

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 5 SEPTEMBER 1893

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LEGISLATIVE COUNCIL.

Tuesday, 5 September, 1893.

Usher of the Black Rod.—Assent to Bill.—Viceroy of India.—Victoria Bridge Bill: Second reading.—Stock Returns Bill: Committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

USHER OF THE BLACK ROD.

The PRESIDENT announced to the House that he had received information from the Government that His Excellency the Governor, with the advice of the Executive Council, had been pleased to appoint the Honourable Charles George Holmes a'Court, Clerk-Assistant to the Legislative Council, to be also Usher of the Black Rod to the Legislative Council, in the room of Mr. Francis Robert Chester Master, whose services had been dispensed with.

The CLERK-ASSISTANT thereupon took the oath of allegiance.

ASSENT TO BILL.

The PRESIDENT announced that His Excellency the Governor had assented, on behalf of Her Majesty, to the Special Retrenchment Bill.

VICEROY OF INDIA.

The PRESIDENT: It may be a little out of order to make the announcement, but the House will be gratified to learn that I have heard from authentic sources that our Governor, Sir Henry Norman, has been appointed Viceroy of India.

HONOURABLE MEMBERS: Hear, hear!

VICTORIA BRIDGE BILL.

SECOND READING.

The HON. A. J. THYNNE: I am taking this Bill first to-day, and have given notice of motion to allow the Bill to pass through its remaining stages to-morrow, for the reason that the bridge,

which is now practically completed, cannot be satisfactorily opened until this Bill becomes law and an authority is constituted under which tolls may be lawfully collected. The several Acts relating to the Victoria Bridge are recited in the preamble; and one of them declares that the bridge shall be free from tolls. That Act was passed at a time when the disaster experienced in the early part of this year was not contemplated; but since then the bridge which was declared to be free from tolls has been destroyed, and a temporary structure has been put up to provide facilities for traffic. Now, to meet the cost necessary to repair the loss sustained in February last, it is necessary to provide for the raising of a fund by means of tolls to pay for the temporary structure, and also for the construction of a new bridge. The Bill makes provision for the constitution of a board, which will have control of the temporary bridge and have the necessary powers with respect to the erection of a new bridge on or near the site of the present bridge. The board is to have a corporate existence, and will be charged with the management and maintenance of the bridge and its approaches. The Bill contains the necessary clauses providing for office management, and power is given to the board to make the necessary by-laws for the regulation of the traffic, the collection of tolls, and for the good management of the bridge. Power is specially reserved to the Government, out of any money appropriated by Parliament, to advance to the board "such sum or sums of money on loan as may be required for maintaining or erecting the Victoria Bridge or any bridge by this Act authorised to be erected." The advances made in that way are to be repaid on the scale provided by the Local Works Loans Act of 1880, and the fund out of which they are to be repaid is to be derived from the tolls levied from time to time. I am not aware that there is anything in the Bill requiring further explanation at my hands. It is one which is plain in its language and clear in its object, and I therefore move that the Bill be now read a second time.

The Hon. A. C. GREGORY: I am glad to see that the Government are making due provision for the reconstruction of the Victoria Bridge; and all who have been personally interested in the question of intercommunication between the different parts of the city will hail this measure with great satisfaction. The Bill seems to be exceedingly simple; but I wish to draw attention to one little matter in the preamble. I think it is just as well that the preamble does set forth the fact that the bridge is to be closed against the passage of sea-going vessels. A good deal of confusion arose out of the fact that at the time the bridge was originally constructed there was an Act in existence which distinctly stated that no person should have any right to compensation or deem himself in any way damaged by any bridge being put across any part of the river, whether navigable or not. Nevertheless, proceedings were taken against the Brisbane Municipal Council for having infringed the rights of various parties who resided on the river bank above the bridge, and those parties got a verdict in the Supreme Court, but it was found to be inexpedient to press it because there was, after all, a flaw in the Act under which the verdict was obtained. It is just as well, therefore, that the question should be clearly set at rest. Then as regards the question of tolls, I think it is reasonable that the money proposed to be expended out of the consolidated revenue should be recouped at a reasonably early date by the imposition of tolls. Those tolls are not likely to press heavily upon individuals; but they will be the means of relieving the general revenue from a very heavy

charge. It is desirable that the law which declared the Victoria Bridge free should be repealed, because the conditions which enabled Parliament to declare the bridge free have passed away, and we are living under other circumstances, which demand that we should collect some revenue from those who use the bridge, so as to meet the expenditure contingent upon its reconstruction. With regard to the board to be created, I am glad that it is to be limited to a number that will do the work of the board. In the case of very large boards the work is confined to a few members, though every member is quite prepared to receive his fee. There appears to be due provision in the Bill for carrying out everything necessary to be done, and I shall therefore support the second reading.

The Hon. E. B. FORREST: The Government are to be congratulated on the promptness with which they have dealt with this bridge question. There is no doubt that the Bill is necessary, and I think it is a very good Bill. There are two features in it which should particularly commend it to the favourable consideration of Parliament. The first is that it gets rid of the present Bridges and Ferries Board. From the time the members of that board were appointed until the present time they have done nothing but fight. They have wrangled in the most objectionable manner; they have agreed upon nothing; they have caused the public no end of inconvenience; and the only regret I have is that they were not disposed of before. When this Bill comes into force there will be an end of them; and the travelling public who have to use the bridge—who had to use the ferries during the time the bridge was being rebuilt—will be exceedingly glad to think that the end has come so far as that board is concerned. The other point is that this Bill authorises the new board to construct a good and substantial bridge across the Brisbane River, upon or adjacent to the site of the Victoria Bridge. To my mind that is the only place where a proper bridge should be erected. We have heard a great deal during the last two or three years about high-level bridges to cost £1,000,000 or £2,000,000, starting God knows where and ending at the same place; but I say that if there is any place where a bridge for commercial purposes—and consequently for most other purposes—should be built, it is on the site of the present bridge. I am also pleased to learn that it is in contemplation to make the new bridge double the width of the present one. That should have been done before, and the flood has expedited the matter. I shall give the Bill my support.

Question put and passed; and the committal of the Bill made an order for to-morrow.

STOCK RETURNS BILL.

COMMITTEE.

On this Order of the Day being read, the House went into committee to consider the Bill in detail.

Clauses 1 to 3, inclusive, put and passed.

On clause 4—"Inspectors may count stock"—

The Hon. J. D. MACANSH said he disapproved of that clause altogether, as it gave inspectors power to enter on any run and count the stock thereon. Many stockowners would be very glad to have their stock mustered at the expense of some one else, provided it was done at the proper time and in the proper way, but an inspector having that power might perhaps make the muster in the winter and cause an immense amount of injury to the stock. An inspection of the stud, flock, and herd books was all that was necessary to find out whether a return was correct or not, as in most cases it would be

found that the stock-books showed more than the actual number of stock on a run. No inspector should have the power to muster stock at any time he pleased, as that might lead to great annoyance and injury. He would decidedly vote against the clause as it stood.

The HON. A. J. THYNNE thought a great deal more had been made of that power of an inspector to count stock than there was any occasion for. Was it not a fact that there had been persons in charge of some stations in the colony who had not kept up their records or kept them correctly? And what check would there be against such neglect or carelessness if that provision were not retained in the Bill? What was there to prevent persons so disposed keeping two sets of books on a station, one of which was prepared for the purpose of those stock returns? As to the fear of injury to the stock by mustering at unseasonable times of the year, the Government were not likely to permit any of their servants to undertake such a work unless there was really some substantial ground for suspecting that a false return had been made. But if there was only one dishonest man in the country, that was a sufficient reason for the Government asking for power to check that one dishonest man. The power proposed to be given to the Government was not so much in the interest of the Government as of the pastoralists themselves, all of whom had to bear their fair share of the expense of administering those measures which were intended for the benefit of stockowners, and surely no one would object to give the Government power to check any attempt at sharp practice on the part of any individual who was disposed to evade his just obligations. It would only be exercised as a final resort in very rare cases, and for the protection of stockowners generally.

The HON. SIR A. H. PALMER said the only thing he had to say in favour of the clause was that it was utterly impracticable. An inspector might be a very decent man, or he might be a great scoundrel, but no inspector, nor all the inspectors, nor all the Government together, could muster the stock on a large run, or one-half of them, during such a season as they had just experienced. Who would pay for the mustering? When an inspector could not muster the cattle according to the return, the owner had to pay for the muster. Was not that beautiful legislation? The books on all decent stations were quite sufficient for the purpose of checking returns. He had been told that large squatters were not intended to be touched by the clause, and that it would only touch the owners of 100 or 200 head of cattle. He had seen men with small mobs of cattle great rogues, but he had seen some who were very honest men; and even 200 or 300 head of cattle could not be mustered in the middle of winter. The clause could not be carried out, and was utterly useless.

The HON. A. C. GREGORY thought the clause was indispensable, so far as it related to the inspection of books. With regard to the mustering and counting of stock, it was presupposed that the inspector was going to do the mustering, because it was not provided that the owner should do anything. But no muster could ever show the actual number of stock on any run. The chief reason for retaining such a power was to meet those cases where an atrocious attempt might be made to misrepresent the state of things or where two different sets of books might be kept, and it was desirable to prevent that as far as possible. There were, however, very good grounds why an inspector should not do more than look at the books; and really the books would often show a larger number of stock than there actually were on a run, because losses were not always recorded immediately. The books

of a certain pastoralist in one of the other colonies were very inaccurate, and he paid what was called the scab assessment on a larger number of stock than he actually possessed, by means of which he was enabled to obtain large advances from his bankers; and that was not an isolated case. While he thought the clause should be retained as a check against atrocious attempts at misrepresentation, he was of opinion that, so far as it was objectionable, it would be inoperative.

The HON. J. DEANE said there was no doubt the clause had the appearance of being valueless; at the same time, it would be better to retain than to omit it, because it would prevent men from cheating their neighbours. If a man sent in a false return his neighbours would be on the alert, and very likely advise the inspector, and, if necessary, assist him in mustering. He did not think the clause would have to be brought into operation, but it would have a deterrent effect, and for that reason should be retained.

The HON. J. LALOR had no objection to the clause. He did not think there were many pastoralists who would wilfully make a false return; but if a man did that sort of thing he should be made an example of, and the Government should retain the power proposed to be given them by the clause before the Committee. It was a very harmless provision.

The HON. J. D. MACANSH moved the omission of the words "and if necessary to count the stock on the run." He was quite certain that that provision would be unworkable, and why should they insert an unworkable clause in any Bill? Again, who was to pay the expense of that mustering of stock, which on a large run would amount to hundreds of pounds?

The HON. A. J. THYNNE said the Government would, of course, bear the expense of mustering. He regretted that he could not accept the amendment. If those words were omitted, the only power the Government would have to prevent fraud on the part of any individual grazier would be removed, and he did not think hon. members desired to place them in that position.

The HON. SIR A. H. PALMER could not support the amendment, because, if passed, it would leave no check at all. But, as he had already pointed out, it would be impossible for an inspector to count large herds of cattle; and where a man owned only a small number of sheep or cattle, it was well known how many he possessed.

The HON. J. T. SMITH said it appeared to him that the clause was necessary to provide for extreme cases, and if the amendment were agreed to the clause would be altogether useless. He was not cognizant of what physical difficulties there might be in the work of mustering, but inspection, if necessary, would be of no avail, unless it was a rigid inspection. There might be some difficulty in carrying out the clause, but the fact that such a power was in existence would overawe men who were disposed to be fraudulent. Possibly it might never be necessary to exercise the power—he hoped it would not; still, it should be there to be used if necessary. All inspectorships required the most ample power. An inspector of works, for instance, had extraordinary powers in order to prevent the scamping of work, which would be done by some contractors if they were not prevented by the knowledge that the inspector could make them pull down the defective work and start afresh. In order to make the Bill perfect, and to accomplish the object the Government had in view, the clause should certainly be retained as it stood.

The HON. W. APLIN thought it was necessary to retain the power given in the clause, but, at the same time, was of opinion that it would

not be practicable for any man to muster another's stock, as he would not, for one thing, know where to look for the cattle.

The HON. T. B. CRIBB could not support the amendment. It was necessary that the Government should have some such power to check the accuracy of returns, and the very existence of that power would tend to make men particular to have them correct. The clause did not state on whom the onus of being satisfied with the correctness of the returns rested. If it rested with the inspector or officer appointed by the Colonial Secretary, consideration for his own interest would prevent him from abusing his position to cause unnecessary annoyance or loss to holders of stock in the attempt to muster, for such conduct on being reported would no doubt lead to his dismissal.

The HON. A. C. GREGORY pointed out that if the amendment were passed the latter part of the clause, which made the impeding of the inspector in the execution of his duty a misdemeanour, would be inoperative. Unless power were retained by the Government to make a full inquiry in cases where there was reasonable ground to suppose that a fraud or wrong had been committed, there might be evasions of the provisions of the Bill, as many persons did not regard it as a moral wrong to evade the payment of a tax to the Government. He did not think any harm would be done by retaining the power to count stock, as the inspector and any men employed in that work must be specifically authorised by the Colonial Secretary or Minister administering the Bill.

Amendment put and negatived; and clause passed as printed.

Clause 5 put and passed.

On clause 6—"Short title"—

The HON. T. B. CRIBB said the schedule in its present form included all young stock. He had heard it suggested that the schedule should be amended, or that power should be given to the Governor in Council to make regulations under which young stock of certain ages might be exempted from some of the taxes.

Clause put and passed.

On the schedule—

The HON. W. APLIN said it was impossible for any man owning thousands of sheep or cattle to certify that the return was a true statement of all his stock. He thought the words "to the best of my knowledge and belief" should be inserted.

Schedule passed as printed.

The CHAIRMAN reported the Bill to the House without amendment.

The report was adopted, and the third reading of the Bill made an order for to-morrow.

ADJOURNMENT.

The House adjourned at five minutes past 5 o'clock.