

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 22 JULY 1869

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Thursday, 22 July, 1869.

Pastoral Leases Bill.

PASTORAL LEASES BILL.

On the Order of the Day being read for the adoption of the report from the Committee of the Whole on the Pastoral Leases Bill,

The Hon. H. G. SIMPSON moved, by way of amendment—

That this Bill be re-committed for the further consideration of clauses 55 and 61.

He said that he proposed to alter the fifty-fifth clause, so that the power of the Government to resume runs in whole or in part should be conditional on such resumption not being dissented from by "either House," instead of "both Houses," of Parliament. He thought until he spoke of this amendment, on a previous occasion, that the honorable the Postmaster-General would not entertain any strong objection to it. To him it seemed that the power of the Government would be very great even with that alteration of the clause; and it was not likely that either the Council or the Assembly would pass resolutions against resumptions by the Government, unless there was really some strong reason for so doing. The protection was much less than the runholders in the settled districts had at present. It was

a very small privilege he asked in favor of the outside settler, and he trusted the honorable member would not oppose it. As he did not apprehend any opposition to the amendment he meant to propose in clause 61, which dealt with travelling stock, he would not detain the House further.

The POSTMASTER-GENERAL said he felt bound to oppose the proposed amendment of the honorable gentleman in clause fifty-five. It would be highly objectionable, and would be fraught with much greater difficulties than were anticipated. It would be far preferable to have the assent of both Houses to the action of the Government, than the form proposed. He would point out the inevitable result of the adoption of such an amendment:—In the first place, he might say distinctly that the Government could not accept the Bill with such a provision; in the next, its effect might possibly be to place the Government and the Council in direct conflict. A case might arise in which the Legislative Council would dissent from, while the Legislative Assembly would support the action of, the Government; and then a power would at once come to bear, which a Government backed up by the Assembly might fairly exercise, and which might be very undesirable and very objectionable for the Council. A certain amount of pressure might be brought to bear upon the House in order to ensure compliance with the wish of the Government of the day, which he should regret. The honorable member's amendment on clause sixty-one was not so objectionable as the others, but he saw no reason to re-commit the Bill for it. If any hardship was found through stock traversing enclosed lands, it would be very easy to remedy it by a separate enactment; and it was undesirable to interfere with any principle of the Bill after it had passed so far through all its important stages.

The Hon. T. L. M. PRIOR said it struck him that the whole argument used by the honorable the Postmaster-General should lead the House to re-commit the Bill, to alter the clauses. Anything they legislated upon being for the good of the country, they must be prepared to bear pressure, if they felt they were in the right. That argument would apply to them in dealing with any measure. He hoped the House would carry the amendments.

The Hon. J. BRAMSTON said he did not feel disposed to vote for the amendments. The principle of dissent having been decided on in the Bill, it should rather be acted upon by both Houses than by one. As to the passage of cattle over enclosed lands, he did not anticipate the same inconvenience that honorable members did; and he fancied that experience would show that where land was fenced on either side it was purchased land, to which no amendment of the sixty-first clause could apply. If the increased fencing of Crown land should inconvenience the

travelling of stock, he was quite sure that the Parliament would be prepared to guard public interests in that matter. At present, they would be guarding against a prospective and very remote fear.

The Hon. F. E. BIGGE said he should vote for the amendments, if for no other reason than that, as a Crown lessee, it was his duty for himself and friends to endeavour to clip the wings of the Government as much as possible.

The amendment was put, and the House divided:—

Contents, 3.		Not-Contents, 6.	
The Hon. F. E. Bigge		The Hon. E. I. C. Browne	
" H. G. Simpson		" J. F. McDougall	
" T. L. Murray Prior		" J. Douglas	
		" J. Bramston	
		" W. Thornton	
		" G. Harris.	

The re-committal of the Bill was therefore negatived, and the report was adopted.