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CHAPTER IV.

THE FIRST SESSION OF PARLIAMENT.

Work of the First Session.—Four Land Acts Passed.—Summary of Land "Code."—Pastoral Leases.—Upset Price of Land £1 per acre.—Agricultural Reserves.—Land Orders to Immigrants.—Cotton Bonus.—Lands for Mining Purposes.—Renewal of Existing Leases.—Governor's Laudation of "Code."—Praises Parliament.—Abolition of State Aid to Religion.—Primary and Secondary Education.—Wool Liens.—First Estimates and Appropriation Act.

The first session closed on the 18th of September, having extended over nearly four months. On the 28th of August, Sir Charles Nicholson having determined to retire and go to England, Captain O'Connell was appointed President of the Legislative Council by the Governor's Commission. Mr. John James Galloway at the same time accepted the appointment of Minister without portfolio, and held the leadership of the Council for the remainder of the session. Without other change in the personnel of the Cabinet the session was brought to a close with the position of the Government considerably improved. They had not carried all the measures promised in the Opening Speech, but the new Acts passed numbered sixteen, some of them important, and all necessary. Seeing that both Houses were new to their work, the result went to prove that the confidence of the Imperial Government in the self-governing competence of the colonists had not been misplaced. Even the "Moreton Bay Courier," then hostile to the Government, admitted that much good work had been done, the chief exception taken being to the Act authorising the granting of a five years' additional term for existing pastoral leases. The Act reserved power of resumption during the currency of the lease, but the Opposition contended that the power would never be exercised.

No less than four Land Bills were passed during the session, and the Governor, writing to the Secretary of State, said, referring to them, that these Acts might be called "The Land Code of Queensland." The first of the "Code," which was entitled the Unoccupied Crown Lands Occupation Act, repealed the New South Wales pastoral leasing law of 1858, and the Orders in Council then in force in Queensland in so far as they were repugnant to the new Act. Any person was to be permitted to apply for an occupation license for one year for a run of 100 square miles, and if there were more than one applicant for the same run preference was to be given to any person who had occupied it for two months previously. Within nine months after the granting of the license application might be
made by the occupier for a 14 years' lease conditionally on the run having been stocked to one-fourth its assumed carrying capacity of 100 sheep or 20 head of cattle per square mile. An absolute power of resumption at any time during the lease on 12 months' notice was given. The second was the Tenders for Crown Lands Act, authorising the issue of 14 years' leases to lessees of runs already liable for rent; also authorising the acceptance of tenders (which had been held over awaiting legislation) for runs occupied since 1st January, 1860, and the granting to the tenderers of 14 years' leases.

The third measure of the "Code" was the Alienation of Crown Lands Act, which fixed the minimum upset price at auction or otherwise at £1 per acre; and which provided for the setting apart, within six months from the bill becoming law, of not less than 100,000 acres on the shores or navigable waters of Moreton Bay, Wide Bay, Port Curtis, and Keppel Bay, and also within five miles of all towns with upwards of 500 inhabitants, as agricultural reserves of not less than 10,000 acres each, which should not be for sale by auction, but surveyed and opened to selection as farms of not less than 40 nor more than 320 acres at the fixed price of £1 per acre; the purchase money to be paid in advance, and the Crown grant issued at the end of six months if the selector had occupied the land and commenced to improve it during that term. If a selector failed so to occupy and improve, the purchase-money was to be returned to him, less 10 per cent., and the land again opened for selection. A selector was also entitled to lease three times the area of his farm—but so that the whole should not exceed 320 acres—in one lot or conterminous lots within the same reserve, for a term of five years, at sixpence per acre rent, with right of purchase, if fenced in, at £1 per acre at any time during the currency of the lease. A further provision of importance in the same Act was the granting of a land order for £18 on arrival to each immigrant from Europe who paid his own passage, and a further land order for £12 at the end of two years' residence in the colony. It was also provided that two children between the ages of four and fourteen should be reckoned as one statute adult. Further provision was made by which a bonus in land was to be paid during the next three years of £10 per bale of good cleaned Sea Island cotton, and for the two years next following £5 per bale. And finally any person or company was empowered to purchase land not exceeding 640 acres in one block for mining purposes, other than for coal or gold, at the upset price of 20s. per acre.

The fourth measure of the "Code" was the Occupied Crown Lands Leasing Act, which enabled the lessee of any Crown land held under
previously existing regulations, or under the Tenders for Crown Lands Act of the current session, to get a five years' renewal at the end of his term. The principle of compensation was recognised in these leasing Acts, but no provision was made for the continuance of the pre-emptive right of purchase, conferred by the old Orders in Council.

Sir George Bowen wrote to the Secretary of State in terms of exalted laudation of these four Acts. "I regard them," he said, "as a practical and satisfactory settlement of this much-vexed question, which is still embittering the social life and retarding the material advance of the neighbouring and elder colonies." To a friend in England he wrote,— "The legislation of our first Parliament has settled the long quarrel between the pastoral and agricultural interests which has raged in all new countries ever since the days of Abel, the 'keeper of sheep,' and Cain, the 'tiller of the ground!'" To the Secretary of State he added,— "This Parliament may fairly boast of having passed, with due caution and foresight, a greater number of really useful measures, and of having achieved a greater amount of really practical legislation, than any other Parliament in any of the Australian colonies since the introduction of parliamentary government." Sir George quotes a Sydney journal, (a) which before separation was antagonistic to that movement, as saying,— "The Government of Queensland has been either very fortunate or very judicious. The last to enter the race, Queensland has shot ahead, and taken the first place. While in Melbourne the popular rage has been worked up by its guardians into riot, and while in Sydney the tactics of the popular party have succeeded in placing the land question in a position of chronic blockade, in Queensland it has been settled on a moderate and reasonable basis, and without so much as a single ministerial crisis."

In the prorogation speech Sir George Bowen reviewed at length the work of the session. From that and other sources it may be stated that the limitation of the number of salaried officials capable of being elected to the Legislative Assembly had been fixed so as not to exceed five; the collection of parliamentary electors' names had been discontinued, and facilities provided for self-registration; State aid to religion had been abolished, the rights of existing incumbents being preserved; the existing system of primary education had been abolished, and provision made for the appointment by the Governor in Council of a "Board of General Education," a body corporate authorised to expend such sums as Parliament might vote for primary education. The Board was empowered to assist any primary school that submitted to its supervision and inspection, and conformed to its rules and by-laws; but it was forbidden to

(a) "Sydney Morning Herald," September, 1860.
contribute to the repair or building of any school unless the fee-simple thereof had been previously vested in the Board. And nothing in the Act could be held to authorise any inspection of or interference with the special religious instruction which might be given in such school during the hours set apart for such instruction. Not more than 5 per cent. of the Board’s funds might be applied to granting exhibitions at any grammar school to primary scholars who had passed the competitive examination prescribed by the Board.

The Board was also authorised to devote a portion of its funds to assist in the establishment of normal or training schools, or to industrial schools. The Grammar Schools Act of 1860, which with a few amendments is still in force, was passed. An Act for taking the census of the colony on 1st April, 1861, became law. An Act for the appointment of Commissioners to adjust accounts with New South Wales was another measure of the session. It may be remarked, however, that an adjustment was never reached, but the amount in dispute became so comparatively small when mutual credits had been allowed that the question was permitted to lapse. Another measure of some practical importance was the Liens on Wool Act, which extended also to mortgages on sheep, cattle, and horses; and the Scab in Sheep Act, the main provisions of which are still in force. The gold export duty was abolished by an Act which merely validated the then official practice of omitting to collect the duty imposed by a New South Wales Act passed seven years previously.

It must be admitted that this record of work done by a new Parliament, in a colony that had no existence as a self-governing entity twelve months before, deserved much of the approbation expressed of its proceedings by the Governor. Indeed, the “Courier” of the day, in commenting upon the work of the session, gave honourable members of both Houses hearty credit for the assiduity with which they had attended to public duty, even to the neglect in many cases of their own personal and business affairs. There was then no payment of members in any form. And there were other matters than legislation which deserve notice. The Estimates had been passed, totalling £220,808 for the service of the year; and the Governor had congratulated the Assembly upon having appropriated one-fourth of the total estimated revenue to roads, bridges, and other public works, besides ample sums to hospitals, libraries, botanic gardens, and schools of arts. No less than £31,261 was voted for police, of which £13,516 was absorbed for the native troopers then necessary for the protection of the adventurous pioneers who were conducting what may be termed exploratory settlement in the remote interior.