

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 3 NOVEMBER 1887

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LEGISLATIVE COUNCIL.*Thursday, 3 November, 1887.*

Motion for Adjournment—The Conduct of Public Business.—Distilleries Act Amendment Bill—second reading.—Electoral Districts Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

MOTION FOR ADJOURNMENT.**THE CONDUCT OF PUBLIC BUSINESS.**

The HON. W. D. BOX said: Hon. gentlemen,—I wish to elicit from the representative of the Government in this Chamber what are the intentions of the Government with respect to the business to be done by this Parliament, and I shall put myself right by moving the adjournment of the House. I had hoped that some hon. gentleman, of more ability, recognising the dangers towards which we are drifting, would have taken the step which I now feel it my duty to take. The Government of the country consists of the Governor, the Legislative Council, and the Legislative Assembly. Some people call us a moribund Parliament, and there is no doubt that the Bill which we read a second time yesterday is an acknowledgment that the Legislative Assembly at the present time does not represent the electors of the colony of Queensland. Another thing, the present Assembly will expire by effluxion of time in about twelve months, and Parliament is anxious to get through its work hastily. The Government are still bringing forward measures in which our concurrence is invited, and this, to my mind, is the work of the future Parliament. Even to-day we shall be asked to read a non-contentious measure a second time; and I think we ought to obtain from the hon. gentleman in charge of Government business some sort of explanation as to whether he intends to bring forward any more measures involving the alteration of our laws and the expenditure of public money. To my mind this is a constitutional question which should be argued and settled, and I would like to elicit an expression of opinion from hon. gentlemen as to the conduct of the Government in this particular crisis. I should like to know whether the Government intend to continue the session as usual—to bring forward measures for altering laws and for the expenditure of public money, and all things necessary for the due government of the land. I thought that when this Redistribution Bill was through the proper course for the Government to pursue would be to ask the Assembly—and us in due time—for the necessary funds to continue the government of the country, and then appeal to the electors as to who are to be their future representatives. I beg to move the adjournment of the House.

The PRESIDENT: In putting this question, I may say that I had some doubt as to whether I ought not to have stopped the hon. gentleman, because he was anticipating a question which is on the paper for to-day. I like to allow as much liberty to hon. members as possible, but if, as I fully expected, any hon. gentleman had objected to the style of the speech of the hon. member, I should have felt it my duty to stop him. The question is that the House do now adjourn, and in putting it I beg to remind hon. members that the question introduced by the Hon. Mr. Box was anticipating No. 2 of the Orders of the Day.

The HON. W. D. BOX said: Hon. gentlemen,—With the permission of the House, I beg to withdraw the motion.

Motion, by leave, withdrawn.

**DISTILLERIES ACT AMENDMENT
BILL.****SECOND READING.**

The POSTMASTER-GENERAL said: Hon. gentlemen,—This Bill has been introduced for the purpose of repealing the 5th section of 13 Vic. No. 27, which is as follows:—

“And be it enacted that no license shall be granted in respect of any distillery, not licensed previously to the passing of this Act, unless the wash-still or stills shall be capable of containing double the content of the low wine or spirit still or stills erected therein, and that no wash-still shall be capable of containing less than one thousand gallons, and no low wine or spirit still less than five hundred gallons.”

This wash-still is that part of the apparatus in which the material is placed to be fermented, and to which heat is applied, so that the spirit is carried over and condensed. The low wine still is the one into which it is then received and from which it is again distilled. It appears that the still mentioned in this section is now entirely obsolete, and therefore the section is of no value, and applications have been received by the Colonial Treasurer for granting licenses to certain distilleries, but he is unable to do so unless in contravention of the law; and he prefers that this short Act should be passed in order that the law may be made clear, and that he may be enabled to grant those licenses. Shortly, the clause proposed to be repealed prohibits the granting of a license for distilling, except under certain conditions now obsolete, and it prohibits distillation from anything except sugar. Hon. gentlemen are aware that there are other Acts referring to distilleries—there is a short Act, 30 Vic. No. 23, which allows makers of wine to obtain a license to use small stills—but these Acts do not in any way affect this particular section, which is really in the way of granting licenses by the Treasury. There is no reason either why distillation should not be allowed from wine as well as from sugar. The 2nd clause of the Bill is simply formal; it gives a short title to the Act to which I have referred, and which at present has a very long title. As I said before, the Bill is simply to meet a special difficulty at the Treasury, and I move that it be now read a second time.

The HON. A. C. GREGORY said: Hon. gentlemen,—I see that the effect of the Bill will be simply to get rid of the clause which defines the size of the stills, such as existed at the time the Act was passed. At present there is a totally different apparatus used in which the capacity in gallons has no reference to what the still can do. In the old times it was the custom to distil low wines and from them to redistil the rectified spirit. But now the apparatus gives the rectified spirit direct from whatever

material it is distilled. In some cases no wash is used. The materials are put into a large tank or closet, and whatever spirit is in them is obtained in the rectified condition directly. I know there have been difficulties in connection with the clause; it has been found to be one of those provisions which are now totally inapplicable, and I see no objection to passing the Bill for its repeal.

The HON. J. C. HEUSSLER said: Hon. gentlemen,—I understand that at present we are allowed to distil from sugar, and that wine-makers have the privilege of distilling from the refuse of the grape so much spirit as is required for the fortification of their wines. I think the time has come when there should be more freedom to distil from some other substances which we have in this colony. A good deal of the spirits consumed here might as well be manufactured here, and if an additional source of industry were opened up, that would mean the employment of more capital. There are other products of the colony from which excellent spirits might be produced. For instance, we grow a great deal of maize, and I foresee the time when maize will be a drug in the market. It may be said that we could export it to the old country and get spirits in return, but that is a roundabout way; it would be just as well to make the product useful here. There is another product which can be used here in immense quantities—namely, sweet potatoes, which, from their nature, are capable of producing an excellent spirit, without the fusel taste of the common potato spirit. It can be refined and consumed here, and that would be better than spending hundreds and thousands of pounds on the imported article. Not only that, but instead of allowing wine-makers to simply distil spirit for the fortification of their wines, I do not see why they should not be at liberty to distil spirit for general consumption. I think that when we are in committee it would be as well to make some amendments in the direction I have indicated, so as to give further scope to our industries.

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

Committal of the Bill made an Order of the Day for Thursday next.

ELECTORAL DISTRICTS BILL.

COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into committee to consider the Bill in detail.

Preamble postponed.

Clauses 1 to 11 passed as printed.

The POSTMASTER-GENERAL said he had a new clause to follow clause 11, which was as follows:—

If the area comprised in any electoral district or electoral division, in respect of which any such court has jurisdiction, includes an area which was not included in the area comprised in any electoral district or electoral division in respect of which a court held at the same place had jurisdiction at the passing of this Act, then the electoral registrar for every electoral district or electoral division, a part of the area whereof is so for the first time included in the jurisdiction of the court, shall forthwith, after the passing of this Act, make out a separate list of all electors whose qualifications arise or are situated within such part, and shall transmit the same to the electoral registrar for the electoral district or electoral division in which such part is so included.

Each of such electoral registrars shall produce such lists to the registration court at which he is required to attend, together with the other lists and

papers hereby required to be produced by him, and the court shall make use of such lists in making out the special lists hereby required to be made out by it.

There was a marginal note to be added, "Separate lists shall be made out in certain cases." Under the Elections Act districts were divided into electoral divisions, which were practically the same as the police districts, and a separate roll had to be made out for each division. It was desirable that the police boundaries should correspond with the electoral district boundaries so far as possible, and that was one strong reason for inserting the clause, in order that courts would be enabled to gather in electoral returns from all parts of the district. Changes had been made in the police boundaries so as to make them correspond with the electoral district boundaries, and the areas were in some cases a little different. The clause was made to meet cases where an area was included for the first time in the jurisdiction of a court, and to enable the registrars to make out lists of such electors as claimed to have a qualification in such part of such district, with a view to their proper enrolment. Those were the reasons why he proposed that the clause should be inserted. As he had said, its object was simply to take in some little areas, which might be outside the jurisdiction of any court. He moved that the new clause be inserted.

The HON. W. H. WALSH said he hailed the appearance of the clause with some degree of satisfaction, after what fell from the hon. gentleman yesterday as to the propriety or the right of the Council not to make any amendment whatever in such a Bill. He did not quite understand the clause; he had not had an opportunity of reading it carefully, and thought that hon. members should have had more time allowed them, in order that it might be discussed upon its merits. The hon. gentleman had departed from the position he was inclined to take up yesterday in denying that the Council had a right to review a Bill affecting the representation of the people of the colony in another place; and he had shown his sincerity by introducing the present clause. There was another matter to which he might as well call the attention of the Postmaster-General. He did not know whether he was right, but he thought he was. Of course, he should incur the animosity of some persons for endeavouring to inculcate such an opinion into the Chamber; but he was in considerable doubt as to whether a Bill of that kind did not require to be sent home to receive the sanction of Her Majesty. The public ought to be informed upon that point. He had a very strong opinion that, in the instructions sent to the Governor in framing the Constitution, he was ordered to reserve such Bills as that for Her Majesty's assent, and had not the power delegated to him of assenting to a Bill which altered the Constitution. That was so at one time; but he did not know whether any fresh instructions had been given. If no alteration had been made, an appeal to the country could not be made for some months after the passing of the Bill. It was as well to utter a warning note, so that the people of the country might be awakened to the importance of the case. His principal object in rising was to congratulate the Postmaster-General upon his action in introducing a new clause, after the position he took up yesterday, when he seemed to doubt the ability of the Council to deal with the Bill at all.

The POSTMASTER-GENERAL said it would not be necessary for Her Majesty to signify her assent to the Bill. The Hon. Mr. Walsh must have misunderstood him yesterday. He could not find in *Hansard* that he

had denied the power of that House to amend the Bill. All he said was that it was not the custom to amend Bills of that character, which referred to the status of the other Chamber, in any important particular. He was speaking in reference to similar Bills, which had already passed through that Chamber, and which had not been seriously amended. Of course it would have been perfectly absurd for him to have denied the power of the Council to make any alteration in a Bill of that kind, and he had no intention whatever of doing so. He was sorry his words should have been so misconstrued.

New clause put and passed.

The remaining clauses of the Bill were passed as printed.

On the schedule—

The POSTMASTER-GENERAL said he had to point out to the Committee that certain verbal errors had crept into the schedule, probably through the examiners having omitted to notice corrections which had been made. They were all of quite a verbal character, and although they would take a considerable time, he must ask hon. gentlemen to bear with him while he went through them.

The HON. A. C. GREGORY said there was another matter he might point out; but he did not suppose they could deal with it, as it would involve an immense amount of labour. In the boundaries of electorates the boundaries of parishes were referred to; but those boundaries of parishes had never yet been defined, and the consequence was that the Bill referred to boundaries of which there was no record anywhere. Still they must eventually be defined, and generally speaking where parish boundaries were not defined, it was in country which contained very few occupants. For instance the first part of the schedule referred to the "eastern boundary of the parish of Melcombe," when there was no defined boundary there at all. However, that difficulty could hardly be dealt with without spending a week of labour upon it, and the land with such undefined boundaries was land which had not been subdivided or alienated by selection or sale.

The POSTMASTER-GENERAL said the boundaries were always strictly defined in Crown grants and certificates of title, and so on.

The HON. A. C. GREGORY said they were when the land was subdivided. In the instance he referred to, there was a space of some ten or twelve miles which had not been defined. In one of the maps a boundary was run right through one parish, and cut it in two. Those matters would not affect the Bill materially, and he did not suppose the alterations could be made properly except by a select committee.

Schedule passed with verbal amendments.

Preamble passed as printed.

On the motion of the POSTMASTER-GENERAL, the House resumed, and the CHAIRMAN reported the Bill with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for Thursday next.

ADJOURNMENT.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I move that the House do now adjourn until Thursday next.

Question put and passed.

The House adjourned at 6 o'clock.