

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 19 SEPTEMBER 1876**

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## LEGISLATIVE ASSEMBLY.

*Tuesday, 19 September, 1876.*

## Railway Surveys.

## RAILWAY SURVEYS.

The PREMIER laid upon the table plans and books of reference of the proposed lines of railway from Gympie to Maryborough, Warwick to Stanthorpe and the Border, and from Comet River to Emerald Downs. He said he might state for the information of honorable members that he had not yet got the plans of the line from Bundaberg to Mount Perry, or from Townsville to Charters Towers, but he hoped to have them before long.

Mr. W. SCOTT said he had a few remarks to make, and he should conclude with a motion. He was astonished at the action of the honorable member at the head of the Government, the Minister for Works, in laying on the table of the House plans and books of reference of the Maryborough and Gympie, and the Warwick and Stanthorpe lines, without at the same time laying on the table the plans and book of reference of the Bundaberg and Mount Perry line, which was promised long before that to Stanthorpe. He could not understand why he should have exempted that line, but he believed it was because he (Mr. Scott) sat on the Opposition side of the House. A distinct understanding was come to some time ago with the honorable the Minister for Lands that the Maryborough and Gympie line should not be gone on with without that from Bundaberg to Mount Perry, and he (Mr. Scott) said the Government now proposed to go on with the Maryborough and Gympie line, because they expected to get a little more support by doing so, and because he sat on the Opposition side of the House. He hoped before they went further, the honorable the Minister for Works would state whether he would lay the plans of the Bundaberg and Mount Perry line on the table. He (Mr. Scott) could not see why the two surveys should not have been carried out at the same time. An argument might be

brought forward that the line from Bundaberg to Mount Perry was a little longer than the other lines from Maryborough to Gympie and Warwick to Stanthorpe, and that the country was more difficult; but he could positively assert, from his knowledge of the nature of the country, and from information he had received, that it was by far the easiest line. At any rate, as far as Boolbunda it was level country, well timbered, and he believed it was one of the cheapest lines they could carry out in the colony. He hoped to hear from the honorable the Minister for Works why he had not laid on the table plans of this line, which was promised some time ago, with the others, and he also hoped the members representing the Wide Bay and Burnett districts, and other honorable members would see their way to supporting him in endeavoring to have those lines carried out together. If they were not, he could not see his way to support the lines now brought forward. He moved—

That this House do now adjourn.

The PREMIER said he stated when he laid the plans on the table, that he expected shortly to be able to place on the table the plans of two other railways—from Bundaberg to Mount Perry, and from Townsville to Charters Towers; and he could inform the honorable member for Mulgrave it was not because he sat on the opposite side of the House that the plans he referred to had not been laid on the table.

Mr. W. SCOTT: I believe it is.

The PREMIER said he had laid on the table the plans and books of reference of a railway extension in the central division of the colony, although the honorable members for Rockhampton and Clermont sat on the opposite side of the House; and he might say further, for the information of the honorable member, that he was doing all he possibly could to push along the surveys of the lines in the Wide Bay district and in the northern part of the colony, and he now promised to have them completed as quickly as possible. He had issued instructions that they should be proceeded with with all possible despatch, and it was not his fault that they were not on the table of the House now.

Mr. W. SCOTT: Whose fault is it then?

The PREMIER said he did not know, but it must be remembered that the surveys took some little time; the work could not be done all at once, but it was being proceeded with with all celerity, and in due course he should place the plans and book of reference on the table. At the present time, the surveys were not finished, and when they were, it would take some little time to prepare the plans.

Mr. WALSH said he should like to ask the honorable the Minister for Works by whom these surveys were ordered to be made; and, if the honorable member was unable to give an

answer, he could tell him how they were ordered. They were ordered to be made in direct contravention of an Act of Parliament.

Mr. PALMER: Hear, hear.

Mr. WALSH said this Government, pandering to the popular will, treated Acts of Parliament as so much waste paper. There was an Act of Parliament which expressly required the sanction of that House before the Government could make a survey of any line of railway or spend a single farthing of the public money for that purpose; but this *ad captandum* Ministry, first seeking to secure the support of this member, and then of that, and then trying to cajole another, rushed the country not only into this preliminary expenditure, forbidden by Act of Parliament, but also into the construction of unnecessary and extravagant lines of railway. And he again asked those docile supporters of the Government, were they never to cease their allegiance to a Government that violated every Act of Parliament, and unconstitutionally spent the public money; that did everything, in fact, in direct contravention of Acts of Parliament passed by the representatives of the people of this colony? The Act of 1872 provided:—

“Whensoever Parliament shall have approved of a survey or surveys being made for the purpose of extending existing lines of railway or for making others the Government shall cause to be prepared plans sections and books of reference of every such railway and shall also cause the commissioner to have levels taken and surveys made,” &c.

He therefore said, until the Government had obtained the sanction of Parliament to make those surveys, the spending of money for that purpose was unconstitutional; it was a violation of the privileges of the people of this colony. And the entering upon private land was an illegal act, for which the Government rendered themselves liable to actions; and all this was done in defiance of Acts of Parliament, which were treated as mere waste paper, simply for party and political purposes. He had protested against it before, and he again protested against it now, particularly when he saw such a facile and docile Government, who were prepared to promise the expenditure of millions of money to keep themselves in their seats. If that were parliamentary government, he did not hesitate to say it was a disgrace to the people of Queensland who submitted to it. Here they had the honorable the Premier vaunting and trying to make himself popular, ordering a survey here and a survey there, and all in defiance of an Act of Parliament; and not only going in direct defiance of an Act of Parliament, but spending the people's money without the sanction of that House. He repeated that the offenders were the Government, and those who sat behind them, and sanctioned this unconstitutional proceeding. It was all very well for honorable members to laugh and

smile and think it was all serene and pleasant while they commanded a majority of the House, but the time would come when their adherence to the Government—to this unconstitutional Government, who were constantly practising these infractions of Acts of Parliament—the time would come when they would find the tables turned upon them, and when they endeavored to resist the example they themselves had previously set, that they would be met with numberless instances in which they had been the supporters of the Government of this day in those practices. He was sorry to see the honorable member for Aubigny smiling over the serious charge he (Mr. Walsh) now made. If that honorable member could not deny—if he could not show that he (Mr. Walsh) was wrong in stating that the Government had violated an Act of Parliament, he said he should frown rather than smile. That honorable member represented a constituency in that Chamber, and that constituency did not require him any more than his (Mr. Walsh's) did him to support a Government who violated Acts of Parliament, and spent public money without the authority of the representatives of the people. He called the attention of those members of the Government who pretended to be so exceptionally correct in their political and patriotic course, who vaunted themselves as being the examples of all that was right and proper in the shape of Governmental or political action in this colony, to this clause of the Railway Act of 1872, and to the eulogistic remarks of the honorable the Premier in relation to those surveys.

Mr. LORD said his object in rising was simply to remind honorable members that when they spoke at the table it was impossible for other honorable members to hear them. He had listened attentively to what the honorable member for Warrego had been saying, but he could hear nothing. It was all dumb show to him, as if the honorable member were endeavoring to knock the table from between him and his adversaries opposite.

The SECRETARY FOR PUBLIC LANDS said he was sorry the honorable member had not heard the spirit-stirring address of the honorable member for Warrego. That honorable gentleman had brought against the Government a very serious indictment.

Mr. WALSH: Hear, hear.

The SECRETARY FOR PUBLIC LANDS said it was quite an alarming state of affairs that had been disclosed by the honorable gentleman; but he (the Secretary for Lands) found, on reference to the Estimates, that these surveys had been authorised by the vote of that House.

Mr. WALSH and Mr. PALMER: Where?

The SECRETARY FOR PUBLIC LANDS said he did not know what the honorable gentleman had been expending his fury upon. He was aware the honorable member was anxious to do his duty, but he sometimes took an extra-

ordinary mode of performing that duty. Probably he thought he was doing his duty on this occasion by speaking in the terms he had, but he (the Secretary for Lands) thought he had better look to his authorities before he brought such grave accusations against the Government. It was well known that those railways had been for two or three years the subject of discussion, and the Government had received direct authority from the House to make those surveys, and having done so, they now laid the result on the table, and they conceived that they were bound to do so in order to prepare the House for the further consideration of the very considerable railway measure which they proposed to bring under the notice of the House. So far from that being unconstitutional, he imagined it was the very course which honorable gentlemen would expect them to pursue. The Government should take care to place whatever information they had at the disposal of Parliament, in order that Parliament might inform itself in the best possible way on those matters. And he might inform the honorable member, that instead of having brought such a charge against the Government of a serious infraction of the law, he was himself an accomplice to an act far more flagrant than he had accused the Government of. He was informed that the honorable member took a very prominent part in connection with the construction of the Brisbane and Ipswich Railway, which was directly negated by the House.

Mr. WALSH: The honorable member is entirely mistaken.

The SECRETARY FOR PUBLIC LANDS said he believed such was the case. However, he hoped when the honorable member brought matters of this kind under the notice of the House, he would give the Government credit, at any rate, of being moderate, perhaps, if not very practical men of business, and that they were not capable of entering into a conspiracy against the liberties of the people, and all the rest of it. The honorable gentleman interpreted their motives by those which probably were paramount in his own mind, but it was very unfair to suppose that they were actuated by the same motives that he was.

Mr. WALSH: That would never do.

The SECRETARY FOR PUBLIC LANDS said if the Government were disposed to obstruct business in the way that honorable member invariably did; if they were disposed to put the worst possible construction on the motives of everyone in the House, then they should adopt the mode which that honorable gentleman seemed to think was the one which best befitted his character. It undoubtedly did befit his character, because it was the outcome of his nature, and it was an unfortunate one. He was really sorry that an honorable member, who was capable of being so useful in the House—who had shown himself capable of holding the highest position

in that House, of ruling that House in the admirable manner he had, should come forward and distress them and seriously incommode the public business, and bring about delays which really rendered everyone most uncomfortable, simply to gratify a desire he had to made everybody uncomfortable when he was on the floor of the House. He had filled his higher position as Speaker of that House to the admiration of everyone, but now he had descended to the floor of the House, he displayed his talents in a way which he (the Secretary for Lands) thought did him no honor. He was sorry to have to arrive at that conclusion; but that honorable member's exhibition last night, and his remarks on this occasion—that they were disgracing the country and bringing the whole thing to ruin—were simply ridiculous. The honorable gentleman, if he liked, could be a man of business, and he (the Secretary for Lands) wished he would be.

Mr. THOMPSON said the question of law which had been raised was a very simple one. It was this: Originally the 13th section of the Act 17 Victoria, No. 8, left the onus of making railway surveys on the Government, but the Act 36 Victoria, No. 21, repealed that 13th section, and substituted another section, No. 2, which required an affirmative vote of the House, approving of railway surveys, before public money could be spent on those surveys; that was simply it. The old provision left the matter in the hands of the Government, but the new one required that it should come before the House and be approved of, before the Government could spend the money; and that was all the honorable member for Warrego wished to point out. The Government had acted under the old provision, and ignored the fact that that provision had been repealed and another had been substituted.

Mr. McILWRAITH said he did not know how the honorable member for Warrego would consider the approval of Parliament for any particular survey should be expressed, but he was satisfied that the surveys of the lines from Maryborough to Gympie, from Bundaberg to Mount Perry, and the extension to Stanthorpe, had been approved of by this Parliament. In 1874, £6,000 was voted for railway surveys; it was asked of the Government at that time what railways were to be surveyed, and these three were mentioned. That was as clear an expression of intention as it was possible to give; and when the honorable member for Warrego raised the objection at the time, that they were going in the teeth of an Act of Parliament in spending money on surveys before they had the sanction of Parliament, he (Mr. McIlwraith) answered, that they obtained that sanction when the money was voted, and asked, what would be the meaning of voting £6,000 for railway surveys, if it were not understood that the money was to be expended in that way? The objection, then, dwindled

down to this, that the specific railways had not been put down on the Estimates; but that the survey of those three lines had been approved of by Parliament, he was perfectly satisfied. In fact, he went further, and said that they would be acting quite consistently if they got a general vote for railway surveys to make any railway survey in the colony that the Ministry might choose. He had claimed that power himself, and acted according to it, and he thought the Ministry would be perfectly justified in pursuing that course. He differed from the honorable member that the approval of the House was not given when the money was voted, and that had been done in this case.

Mr. PALMER said, before the honorable member for Warrego rose to speak, he was going to call attention to the second clause of the Railway Act, but not in the same way as that honorable member had done, because he considered the approval of the House was given for a railway survey when money was voted for that purpose. But what he wished to know was, what authority was there for the survey from Townsville to Charters Towers? Had there been any money voted for that? He thought, in that case, the Government had gone clearly beyond their powers and jurisdiction in every possible way. He admitted with the honorable member for Maranoa, that when money had been voted for the survey of a line of railway, that was an approval of the survey being made; but whether the line itself was made afterwards was another matter. What authority had the Government for going directly against the Act, in making the survey from Townsville to Charters Towers, was the question he wanted to be answered. The honorable the Premier had promised to lay the plans on the table within a week or two.

Mr. STEVENSON said he was glad to be able to take advantage of the motion for adjournment, moved by the honorable member for Mulgrave, as he had very serious thoughts of moving it himself, for the purpose of drawing attention to the plans which had been laid on the table to-day, of the extension of the Northern Railway from Lurline to Emerald Downs. He was more than surprised to see those plans laid on the table to-day, after what passed in that House a short time ago, and after the speech then made by the honorable the Premier. He should quote from the speech he (Mr. Stevenson) made on the Financial Statement, and then he should refer to the honorable the Premier's, in reply. This was what he said on that occasion:—

"He wished to point out what the railway policy of the Government was, and to show another instance of how the Estimates had been prepared, simply for the purpose of catching votes. He found in the Loan Estimates the item, 'Comet Junction towards Clermont, Great Northern Railway, £150,000.' Now, he should like to ask the honorable the Premier if the route

of the Great Northern Railway had been changed without that House knowing anything at all about it; or, did he think his (Mr. Stevenson's) constituents were fools enough to be caught by his putting in 'Clermont' instead of 'Emerald Downs,' when, as yet, they had taken no steps to have the route changed? He was satisfied that the item had been framed in that way to catch the votes of the constituency of Clermont, because there were no voters at Emerald Downs. It showed either that, or that the Government were just as defective in knowledge of the geography of the colony, as the honorable the Colonial Treasurer was when he sent navvies to Dalby to assist them on their way to New South Wales; because a railway to Emerald Downs would not go near, or in the direction of Clermont; it would pass at a distance of 65 miles away from Clermont. He thought that conclusively showed that they were not really sincere in their railway policy, when they did not know where they were taking their railways to."

The honorable the Premier, in reply, twitted him with not being satisfied with the extension to Clermont which he had previously advocated, but it was now clearly shown that he was perfectly justified in saying the Government were not sincere in their railway policy, because they found plans laid on the table of the line from Lurline to Emerald Downs; and he should like to know whether that was the same railway that £150,000 was to be voted for, from the Comet Junction towards Clermont. He should like to know from the Premier whether that was to be the extension of the Northern Railway, or whether he was going to carry out the original plan as specified in the Estimates. He did not know whether he was likely to get an answer from the honorable the Premier, but he should like an answer to this question. Well, if it were the same railway, he should take that opportunity of pointing out that he considered the honorable the Premier had departed from his original railway policy altogether—that the line to Emerald Downs was not towards Clermont at all. It passed 65 or 70 miles from Clermont, and did not even go in that direction; and he should also like to point out that it passed through one of the worst pieces of country in the colony, not only through almost impenetrable scrub, but also through swampy country; while from Lurline to Clermont was chiefly downs country, where there were no engineering difficulties whatever. It would be much better that there should be two lines, one towards Spring-sure and Tambo, and the other towards Clermont and Aramac, where the country was not only suitable, but they would open up the western districts, and he was sure both lines would be highly remunerative. He should like an explanation from the honorable the Premier, why they found £150,000 on the Estimates for an extension towards Clermont when he laid on the table plans and sections of an extension to Emerald Downs.

The PREMIER said he might point out for the information of the honorable member for Clermont that it was quite possible to approach Clermont from Emerald Downs instead of from Lurline or the Comet Junction. There was the Mackenzie River, and the other difficulties in the way of going straight from Lurline to Clermont. He had no doubt there would be in time a line from Emerald Downs, and another line bearing westward; in fact that the line from Emerald Downs would branch off southward and westward, and the main line go straight to the west, the same as in the case of the southern line which was now being extended westward, and no doubt there would be another line southwards from Roma eventually. With regard to the remarks of the honorable member for Warrego, that the Government had no authority for making those surveys, he would point out, that only last session, sums of money were voted for railway surveys in four districts of the colony—from Maryborough to Gympie, Bundaberg to Mount Perry, Warwick to Stanthorpe, and Townsville to Charters Towers—in all, £10,000. Those surveys, therefore, received the approval of the House last session, and he was astonished that the honorable gentleman should accuse the Government of making these surveys in contravention of the Act. The voting of the money was the authority for the surveys of these four extensions; and the late Government and the present Government considered it their duty to carry them out, and they were pushing smartly along with the surveys of the other two extensions, from Townsville to Charters Towers, and Bundaberg to Mount Perry, for which the House provided funds last session.

Mr. J. SCOTT said he was very glad to hear that the Northern Railway was to be extended due west. If it was to go northwards from Emerald Downs, he should certainly oppose it as strenuously as possible; but, if it was to go due west or thereabouts he should support it. He could not sit down quietly and allow a line to be made which left out the district he represented altogether; but if a double line was to be made, it would be a different matter entirely. But he saw no chance of that, and, therefore, he felt bound to support the route now proposed; but, it would please him even better if the main trunk line were carried out due west, and not to either one side or the other.

Mr. DE SARGE said, with regard to the Northern Railway, if the honorable the Premier's knowledge of the country extended so far, he might at once have given a reason why the Government—why any Government—should propose to extend the line from Lurline to Emerald Downs. A considerable area of land in the neighborhood of Lurline had been alienated, and it would be impossible for teamsters to get camping ground. They would have to camp in an almost impenetrable scrub; and he understood that, on representations to that effect being made to

the Government, they consented to take the line to Emerald Downs, where there was fine downs country, and the teamsters who carried on the extensive traffic of the district would have an opportunity of turning out their stock, and where, in fact, the terminus of the Northern Railway might be expected to exist for some time. The carrying of the railway from that point was a matter which should at once receive the consideration of the Government. He did not suppose the traffic of the whole western districts of this colony would be expected to be concentrated there, and no more important subject could occupy the attention of the Government than the further extension of this line, especially as, as the honorable member for Clermont had stated, there was splendid downs land lying both to the south towards Springsure, and Peak Downs, and Clermont, through which railways should be made. A railway reserve had been proposed in the Peak Downs district, and a railway from Emerald Downs or Lurline to Clermont would pass through downs country second only to the Darling Downs, and a line to Springsure would pass through somewhat similar country. He thought this was one of the most important subjects that should be considered in connection with the system of railway reserves they seemed now to be adopting in all directions, owing to the expressed opinion of the House that land should be reserved for railway purposes as early as possible, so that should not be alienated and have to be repurchased. As he had previously stated, the question as to which direction the Northern Railway should be extended, he thought could only be dealt with by a commission—whether it should go to Peak Downs, Aramac, and Clermont, or to Springsure, or whether it should take another route. He thought there was no other part of the colony where it was more important that railway reserves should be at once established than this, because in the event of an extension of the line from Lurline to Clermont, the railway would even now have to pass through purchased land, which would have to be bought back. For that reason, it was most important that surveys should be made at once, and the land reserved between Lurline and Clermont; because, as he said before, they would have to purchase from the squatters a very large portion of the land on that line of railway.

Mr. MORRHEAD said he was strongly opposed to the extension to Emerald Downs, because he believed it would be better to carry the line due west, and have feeding lines from Clermont and Springsure. But he should like to know from the Government whether it was their intention to make use of the proposed railway reserve in the Peak Downs district, to make the line to Emerald Downs, which would be no benefit whatever to the Peak Downs district. He wished to know whether the Government had altered

altogether the plans laid on the table of the House at the commencement of the session, because the proposal then was to make a railway in a line north-west from Lurline, which would take in the whole of the Peak Downs, and he supposed now the Government did not propose to have a railway reserve there, because it was hardly possible to conceive that they proposed to take in a large area of land for the purpose of making a railway, which would be of very little benefit to the people from whom it was taken. As he had said before, he believed in the extension of the main trunk line to the west, and not in the bifurcation of that line to the north-west, towards Clermont; and he hoped the Government, in their wisdom, had seen that it would be better to make the line to Emerald Downs. In that view, he quite agreed with them; but he did object, and he was sure every honorable member would object, if a railway reserve could be made fifty miles on each side of any base line, and that land could be taken in order to make a railway, which would be of no benefit to the people from whom it was taken. He trusted that they should have some explanation from the Government on this point—whether they proposed to take the Peak Downs land, which, no doubt, would have to be set apart some day for the purpose of a railway reserve, to assist in the construction of a railway which would be of no benefit to the people of that district.

Mr. IVORY said it was quite clear the honorable member for Mitchell did not understand the views of the present Government; but he had only to look at the plans of the Wide Bay and Burnett reserve to observe that not a single mile of either railway for which it was intended to pay, would benefit that district in the slightest degree. He thought that was even a stronger point than the honorable member for Mitchell had referred to in regard to Clermont; and he considered that if the honorable the Minister for Lands was going to alter his policy and his lines of railway in that way, he had better alter the reserves for the construction of them at the same time. He (Mr. Ivory) should certainly like him to alter the railway reserve for the construction of the lines in the Maryborough and Bundaberg districts, and he thought he could very easily find land that would pay for those lines rather nearer to the railways than the Burnett district. He quite concurred in the remarks of the honorable member for Mulgrave, because he certainly understood—in fact, it was distinctly understood, and no one knew it better than the honorable the Minister for Lands—that these two railways should go on simultaneously; and now, when they saw the plans and books of reference for the Maryborough and Gympie line laid on the table, he thought the honorable member for Mulgrave was perfectly justified in supposing that he was left out in the cold, more especially as a motion had

been tabled to ask the House to approve of those plans and books of reference on Tuesday next. He was decidedly of opinion that the plans of the Maryborough and Gympie line should not have been laid on the table, except accompanied by the plans and books of reference of the Bundaberg and Mount Perry line.

Mr. BUZACOTT said, before the question was put, he wished to ask the honorable the Speaker if he could impart to the House any information as to when the honorable member who had been returned for the electorate of Burke would be able to take his seat in the House. Already considerable delay had occurred, and it was the desire of honorable members that Mr. O'Sullivan should be allowed to take his seat as soon as possible.

The SPEAKER: I may inform the honorable member that I believe the writ is now on its way down. Some days ago, I received a return by telegraph, under the provisions of the Telegraphic Messages Act; but the Bill to amend that Act not having been passed at that time, it is doubtful that that return could be made use of, and the matter is now under the consideration of the Attorney-General.

Mr. W. SCOTT, in reply, said, after the manner in which the matter he had called attention to had been treated by the honorable gentleman opposite, and from the expression of opinion from the head of the Government, he thought there was very little doubt that they meant to throw the Bundaberg and Mount Perry line over altogether; and he regretted very much that the other members connected with the Wide Bay and Burnett districts, with the exception of the honorable member for Burnett, had not supported him in maintaining that that line should go on at the same time as that from Maryborough to Gympie. He begged to withdraw the motion.

Motion withdrawn accordingly.