

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**TUESDAY, 27 APRIL 1875**

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THE  
PARLIAMENTARY DEBATES

DURING THE

SECOND SESSION OF THE SEVENTH PARLIAMENT OF THE COLONY  
OF QUEENSLAND, AUSTRALIA,

APPOINTED TO MEET

AT BRISBANE, ON THE TWENTY-SEVENTH DAY OF APRIL, IN THE THIRTY-EIGHTH YEAR OF THE REIGN  
OF HER MAJESTY QUEEN VICTORIA, IN THE YEAR OF OUR LORD 1875.

LEGISLATIVE COUNCIL.

*Tuesday, 27 April, 1875.*

Meeting of Parliament.—The Opening Speech.—Leave of  
Absence.—Address in Reply to Opening Speech.

MEETING OF PARLIAMENT.

By proclamation of His Excellency the Governor, bearing date the 18th March last, this day was appointed for the meeting of Parliament for "the despatch of business."

The Council met shortly before noon; when  
The Clerk of the Parliaments read the proclamation.

At twelve o'clock,

His Excellency the Governor came down to the House, and having been announced by the Usher of the Black Rod, was conducted to the dais by the President, the Postmaster-General, and other honorable members, and the officers of the House.

His Excellency desired that it should be signified to the Legislative Assembly that he requested their attendance in the Council Chamber.

The PRESIDENT directed the Usher of the Black Rod to convey a message requesting the attendance of the Legislative Assembly forthwith.

And the Assembly, with their Speaker, having presented themselves at the Bar, and being seated,

THE OPENING SPEECH

was read by HIS EXCELLENCY THE GOVERNOR, as follows:—

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

"I have much pleasure in meeting you in Parliament assembled, for the first time after my assumption of the Government of Queensland; and in being able to congratulate you upon the continued prosperity of the Colony.

"The first question in point of importance, to which your attention will be invited, is that involved in the opening up and settlement of the lands of the Colony by an industrious population.

"Since you were last in Session my responsible advisers have been engaged in recovering by process of law, for the Public Estate, large portions of land which had, for some time, been held in violation of the express provisions of our laws. Although successful in all the cases that have hitherto been brought before the Supreme Court, the areas recovered have not yet, owing to appeals to the Judicial Committee of the Privy Council, been made available for the public. Meanwhile, the demand for land suitable for settlement has largely increased, and cannot at present be supplied. To meet this demand it is essential that resumptions of lands now held under lease in the Settled Districts should be made. My Ministers confidently hope that you will not disregard the just wishes of the people on this subject; and that a proposal to make such resumptions which will, without delay, be made to you, will meet with your favorable consideration.

"There will also be immediately placed before you a Bill which provides for an increase of the areas of homestead selections, and amends '*The Crown Lands Alienation Act of 1868*' in such a manner as to encourage and facilitate legitimate settlement on the Crown lands of the Colony.

"You will also be invited to consider a measure for the issue of deeds of grant to *bond fide* selectors in agricultural reserves under '*The Leasing Act of 1866*,' who have not strictly complied, within the limited period, with the provisions of the Statute respecting cultivation and improvement.

"Emigration from the United Kingdom continues to tend towards our shores; and, although

complaints have arisen as to some phases of the system, we have had a considerable increase from this source to our laboring and industrial classes. The subject of immigration has a natural and intimate connection with the opening up and settlement of the public lands; and there is every reason to believe that, if suitable areas were available for settlement, the number of emigrants from the home countries to the colony would greatly increase. The land-order system at present in force does not appear to be taken advantage of to any extent by intending immigrants. It has been ascertained that but few land orders are used in the purchase of land by those to whom they were originally issued; and that, as a rule, they are sold, and find their way into the possession of speculators. It is believed that an extension of the Homestead Areas Act, of the character already mentioned, will have a much greater effect in producing a stream of good immigration than our present system of land orders; and a Bill to abolish that system has, accordingly, been prepared, and will shortly be laid before you.

"The difficulty of procuring representatives in our Legislative Assembly for distant electorates, renders it desirable that the question of compensating members of that House, for their attendance in Parliament, should again be considered. A Bill dealing with this subject will be submitted to you at an early date.

"My responsible advisers think that the time has arrived when our public railway works, and their extensions, merit the attention and encouragement of the Legislature. An Act was passed a few years ago to encourage the making of railways by means of grants of land. It is considered that the powers conferred under this Act are not sufficiently comprehensive, and a Bill has been prepared to authorise the setting apart of railway reserves on each side of proposed railways, the lands in which are to be sold by the Government, and the proceeds applied in the construction of railway lines.

"GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"The Estimates for the ensuing financial year will shortly be laid before you. They have been prepared with every regard to economy, without impairing the efficiency of the Public Service. I have satisfaction in stating that, notwithstanding the large reduction in taxation effected last Session, and the heavy increase then authorized in the ordinary expenditure of the Colony, the revenue has been sufficiently elastic to meet every demand made on it, and to sustain such loans as have already received the sanction of Parliament.

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

"The increased demand for expenditure in connection with free education induced my pre-

decessor, under the advice of Ministers, to issue a Royal Commission to inquire into the management and working of the whole of the educational institutions of the Colony, maintained or supported at the public expense, and to report as to the best means to be adopted, by Legislative enactments, or otherwise, to render the same, if possible, more useful to the Colony. The report of this Commission has but recently been made, but I have no hesitation in stating that the information which has been elicited is most valuable, and well worthy of your careful consideration. The report, together with the evidence taken by the Commissioners, will immediately be laid upon the tables of both Houses: and a Bill, dealing with the subject of general education, will be placed before you.

"It is proposed to remedy the defects which have, from time to time, been proved to exist in '*The Real Property Act of 1861*,' by a measure which will shortly be submitted for your consideration.

"A Bill to amend '*The Municipal Institutions Act of 1864*,' and which offers increased encouragement for local government in all districts of the Colony, has also been prepared, and will, without delay, be placed in your hands.

"The following Bills, in addition to those already mentioned, and other Bills, will also be submitted to you, viz. :—

"A Bill having for its object the improvement of the administration of the law by assimilating the Rules of Law and Equity,

"A Bill to provide for the more speedy and effectual execution of the process of the Supreme Court,

"A Bill to amend '*The Jury Act of 1867*' so far as relates to the qualification of and compensation payable to Jurors.

"A Bill to provide for the representation in the Legislative Assembly of the district of the Palmer and Cooktown,

"A Bill to regulate the winding-up of Mining Companies,

"A Bill to extend and amend the Law providing for the purchase of Government Annuities and Payments on Death,

"A Bill to authorise the temporary enclosure of roads,

"A Bill for taking an account of the Population,

"A Bill to provide for the apprehension of offenders from other Colonies,

"A Bill to control recruiting in the Colony of Queensland for the service of Foreign States,—

all of which relate to subjects of importance; and I have no doubt that they will receive your best attention.

"I have, in conclusion, to congratulate you upon the steady progress of the Colony in all its material interests: and I sincerely trust that, under Divine Providence, your counsels, in relation to the various subjects to which your attention will be called, will still further conduce to the advancement and prosperity of the community."

His Excellency having retired, and the Assembly withdrawn, the sitting was suspended until half-past three o'clock.

The House resumed in due course, and disposed of formal business.

#### LEAVE OF ABSENCE.

The PRESIDENT informed the Council that he had received a letter from the Private Secretary to His Excellency the Administrator of the Government, announcing that His Excellency had been pleased to grant leave of absence to the Honorable James Gibbon for eighteen months, from the 9th day of January last.

On the motion of the Hon. F. H. HART, the Honorable W. D. Box obtained leave of absence for three months, on account of ill health; the consequence of a severe accident sustained in Melbourne, which had placed the honorable gentleman's life in danger.

#### ADDRESS IN REPLY TO OPENING SPEECH.

The POSTMASTER-GENERAL moved—

That a Select Committee be appointed to consider and prepare an Address in Reply to the Speech of His Excellency the Governor, and that such committee consist of the Hon. H. G. Simpson, the Hon. F. H. Hart, the Hon. D. F. Roberts, the Hon. W. Thornton, and the mover.

Question put and passed.

The Committee retired from the Chamber, and, returning after a short absence,

The following report was presented by the POSTMASTER-GENERAL, and, at his request, read by the Clerk of the Council:—

"To His Excellency WILLIAM WELLINGTON CAIRNS, Esquire, Companion of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of the Colony of Queensland and its Dependencies.

"MAY IT PLEASE YOUR EXCELLENCY,—

"1. We, Her Majesty's loyal and dutiful subjects, the Members of the Legislative Council of Queensland, in Parliament assembled, desire to assure Your Excellency of our continued loyalty and affection towards the Person and Government of our Most Gracious Sovereign, and to tender our thanks to Your Excellency for the Speech with which you have opened the present Session.

"2. It affords us much pleasure to congratulate Your Excellency on your having entered upon the Government of this Colony.

"3. We will carefully consider the Bills to be laid before us relating to the Public Lands of the Colony, as well as the other measures alluded to by Your Excellency.

"4. We receive with satisfaction Your Excellency's congratulations upon the progress and prosperity of the Colony, and we beg to assure Your Excellency that our best efforts will be made, in dealing with the questions to be submitted to us, to advance the general welfare of the Colony."

The Hon. H. G. SIMPSON said it might be in the recollection of honorable members that on the last occasion of an Address to His Excellency the Governor in reply to the Opening Speech being moved in the Council, he was requested by the then leader of the House, the Honorable Mr. Murray-Prior, Postmaster-General in the Government of that day, to form one of the Committee to draw up the Address, or rather to concur in it. He unhesitatingly consented to give his best assistance in the matter. Now, strange to say, when public affairs were controlled by another Government, with totally different ideas and views, the same office was entrusted to him—and, this time, the honorable gentleman conducting the Government business in the Council had gone so far as to ask him to move the Address. Never having identified himself with either one party or the other, he always felt himself free to give his best assistance to forward the business of the House and the country; therefore, as on the last occasion, he had consented to do his best now. In moving the adoption of the Address, he by no means pledged himself to agree with everything put forward in the Opening Speech; neither did he pledge himself to opposition. As he passed through the different paragraphs, he should here and there intimate, as well as he could on short notice, what he thought to be their bearing. He would commence by saying that the Speech seemed to him to be one which might be read in very different ways;—that was to say, the objects aimed at in most of the paragraphs seemed to him to be very desirable, but their realisation depended upon the measures which would be brought before Parliament to attain them. He must confess that those objects were not very clearly indicated. It might be, however, that measures perfectly unobjectionable would be brought forward. Again, it was possible that the measures might not commend themselves to the judgment of honorable members, though they might in the main agree with them. The Address, whose adoption by the House he moved, amounted then to nothing. After passing it, they would be perfectly free to object to any or all of the Government measures. He hoped that in

the majority of cases the measures that the Government would submit to Parliament would be such as could be approved of. It was, he supposed, true, that to most people,

"The first question in point of importance, to which your attention will be invited, is that involved in the opening up and settlement of the lands of the Colony by an industrious population."

The resumption of land seemed to be the main point of the Speech. At the latter end of last session the Council had a measure of proposed resumption of large areas of land before them which they declined to concur in; and he did not think the House would now concur in any such wholesale and sweeping measure, or in any that did not show that a considerable modification was made in the views of its promoters. Yet, he firmly believed that any reasonable project to resume large portions of land as required for general settlement would receive the approbation of the House. With regard to the allusion to the actions in the Supreme Court, he thought the Government had done right to test the question of the acquisition of land so far as they could, and that they had now done quite enough. He hoped that there would be no more such actions in the Supreme Court, until those which had been decided as far as they could be in the colony should have been submitted to the last court of appeal, the Privy Council, at home. There was no reason that he could see why the Government should not carry out the terms of the third paragraph of the Speech in a manner satisfactory to the country. The extension of the Homestead Areas, and the amendment of "*The Alienation Act of 1868*," as promised, might be a great gain, and he should be inclined to advocate very strongly such improvements in the law; but, as he had said, everything depended entirely upon the measures themselves when they were laid before honorable members. The issue of deeds of grant to *bonâ fide* selectors under "*The Leasing Act of 1866*," he regarded as one of the most difficult questions alluded to in the Speech. If it were possible to get some measure of arrangement carried through Parliament by which the *bonâ fide* selectors—the men who had really done their best to carry out the conditions under which they occupied land but who had not been able to do all that was required of them—would be enabled to get their deeds of grant, that would be most advisable. But the difficulty was, where to draw the line as to who was or was not a *bonâ fide* selector. The Government would have some trouble in that matter; and he hoped there would be no class legislation. He should be sorry to see some holders lose their selections and others keep them. Emigration from the mother country was next mentioned in the Speech, and the connection between immigration and the settlement of the public lands of the colony was referred to. That was

a very open question. It was perfectly absurd to expect that every person who came here was going to invest his land order in land for himself. However, that paragraph of the Speech carried its own conviction. During the rather long period of the existence of the non-transferable land order system, which he always looked upon as very absurd, the holders of the land orders did not settle on the land purchased with their orders. He was not aware that the present system of transferable land orders was open to the same objection; and he thought it was rather premature to make a change in the law. He would rather hear what was to be said on the matter before committing himself; therefore he should pass the paragraph without further comment. The question of the remuneration of members for their attendance, referred to in the next paragraph, was one that the Council had before them last session. That some remuneration should be given he never denied; but that a lump sum of so much a year should be given to every member of the Assembly, whether he lived in Brisbane or came from the other end of the world, he never considered a fair arrangement. It might be that in the new Bill some change that would make it acceptable would be made; but, like all the others, the paragraph in which it was referred to committed the Government to nothing except the general idea: it did not in the slightest degree point out the manner in which the Bill was to be passed. He hoped the Government would be able to bring forward a measure that would admit of remuneration being given to persons who had to come from a distance to attend to their Parliamentary duties, and who were not, like himself, living almost at the doors of the Parliament House; the two cases did not agree, and there should be a distinction. The "public railway works and their extensions," which were alluded to next, he was in favor of carrying out as far as could be by means of grants of land. The value of land which was devoted to the making of railways would be repaid to the country over and over again in the enhanced value of what remained in the hands of the Government when the railways should have been made. Of course, he understood, that if a railway was taken through alienated land, compensation would have to be given; but the resumption of Crown land for the purpose of railways would confer great advantage on the colony, provided the arrangements were conceived and given effect to in a proper manner. He now came to the last important paragraph of the Speech, that with regard to education; and this, again, gave honorable members a very little idea of the manner in which the Government intended to carry out the improvements of the existing system. For one, he was not an advocate of what was supposed to be very popular, "free, secular, and compulsory" education; and for this reason:—There was a very large number of his fellow-colonists who would have

to pay their proportion towards that system of education, and who could not conscientiously avail themselves of it. He believed it would be doing a great injustice to a large and important section of the people of the colony to enforce such a system. A system might be applied so that those who believed in "free, secular, and compulsory" education might have it; while those who did not believe in it should have their fair share of their contributions to the general revenue of the colony. He could not pass beyond that, without remarking upon the enormous and growing expenditure for education in the colony. He was credibly informed that there would be something like £120,000 spent on education this year; in the year before, the cost of the existing system was £80,000. It was not certain, with even that great increase, that the sum of £120,000 would cover all the expense to be incurred. What the expenditure would be if a "free, secular, and compulsory" system was carried out, it was impossible for him to say. Therefore, as far as he was concerned, he should look upon education as a very open question indeed—until the House had seen what provision the Government had made for it. The Real Property Act was to be amended. He knew very little about it; but he knew one or two very hard cases that had occurred under it, and he had no doubt the Government were right in bringing forward a measure to amend that Act. Upon the Municipal Institutions Act he should offer no opinion; but he had no doubt that a Bill to amend the existing law, and the other Bills named in the Speech, were required. There were one or two of them that he himself knew to be absolutely necessary, and he took it that the others would be good, though he at present knew nothing of the requirements for them or of their peculiarities. Those that he referred to were for the representation of the Palmer and Cooktown and for the taking of the census. The latter would, he hoped, be a permanent measure, providing for the taking of a census periodically, so that it should not at future periods be necessary to pass a special Act. The concluding paragraph of His Excellency's Speech, congratulated the Parliament upon the very satisfactory state of the colony and its progress in all its material interests. He thought that this was a subject for congratulation, as every honorable member knew the facts. The Speech aimed at very good objects mainly, and if those objects were carried out by workable measures conceived in a good spirit, the results of the session would be very great; but everything depended upon the stamp and style of the measures which the Government would bring in to give effect to their ideas now shadowed forth. He begged to move—

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

The Hon. F. H. HART, in seconding the motion, declined to make any remarks on the

Speech, as the time when the measures it promised should be before the House would be the best to speak upon their merits.

The Hon. F. T. GREGORY said he agreed to a certain extent with what had fallen from the honorable gentleman who had moved the adoption of the Address, that it was very much a formal matter; but this was a fit and proper occasion for honorable members to pass a few comments upon the spirit in which the Speech was introduced. No doubt the various measures which were set forth in the Speech were, on the face of them, of a very desirable nature; but there were a few points which it behoved honorable members to keep constantly before the House to prevent any misconception resulting from their unanimous concurrence in the Address. Without drawing attention to the possible working of a different spirit from that in which they hoped the promises of the Speech would be carried out, he was anxious to give the Ministry due credit for very good intentions; but, after seeing that good measures of the past had not been carried out in a very honest spirit, he begged to offer a few remarks upon the questions brought forward, more particularly in connection with the land question, which was made a prominent one, and rightly so. There were one or two expressions in the Speech which shadowed forth what he always feared would become class legislation. The extension of homestead areas, though no doubt desirable, was yet a question in connection with which he must say that the persons to be benefited had hitherto been made too much of. The question was used as a political engine for the purpose of securing the votes of a particular class. At this moment, he could say that the homestead system was becoming a far worse political engine, in connection with dummying, than any that was ever conducted under the squatting dominion. No doubt, while the squatters had the lands, they endeavored to keep their grasp upon them as long as they could. It was human nature, and they did their best to conserve their own interests. But the tendency, now, was to the opposite extreme. If the lands of the colony were to be locked up exclusively for one class, it would be detrimental exceedingly. He only sounded a note of warning, at the same time that he hoped the Government would not act improperly. Any amendment of the land laws would meet with consideration from the Council if only couched in a fair spirit as between class and class. He saw reference made to the issuing of deeds of grant to *bond fide* selectors. If he was correctly informed, there had been a system commenced already of making a selection of particular individuals, because they belonged to a class that supported a particular policy, and of issuing to them grants without reference to their right to receive them. No doubt, there were persons to whom it would be a great hardship if deeds were not issued to them. But it had

come to his own knowledge that deeds had been granted to men holding land, who had not fulfilled the conditions; while others, who belonged to the ranks of those who were believed to be inimical to the present powers, had not received their deeds. Whilst he saw that spirit afloat in the administration, he should not consent to any concession. It was a particularly dangerous proposition to give the Government extended powers to deal with one class of land-holders in the way proposed. The danger had always been, that, whenever Parliament passed a law, and attempted to remove the working of it out of the hands of the Government, and to place it in the hands of responsible officers to give effect to the law in its integrity, without any class or political bias, the Government endeavored to crush such officers, and to interfere with the operation of the law. He did not speak of any particular Ministry; but, generally, there was always an endeavor to override the law. After Parliament had passed a useful measure for the administration of the land honestly and indifferently, it was always interfered with; everything was made a Ministerial question; in other words, the Ministry endeavored to befriend their friends, and to make the law operate to the detriment of their opponents. The land was a subject upon which the administration and the legislature should endeavor to get rid of all political predilections and prejudices; and the law should be framed in a spirit of fairness to all classes, and, when once passed, instead of being tampered with, instead of being still regarded as a party question, it should be administered in the spirit in which it was passed by the legislature. With regard to immigration, no doubt it was very much required for the colony, but it might be overdone. Already it had been shown here that the anxiety to throw a large number of immigrants on our shores led to undesirable results. Queensland had received not so much an excess as a very bad selection;—not that he meant all were bad, for there were many excellent people amongst the immigrants, but that a large proportion were unfitted for the requirements of the colony. He had seen between forty and fifty men in a dépôt, not one of whom he could put to work as a farmer. They were not artisans; they were all evidently idlers, who had been taken from the seaport towns to fill the ships, and they were a very undesirable class indeed. He had every confidence in the Agent-General for Emigration in England, but he felt that he was under pressure, having been instructed to send people to the colony faster than they could be selected properly. It was not numbers the colony wanted, but quality, in fair numbers—a useful class of laboring men fit for the requirements of the colony, and not merely so many immigrants per annum. On the subject of payment of members, he entertained, in common with very many honorable

members of the Council, such a strong opinion against it, as tending to demoralise the whole principles of legislation and Government, that he could not see his way—much as he believed it pressed hard upon a few members who came from great distances to attend Parliament—to consenting to any measure that might be introduced affirming it. In neighboring colonies, where institutions similar to our own existed, he had been told that many public men who had assisted in passing such a measure, regretted extremely that they had ever consented to it; as what he urged against it had been proved there. In New South Wales, only the other day, the example was set of the rejection of such a measure almost unanimously. He believed that for every good man who was kept out of Parliament from the want of means to go in, two men would be elected under a system of payment of members whom it would be very undesirable to have in. Under all the circumstances, he thought that the balance of argument was very much in favor of adhering to the present system; for it would be most pernicious to adopt payment of members in Queensland. In regard to setting aside large portions of land for the construction of railways, though theoretically it seemed a very desirable mode of obtaining funds for such public works which could not be defrayed out of the general revenue, and though it was very undesirable to go on increasing the public debt by loans, yet the Government would be compelled by-and-bye to borrow; and, still, it was quite competent for the colony to defray the cost of its railways out of the land revenue. When the proposed measure should be brought before the House, it would, he feared, be found too theoretical. It would be best to have public sales of land every year, as was done in Victoria, in different parts of the colony, and to put aside a certain sum of the proceeds for railways only. But to put apart so much land in a particular part of the colony, or so many miles on each side of a contemplated line, though looking very well in theory, would in practice be found a failure, as it would not work. The railway, it was thought, would make the land valuable. But it would run through much land that was no good. Land would not get value from contiguity to the railway. Fertile land would increase in value from a railway passing through it; but inferior land would not. When a person was located ten or twelve miles from a railway station, the railway was of no particular benefit to him running along his land; but the railway enhanced the value of the district. As to the proposed abrogation of the land-order system, there was very little doubt that the system was bad unless conducted in a proper manner. The land order should be viewed as a bonus to the intending emigrant. The main good in it was that the immigrant could, if he wished, go directly on the land and settle, and thus meet

the wishes of the Government ; and he would get more land for it than if cash was given to him ; but as things were, not one man in five, indeed, not one in ten, took up land with his land order. The land order might be a piece of waste paper, or a political fraud on the country ; if it was convertible by the holder, it was nothing more than cash. at a reduced amount to him, but for the full amount at the land sales, the revenue from which it reduced. When an immigrant sold his forty-acre land order for £20 or £25 to a land agent desirous of purchasing land, the object of the Government was defeated. He (Mr. Gregory) had long looked on the amendment of the Real Property Act as very much wanted ; but the main principle of the measure must not be tampered with. He should give his cordial assent to the requisite amendments, so long as the facilities it afforded for non-professional conveyancing were not touched. It was, of course, difficult to form any idea of the nature of the several measures which the Government proposed to lay on the table ; and, under the circumstances, he had no intention of opposing the adoption of the Address in Reply to the Speech. But he had sounded a note of warning that no attempt should be made under the cloak of what were apparently liberal measures to take advantage of and to interfere with vested rights and interests by class legislation.

Question put and passed.

The POSTMASTER-GENERAL moved—

That the Address, as adopted, be presented to His Excellency the Governor, at Government House, by the Honorable the President, the Mover and Seconder, and such other members as may be present, to-morrow, at three o'clock, p.m.

Question put and passed.