and repaired thither.

And, the managers for the Council being returned, remained standing, while

The Hon. F. T. GREGORY reported that the managers of the free conference, upon the subject of the Legislative Assembly's amendments on the Legislative Council's amendments of July 8th, in the Crown Lands Sales Bill of 1874, had met the managers for the Legislative Assembly at the said conference, which, on their part, was managed chiefly by the Honorable Thomas McIlwraith and others, who used divers arguments in support of their disagreement to the amendments made by the Legislative Council in the Bill, and that no agreement was come to at the conference, which accordingly separated.

On motion that the report be recorded in the Journals of the House,

The Hon. H. B. FITZ said he supposed it would be out of place to congratulate honorable members of the conference on the result of their labors. He was sure the House must feel deeply indebted to them for the trouble they had taken. He was sure the country would be gratified.

The Hon. E. I. C. BROWNE: The conference was not successful. The managers for the Council were appointed to do the best they could, and they had done so. He thought it did not come with very good taste from the Honorable Mr. Fitz, to speak as he did. The managers had done the best they could, but unhappily for the colony, they had not done much.

The Hon. J. TAYLOR rose to address the House.

The PRESIDENT: There really ought not to be any debate on the subject at all. The question is merely that the report be recorded.

Question put and passed.

WESTERN PEAK DOWNS COPPER MINING COMPANY BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to incorporate the Proprietors of a certain Company called the Western Peak Downs Copper Mining Company, Limited, and for other purposes therein mentioned. The object of the measure was, he said, fully set forth in the preamble—to enable the company to take up other lands besides those they held, to mine for copper—to elect future directors—to extend their operations by the issue of fresh shares;—and provision was also made that dividends should only be paid out of the nett profits of the company. The Bill was a private Bill, and was the law in New South Wales.

Question put and passed; and the Bill was then advanced through all its subsequent stages and passed.

IMPORTED SUGAR REFINERS BILL.

The Hon. H. B. FITZ moved the second reading of a Bill to enable persons in certain cases to refine Sugar for Exportation only. He said it would be unnecessary to make any remarks upon the Bill, which had passed the Legislative Assembly without any amendment whatever. He did not know if honorable members had read it.

An HONORABLE MEMBER: Oh, yes!

The Hon. H. B. FITZ: It was to enable the sugar refiner to import raw sugar, and to refine it for export without paying duty; in other words, to carry on his operations upon the sugar in bond. Honorable members were aware that there was a large refinery established in the colony under an Act passed in 1872; but the proprietor, Mr. Tooth, unless the Bill was passed, would be obliged almost to close his establishment. A quarter of a million sterling was invested in that refinery at Yengarie. He was told that Mr. Tooth was able to refine 1,200 tons of sugar a-year, or 100 tons a month. It would be impossible to purchase from the sugar growers of the colony sufficient to keep the refinery going; and, after an enterprising colonist had gone to that tremendous outlay, it was not too much to allow him the opportuuity to ensure some return for his capital by importing raw sugar to keep his refinery going. He regarded Mr. Tooth and Mr. Thomas Mort as the two best colonists in Australia. The Hon. Mr. Thornton understood the subject better than he, and would, perhaps, say something about the Bill, to which he hoped there would be no opposition.

The Hon. A. H. BROWN: The only objection that he had to the Bill was because of the shade of condemnation which he considered it threw upon the colony, inasmuch as it implied that sugar could not be produced in Queensland. The Bill was one to protect the importer of sugar for refining. It was to him astonishing that in a country like this, with some seven hundred miles of seaboard within the tropics, we should be compelled to import what we could grow. The only reason to which he could attribute the necessity for importing raw sugar, was the want of labor. We had not that description of labor which was necessary to make Queensland the most prominent colony of the Australasian group. About 8,000 tons

a-year was now made here, yielding £184,000; the consumption of sugar in these colonies was 70,000 tons a-year, equal in value to £1,750,000. There was, therefore, ample room for the development of the industry of sugar growing; and, if the colonists of Queensland were enabled to command suitable labor, the product from the plantations of the colony would very soon rival in value our greatest export, wool. But, withal, it was now progressing so rapidly that sugar would in a short time rival wool. In evidence of his statement that due encouragement was not given to sugar-growing, it was within his knowledge that a gentlemen had come to the colony with a large capital to invest in sugar-growing, but had been obliged to seek elsewhere for a more liberal Government than he found in Queensland to enable him to procure the labor which he considered necessary for the success of his enterprise. He referred to Mr. Eckhouse, who was gone to the French colony of New Caledonia—which was in the same latitude as the parts of Queensland he had referred to—and who had, with the consent of the Government, imported 500 Chinese for his sugar plantation. Having such fine land in this colony, surpassing anything in New Caledonia, it was surprising that the Government of Queensland should have driven such a man away from the place where he could have done so much good. There was another point to be mentioned. The duty on sugar had been recently removed in England. There was our market. But, of course, it would only be when Queensland could export sugar in large quantities that the English market could be taken advantage of. At present, the expenses of exporting sugar to the southern colonies were so heavy, and the duties there charged were so excessive, that it would be the policy of the Queensland planters to avail themselves of the English market. The facts last stated, and all he had said, showed how necessary it was that every facility should be given to the sugar growers of this colony to enable them to compete with the planters of other sugar-producing countries, where labor was so much cheaper than it was here. On this point, it should not be forgotten that the colony was promoting the immigration of a large number of people from England and elsewhere with the view of settling them on the land as agriculturists. Queensland had a rich soil, as he had pointed out, adapted for the occupation of those agriculturists, and for the cultivation of tropical products. Assistance should be given in every way for the promotion of that industry, both by opening up the land and by giving further assistance for the supply of labor suitable to it. If it was possible, the Government should be persuaded to introduce such a description of labor as would enable agriculturists to carry on their pursuits for their own and the country's advantage. He regretted very much that the growth of sugar, particularly, should be so much interfered with. It had been almost prohibited by the refusal of the other Chamber to pass an Act to enable the colonists who were interested in it to introduce the labor required, as he had described. That refusal necessitated the operation of the Bill before the House; and it subjected the sugar refiner to send to other countries for raw sugar. He regretted that the Ministry of the day could not see how necessary it was to the welfare of the colony that we should be able to compete with other countries by the procuring of labor which would, at a future time, advance Queensland to the lead as a sugar-producing country. He did not rise to oppose the Bill, but simply to point out that the progress of Queensland would be retarded by the woeful effect of the impediment in her way so long as she was not allowed to procure the requisite labor to enable her to compete on equal terms with other countries.

The Hon. W. THORNTON, regarding the Bill from the Customs point of view, said he had no objection to it. There was no danger involved in it; it was a fair measure. Drawbacks of duties were allowed upon the exportation of almost every article that was imported; and there was no reason why a drawback should not be allowed on sugar which had only lost its identity, to a certain extent, by being refined. More than a year ago, the Bonded Distilleries and Sugar Houses Act was passed, to enable the sugar refiner to remove to his refinery his imported sugar in bond, in charge of a Customs officer; and at the end of each quarter he was bound to deliver refined sugar, less ten per cent. of the quantity of raw sugar received, which per centage was allowed for the refuse waste which was extracted in the process of refining. That measure had been found very cumbersome in its operation; intricate accounts had to be kept by the Customs, and by the refiner, and needless expense was involved. The advantage of the Bill was to do away almost with Customs supervision. The refiner would import his sugar; he would give a bond to the Government for the amount of duty thereon; and he could not release that bond until he produced a corresponding quantity of refined sugar for export or paid the duty thereon. No allowance was made for waste; and in that respect the Bill was not so liberal as the existing Act. The Bill had been introduced in the other House by a gentleman who represented the sugar-growing district of Logan, and supported by a gentleman who lived in the neighborhood of the only refinery in the colony, and who could see no objection to the measure, and it was approved by the whole House. So far as the sugar-growers were concerned, there was no objection to the Bill; and so far as the Customs were concerned, he saw no objection to it. The Bill provided a simple way of arriving at a result that was attempted to be reached by the Act,

and it avoided a great deal of complication and a great deal of work. The Hon. Mr. Brown rather strained at the measure. The party engaged in the only refinery in the colony had invested an enormous sum of money in establishing it. As sugar enough to keep the refinery going was not produced in the colony, the stoppage of operations would be a loss of time, and consequently a loss of money; and hence the necessity for importing raw sugar. The operations of the company would probably ere long be confined to locally-grown sugar. The Parliament of England had taken the duty off sugar, and that was a large bonus for Queensland sugar-growers and made it desirable that every encouragement should be given to sugar-growers and refiners in the colony. When sufficient sugar was grown in the colony to support the refinery, very little sugar would be imported. He should support the Bill.

Question put and affirmed, and the Bill was advanced through all its subsequent stages, and passed.

CROWN LANDS SALES BILL.

On the Order of the Day being read,

The POSTMASTER-GENERAL moved—

That the House be now put into committee to consider the Legislative Assembly's amendments on the Council's amendments in this Bill.

The Hon. F. T. GREGORY: Before the question was put, he should like to make a few comments upon the recent efforts made by the Council to come to some understanding with the Legislative Assembly upon the amendments to the Bill which that House had declined to accept. When speaking to the motion for the conference, he, along with many other honorable members, felt disinclined to express his opinions upon the way in which the amendments of the Council were treated when forwarded to the other House. They were returned in such a short space of time after being sent that it was utterly impossible they could have had any real consideration at the hands of nine-tenths of the members of the Assembly. And it was not too much to say that those amendments were peremptorily rejected, and returned to the Council. While he was not at all prepared to question the right of the Assembly to refuse to accept the amendments of the Council, he certainly thought that, considering the importance of the Bill, and that the Council, by several divisions, and by a very large majority, had come to certain decisions, it showed a very great want of consideration to treat them in a manner which might be said to be almost contumacious. He wished to keep within due bounds of proper expression towards the Assembly, still that House had accorded very scant courtesy to the Council. But notwithstanding the treatment that the Council had received, he was willing to go into committee again to consider the message from the Legislative Assembly in which the Council were informed that a very few of their amendments had been accepted, and the remainder declined. At the same time, he was quite sure that it would be wholly futile for the Council to go into committee. But, he thought they should best consult their dignity if they coolly and dispassionately considered the message; and, if they found any of their amendments such as they might be willing to forego, they might fairly do so and send the Bill back with whatever concessions they thought reasonable, and they should insist upon those amendments which they still were firmly convinced ought to be passed. He should be very sorry to adopt a course which had been suggested—simply, to send the Bill back to the Assembly, declining in any way whatever to make any alterations of their former decisions. He trusted sincerely that honorable gentlemen would adopt his view, or something like it, and calmly and deliberately reconsider the amendments which they had made. He did not think there were many changes, if any, which they could reasonably make; but, if they considered there were any, they should make them.

The Hon. H. G. SIMPSON: On the occasion of the motion for the conference being brought forward yesterday, he abstained from stating his opinions more at length, than that, unless the Council were prepared to forego their amendments, except some trifling compensation clause, the issue of the conference would be simply nothing. He thought that what he said then had been pretty thoroughly verified by the issue. He was still of opinion that it would have been better if the Council had not invited the conference, than to have been rebuffed in the manner that they had been. But, that was a matter of opinion; and he had no doubt that honorable gentlemen who had promoted it would have something to say. They had a right to hold their own opinion. Perhaps it was the right one. With regard to what the honorable Mr. Gregory had said, that might be the same. No doubt the House had made some amendments that they thought right, but that were not important. If, in deference to the wishes of the other House, they could alter them, he had no doubt that that course would be the right one to take. Under present circumstances, it appeared to him to make very little difference, either one way or the other; but if the honorable gentleman, who had had the conduct of the business on behalf of the Council before the conference wished the House to take that course, he (Captain Simpson), for one, should give way, and should be very happy, as far as he was concerned, to do so. He did not agree with the honorable member, but he should give way to him, who had taken all the trouble heretofore. As the conference was the most unprecedented thing that had occurred in all the colonial legislatures, it might be held a precedent in future time. He wished to

point out to the House that but one free conference, certainly, had taken place in the Imperial Parliament from 1740 to this time, and that one was in 1836, nearly forty years ago. It might be a very grand thing for a new colony to establish a new principle, or to resuscitate an old one; but he hoped sincerely that the recent attempt would be the last. He did not believe that any good was likely to come from such a conference, and the result had shown that no good resulted from it. He should now turn to the position of the Bill. His own firm belief was, that the Government did not want the Bill to pass at all——

HONORABLE MEMBERS: Hear, hear.

The Hon. H. G. SIMPSON: That the House could not have pleased them so well, in any manner, as by throwing it out on the motion for the second reading. That was the only reason why he had not voted for throwing it out—they would have been so exceedingly pleased at it. He did not believe that the provisions of that Bill would do so much harm as would be done by the unsettling of the land question again.

HONORABLE MEMBERS: Hear, hear.

The Hon. H. G. SIMPSON: There was a Land Act in force during the last six years, which was a good one. Just as the officials administering it had got into fair swing in working it, a new law was proposed which would take five or six years to be understood. So far as resuming the land was concerned, if land was required there was sufficient power under the existing Land Acts for the resumption of any quantity. If the argument was used that the Council would not pass resolutions for resuming land that was required, surely they could hardly be expected to pass a Bill resuming the leased runs *in toto*, when they could not be trusted to pass resolutions to resume only a part. On a former occasion, when resolutions for resuming land were brought forward, there was very little difficulty thrown in the way by the Council. Certainly, there was opposition, but it was not very strenuous. He could not see why the same course was not now pursued by the Government, of resuming by resolution. If the Bill should not pass, and he hoped it would die a natural death, it would be a great blessing for the colony, as the constant manipulation of the land law, without reference to the policy of the law, was, in itself, about the worst thing that could happen to the country. As he said before, he believed the Government would be very glad to get rid of the Bill. If he held his own opinion, he should be inclined to insist upon the amendments of the Council *en masse*.

The Hon. A. H. BROWN said he could not fully agree to the proposal of his honorable friend, Mr. Gregory. Speaking of the conference, he believed that it had been initiated with the best desire that some good might arise from it. He regretted to say that, from the tone of the conference, he feared it would result in nothing. The proposal that the House should enter into the reconsideration of their amendments in the Bill in committee, and the course recommended for adoption, he thought undesirable. Having had a conference, at which they then and there came to a very decided conclusion as to what was the wish and intention of the Government, he thought the Council should deal with the Bill in a much more summary manner than was proposed, and they should intimate their conclusion in a tone which would not be objectionable to the Assembly. He could scarcely see the necessity for taking the several amendments of the Bill into consideration *seriatim*, because very little good would result therefrom. During the conference, several clauses were entered into, and upon scarcely one of them did the managers of the two Houses concur. Concession was proposed in a spirit becoming the intention; and although due courtesy was shown generally by the conference, still he thought there was no evidence of a disposition, on the part of the managers for the Assembly, to accept that concession. Speaking to the Bill, he feared it was too true what his honorable friend, Captain Simpson, had said, that the wish of the Government was that the Bill should be rejected. He did not believe they were ever sincere, in the early stages of the Bill, in a desire to have it passed; and in its latter stages, they could not be. He had examined the Bill from beginning to end; and, instead of its being a preferable measure to the Act of 1868, it was infinitely worse in every respect. He saw no redeeming feature in the provisions of the Bill. The amending provision to which such particular reference had been made and to which so much objection had been taken, that for compensation, very clearly indicated the opinion of the Council. There was a majority of opinion that the action of resuming the runs in other than the proper course was objectionable. As an individual, he still insisted that due compensation should be given to the Crown tenant, whoever he might be, whose run was resumed before the expiry of his lease. He should be very sorry to see an act of injustice done to any one. In other instances, by the amendment of the clauses of the Bill, it was proposed to give relief to persons in other positions than lessees; and he thought it could be traced, throughout the amendments of the Council, that they were prompted by a spirit of fairness. Reference had been made to what he considered the grievous objection to the Bill, its unsettling the policy of the land law. Very much had been said recently, and he had heard from other colonies, of the grievous disappointment which was experienced at the proposed resumption of the lands. He scarcely knew how to blame sufficiently the Government, who had brought upon the

country a calamity that they could not properly appreciate. A short time since this colony was looked upon as one of the most promising in the group, giving great encouragement to capitalists to come and invest their money in pastoral pursuits; but this recent attempt to introduce a new land law would have the effect of crippling the intentions of capitalists who had before felt so encouraged. He could say from his own personal knowledge that persons had come here prepared to invest heavily, and that they had retired in utter disgust from the colony. But it was not only those who had intentions of settling here that were repelled; those in the colony who had pinned their faith on the ten years' leases, and depended confidently on the promise of the Government, and who had put up fencing and other improvements, calculating their expenses according to the time their leases had to run, now found themselves in a difficulty, from the insecurity of their position. The Act of 1868 presented every facility for extending the country open for settlement; and, he was quite sure that if the Government showed that more than was now open was required, no Crown tenant would be opposed to the resumption of the land, if properly initiated under the law. Of that he was quite satisfied. It was only necessary for the Government to have brought forward resolutions showing the necessity for resumption, and the Council would have agreed to them. The Bill proposed to give leases for five years in exchange for those present leases that the Crown tenants would have to give up by the resumption. What would they be worth? He should have no confidence in a lease under the Bill, if it became law. He might be asked to relinquish it next year. Perhaps it would be fortunate for the country—certainly it would be fortunate for its credit—if the Bill should lapse. He was inclined to suggest that the Bill should be returned to the Legislative Assembly with the amendments, in as brief a manner as possible; when he hoped it would be dropped.

The POSTMASTER-GENERAL rose to address the House; but

The PRESIDENT ruled that the honorable gentlemen had spoken.

The POSTMASTER-GENERAL: He merely moved that the House be put into committee; but he made no speech.

The Hon. T. L. MURRAY-PRIOR: Being the member who had moved for the conference, he was bound to say a few words. He regretted very much that the result was not better. However, the Council had shown their wish to the other House, and to the public, that they were willing to make concessions, as far as they possibly could; and he thought that that would, in itself, do good. For the same reason as had been urged by his honorable friend, Mr. Gregory, the House had better take the whole of the amendments into consideration, and deal with them as they should have done had the conference not been appointed. He did not believe that, however they altered their amendments, it would have any effect on the ultimate fate of the Bill, but their reconsidering them would prove that they were sincere in what they did.

The Hon. J. TAYLOR: When the second reading of the Bill was moved in the Council, he was one of the members who were extremely anxious to throw it out, and he moved an amendment to that effect. But his action did not meet with the assent of the House. He agreed with what had been said, that no section of the other House wanted the Bill, and that it would please all parties, and especially the Government, if it was thrown out. He had been one of the minority against the conference, and only three members had voted against it. They thought it would be a waste of time to hold it, and they were right in their conclusion. He now disagreed with the motion to go into committee to consider the amendments *seriatim*, as it would be a waste of time. The wisest way the House could act would be to return their amendments to the Assembly *in globo*. Therefore, he should vote against the motion. The Honorable Mr. Gregory said it would be more in accordance with the dignity of the House to consider the amendments. There was not much dignity shown by the other House in the way they had treated the amendments of the Council; and he did not think the Council need take more trouble over them, particularly after the way the conference had ended.

Question put and passed, and the House resolved into committee.

The message received from the Legislative Assembly, and now placed before the committee, was as follows:—

"MR. PRESIDENT,

"The Legislative Assembly having had under consideration the amendments made by the Legislative Council in the Bill intituled '*A Bill to Consolidate and Amend the Laws relating to the Alienation of Crown Lands*'—

"Disagree to the proposed amendments in clause 1, because they are sufficiently provided for in the Bill.

"Disagree to the proposed proviso at the end of clause 9, because the Act under which the leases are held provides for the resumption by Parliament at any time, and gives a pre-emptive right of selection. It is inexpedient to give a second pre-emption, especially for the mere exercise of a right which is secured by the Act.

"Disagree to the proposed amendment to subsection 7 of clause 10, because its operation would be obstructive to settlement.

"Disagree to the proposed amendments in subsections 8 and 9 of clause 10, because they are inconsistent with other provisions of the Bill.

"Disagree to the amendment in clause 21, because it would be impracticable, inasmuch as it involves confirmation before the land is surveyed.

"Agree to the first amendment in clause 23; but disagree to the other amendments in that clause, because they are incompatible with other portions of the Bill.

"Disagree to the amendments in clause 24, because they are inadvisable.

"Agree to the first amendment in clause 25, and to the first part of the second amendment to, and inclusive of, the words 'one thousand eight hundred and seventy-five.'

"But disagree to the remainder of such amendment, because it would have no practical effect, and would merely lead to a different manner of opening land to selection.

"Disagree to the amendment in clause 29, because it is unnecessary.

"Disagree to the amendments in clause 31, because the alterations proposed are for various reasons inadvisable.

"Disagree to the proposed proviso to clause 33, because it would be an obstruction to settlement.

"Disagree to the amendment in clause 45, because such disagreement has been made necessary by other alterations.

"Disagree to the amendment which proposes to omit the proviso to clause 46, but, in doing so, desire to draw the attention of the Legislative Council to the fact that the words 'if any' should have followed the word 'person' in the said proviso, but were by error omitted in the engrossment of the Bill; and request that the Council will direct that the words so omitted be inserted in the proviso in the place indicated.

"Disagree to the amendment in clause 49, because it is for many reasons inadvisable.

"Disagree to the proposed new clause 65, because the proposed provision is already in the Bill.

"Agree to the proposal to alter the position of clause 66,

"But disagree to the proposed proviso to that clause, because it would be inoperative to effect the intended object.

"Disagree to the amendments in clauses 72, 73, and 75, because they would be restrictive in their operation.

"Disagree to the amendments in clauses 83 and 84, because selectors who have complied with the provisions of the Act under which they selected land, already have the means of procuring a title.

"And agree to the remaining amendments in other parts of the Bill."

"WM. HENRY WALSH,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 9th July, 1874."

The POSTMASTER-GENERAL moved—

That the Legislative Council's amendment in clause 1, "improvements," be not insisted upon.

The Hon. F. T. GREGORY said that as the mover of the amendment, he now, for the sake of removing any impediment in the way of settling the question, consented to the motion.

The Hon. J. F. McDOUGALL moved, by way of amendment—

That the amendments in clause 1 be insisted upon.

The question was put on the amendment, and affirmed on a division:—

Contents, 14.	Not-Contents, 2.
Hon. Sir M. C. O'Connell	Hon. W. Hobbs
„ A. H. Brown	„ G. Thorn.
„ T. L. Murray-Prior	
„ H. G. Simpson	
„ G. Sandeman	
„ F. T. Gregory	
„ W. Wilson	
„ F. H. Hart	
„ J. Taylor	
„ L. Hope	
„ J. F. McDougall	
„ A. B. Buchanan	
„ W. F. Lambert	
„ H. B. Fitz.	

In moving that the amendment in clause 9 be not insisted upon, the POSTMASTER-GENERAL urged that the House had agreed to the resumption passed by the Assembly, by accepting the clause. The proviso added by the Council to give the Crown lessees a pre-emptive right of one-tenth of their runs was too much, when it was considered that the run-holders had exercised their pre-emptive rights under the Orders in Council, and also under the Act of 1868, and that they had availed themselves largely of the conditional purchase clauses. In fact, it was like taking over the whole of the country into their own hands. The Crown lessees asked for a larger pre-emptive than they had under the Act of 1868. He was afraid, yesterday, that the conference would be of no use, because of the extreme opinions of honorable gentlemen in the Council; and he now told them that if they wanted one-twentieth, instead of one-tenth of their runs, the country would not be satisfied. That proportion would enable them to take up all the water. But their present action would recoil on their heads hereafter. He should divide the committee on the amendment in clause 9, if he stood alone; but he should not call for another division if he was beaten.

The Hon. J. TAYLOR rose to move that the Council's amendments be insisted upon *in globo*, and that the Bill be returned to the Assembly forthwith.

The CHAIRMAN said he could not put the amendment.

The POSTMASTER-GENERAL: The simple negative to his motion was enough.

The Hon. J. TAYLOR: Let the amendment be put at once. There was no need for further delay, or for discussion.

The Hon. F. T. GREGORY said the Council had made every effort to meet the wishes of the other House, but the return was a decided denial to take their amendments into consideration. Although he should have been willing to have supported any honorable member in a modification of the proviso, if deemed advisable, yet he was now quite satisfied that the Council were wise in estimating ten per cent. as the proportion of compensation by pre-emption, and that a modification of it should never have been suggested. The pre-emption under the Act of 1868 was retrospective, and granted in

compensation for the resumption of half the runs and the restriction of the term of the leases to ten years. He maintained that the provision that the term of the current leases should not be interfered with, except by the authority of the Legislature, was sufficient evidence that it was intended that the consideration of compensation for consequent loss upon the curtailment of the leases should be in the hands of the Parliament, and that the lands should not be resumed on the mere motion of the Executive. He had not thought the Bill was called for or necessary, and he never believed it was a fair one for the country; but he had been willing to give it fair consideration. As no compensation was offered for the curtailment of the leases, it was now time for Parliament to determine it.

The POSTMASTER-GENERAL argued that the second pre-emptive under the fourteenth clause of the Act of 1868 was prospective, as compensation for resumption of the land at any time during the currency of the ten years' leases.

HONORABLE MEMBERS: No, no.

The POSTMASTER-GENERAL: He was a member of the Assembly at the time, and he knew what the intention of the Parliament was. The first pre-emptive was retrospective, but the second was as he stated. If the House allowed his motion on the ninth clause to go, a Land Bill might be passed this session; because that proviso was the issue between the two Houses now, the other amendments being minor points compared with it.

The Hon. J. F. McDOUGALL said he also was a member of Parliament at the time of the passing of the Act of 1868, and he stated fearlessly that the pre-emption was given to enable the squatter to secure his improvements. The proviso to the ninth clause asked for pre-emption for the resumption of the leases four years before their term expired.

The Hon. W. WILSON: The Postmaster-General was both right and wrong. The first pre-emptive was for improvements made on the runs; the second was for improvements that might be made before the expiration of the current leases. Nothing showed the dishonesty of the arrangement proposed by the Bill as received by the Council so much as the proposal to make out that the second pre-emptive was in consideration of the resumption.

The Hon. A. H. BROWN said he tried hard to believe that the Postmaster-General meant what he said, but could not. The amendment was confined to the pre-emption that the Crown tenants would be entitled to for being deprived of the rest of the ten years' leases of their runs.

The Hon. G. SANDEMAN: The Postmaster-General had referred to the fourteenth clause of the Act in force: the marginal note was "improvements." In the amendment of the Council in the ninth clause of the Bill nothing was said about improvements; it was merely for compensation for resumption. Therefore, the committee were wasting time in discussion.

The question—That the amendment in clause 9 be insisted upon—was put and affirmed, on a division:—

Contents, 15.	Not-Contents, 2.
Hon. Sir M. C. O'Connell	Hon. W. Hobbs
„ A. H. Brown	„ G. Thorn.
„ T. L. Murray-Prior	
„ H. G. Simpson	
„ W. F. Lambert	
„ A. B. Buchanan	
„ F. H. Hart	
„ W. Wilson	
„ L. Hope	
„ J. F. McDougall	
„ J. Taylor	
„ G. Harris	
„ F. T. Gregory	
„ G. Sandeman	
„ H. B. Fitz.	

The amendments in sub-section 7 of clause 10, and in clause 21, were not insisted upon.

With reference to the Council's proviso to clause 33,

The Hon. F. T. GREGORY observed that, looking at the way in which the Act of 1868 had operated hitherto, he found from the official returns that the proportion of homesteads to the total selections was only 331,000 acres out of 3,126,000, or a little over 10 per cent. Excluding all selections over 2,560 acres, the total selections amounted to 1,670,000 acres, which gave 20 per cent. of homesteads selected from reserves and over the country generally. In proposing to set apart specifically a certain quantity, or ten per cent. of the area resumed from lease, it was not to limit the number of homestead selectors; because they would be able to go and select still over the whole country; but it was to prevent the Ministry of the day locking up too great a proportion of the country in homestead areas. The proviso would be no restriction upon the homestead selectors.

The POSTMASTER-GENERAL said that considering the Honorable Mr. Gregory's experience, his argument was absurd. Only the best part of the country, as he had pointed out, was fit for homesteads. The effect of the amendment would be to give homestead selectors only a limited area of that suitable country, and to tie the hands of the Government.

The amendment was insisted upon.

As to the proviso in clause 66, now 72 of the Bill,

The Hon. H. G. SIMPSON, as the mover of it, urged that the amendment be insisted upon by the Council. The original clause 66 was not in the Bill when introduced by the Government, but was inserted on the motion of the late Minister for Lands, Mr. Thompson; and the proviso which he (Captain Simpson) had added was subsequently drafted by the same honorable gentleman.

The Hon. A. H. BROWN said he thought it unadvisable to press the point. The public had as good a right to licenses to mine on reserves as the accidental holder of adjacent private property.

The Hon. H. G. SIMPSON : The owners of private property had purchased the land at a high price, for the purpose of searching for coal; and all that was asked was, that they should have the preference in taking up mineral land, the character of which would never be known to the public but for the enterprise of the owners of private property.

Amendment insisted upon.

When the House resumed, the Chairman reported that the committee insisted upon some of the amendments made by the Council in the Bill, but not upon others.

On the motion for the adoption of the report,

The Hon. F. T. GREGORY said, before the final question was put, he wished to make a remark or two in connection with the Council's amendments in the Bill. There were some amendments which it would not have been worth while to have insisted upon if there was any chance of the Bill becoming law: they would have been conceded in deference to the wish of the other House; but, to save time, they had been allowed to pass by. It was the best thing for the country that the Bill should not become law. But a word in addition to what he had just said about the homestead selections, to show the proportion of land selected under the Act of 1868 to population and cultivation, up to the 1st of January, 1874:—According to official returns, the population of Queensland was 140,000, of which number 50,000 were adult males, one-half of whom were shown by the same returns to be engaged in works within the towns; so that the total number employed in agricultural and pastoral pursuits and the trades connected therewith did not exceed 25,000. Now, after deducting all the selections of land over 2,560 acres, there were 8,300 selections, comprising 1,673,000 acres; being an average area to each selection of 200 acres. He wished to apply this by saying, further, that the total increase of cultivation since 1867—exclusive of sugar-cane, which had nothing to do with selection—was only 21,000 acres; so that, even assuming the whole of the increase of cultivation to have been made in the selections under the Act of 1868, there were not two and a-half acres of each selection of two hundred acres yet brought under cultivation—it was not 1¼ per cent. Yet the assertion was made, that more country was wanted from the pastoral lessees of the Crown for cultivation! Looking further, he found that the whole of the selections, taking those under 2,560 acres, if divided amongst the total adult male population of the colony, would give 67 acres, with only a fraction of an acre under cultivation, to each. Now, those were facts which could be proved. Indeed, he had carefully extracted them from the statistics of the colony. They showed that there could be no demand for land, unless for pastoral purposes, under which it was occupied already. The proposed resumption meant nothing else than to withdraw the land from one set of pastoral tenants, to place it in the occupation of another set.

HONORABLE MEMBERS : Hear, hear.

Question put and passed.

On the motion of Mr. GREGORY, a Select Committee was appointed, consisting of the Hon. A. H. Brown, T. L. Murray-Prior, and the mover, to draw up the Council's reasons for their insistance upon amendments, and the report of the committee having been presented to the House and adopted, the following message was ordered to be transmitted to the Legislative Assembly:—

"Mr. SPEAKER,

"The Legislative Council having had under consideration the Legislative Assembly's Message of the 9th July, with Amendments upon the Council's Amendments in '*The Crown Lands Sales Bill of* 1874,' beg now to intimate that they have insisted upon their Amendments.

"In Clause 1—*Because* they are essential to the effective working of the Bill.

"In Clause 9—*Because* the compensation proposed is a simple justice to Lessee.

"In Sub-section 8 of Clause 10—*Because* he is the Pre-emptive Selector, and not a conditional purchaser, as defined by the Act of 1868.

"In Sub-section 9—*Because* the Lessee has not received a full equivalent.

"In Clause 23—*Because* it is desirable to confine the whole of the duties to the Land Commissioner.

"In Clause 24—For similar reason.

"In Clause 25—*Because* it is advisable.

"In Clause 29—*Because* it is desirable.

"In Clause 31—*Because* it is desirable that the area should be defined by the Act.

"In Clause 33—*Because* large tracts would be locked up from conditional purchasers.

"In Clause 45—*Because* such approval is unnecessary.

"In Clause 46—*Because* it is unnecessary.

"In Clause 49—*Because* no reason has been assigned for disagreeing to it.

"In Clause 65—*Because* it has been found to work beneficially.

"In Clause 66—*Because* it may facilitate the development of Coal Mining.

"In Clauses 72, 73, 75—*Because* there is nothing in the Bill to define what constitutes an 'Agricultural District.'

"In Clauses 83 and 84—*Because* it is desirable to afford relief to selectors under the Acts of 1866 and 1868.

"And agree to the remaining Amendments in the Message.

"M. C. O'CONNELL,
"President.

"Legislative Council Chamber,
"Brisbane, 15th July, 1874."

AUDIT BILL.

A message was received from the Legislative Assembly, informing the Council that the Assembly having had under consideration the Legislative Council's message of date the 14th instant, with reference to the Audit Bill,

insisted upon their disagreement with regard to the insertion of new clause 30, for the following reasons :—

"*Because* the power of promoting their own officers is not enjoyed even by responsible Ministers ; and *because*, although '*The Civil Service Act of* 1863' has been repealed by '*The Civil Service Acts Repeal Act of* 1869,' yet that Act maintains the rights of officers of the Civil Service in respect of promotion, which rights would be infringed by the proposed new clause ; and because the system of making up and rendering periodical accounts for confirmation is not in force in this colony, and is not provided for by the present Bill."

The POSTMASTER-GENERAL moved—

That the consideration of the message stand an Order of the Day for to-morrow.

The Hon. H. G. SIMPSON asked for the ruling of the President, whether it was competent for the House to proceed further with the Bill.

The PRESIDENT : In answer to the question raised by the honorable and gallant member, he had to say that he believed that the Bill having been twice passed between the Houses, with amendments, ought not to be considered further by the Council. But he saw no objection to the order remaining on the paper that the message be taken into consideration to-morrow. He could not at the moment turn to a sufficient authority on the subject to enable him to give a final decision ; but the impression on his mind was, that the Bill, having gone as far as it could go between the two Houses, according to rule, a conference ought to be demanded.

The Hon. H. G. SIMPSON said he was quite prepared to withdraw his objection, on the understanding that the President would have a better opportunity to-morrow to give his ruling on the matter.

Question put and passed.

SELECT COMMITTEE TO EXAMINE MEMBER.

On the Order of the Day being read for the consideration of the Legislative Assembly's message, requesting the attendance of the Honorable G. Sandeman to be examined before a Select Committee of that House.

The POSTMASTER-GENERAL moved—

That leave be given to the honorable member.

The Hon. G. SANDEMAN said he desired to say a very few words upon the question. He regretted that he was not present yesterday when the message came up ; otherwise, he thought he should have been able to have shown good reason to honorable members for acceding to the request of the Assembly. He was aware that the course pursued in this matter was unusual ; but the circumstances which necessitated that course were unusual —he might say, extreme. He believed that, adopting the practice of the House of Lords, no member of Council, as a rule, could be permitted to take notice of what occurred in another place. But honorable members would, he thought, allow that the restriction imposed by parliamentary privilege might be exceeded—might be carried too far—when injury and injustice might result. He desired to inform honorable members that the committee referred to was of his own seeking ; it was sought for as a matter of duty, he having no other course left open to him. In consequence of the protection taken advantage of, under what might be termed parliamentary privilege, he had no opportunity to meet certain statements elsewhere—statements which, in deference to the rules of the House, he would not denounce as he felt inclined to do ;—he should merely designate them as utterly without foundation. The sources whence false statements might emanate, he believed, it would be admitted, should be considered unworthy of notice ; and, in the present instance, he should not have condescended personally to have noticed the statements referred to, but that, when recorded in so special a manner, it was, in his opinion, requisite that they should be as specially contradicted. This was his reason for adopting the course which had been carried out ; and he trusted that, under the circumstances, honorable members would see no objection to make an exception to the rule in his case, and accede to the request which had been made by the Legislative Assembly. He hoped he should not be misunderstood in this matter. From what fell from the President yesterday, he was not at all desirous that the present case should be made a precedent. It was, as he had said, an extreme case—an unusual one ; and, therefore, he asked the Council to depart from the usual course, and to accede to the message.

Question put and passed.

The POSTMASTER-GENERAL then moved that the following message be transmitted to the Legislative Assembly :—

"MR. SPEAKER,

"In answer to the Message from the Legislative Assembly, dated the 14th July, 1874, requesting leave for the Honorable Gordon Sandeman, Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, to inquire into and report on certain statements made in the Legislative Assembly on the 22nd June last, the Council acquaint the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit ; but, by such leave, the Council is not to be supposed to concur in the Legislative Assembly holding a Committee to inquire into any matter affecting or connected with an Honorable Member of this House ; and the Council desire the leave now granted be not considered to establish a precedent.

"M. C. O'CONNELL,
"President.

"Legislative Council Chamber,
"Brisbane, 15th July, 1874."

The Hon. G. SANDEMAN said he desired to draw attention to a clerical error : the 22nd

of May was the date on which the original statement was made.

The PRESIDENT: It was in the message from the Legislative Assembly, 22nd June; and the Council could not alter that message.

Question put and passed.