

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**THURSDAY, 17 NOVEMBER 1870**

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## LEGISLATIVE COUNCIL.

*Thursday, 17 November, 1870.*

Chairman of Committees.—Lands in the Neighborhood of Warwick.

## CHAIRMAN OF COMMITTEES.

The POSTMASTER-GENERAL moved, pursuant to notice,—

That the Honorable Daniel Foley Roberts be Chairman of Committees of the whole House, during the present Parliament.

The Hon. ST. G. R. GORE moved, as an amendment,—

That the word Parliament, at the end of the motion, be omitted, and the word session inserted in its place.

In moving this amendment, he had no intention of shewing any want of respect to the honorable gentleman who had so long held the office. It would merely have the effect, if carried, of reverting to the early practice of the Council, and he believed, also, that of the Legislative Assembly. At any rate, it was the practice in the Council from the first Parliament in the year 1860 up to the end of the second session of the Parliament of 1862. During those sessions his honorable friend (Mr. Roberts) had been re-elected from session to session, and he could not recollect the grounds upon which that wise practice was abolished. In the House of Lords, the Chairman of Committees was appointed from session to session, as honorable members would find

on reference to "May," p. 362. In the House of Commons, it was true that he was elected for the Parliament, but there it appeared he was elected not so much for the office of Chairman of Committees as Chairman of Ways and Means. As he had stated, the election of Chairman of Committees to the Legislative Council of this colony had been for the session only, from 1860 until 1862. On the 20th April, 1862, he found, on referring to the records of the House, a motion made by the Attorney-General,—

"That the Honorable Daniel Foley Roberts be Chairman of Committees of the whole House during the present Parliament."

He was not a member of the Council at the time, as he then held a seat in the other House, and he could not tax his memory with the cause of the change, except it was to save the trouble of re-election. He had given some consideration to the matter since, and had come to the conclusion that the original plan, which, as he had shewn, was in accordance with the practice of the House of Lords, was the best. It might be said that no inconvenience had resulted hitherto, and as the honorable gentleman who had filled that office had discharged the duties attached to it with credit to himself and satisfaction to the Council, there was no necessity to make any change. But he considered it would be no injury to that honorable member, if he were elected from session to session, which no doubt would be the case, unless some good reason should arise. It was quite possible, for instance, that an honorable member holding the office of Chairman of Committees might labor under some infirmity which might affect the discharge of his duty. His utterance might, from some cause or other, become less distinct, or he might have the gout in his fingers and be less dexterous in the use of the pen; and in that case it would be a very invidious task for any member to make a motion, calling upon him to resign on account of such disqualification. No such difficulty would arise if the election were made from session to session only. It also appeared to him to be the duty of the House to see that the duties devolving upon the Chairman of Committees were discharged in the most satisfactory way; and if it were considered by the House that another member would be more efficient in that capacity, it would be inconvenient for the House to wait five years before a change could be effected. It would, in any case, be a very delicate task to propose such a change, and therefore it would be much better to avoid the difficulty by limiting the tenure of office to the duration of the session. He thought, further, it was very objectionable to make the office a quasi-freehold office. The honorable member who was now proposed had held it for a number of years—equal to

one-sixth of an average life—and no doubt entertained no idea of relinquishing it. He (Mr. Gore) had no intention of proposing any one else in his place. He only moved the amendment in order to give the honorable member a sort of reminder—like the death's heads which appeared at the old Egyptian banquets—that it was possible to remove him without waiting for a period of five years. He would ask honorable members to bear in mind that he was proposing no innovation, but only a return to the original practice of the Council, which had been altered possibly without due consideration. As long as the honorable member was competent to fulfil the duty, he had no objection to his occupying the chair, even for another ten years; but he thought the House was quite justified in telling him that the appointment was not a perpetual one.

The amendment was put and negatived, and the original motion carried.

The CHAIRMAN OF COMMITTEES then made his acknowledgments to the House.

#### LANDS IN THE NEIGHBORHOOD OF WARWICK.

The Hon. ST. G. R. GORE moved, pursuant to notice, for certain papers in connection with lands taken up along the Warwick Railway [*vide* "Votes and Proceedings"]. The honorable gentleman said that at the commencement of the last session, which had died such an untimely death, he had moved for these papers. He now made the same motion, slightly varied, so as to obtain some fresh papers which the case appeared to call for. On the first occasion, the honorable gentleman representing the Government had objected to his going into the merits of the case, as he was perfectly prepared to produce the papers. If the honorable gentleman would give him the same assurance, he would adopt the same course now. Did the honorable member intend to oppose the production of these papers?

The POSTMASTER-GENERAL: No.

The Hon. ST. G. R. GORE: Then he would simply state his object in asking for them. The idea was very prevalent out of doors—and it was one in which he shared—that considerable abuses were allowed in the Survey Office. Now, the only way for a person who had not access to the *arcana* of that office, to bring these abuses to light, was to pitch upon some particular case, and bring it forward. It had been the boast of the Government that they would put down with an unsparing hand the practice called dummying, together with all abuses of a similar kind. He, therefore, brought forward this motion in order to test their sincerity, upon which he was not particularly inclined to pin his faith. In order to give the Government an opportunity of visiting with an unmistakable though not a very severe mark of displeasure a person who was connected, perhaps more than any other

person, with the dummying system, he had asked the two questions which appeared on the business paper of the day; and the honorable gentleman representing the Government, in reply, had declared that, having a full knowledge of the circumstances of the case, they did not intend to omit that person's name from the commission of the peace. Those questions and answers would go forth to the country. He would not detain the House any longer, but would simply move that the papers be produced.

The POSTMASTER-GENERAL said he did not intend to oppose the production of the papers, but it was only necessary to look at the list to see the trouble they would entail upon the Government; he hoped the honorable member did not intend to move that they be printed, on account of the expense it would involve, as in that case he should be obliged to oppose him. The present Government were always ready to afford every information in their power, and the existing copies, if there were any, would be laid on the table of the House. He thought the honorable member, in asking for these papers, might have confined himself to his motion, instead of making the remarks he had made about the Government. He failed to perceive that the honorable member had proved himself a Bayard *sans peur et sans reproche*. He would, however, pass over that; but he was bound to take notice of one remark the honorable member had made—that he would not pin his faith upon any of the assertions of the Government. It mattered little to him whether the honorable member pinned his faith upon his assertions or not. He was ready to produce any papers that were necessary, but he hoped the honorable member would not, for his own purposes, ask for any papers which were not absolutely necessary in view of the trouble and expense their production would entail upon the country.

The Hon. ST. G. R. GORE said he had no doubt he should receive an answer in reference to several of these papers, that no such papers existed. He asked for them solely on public grounds, in order to expose corruption and malversation. The honorable member's extreme delicacy about the expense of printing looked very much like an attempt to avoid an unpleasant subject. He believed, that if the archives of the Survey Office were looked into, it would be found that that office was carried on in a very extraordinary way. With regard to the expense, he believed the papers could be printed for about half-a-crown each, as many of them would appear on the same sheet of paper. The honorable member had resented his remark, that he should not be disposed to pin his faith on the assertions of the present Government. He said it advisedly. He did not doubt the assertions of the honorable member in his individual capacity; but when he appeared as

the mouth-piece of the Government, he was obliged, of course, out of courtesy, to rely upon the statements of others.

The question was put and passed.

#### RUN OF SOUTH TOOLBURRA.

The Hon. ST. G. R. GORE moved, pursuant to notice, for

All papers and correspondence in connection with the division of the Run of South Toolburra, in the district of Darling Downs, now occupied by the North British Agricultural Company, or their representatives, under the Crown Lands Act of 1868, which may exist in any of the public offices. The honorable gentleman said that a good many of the observations he had just made, applied to the motion now before the House. But there was this difference, that whereas the practices to which the first motion pointed, were done by a side wind, here was an audacious violation of the Land Act of 1868, which provided that the runs were to be divided by a straight line, or by some distinguishing natural feature of the country, into two portions, and that the Government should select which portion they chose. He was advised that the run of South Toolburra had been divided into three, in favor of the South British Agricultural Company, who were now in occupation. He believed that was a gross violation of the law, and it was for the lawyers to decide whether the whole division of the run was not cancelled by that violation.

The POSTMASTER-GENERAL said the honorable gentleman must remember that each run of itself formed a separate case. There might be circumstances connected with the natural features of the country, or other substantial reasons, to induce the Minister for Lands or the Executive to make such a division of a run as they considered best for the country. He had never seen the map of Toolburra, and could not therefore give any explanation of this particular case. The Government had no doubt acted for the best; and although they might not have pleased certain individuals, they had done what they considered to be right. The honorable member himself, even with the great capacity he possessed, could hardly be able to form a judgment upon each particular run.

The Hon. ST. G. R. GORE: He had simply brought forward a case involving a direct violation of the law. He did not say there might not be palliating circumstances, but he wished the House to know the particulars. The honorable Postmaster-General must be aware that the leading feature of the Land Act of 1868 was the division of the runs into two distinct portions, and he contended there was no power given to the Minister for Lands, or to the Surveyor-General, or anybody else, to make a further division. Now this run had been divided into three portions. A sort of secrecy was preserved in these matters, and the information obtained by the public was not always reliable.

The question was put and passed.