

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 28 SEPTEMBER 1876

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LEGISLATIVE COUNCIL.

Thursday, 28 September, 1876.

Resumption of Lands.—Real Property Bill.—Absence of the Chairman.

RESUMPTION OF LANDS.

The POSTMASTER-GENERAL moved—

That the resolution of the Legislative Assembly, embodied in the Message No. 2, received from that House on the 21st instant, be referred to a

Select Committee, consisting of the following members, viz. :—The Honorable T. B. Stephens, the Honorable J. Gibbon, the Honorable E. I. C. Browne, the Honorable T. L. Murray-Prior, the Honorable F. T. Gregory, and the mover,—in pursuance of Standing Order of 1st September, 1875.

He said he might mention that the motion had been tabled in consequence of the requirements of a Standing Order of the Legislative Council which was adopted at the close of last session, to the effect that

“Whenever resolutions calling for the sanction of Parliament to the resumption of lands held under lease from the Crown are brought to the Legislative Council, the same shall lie on the table for a period of one week, and then be referred to a Select Committee”——.

He thought it would have been possible to have made the motion without notice, but he deemed it desirable to give notice of the names of honorable members who were to be included in the Select Committee. He named the committee, believing they would be acceptable to the majority of the House, and that no exception could be taken to a committee so constituted. The resolution on the table, as honorable members were aware, dealt with lands comprised in the settled district of Darling Downs within the Western Railway Reserve, created by an Act which was passed last session; and, as the Standing Order was very explicit on the point that the resolution must be referred to a select committee, the only question for deliberation upon, now, was, whether the select committee that he proposed should be the one appointed or not

The Hon. H. G. SIMPSON suggested that as the Honorable Mr. Prior lived farthest away from town, it was very unlikely that he would be able to attend the committee; and, therefore, he thought that, unless the Postmaster-General was in a position to say that Mr. Prior was aware of the intention to appoint him, and had given his sanction, as there was another honorable gentleman on the spot who was perfectly capable of attending every meeting of the committee, it would be well to substitute the name of the Honorable A. H. Brown for that of the Honorable T. L. Murray-Prior.

The POSTMASTER-GENERAL expressed his readiness to adopt the suggestion made, in the absence of Mr. Prior and the possibility of his not being able to attend immediately.

The PRESIDENT said, before the question was put to the House, he had better offer a few words upon what was the object of the Standing Order when the Council framed it; and particularly as he was the member who introduced it. This was the first time the Standing Order was acted upon, and therefore, no doubt, it would form a precedent. He thought that honorable members who consented and undertook to act as members of the committee, must recollect that the provision of the Standing Order was that the committee “shall be ordered to sit *de die in*

diem;"—that they were to meet every day, until they were satisfied that they could make their report. The object of passing that Standing Order was to make effectual the protection thrown by the Land Alienation Act of 1868 around Crown lessees against resumptions without the consent of Parliament; that was to say, the consent was not to be a mere form. He had seen, and other honorable members had seen, resolutions brought to the Upper Chamber one evening and passed the next, almost without what could be called a due consultation of the feeling of the House.

The Hon. G. SANDEMAN: Hear, hear.

The PRESIDENT: He knew from the tenor of the land policy of the colony that when the power was taken from the Governor in Council, and given to the Parliament, it was intended that the interference of Parliament should be effectual in support of the interests of persons whose property was endangered by the proposed action of resumption. Now, for the first time, a committee would sit; and he presumed it was the intention of the committee, as it was the intention of the House when the Standing Order was passed, to endeavor to obtain such evidence as might be obtainable from persons whose interests were involved, as to whether there was any injustice in the proposed resumption of their property;—that was, the committee would give them an opportunity of stating their case, if they chose to do so. It would be necessary, he presumed, *pro forma*, to meet from time to time. If anybody could be got to come before them, the committee would take his evidence; but it would be very hard that they should be called together ineffectually. There was nothing to prevent them making a report the next day of meeting, if they could get no evidence. The onus of bringing their case forward rested upon the parties interested; and if they should not do so, it would be no fault of the committee. The committee sitting, they would be ready, of course, to receive any remonstrance or any evidence from any person whose property was involved and who might choose to bring his case before the committee.

Motion, as amended, put and agreed to.

REAL PROPERTY BILL.

The POSTMASTER-GENERAL moved, pursuant to the Order of the Day—

That the Real Property Bill be read the second time.

The reason he had for restoring the Order to the paper he stated on the previous day—it was that the House should get into committee on the Bill as speedily as possible, and, at the same time, take into consideration the report of the Select Committee to whom the Bill was referred when the second reading of the Bill was moved originally. As honorable members were perfectly familiar with the Bill, it was

unnecessary for him to go into it again; and as the principle had been already discussed and was seemingly approved of by the House.

Question put and passed.

The consideration of the Bill in Committee of the Whole was ordered for Wednesday next, with the report of the Select Committee as presented to the House by the Honorable F. T. Gregory.

ABSENCE OF THE CHAIRMAN.

The PRESIDENT announced that the Chairman of Committees was still unable to attend, from illness.

On the motion of the POSTMASTER-GENERAL, the Honorable A. H. Brown was appointed to take the chair in Committee of the whole House, for this day only.