

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 19 FEBRUARY 1884

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LEGISLATIVE COUNCIL.

Tuesday, 19 February, 1884.

South Brisbane Railway Deviation.—Pacific Island Labourers Act of 1880 Amendment Bill.—Divisional Boards Act of 1879 Amendment Bill.—Message from the Legislative Assembly.—Elections Act of 1874 Amendment Bill—third reading.—Wickham Terrace Presbyterian Church Bill—second reading.

The PRESIDENT took the chair at 4 o'clock.

SOUTH BRISBANE RAILWAY DEVIATION.

The POSTMASTER-GENERAL (Hon. J. F. Garrick), in moving—

That the Report of the Select Committee on the proposed deviation on the South Brisbane Railway be now adopted—

said the report alleged that the Select Committee—

“Have taken evidence upon and considered the policy and probable cost of the deviation on the South Brisbane Railway, near Woollongabba, and they are satisfied that the construction of the proposed work is desirable and expedient.”

The evidence on which the report was based was that of Mr. George Phillips, inspecting surveyor of the Railway Department. The deviation commenced four and three-quarters miles on the South Brisbane side of the junction of the Oxley and South Brisbane railway with the Southern and Western Railway, and extended to the distance of about half-a-mile. The original line surveyed went down the centre of the main road between Brisbane and Ipswich, and the intended deviation took the line a short distance off the road. The total cost of the original line including everything—that was, the construction of the line with metals—was about £1,800; and the total cost of the deviation—that was, the construction of the road and the metals, together with resumptions—would be about £2,350. The difference would therefore be £550. Hon. gentlemen would see how undesirable it was that a line within a mile of Woollongabba and half-a-mile of the Logan road, should pass along the main road, especially when they considered that the traffic on the proposed Logan railway, as well as that on the Oxley and South Brisbane line, would pass over the proposed deviation. The Inspector of Surveys said, in respect to the policy of the deviation, he thought it was desirable to construct it, and that the price paid would be money well spent.

The Hon. F. T. GREGORY said the question at issue was not so much the particular deviation referred to in the motion as whether railways should be taken along main roads in populous districts. It was clear from the evidence that there was no real objection to the line being removed from the main road, and the original saving of £500 was not sufficient to justify the line being taken along the public road to the inconvenience and detriment of public traffic. When the question arose on a former occasion he was sorry that it was not more strenuously opposed by members of the House. Of course the line was taken along the road for the sake of economy; but looking at the near future, he saw that a considerable amount would have to be given as compensation for resumptions for widening public roads. The proposed deviation was desirable and would be useful, and he should not have spoken to the question at all but that he wanted to draw the attention of the House to the point to which he had referred.

The Hon. C. S. MEIN said he quite concurred in the observations of the Hon. Mr. Gregory as to the inadvisability of constructing lines of railway along the public roads. He had always opposed the idea; but if his memory did not very much deceive him, the Hon. Mr. Gregory did not give him any assistance when he had

made a stand against a railway being taken along a main road. He (Hon. Mr. Mein) was glad that the object of the deviation was to take a railway from a road and leave the traffic along the public road free from interruption; but he feared that the proposed deviation was only a beginning. He understood that the Fassifern railway, whose construction he opposed two or three years ago, was not working satisfactorily at all. It was then said that the line could be cheaply constructed, because the roads could be made use of if a ruling gradient of 1 in 30 were adopted. The line was made, but the wear and tear of material and the difficulty of getting loads over such steep gradients made it very expensive to the department. He feared that before long there would be another proposition for deviations to bring about the result aimed at in making the proposed deviation.

The Hon. W. H. WALSH said the most egregious blunder in connection with railway-making in the colony was the Fassifern railway, and that line was supported by the Hon. Mr. Gregory. Why such a blunder was ever perpetrated he did not know, except it was to show how incompetent the then Government were to plan railways. He had no doubt that, in a short time, the country would be called upon to change the route and pay largely for the necessary resumptions. The principle of making railways along public roads was a bad one, and he thoroughly agreed with the motion.

Question put and passed.

The POSTMASTER-GENERAL moved—

1. That this House approves of the plan, section, and book of reference of the proposed deviation on the South Brisbane Railway, near Woollongabba, as received by message from the Legislative Assembly on the 29th January last.

2. That such approval be notified to the Legislative Assembly by message in the usual form.

Question put and passed.

PACIFIC ISLAND LABOURERS ACT OF 1880 AMENDMENT BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly forwarding a Bill to amend the Pacific Island Labourers Act of 1880.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time.

The POSTMASTER-GENERAL moved that the second reading of the Bill stand an Order of the day for Tuesday next.

The Hon. W. H. WALSH said that as the Bill was of such importance, and one deeply affecting the character of the people of the colony, it was his intention to give notice for a call of the House to consider the question.

The PRESIDENT: I may point out that a call of the House cannot be made without twenty-one days' notice. The 12th Standing Order says:—

“No order for a call of the House shall be made for any day earlier than twenty-one days from the date of such order, inclusive of the day of such order.”

The Hon. W. H. WALSH said it was impossible for him to give notice before, because that House had no knowledge of the existence of the Bill till that day. Supposing he did give notice for a call, how would that affect the second reading of the Bill?

The PRESIDENT: The hon. member will have to carry his motion for a call of the House before a call can be made.

The POSTMASTER-GENERAL said that if the hon. gentleman gave notice of motion, he could not move it till to-morrow; and then if his motion were carried, it would have the same effect as a motion affirming that the Bill should be read a second time that day six months.

The Hon. W. H. WALSH said it would be better for him to give notice that to-morrow he would move that a call of the House be taken at the earliest date for the consideration of the Bill—whether he should move the motion or not, he would take time to consider.

The Hon. F. T. GREGORY said it was undesirable that a call of the House should be made at that time of the session. As had been pointed out by the Postmaster-General, if such a motion were carried it would be practically like deciding that the Bill be read a second time that day six months.

The Hon. W. H. WALSH said it was not his fault that there was not sufficient time to make a call of the House; and if want of time were to deter them from doing so, some designing Government might in future take care not to bring their Bills forward till a late period of the session.

The Hon. C. S. MEIN said he was much averse to making calls for the purpose of discussing any particular measure. The object of a call was to suit the convenience of those members who did not consider it worth their while to attend to their duties as members of the Council, and there was a Standing Order which dealt explicitly with such neglect. It was provided that—

“No member shall absent himself during the session for more than one week without informing the President, nor for more than three consecutive weeks without express leave of absence from the Council; and any member wilfully infringing this order shall be held guilty of contempt.”

A large number of hon. gentlemen attended at odd intervals, and he did not see why they should suspend the deliberations of the Council to suit the convenience of those members. That was not the first time he had called attention to the inconvenience suffered by regular attendants through the neglect of those who absented themselves; and he thought that members absent without leave should be dealt with under the Standing Order, and made to pay the penalty of £50. They would then be a little more attentive to the performance of their parliamentary duties.

The Hon. C. S. D. MELBOURNE said he should be glad if a call of the House were made, as he knew of two or three members who took an interest in the matter, and who would be present to speak on the second reading of the Bill if time were allowed.

Question put and passed.

DIVISIONAL BOARDS ACT OF 1879 AMENDMENT BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly forwarding a Bill to further amend the Divisional Boards Act of 1879.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT announced that he had received a message from the Legislative Assembly intimating that the Assembly had agreed to the following resolutions:—

1. That the House approves of the plan, section, and book of reference of the proposed diversion of Collins street, South Brisbane, as laid upon the table of the House, 31st January, 1884.

2. That the plan, section, and book of reference be forwarded to the Legislative Council for their approval.

ELECTIONS ACT OF 1874 AMENDMENT BILL.—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

WICKHAM TERRACE PRESBYTERIAN CHURCH BILL.—SECOND READING.

The Hon. C. S. MEIN said very few words would be required to recommend this Bill to the House. It seemed to have been the practice in the earlier days of the colony for the Crown to make grants of land for Church purposes, and a portion of land on Wickham terrace was granted for the erection thereon of a church connected with the Presbyterian Church of Scotland. The land was granted to Mr. George Raff and other trustees, and the conditions of the grant had been scrupulously complied with. A church suitable for the requirements of the day was speedily erected at a cost of £2,000, but that was not without the assistance of some money borrowed from the public, while the trustees of that day were at liberty to borrow on mortgage. Experience, however, proved that in the large number of cases where grants had been issued for charitable, religious, and educational purposes the trustees availed themselves of the privileges of mortgaging to an almost unlimited extent, and a large number of the grants had in consequence fallen into the hands of creditors. The result was that Parliament, at the instigation of the present Chief Justice, repealed that portion of the Trustees Act which enabled the trustees to borrow money, and in all cases, now, when the trustees of those original grants required assistance they had to apply to Parliament for permission to mortgage. In the present instance hon. members need have no apprehension that the privileges accorded to the trustees would be abused. In addition to the church which they were bound to erect on the ground, they had erected other very valuable buildings. The property was not encumbered in any way, and was exceedingly valuable; but it was found that the requirements of the congregation had grown with the increasing importance of the city. The church at present could accommodate 300 persons, but the persons seeking accommodation amounted to upwards of 500, and it was proposed to erect an entirely new church at a cost of £6,000. Towards that amount the trustees had donations promised or received to the extent of £2,200; and, although they asked Parliament to authorise them to borrow £4,000 towards the erection of the church, it was anticipated that not more than £3,500 would be required. The congregation was one of the most flourishing in the city, and there need therefore be no fear that the money if borrowed would not be repaid, or that the purposes for which the grant was made would be defeated. He begged to move that the Bill be read a second time.

The Hon. W. H. WALSH said he thought it his duty to point out to the hon. member who had charge of the Bill a glaring defect in it. Those private Bills really required more care and scrutiny than public Bills, because they did not know what injury was being inflicted upon individuals quite unknown to them. At home that class of Bill was subject to a severe ordeal before they were sanctioned by Parliament; but here they had a very easy scrutiny, and generally, if the member in charge of the Bill was a popular man, he had no difficulty whatever in getting any Bill which he might care to introduce through Parliament. That afternoon he had taken the trouble to ask certain members of Parliament what they knew about the Bill, and not from one of them had he received the reply that any attention was paid by them to it. They trusted to the gentleman who brought the Bill in, and it therefore did not receive any recognition from the House. He made that statement because it was in unison with the action of members in both Chambers. He wished to

point out to hon. gentlemen that the Bill proposed to deal with land which had been granted for the establishment of a Presbyterian Church in connection with the Established Church of Scotland. Nothing could be clearer than that. It was a grant of land vested in certain men—they might not be members of the Church—but it was distinctly stated that it was vested in certain trustees for the purposes of the Established Church of Scotland. He had spoken to members of that very Church that day, and they looked with horror at him when he asked them if they belonged to the Established Church of Scotland. They had it, however, in the preamble of the Bill that the land was given to the Established Church of Scotland, and until they were quite clear upon that point they should not go a step further. He might be told that there was no Established Church of Scotland, but he would simply reply to that that there was an Established Church recognised by the law and recognised by the people of Scotland. For all they knew, when the grant was made, although given to trustees who themselves might not have belonged to the Established Church of Scotland, the Government of the day might have known thoroughly well that they were giving it to the Established Church of Scotland and to no other. He would now prove the existence of that Church.

The Hon. C. S. MEIN: Every child knows of its existence.

The Hon. W. H. WALSH said the Hon. Mr. Mein interrupted him by saying that everybody knew what he was going to prove—even a child. The Hon. Mr. Mein was too apt to refer to childhood—he was too apt to treat hon. members as children—but he (Mr. Walsh) thought it his duty to point out and prove that the Established Church of Scotland still existed. If anyone referred to "Chambers' Encyclopædia," vol. 8, he would see it well laid down that the last session of the Established Church of Scotland took place in 1861, and it went on:—

"In the General Assembly of 1843 the dispute came to a crisis. A large number of the ministers and elders of the popular party left the assembly, and went apart in a similar body, of which Dr. Chalmers was chosen moderator. They formed themselves into a separate communion under the title of 'The Free Church of Scotland,' and gave up their benefices in the Established Church, and all connection whatever with that body."

He read so much to show hon. members that there was an Established Church of Scotland. The preamble of the Bill showed that the land belonged to that body, but now they were asked to deal with the land without taking any precaution that it really was secured to the proper parties.

In no other part of the Bill were the words "Established Church" used, and in no part of the evidence was the title "Established Church of Scotland" used. It was, in fact, in reading over the evidence casually that he saw that that title was studiously omitted. He took that objection to the Bill, and, seeing that it dealt with private property, he did not think sufficient publicity had been given to it. He hoped the Hon. Mr. Mein would accede to a suggestion he would make, that the Bill be referred to a select committee; if not, he should consider it his duty to oppose the second reading.

The Hon. W. GRAHAM said he thought the words "Established Church of Scotland" were rather a mistake. Possibly the first persons who had the greater hand in getting the grant of land and establishing the church belonged to the Established Church of Scotland, but there was not the slightest doubt that since then the church had been used by other branches of the Established Church. There were a great many other sects in Scotland—such as the United Presbyterians,

the Independents, the Baptists, and many others he did not remember; but in this colony he believed they had all united, because it was not possible to have an Established Church of Scotland here.

The Hon. A. C. GREGORY said he thought he could throw a little light upon the case, having been Surveyor-General at the time the deed was issued, and having had considerable acquaintance with the members of the Church. He might state that at the time the grant was made the Government were only aware of the existence of one branch of the Established Church of Scotland. They were also aware that there was a Free Church of Scotland, one of the special principles of which body was that they would not accept grants of land for any ecclesiastical purpose. However, the fact was that the original grant was made to certain persons in trust for the Established Church of Scotland, and any Bill that they might now pass to enable the trustees to deal with the land would not in any way affect the trust. It would leave it exactly where it was, and simply enable the trustees to do certain things which might or might not be for the benefit of the property which they had in trust. He thought the question at issue was simply whether it was judicious to place certain powers in the hands of those trustees or not. He saw no objection whatever to placing the proposed power in their hands, and he should give his support to the second reading.

The POSTMASTER-GENERAL said that, whilst he concurred in a great measure with what the Hon. Mr. Gregory had said, he thought it was rather late in the day for the Hon. Mr. Walsh to raise any question about a breach of trust. They might be very well sure that, if the property had been held twenty years in trust, something would have cropped up before to-day if there had been a breach of trust. He could hardly think that the Hon. Mr. Walsh had mentioned the matter seriously. At any rate, the hon. gentleman's action hardly bore the aspect of seriousness. The trustees would take great care that they administered the trust for the purposes stated in the deed, and he would point out that they had clearly shown in evidence that the property really could not be used for the purpose for which it was intended unless a Bill of this sort was passed. The property as it now stood was of sufficient value, without any further improvement, to prevent it falling into the hands of creditors. Out of £6,000 required, those connected with the church had collected—or had been promised—£2,500, and the land was valued at between £4,000 and £5,000. The trustees would therefore have a property valued at between £10,000 and £11,000, upon which they proposed to raise £3,500. So far as the security went—and that, he took it, was the main question for them to consider—it was an ample one; and they might in all fairness, he thought, discard the objection of the Hon. Mr. Walsh. The trustees were asking to do a thing which was perfectly safe, and hon. members must not forget that the mortgage could not be made by the trustees themselves, but that it required the approval of the Governor in Council before completion. He could see no objection to passing the Bill.

The Hon. F. T. GREGORY said he had not had time to inquire into the circumstances connected with this Bill beyond what was given in the evidence before them. At the same time, he could not discover any ground upon which there could be an objection to the passing of the Bill. The only point which he would raise—a point which he had raised on many previous occasions—was against the alienation of land granted by the Government many years ago for other purposes. He very much disliked to see grants of land in

any way alienated to relieve the present holders or trustees of any little difficulty they might have in raising funds. Hitherto Bills of that sort had been brought in to enable trustees to sell a portion of the property; and he had no objection to that. In the case of the Fortitude Valley Church, the trustees applied to be allowed to alienate a portion of their land for the purpose of buying a better site. He did not think anyone could object to that. In this case it was obvious on the face of it that the value of the property was a great deal more than enough to ensure that the mortgagee would never have any occasion to exercise his rights; and he could see no objection whatever to the measure. He certainly should support the second reading.

Question put and passed.

Committal of the Bill made an Order of the Day for to-morrow.

The House adjourned at 5 o'clock.
