

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 26 OCTOBER 1887

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Wednesday, 26 October, 1887.

Messages from the Governor—Assent to Bills.—Messages from the Legislative Assembly—Local Government Act of 1878 Amendment Bill.—British New Guinea (Queensland) Bill—second reading.—Lady Bowen Lying-in Hospital Land Sale Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

MESSAGES FROM THE GOVERNOR.

ASSENT TO BILLS.

The PRESIDENT announced the receipt of messages from the Governor, conveying His Excellency's assent, on behalf of Her Majesty, to the Queensland Fisheries Bill and the Divisional Boards Bill.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

LOCAL GOVERNMENT ACT OF 1878 AMENDMENT BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, intimating that the Assembly disagreed to the amendments of the Council in this Bill for the following reasons :—

“ Because it is convenient that the same rule should be applied in the case of municipalities as has been adopted in the case of divisional boards.

“ Because the proposed amendment would enable a very small minority of the whole number of ratepayers (instead of one-third of the whole number, as now required) to veto a resolution adopted by the representatives of the ratepayers and approved of by a large majority of them.”

On the motion of the POSTMASTER-GENERAL (Hon. W. Horatio Wilson), the consideration of the message was made an Order of the Day for to-morrow.

COONEANA RAILWAY BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly forwarding, for the concurrence of the Council, “ A Bill to authorise the Cooneana Coal and Iron Company, Limited, to construct and maintain a branch line of railway connecting with the Southern and Western Railway,” and at the same time transmitting a printed copy of the report and proceedings of the select committee to which it was referred.

The HON. A. C. GREGORY said: Hon. gentlemen,—I move that the Bill be now read a first time.

The HON. W. H. WALSH said: Hon. gentlemen,—I think this Bill involves the construction of a railway, and there is a form to go through, according to the practice of this Chamber—namely, that a Bill should be referred to a select committee to take evidence and report upon the justification for making the line. The present motion seems to be a departure from that stringent sessional order which we have rigidly followed for some time.

The HON. F. T. GREGORY said: Hon. gentlemen,—The Bill comes up with the report of the select committee of the other House. Bills introduced in this House have to be referred to a select committee, by our Standing Orders, but not Bills which are brought up from the other House.

The HON. P. MACPHERSON said: Hon. gentlemen,—The 111th Standing Order only refers to resolutions, and not to Bills.

The HON. W. H. WALSH: It is in vain that hon. gentlemen will search our Standing Orders to discover this rule. It was determined some time ago that this House should, for the future, sanction no railway construction that had not been examined by a select committee of this Chamber. Those directions have been followed for years, and though this may be a private railway, that does not exclude it from the condition we have hitherto insisted upon. I repeat that our Standing Order does not deal with the practice at all. It is a sessional order, not included in any of them, but which should be placed with them, so that members could refer to it. There was a sessional order, whether passed this session or not I do not know, and it has become the custom of this Chamber to insist that no railway shall be considered until it has passed through the ordeal of a select committee of this Chamber. I do not say there will be the least opposition to the Bill, but we have a practice, and we should follow it. Surely if we can break it in the case of a private line we can also break it in the case of a public railway, but we know we cannot do that. I trust hon. gentlemen will insist on legislating in this Chamber within those rules we have laid down. I can see the Hon. A. C. Gregory pointing exultingly, apparently, to our Standing Orders, but I tell him that this rule we have been following for years does not exist in print in our Standing Orders. He himself has insisted on all resolutions in this Chamber being referred, as prescribed by a resolution of this Chamber, to a select committee. I leave it to hon. gentlemen to determine whether they will carry out those wise conditions they have laid down or not. I have felt it necessary to point out that we are bound by our practice to observe this precaution, but the hon. gentleman in charge of this Bill was not observing it.

The HON. A. C. GREGORY said: Hon. gentlemen,—In explanation, I wish to draw the attention of hon. members to the 111th Standing Order, which says:—

“Whenever resolutions calling for the sanction of Parliament to the construction of railways and approval of plans, sections, and books of reference, are brought to the Legislative Council, the same shall lie on the table for a period of one week, and then be referred to a select committee.”

That only applies to the case of railway motions which have been passed by the other House and forwarded to us for our concurrence. That is the

case of railways started by the Government, but this is a private Bill, and it comes under Standing Order 69, which says:—

“Every private Bill sent up from the Legislative Assembly, if accompanied by a printed copy of the report and proceedings of the select committee of that House to which it shall have been referred, shall be dealt with in the same manner as a public Bill, and shall not be referred to a select committee of this Council, unless the same shall be opposed, and then only by motion, on notice to be made before the second reading.”

This is a private Bill, and though it touches on the question of railways, it is to be dealt with as a public Bill, in accordance with our Standing Orders. Standing Order 111 has no relation whatever to a private Bill for a railway.

The HON. W. H. WALSH said: Hon. gentlemen,—In reply to that, I may say that it does not state that it has not. It is as clear as a regulation can be. It says that whenever resolutions for the construction of a railway are brought to the Legislative Council they shall be referred to a select committee. That is what we are called upon to do in the initiation of this Bill.

The HON. A. C. GREGORY: No.

The HON. W. H. WALSH: Then what are we asked to do? Is it a Bill for the destruction of a railway? If it is not for the construction of a line it may be for the destruction of one. I suppose the plans, sections, and books of reference will be brought before us; they will have to lie on the table for a week, and then the matter should be referred to a select committee. I think the question should be referred to the President for his opinion, and I am willing to abide by his decision.

The POSTMASTER-GENERAL said: Hon. gentlemen,—So far as I can learn, I do not think it has been the practice of this House to refer a private railway Bill to a select committee of this House when a select committee of the Lower Chamber has already sat on the railway. If it were a Government railway it would be referred to a select committee in the ordinary way; but when evidence has already been taken before a select committee and circulated amongst hon. members, I think it would lead to confusion if another select committee were to sit on the same railway Bill.

The HON. W. GRAHAM said: Hon. gentlemen,—I daresay a good many hon. members remember the Urangan Railway Bill, which I imagine was not very much different from this, being passed by this House. That certainly was never referred to a select committee of this House, and that course was never proposed. I do not know when this Sessional Order came into force; in fact, I never heard of it before. I think Standing Order 69 is perfectly clear, and there is no doubt that it overrides Standing Order 111 so far as the present Bill is concerned.

The PRESIDENT said: This is not a resolution in any shape; it is a motion that a Bill coming from the Legislative Assembly be read a first time; and there being no resolution in the matter, it does not come under the 111th Standing Order, which I take to be the resolution alluded to by the Hon. Mr. Walsh, which was adopted on the 24th September, 1879, and approved on the 2nd October of that year. This is a private Bill which, having passed the Lower House, has come up here; and under Rule 69, which has been quoted by the Hon. A. C. Gregory, “every private Bill sent up from the Legislative Assembly, if accompanied by a printed copy of the report and proceedings of the select committee of that House to which it shall have been referred, shall be dealt with in the same manner as a public Bill, and shall not be referred to a select committee of this Council,

unless the same shall be opposed, and then only by motion, on notice to be made before the second reading." I hold, therefore, that the hon. member is perfectly in order in moving that the Bill be read a first time. If there is any opposition to it, notice of motion can be given, and it can then be referred to a select committee if it is the will of the House.

Question—That the Bill be now read a first time—put and passed.

The Hon. A. C. GREGORY said: Hon. gentlemen,—I move that the second reading of the Bill stand an Order of the Day for Wednesday next.

The Hon. W. PETTIGREW said: Hon. gentlemen,—I wish to call the attention of the House to the fact that, according to the 84th Standing Order, the plans, sections, and books of reference must be furnished at least ten days before the Bill is set down for the second reading. In order to allow ten days, the second reading will have to be set down for this day fortnight, according to my reading of the Standing Order.

The Hon. A. C. GREGORY: I think that rule applies to any Bill which may be introduced into this House by a private member, and not to a Bill which has come up to us from the other Chamber, and which, according to the 69th Standing Order, has to be dealt with as a public Bill. However, if the President rules that there must be an interval of ten days, I shall make no objection.

The PRESIDENT: I cannot rule anything of the sort with the Standing Order before me. The Bill must be dealt with in the same manner as a public Bill.

Question—That the second reading of the Bill stand an Order of the Day for Wednesday next—put and passed.

BRITISH NEW GUINEA (QUEENSLAND) BILL.

SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—Ever since April, 1875, when a deputation waited upon Lord Carnarvon to urge on his Government the advisability of annexing New Guinea, Australian colonists of all shades of opinion have persistently advocated the assumption of authority over that territory. In 1883, about eight years afterwards, the matter having been in the meantime repeatedly brought under the notice of the Imperial Government, another very influential deputation waited on Lord Derby and endeavoured to induce him to take some action. It was at that time rumoured that Germany was about to annex New Guinea, and the Agents-General were all present at the interview which then took place, and strongly urged that immediate steps should be taken. Sir Arthur Blyth, who represented South Australia, said:—

"Perhaps next to Queensland South Australia is more interested than any other colony, because the boundaries extend to the very north—a long way towards Cape York—and a portion of the coast of South Australia is very near to New Guinea. I merely wish to say to your Lordship that the establishment of any foreign power, or more than that, the establishment of a convict settlement in New Guinea, would be one of the most disastrous events to the progress of Australia which could possibly be imagined. It is not easy to say how very many difficulties have arisen from the neighbouring convict settlement of New Caledonia—Sir Saul Samuel could tell us something on that point from his own experience—but how infinitely greater would be the difficulties, and the annoyances, and the disturbance of that thoroughly loyal feeling which exists in the colonies, to a far greater extent than is understood here, if through a too cautious or timid policy on the

part of the Imperial Government the opportunity should go by, and these islands should become part of another empire."

Sir Saul Samuel, the Agent-General for New South Wales, said:—

"My Government is favourable to the annexation of New Guinea. The question is one really of policy and expediency, and whether the British Government should take possession and occupy a territory immediately bordering upon our great Australian colonies, or allow some foreign power, that may hereafter become an enemy, to take possession of it, and thus be able to command Torres Straits, the key to the Australian trade with India. An enemy having possession of this country might there collect a fleet, which, in case of war, might get possession of the coal ports on the Australian coast, thereby cutting off the supply from the British fleet stationed in the Pacific, which would then be rendered powerless for the defence of our commerce."

Mr. Archer, who represented Queensland, stated that Queensland was quite prepared to undertake the expense and responsibilities of the annexation. He also said:—

"As far as Queensland is concerned, her interest lies mainly in maintaining the free navigation of the strait between the colony and New Guinea, which forms the highway of communication with Great Britain and with India, and that can hardly be assured by holding only one side of the strait."

Lord Derby at this time simply stated that he intended to take the matter into consideration; but he afterwards wrote to say—

"That the proposal that a portion of New Guinea should be annexed by Great Britain is one which Her Majesty's Government are not prepared to entertain, and that his Lordship has no reason for supposing that the German Government contemplate any scheme of colonisation in the direction indicated."

We know very well from subsequent events that the German Government did entertain a notion of the kind; and at a convention of the representatives of the several Australasian Governments held in Sydney, in November and December, 1883, it was resolved that the further acquisition of dominion in the Pacific south of the equator by any foreign power would be highly detrimental to the safety and well-being of the British possessions in Australasia; and other resolutions intended to carry out that idea were then passed. And to give practical effect to those resolutions an Act was passed by the Legislature of Queensland, called the New Guinea and Pacific Jurisdiction Contribution Act of 1884, by which this colony undertook to defray her proportion of the necessary expenses of a protectorate. By this Act of 1884 the Australian colonies agreed jointly to provide £15,000 a year towards the general expenses of the protectorate, and the British Government sent out General Scratchley to act as High Commissioner; but the unsatisfactory nature of this protectorate and the refusal of some of the colonies subsequently to further contribute was the subject of discussion at the Federal Council in 1886. That discussion led to the proposals which hon. gentlemen will find in the first schedule to this Bill being drafted by Sir Samuel Griffith, and those proposals were subsequently agreed to by the colonies of New South Wales, Queensland, and Victoria, at Sydney, on the 28th April, 1886. If hon. gentlemen will turn now to the second schedule they will find that it is very similar to the first, with one or two exceptions. In the first place, the colony of Queensland undertakes to provide by a special Act to defray the cost of administering the government of British New Guinea to an extent not exceeding £15,000 per annum for ten years. In the first proposal that term was five years, but upon its being laid before the British Government they insisted upon the term being extended to ten years, and that term was agreed to by the Australian representatives at the Imperial Conference in London. Another

place in which there is a difference is in clause 5 of the second schedule, by which Her Majesty's Imperial Government agree to contribute a suitable steam vessel for the service of the territory, at a cost not exceeding £18,500, with the cost of its maintenance during the first three years, estimated at about £3,500 a year. The other clauses are entirely similar to those which hon. gentlemen will find in the first schedule. The bargain between the British Government and the Colonial Governments is particularly set out in the second schedule, and the constitution of the new colony is to be found in clauses 9, 10, 11, and 12 of this schedule. It is likewise provided that an estimate of the revenue and expenditure is to be submitted by the Administrator to the Governor of Queensland, and the Administrator, in the exercise of his legislative and administrative functions, is to be guided by the instructions of the Governor of Queensland, who is to consult his Executive Council upon all matters relating to New Guinea. By the memorandum at the foot of the second schedule it will be seen that it is understood that Queensland is to have a first charge upon any surplus revenue of British New Guinea for any amount which the colony may be called upon to pay under the Special Act beyond the agreed proportion of one-third. So that, if this Bill become law, Queensland will have the administration of New Guinea, and will govern that country through the officers appointed by the Imperial Government. So far as those appointments are concerned, we have every reason to believe that Queensland will have the principal voice in making them, or, at any rate, in recommending them. The advantages of these new proposals as they affect Queensland are very considerable. England contributes nothing under the present state of things; but under the new agreement she makes a gift of a valuable vessel and contributes a large sum towards the maintenance of that vessel for three years. Any revenue derived from New Guinea will go in reducing the expense which the contributing colonies are put to, which is a matter of importance. Then, with a resident staff in New Guinea, traders and explorers will have greater security and encouragement, and the Constitution provides sufficiently for the maintenance of law and order and the protection and proper treatment of the natives generally. The importance to Queensland of thus having control over southern New Guinea, and the consequent command of Torres Straits, is obvious, both from a strategic point of view and from a commercial point of view, because the distance between the mainland and the other side of the Straits is only, I believe, about ninety miles; it is, of course, a matter of very great moment that Queensland should command both sides. There is also no doubt, if this Bill becomes law, that, with a residential Government established there, that country will form a good field for colonising purposes; and when opened up, there is no doubt but that gold and other minerals will be found there. The natural products of the place, such as pearl-shell, coconut-fibre, tobacco, and sandalwood, and other timbers, will certainly develop a considerable trade, of which Queensland will most likely secure a very large share. The soil is known to be very fertile, and the climate is well suited for the carrying on of colonial industries such as those which are carried on now in tropical Queensland. The Act is to take effect as soon as Her Majesty shall assume sovereignty over the territory, and such assumption shall have been proclaimed in Queensland. The 2nd clause of the Bill provides for the appropriation of £15,000 per annum for the next ten years, and the Act which is at present in force, and which I have already cited, is, by the 5th clause,

to be repealed. The preamble sets out the facts, and I do not think there is anything else I need draw the attention of hon. gentlemen to. It is a valuable Bill, and I think we can congratulate ourselves upon having brought brought this important matter to a successful issue. I have now much pleasure in moving the second reading of the Bill.

The HON. F. T. GREGORY said: Hon. gentlemen,—In supporting the second reading of this Bill, it will be hardly necessary for me to remind hon. gentlemen of the progress of colonisation under the British Empire, more especially its progress during the last fifty years. The importance of colonisation to the British Empire under the present condition of the powers which are aggregating and becoming almost overwhelming in the Northern Hemisphere, and which may ultimately bear very materially upon British possessions and British colonies in the Southern Hemisphere, is too great to be ignored in any way. It has often been said that the British people are far too apt to take possession of, or acquire, colonies, which occasion great trouble to the mother-country and to the colonists themselves, and that trouble may arise from complications with other powers equally inclined to take possession of the country, and to dispute the rights of occupation with us. In the present instance, with one single exception, we have no reason for not following the course which is now proposed to be followed. I think we may congratulate ourselves upon the fact that the mode of taking possession of and ruling the new colony has been so modified as neither to make it a distinct appanage of Queensland, nor yet a purely Crown colony. Crown colonies were very well many years ago. It was quite impossible, or, if not actually impossible, very undesirable to place the power of government entirely in the hands of a limited body, either of colonists or even companies. But in this case, the question having become involved in European politics, inasmuch as we come in contact—I will not say collision—with a power like Germany, with a possibility of coming also in contact with a power of much less importance, the Dutch—it is far better that the measure should emanate, as it does now, from an agreement made between the British Government and the Australian colonies, by which there is a mutuality in carrying the whole system proposed. That we should occupy such an important tract of country as New Guinea, situated as it is within so few miles of our own coast, is a matter beyond question, and although there are a few who have asked the question why we should embarrass the country with even the small contribution of £15,000 a year, to take possession of territory when we already hold such a very large amount upon the continent of Australia, a very little reflection will show those who devote their minds to the matter at all that the question is not one of merely enlarging our territory, but one of preventing interference with that which we are already occupying. In one way it becomes our duty to protect the native races who come in contact with our own traders and those engaged in the fisheries, and to enable the latter to enter into trading transactions with the natives so far as the natives are competent to do so. That intercourse should be put upon a safe foundation, and one which will prevent the repetition of those murders and massacres of our own people, who are now at the mercy of the savages. A still higher duty than that is the philanthropic one. I am not inclined to preach a sermon on philanthropy in connection with the native races; but I think it is a duty incumbent upon a power like that of the British Empire, whenever it puts its foot upon the shore of any country, whether it be a small island

or a large continent so long as it has any control over it, to protect the native races and see that they are justly dealt with by our own people, and to see also that the natives are kept under control, and treat our people with consideration and justice, and prevent their barbarous assaults upon them when they are unprotected. Taking the whole matter, and considering the probable immediate results that are likely to accrue from the occupation of the country, I think it claims the approval of this Chamber. There is no doubt that the progress of modern colonisation is so startlingly rapid, in comparison with what it used to be, that this measure is not a premature one. If anything it is to be regretted that it was not acted upon some years ago, when our own local statesmen took it upon themselves to take possession of the country on behalf of the Imperial Government, and the only difficulty that then arose was as to the exact powers that should be exercised in taking charge of it, in regard to acquiring property there and giving titles to those who wished to acquire landed property. There was also a natural desire that we should not extend our boundaries beyond what we could reasonably manage. But the day has now not only arrived, but it will soon be passed, when we could advantageously enter upon the path which is now proposed—that of ensuring safe and well-conducted responsible government to protect the interests of our own people and our trade, and place us in a right position in connection with the other powers who may be more or less interested in the country. Coming down to the matter of finance, I think the amount stated is one which may be safely and fairly appropriated, although it may be said that the financial position of the colony of Queensland is somewhat embarrassed at the present moment. But we must look to the future; when we cast our eyes ahead and consider for a moment the great future of Australia, of which New Guinea will form, and already geographically does form, such an important section, we will see the matter claims the recognition and support of all thinking people, and, being of that opinion, I support the second reading of the Bill.

Question—That the Bill be now read a second time—put and passed.

On the motion of the POSTMASTER-GENERAL, the committal of the Bill was made an Order of the Day for to-morrow.

LADY BOWEN LYING-IN HOSPITAL
LAND SALE BILL.

COMMITTEE.

On motion of the HON. P. MACPHERSON, the President left the chair, and the House went into committee to consider the Bill.

The various clauses of the Bill and the preamble were passed as printed.

The House resumed, and the CHAIRMAN reported the Bill without amendment.

The report was adopted, and, on the motion of the HON. P. MACPHERSON, the third reading of the Bill was made an Order of the Day for to-morrow.

ADJOURNMENT.

The POSTMASTER-GENERAL: Hon. gentlemen,—I move that this House do now adjourn.

Question put and passed, and the House adjourned at ten minutes to 5 o'clock.