

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 30 JULY 1875**

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## LEGISLATIVE ASSEMBLY.

*Friday, 30 July, 1875.*

Adjournment.—Rockhampton Waterworks Bill.—Queensland Turf Club Bill.—Bank Holidays Bill.

## ADJOURNMENT.

Mr. BUZACOTT moved the adjournment of the House for the purpose of making an explanation. At the time the honorable member for Dalby moved the adjournment of the House over next week, he was quite taken by surprise, and he had no idea at the time that the House intended to adjourn for a holiday. There was no member of the House more anxious than him-

self to meet the convenience and desires of others, and if they could come to an understanding to-day to adjourn in order to give members an opportunity of attending the show, without making too great a sacrifice, he should be most happy to accede to it. He thought if they met on Friday evening instead of Wednesday and Thursday, they would probably get through more business than if they sat on the ordinary sitting days, and members would then have from Tuesday evening to Friday afternoon to visit the show.

MR. IVORY was quite agreeable to the proposition made by the honorable member for Rockhampton, and suggested that they should not only meet on Friday afternoon, but on Saturday morning also, if necessary. He, equally with the honorable member for Rockhampton, was desirous of meeting the general feeling of members, but at the same time it must be patent to everybody that members who had come long distances, and who had been detained so long, were anxious to get back to their business. But, as it was not likely any business would be done if they did not adjourn, he thought it would be well to agree to the proposition now made.

MR. MACDONALD hoped the Government would not consent to any such proposal. The question was fully discussed last night, and it was decided by a large majority that they should not adjourn. He thought the majority of honorable members, some of whom were exceedingly anxious to get to their homes and their business, should not be inconvenienced because a few honorable members wished to visit Toowoomba.

MR. DOUGLAS thought they were not likely to arrive at the end of the session so rapidly as some members appeared to suppose; and he was surprised to hear expressions as to the necessity for honorable gentlemen leaving. He understood they had devoted themselves to the public service, and no private necessity or occasion, he took it, justified them in leaving their public duty. Having assumed a public duty, all private considerations must give way to the performance of that duty. He saw no prospect of the termination of the session for probably two months, and he thought the sooner honorable gentlemen made up their minds to set to work deliberately the better. It would not hurry itself; it must be done, and probably it would be best done by being done deliberately. Whatever might be the necessities of honorable gentlemen as to their private avocations, he considered they were bound, as members of the Legislature, to devote themselves to the public service. That was their primary duty, and the sooner they got rid of the idea that they had got their private affairs to attend to, when they had public duties to perform, the better.

THE COLONIAL TREASURER said it was a matter of indifference to the Government whether the session lasted longer or shorter; and notwithstanding the remarks of the honorable member for Maryborough about mem-

bers sacrificing their private interests, it was known, as a matter of fact, they did not do so; when they considered they had devoted a fair amount of time to public business, they went home. He would like to know, before expressing any opinion on the suggestion of the honorable member for Rockhampton, what were the views of the House with regard to the notice of motion he had given for Tuesday next, that the House should meet on Friday afternoons, and that Thursday should be a Government day. He should like to hear the views of the honorable member for Port Curtis on that motion. As far as the Government were concerned, it was a matter of indifference whether they sat on Tuesday and Wednesday, or Tuesday and Friday, but before they could sit on Friday afternoon, the sessional order would have to be altered as proposed by his motion. If the proposal of the honorable member for Rockhampton were acceded to, it could be easily arranged that on this particular Friday Government business should take precedence. The Government were desirous of meeting the convenience of the House in every way, but there were pressing reasons why they should sit sometime next week, and he hoped honorable members would not take advantage of the forms of the House to delay public business, in consequence of the defeat they sustained last night.

MR. PALMER thought, if the session were unduly prolonged, it would be owing a great deal more to the Government side of the House than to the Opposition. As he said last night, it was a matter of no consequence to him whether they adjourned or not, but they were sure to have a thin House next week, because a number of members, who had to attend the Toowoomba show, had gone, and were not likely to be back next week, and if the Government accepted the proposal of the honorable member for Rockhampton he would be quite willing to agree to it. They would probably do more business if they did. As for the motion of the honorable the Colonial Treasurer, to give up Thursday for Government business, he, for one, would never consent to it. There were many reasons why it should not be given up. There was a great deal of private business on the paper, and the only chance private members had of getting it through was on Thursday. He had no objection to making Friday a Government day, but he most decidedly objected to giving up Thursday, and he would recommend private members not to consent to it. The Government might be able to get a quorum together on Fridays to proceed with public business, but private members would not, and they should never give up Thursday unless on very special occasions.

MR. MACROSSAN said he was a country member, who came a greater distance than any other honorable member, except the honorable member for Burke, and he was

very anxious to get home, but still he would not allow his own convenience or desires to in any way interfere with the feelings of a large number of the members of the House. He thought, under all the circumstances, the Government might just as well accede to the suggestion of the honorable member for Rockhampton, and if it went to a division he should vote for it. With regard to making Thursday a Government day, he took the same view as the honorable member for Port Curtis. The Government could form a quorum for public business on Friday, but if that day were set apart for private business there would be none done.

MR. STEWART did not know whether it would be a fair thing to adjourn over Wednesday and Thursday if there was no intention to give up Tuesday and Friday for Government business; and he thought if the members who intended to go to the show had gone, they might as well meet the whole week or not at all. With regard to Thursdays, he thought an arrangement might be made by which a portion of the day, say up to 6 o'clock, might be set apart for Government business, and the remainder for private business.

MR. J. SCOTT pointed out that the effect of the suggestion of the honorable member for Brisbane would be, that if Government business were opposed, members would talk against time. He thought private members should not give up Thursday, except on very urgent occasions.

MR. LORD supported the suggestion of the honorable member for Rockhampton. He believed that if it were acceded to, business would proceed much more rapidly afterwards.

MR. DICKSON said the representatives of Brisbane constituencies would defer their own wishes to the convenience of honorable members who had to come long distances; and as the majority of the House appeared to be in favor of the proposal of the honorable member for Rockhampton, he should support it. At the same time, he thought country members must take the responsibility of the business of the country being delayed on account of the adjournment. It was no wish of the Brisbane members that business should be retarded. He quite agreed with the honorable member for Port Curtis with regard to retaining Thursday for private business; and he thought the suggestion of the honorable member for Brisbane would be very inconvenient. The Government could command a quorum on Fridays for private business, which private members could not command.

MR. HODGKINSON concurred in the view taken by the honorable member for the Kennedy. He thought, however, that with a view to facilitating the business of the session there should be some extension of the weekly sittings. The protraction of the session would only result in the disfranchisement of important country districts.

Question—That this House do now adjourn—put and negatived.

## ROCKHAMPTON WATERWORKS BILL.

MR. BUZACOTT said, in moving the second reading of this Bill, he might state at the outset that he did not intend to occupy the time of the House at any length. It was simply an application to extend the provisions of the Act in operation in Brisbane to the town of Rockhampton. It had been reported upon by a Select Committee, and he believed there would be no objection to it. He also hoped the House would consent to go into committee on it at once. He had given a contingent notice of motion to that effect, so that it would not take the House by surprise; and, as he did not expect there would be any discussion on the provisions of the measure, it would considerably expedite their proceedings if the House would consent to go into committee. He might state that the Corporation of Rockhampton had expended a large sum in connection with water supply, and for want of an Act of this kind it did not produce any return. He moved—

That the Bill be now read a second time.

THE SECRETARY FOR PUBLIC WORKS said, as a member of the Select Committee to whom this Bill was referred, he thought it only right to say a few words, simply to corroborate what the honorable member for Rockhampton had stated. The Bill was almost entirely a transcript of the Brisbane Waterworks Act, and might be looked upon as only a formal Bill; there was nothing in it that called for debate.

Question put and passed.

MR. BUZACOTT, pursuant to notice, moved—

That the Speaker do now leave the chair, and the House resolve itself into a Committee of the Whole to consider the Bill.

THE SPEAKER: It is my duty to point out to the House that I think this is a motion that ought not to be put. There was an understanding arrived at that the House should not go into committee on the same day as the second reading of a Bill. I pointed out that it was an inconvenient practice, and I carried with me the unanimous opinion of the House; and I said, in future, I should endeavor to put a stop to such a course of proceeding. Honorable members must distinctly recollect the understanding that was come to, and the quotation I cited in support of my opinion, and I think the honorable member should not persist in pursuing a course, seeing that it is in direct contradiction of the arrangement come to between the Chair and the House on a former occasion.

MR. PALMER: With all due deference to the honorable the Speaker, the understanding was that, except in cases of emergency, the House should not go into committee on Bills on the same day as the second reading; and this was an emergent case. The Bill had been on the paper since the beginning of the session, and in consequence of it not having

been passed, the Corporation of Rockhampton were not in a position to levy rates. It was not taking the House by surprise, because the honorable member for Rockhampton had given contingent notice of motion. He thought, on an emergent occasion of this kind, the House would consent to the rule being broken through.

The COLONIAL TREASURER said the Government had no objection. It was merely a formal matter, which would not take more than five minutes.

Mr. STEWART could not see why the Bill should not take the ordinary course. He did not see that there was any great urgency for going into committee immediately after the second reading: having waited so long, they could very well wait another fortnight, to get the Bill through in the regular way. He thought the understanding ought to be adhered to, because, if it were broken through in one case, other Bills would be brought forward in the same way.

Mr. IVORY said, on the former occasion when it was proposed to go into committee on a Bill immediately after the second reading, honorable members had not the slightest warning; but, in this instance, there had been a contingent notice of motion on the paper for the last two or three weeks, so that honorable members were perfectly aware that the honorable member for Rockhampton intended to propose going into committee. He thought, under the circumstances of the case, as it was a matter of emergency, and as sufficient notice had been given, it would be rather hard to oppose going into committee.

The SECRETARY FOR PUBLIC WORKS understood the point taken by the honorable the Speaker was, that the House should not go into committee on a Bill except in pursuance of an order of the House; and, in this case, the honorable member for Rockhampton had given notice of motion.

The SPEAKER: The honorable member misunderstood me. I made no such announcement.

The SECRETARY FOR PUBLIC WORKS: Then he understood that the notice of motion was not sufficient. But even if it were not, he thought, with the permission of the House, any technical point of that nature might be waived. It was an important Bill, and he thought the disposition of the House was to go on with it.

The SPEAKER: It is, of course, my duty to put the motion; but I still say it is one that ought not to be put, seeing the arrangement that was made. I may point out the inconvenience that may arise: There is another similar motion on the paper, and the same reasons may be urged in support of the Bill referred to in that motion being dealt with in committee at once. It is a question how far the practice of Parliament is to be adhered to, and a most important one.

Mr. DICKSON said he had given similar notice of motion with reference to the

Queensland Turf Club Bill; and if this motion were carried, he should consider himself justified in pressing that motion. But, if the honorable member for Rockhampton did not press his, he (Mr. Dickson) would withdraw the notice he had given.

Mr. J. SCOTT said the House could only go into committee by general consent; and it did not follow that, because they consented in one case they should do so in another. He might point out that this Bill was of a merely formal nature. There had been no discussion on the second reading; and it would probably go through committee in a very short time.

Mr. BUZACOTT said, as there seemed to be an idea that this would be establishing a precedent, he would withdraw his motion on the understanding that the Government would give him an early opportunity of going into committee on the Bill on a Government day.

The motion was withdrawn accordingly, and the committal of the Bill was made an Order of the Day for Tuesday next.

#### QUEENSLAND TURF CLUB BILL.

Mr. DICKSON said, in rising to move the second reading of this Bill, he should briefly explain the reason why legislative interference was sought. He thought it desirable that he should do so, because there was a certain amount of suspicion naturally directed to the trustees in dealing with any portion of land which had been set apart for the purposes of recreation, especially after what had taken place in connection with similar portions of land in other parts of the colony. The reason why the present Bill was sought to be introduced was this:—A certain portion of land, referred to in the preamble, 320 acres, had been vested in trustees for racing purposes, and for no other purposes whatsoever, and to render this land suitable for the purposes for which it had been granted, a considerable amount of expenditure had been incurred, and the club which incurred this expenditure had no recognised trust in the land, it being vested in trustees for racing purposes generally, and not in trustees for the Queensland Turf Club. The Bill contained two principles, or two distinct features. The first dealt with the transfer of the fee-simple of the land from trustees for racing purposes generally, to trustees for the Queensland Turf Club specifically, and the reason for this charge was, as he had already stated, that that club only had hitherto dealt with this portion of property. They had expended a sum ranging from £1,500 to £1,700 in improving the land so as to make it suitable for racing purposes, and they had incurred responsibility in the shape of a mortgage to the extent of £1,000; and there was no other racing association or body in the locality that had expended a penny on it, or in any way interfered with the ground; nor was there any proba-

bility of a kindred institution being called into existence which would interfere with this club. Therefore, with a view to still further improvements, which would involve increased responsibility and liabilities, they sought to have the deed of grant specifically vested in the same gentlemen who were now trustees, as trustees on behalf of the club. Another reason why the Bill was sought to be passed into law was, that the present mortgage was made under the provisions of the Trustees of Public Land Act, which had been repealed, and the present trustees had no power without legislative interference and enactment to incur any fresh liability to pay off the existing liability, and if the mortgagee pressed his claim at the present time, the whole of the land might be realised to satisfy it. The second feature of the Bill was, that it would enable the trustees of this land to sell or mortgage certain portions of it. It was deemed undesirable to give them more extensive powers, but to strictly confine them in this respect to such portions of land as were not required for racing purposes, and, therefore, as honorable members would observe, at the request of the petitioners, there had been certain amendments made in the Bill by the Select Committee, some of which were by no means unimportant. The third clause, which gave them power to sell any portion of the land, subject to the approval of the Governor in Council, had been restricted to the portions of land mentioned in the schedule, 188 acres, the sale of which would in no way interfere with the capacity of the land for racing purposes. They were empowered to realise those portions of the land for the purpose of paying off portion of the present incumbrance, and to appropriate the residuary amount to further improvements. The 4th clause had been amended to enable them to incur responsibility to the same amount of mortgage as now existing upon the whole property; and that was introduced to enable them to provide for the present mortgage, should the mortgagee demand payment. By the 5th clause, they were restricted from interfering in any way with the portion of land retained for racing purposes, beyond leasing it to kindred societies for the purposes of public recreation, for the short period of twelve months. They had power to sell the 188 acres, or to mortgage it, or to lease it for twenty-one years; so that, should they not find a purchaser at a satisfactory price, they would be able to lease it, and during the term of the lease it might become improved. All these matters were contained in the concise report of the committee, by whom every effort had been made to prevent any infringement on the rights of the public. He had got a memo. of the expenditure on the property, in fencing and other improvements, which, as he stated, amounted to about £1,700; still further expenditure was proposed to be made, to afford additional security in the shape of fencing. The members of the club numbered 85, and at an

annual contribution of three guineas each, the annual income was about £270. He should also point out, that no portion of the fund accruing from the sale of the land was to be devoted in any way to prizes, the whole was to be expended in permanent improvements. The mortgage had expired by effluxion of time, and without the powers conferred on the trustees by this Bill, the mortgagee might realise the property, and the community would be deprived of a valuable portion of land for the purpose of racing and other public recreation. He had given contingent notice of motion to go into committee on the Bill immediately after the second reading; but, as he had previously intimated, he would withdraw it, and if the second reading were passed, he would move the committal for some future day.

The ATTORNEY-GENERAL said he might call attention to what appeared to be a very singular request on the part of the Queensland Turf Club, to appropriate to their own use land granted for general racing purposes. He observed from the report of the committee that they took up this position:—They were at present the only racing club in the neighborhood; but it did not follow that they always would be. He thought it was somewhat unusual to ask that a grant for special purposes should be diverted into a grant for a special purpose. The trusts were for a site for a racecourse, and for no other purpose whatsoever, especially excluding giving it up to any particular set of gentlemen. The present trustees held the land in trust for the people, and the Queensland Turf Club had no more right to it than any other turf club or society of gentlemen, who might use it for racing purposes. He was not aware that any instance could be found of the trusts of land being altered in this way. As to the other portion of the Bill, that a portion of the land should be sold for the purpose of making improvements, it seemed to be very good, and there could be no objection to it; but he hoped the honorable member for Enoggera would not insist upon the very unusual request to divert land from a public purpose to what really amounted to a private purpose. As a private society of gentlemen, no doubt, the Queensland Turf Club were entitled to public praise for their exertions, but they could not be recognised in the House as anything more than a private society.

Mr. PALMER said there was no doubt the originators of the Bill knew quite as much about the matter as the honorable the Attorney-General; and if the Queensland Turf Club had not taken the matter up and expended money on the ground, it might as well have been left waste land of the Crown. That club had, at their own risk, expended a large amount of money on the course, and he believed the object of the Bill was to enable them to pay off the present liability and to make further improvements. Surely that was not asking too much. It was

similar to the Randwick course, in Sydney, which was vested in the Australian Jockey Club; and as for excluding all others from the course, such a thing had never been done, and it would be absurd to put a provision of that kind in the Bill. In practice, it would be found that public opinion would be too strong to prevent any club racing on the ground subject to certain conditions; and matters of that kind might very safely be left in the hands of the committee. He did not think the applicants were asking at all too much. They did not wish to change the trustees, but simply to be enabled to put up fences, and make other improvements for the benefit of society generally. He had seen a great many things done on the ground that the police were powerless to prevent; and he could see nothing unusual in the application. It was merely asking to give the parties control over the ground, so that they might spend money upon it, and improve it.

Mr. J. SCOTT said he was a member of the select committee appointed in connection with this Bill, and this question came before them. If honorable members would turn to page 9 of the evidence, they would find Mr. Seymour was asked:—

"7. *By the Chairman:* Would the change in the tenure of this land—vesting it, in short, in the trustees of the Queensland Turf Club, interfere with the freedom of this racecourse to any other racing club which might be established in this locality? Only one club could have the management of it. You could not have two clubs managing one ground.

"8. Do you not think on that ground it is open to objection—if it is in the hands of one club solely? I do not think so. If you do not vest it in one club, and give them the control of the ground, you cannot expect them to expend money on it, and go to the trouble of managing it and making improvements. It would not prevent any other club racing over it with the consent of the committee, and they would never refuse consent. In fact there is another club in town—Tattersall's Club—race there now.

"9. Then I suppose the chief reason for the club wishing it vested in trustees for the Queensland Turf Club is, to justify that club in expending money on the ground in the shape of improvements? Exactly.

"10. And the land being vested in these trustees would not necessarily debar any other club from arranging for the use of the land for racing purposes? Not at all.

"11. So far as you are aware, you do not think the trustees of the Queensland Turf Club, or its members, would object to any other local club requiring or using it for racing purposes? Certainly not, so long as they conform to the rules made for keeping it in order. Another club now races there at present.

"15. If the land were vested in trustees for the Queensland Turf Club solely, would that interfere with their meeting or racing on this ground? No; not a bit. The committee of the Queensland Turf Club would take care they did not interfere or clash with their meetings; that would be the only matter."

He did not think there would be any question about any other club racing on the ground, so long as they conformed to the regulations of the club.

Question put and passed.

#### BANK HOLIDAYS BILL.

Mr. STEWART said he thought only a few moments would be necessary in proposing the second reading of this Bill. It was simply a transcript of the Act in force in New South Wales, and it legalised what was at present a matter of doubt. It made bills falling due on a bank holiday payable on the day following instead of the day preceding such holiday; and notice of dishonor applied in the same way. He moved—

That the Bill be now read a second time.

Question put and passed.