

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**FRIDAY, 4 AUGUST 1865**

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## LEGISLATIVE COUNCIL.

*Friday, 4 August, 1865.**The Working of the Real Property Act.*

## THE WORKING OF THE REAL PROPERTY ACT.

The Hon. W. WOOD moved—"That a select committee of this Council be appointed, consisting of the following five members: The Honorable E. I. C. Browne, the Honorable G. Harris, the Honorable St. George R. Gore, the Honorable R. J. Smith, and the mover, with power to send for persons and papers, and leave to sit during any adjournment, for the purpose of inquiring into, and reporting on, the working of the Real Property Act of 1861." He did so, he said, for several reasons. One was, that after the expression of opinion that had fallen from the Judges of the Supreme Court, it would be well if the Act was looked into; because it was clear that some portions of it were not working so well as could be wished. The circumstance of a Bill having been brought before the Parliament to amend the Act, and what took place in the House yesterday, shewed that, when any alteration was proposed in the Act, it would be well that the Council should see if some compromise could not be effected for the benefit of the colony. This was the reason why he moved for the committee; and it was this which had induced him to suggest to the honorable member, Mr. Harris, who had charge of the Real Property Act Amendment Bill, to defer its further consideration until a select committee had inquired into the subject, and reported upon it. He very much regretted—and he thought he was not out of order in referring to it—that the honorable member had this afternoon given notice of a motion to restore the Bill to the paper, after having last night withdrawn the Bill. The House could have thrown out the Bill last night; instead of which, he (Mr. Wood) withdrew his amendment, on the understanding that the honorable member would withdraw the Bill until a report was brought up by a select committee. Seeing that the Council could do nothing at all next week, it was impossible that the committee could proceed with the proposed inquiry, much more report, by the 15th instant. It was absurd to suppose that the committee could be ready by that time. If the honorable member imagined that this was a sort of make-believe committee, got up for the purpose of burking the Bill, he was very much mistaken. Such was not his (Mr. Wood's) intention. His intention was to go

fully and fairly into the subject. He believed that, very shortly, intelligence would be received from the mother country of a measure passing through the Imperial Parliament which was very much better than the Act in force in this colony. The committee and the Legislature might take advantage of that measure, and make our law very much better than it was at present. It seemed that there were certain portions of the real property law of this colony which did not work so satisfactorily as they might. So much would be admitted by the honorable and learned member opposite who represented the Government, and who would, he trusted, favor the committee with some valuable suggestions.

The Hon. G. HARRIS said he had no objection to the appointment of a select committee to inquire into the working of the Real Property Act, but he desired that the members should be appointed by ballot. With reference to his honorable friend's surprise at his bringing forward a motion to restore the Bill to the paper, and to make the second reading an order of the day for the 15th instant, he begged to assure him that he had done nothing unusual, nor had he evaded any promise made on the previous evening. He had told the honorable gentleman (Mr. Wood) he would withdraw his Bill, on the understanding that he would withdraw his amendment. If the report of the committee should not be brought up by the 15th, there could be no objection to extend the time. This was only the 4th, and there was surely plenty of time between this and the 15th for the honorable member to work up a great deal of information, if he wished to push the matter. He (Mr. Harris) desired that his Bill should become law this session.

The Hon. W. LANDSBOROUGH, concurring with the honorable member who last addressed the House, demanded that the committee should be appointed by ballot.

The PRESIDENT informed the Council that the 95th standing order having been complied with, if the motion for the committee should be affirmed, the members of the committee must be appointed by ballot.

The Hon. J. BRAMSTON said he would merely remark, in reference to the motion, that he was sorry the committee had not been asked for at an earlier period of the session; because, if the whole working of the Real Property Act was to be gone into, it was more than the committee could get through before the prorogation. If the committee would confine themselves to the question which was before the Council last night, and to which, he trusted, they would give their most earnest consideration, it would be a profitable duty. It would be for the committee, if appointed, to determine what evidence should be taken; but it would be hard for them to take evidence in reference to the working of the whole of the Act. He

was quite satisfied that his honorable friend, Mr. Harris, who had charge of the Bill affecting the Real Property Act, and who had given notice of motion to restore it to the paper again, had no motive but that the Bill should go forward; the notice was given very much at his (Mr. Bramston's) suggestion, in order that if the Bill should be amended after the report of the committee was brought up, it might be transmitted to the Assembly without having to go again through all the forms of reading already passed, which it would have to go through if emanating wholly from the committee. He certainly thought that the appointment of some persons to do the work of conveyancing was what the public demanded, and what the public interest required. In the colony of South Australia, he believed, they started as we did here, without making such provision; but, after a year or two, the business increased so much, that it was necessary to appoint a class of agents who were not members of the legal profession. It was possible that the committee would be necessitated to bring up some suggestion for a similar arrangement. He recommended that they should examine the South Australian Act, because, if he understood aright, there was provision in it for "land brokers," for examining them before they were qualified to act, and for a scale of fees to be charged by them. He should vote for the committee; and he did not care whether they were appointed by ballot or not.

The question was put, and the motion for the appointment of the committee was agreed to. A ballot was then taken, and, after the result had been reported,

The PRESIDENT announced that the following members were elected to serve on the committee:—The Honorable W. Wood, the Honorable G. Harris, the Honorable J. Bramston, the Honorable E. I. C. Browne, and the Honorable R. J. Smith.

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