

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

FRIDAY, 12 DECEMBER 1884

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LEGISLATIVE COUNCIL.

Friday, 12 December, 1884.

Crown Lands Bill.—Tramways in Brisbane.—Defence Bill—third reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

CROWN LANDS BILL.

The PRESIDENT : I have received the following message from the Legislative Assembly :—

“ MR. PRESIDENT,

“ The Legislative Assembly having had under consideration the Legislative Council's amendments in the Crown Lands Bill, beg now to intimate that they—

“ Disagree to the amendments in clause 1, as being consequential upon the amendments omitting clauses 75 to 79 of the Bill, to which the Legislative Assembly disagree.

“ Disagree to the amendments in clause 4, lines 14 and 39, for the same reason.

"Agree to the other amendments in that clause.

"Disagree to the amendments in clause 6—

"Because the power conferred upon the Governor in Council by the 54th section of the Pastoral Leases Act of 1869, to sell land to lessees to secure permanent improvements, has been frequently used for other purposes than the securing of improvements, to the great loss of the colony and hindrance of settlement upon the public lands; and it is consequently highly expedient that the conditions under which this power may be exercised should be defined;

"Because the Bill entitles every lessee under the Pastoral Leases Act of 1869 to claim full compensation for improvements made by him on his run upon his being deprived of the use of such improvements, and it is unjust that he should in addition be permitted to acquire large quantities of land without competition;

"Because the clause, as framed, confers on present lessees a legal right to purchase the land in every case in which they could fairly prefer a claim to be permitted to do so;

"Because the tenure under the Act of 1869 is such that the power of the Governor in Council to sell under the provisions of the 54th section can be taken away at any time;

"Because for these reasons, and in order to more effectually promote the settlement of the colony, and prevent large areas of land from being practically monopolised by the acquisition of specially valuable blocks, the possession whereof would render the adjoining land unavailable for settlement, it is desirable that the claims of existing lessees should be equitably dealt with, and that the power of sale should in future cease to exist.

"Disagree to the amendments in clause 7 as being consequential upon those in clause 6.

"Agree to the amendment in clause 12.

"Agree to the amendments in clause 14.

"Agree to the amendments in clause 17.

"Disagree to the amendments in clause 20—

"Because the land board, as constituted by the Bill, is an independent judicial court of appeal appointed to do justice between the Crown and the subject, and the allowance of an appeal from such a court to arbitrators would destroy the authority and usefulness of the court and introduce utter confusion into the administration of the law;

"Because many of the functions of the board are such as could not be satisfactorily performed by arbitrators;

"Because it is highly desirable that the rents for Crown lands should be assessed on a definite and consistent basis, which would be impossible if the rents for each holding were to be assessed by a different tribunal;

"Because the administration of the law on the basis of the proposed amendment would become impossible;

"The Legislative Assembly have offered these reasons for disagreeing to the proposed amendments on account of the great importance of the subject, and of their desire to point out to the Legislative Council the inexpediency of the proposed amendments, but they do not waive their right to insist upon the further reason—

"That the proposed amendments would interfere with the public revenue;

"Which reason they hope will be sufficient.

"Disagree to the amendments in clause 21, as being consequential upon those in clause 20.

"Agree to the proposed new clause to follow clause 21.

"Disagree to the amendments substituting the word 'nine' for 'six' in clause 26, line 48 and line 15, page 8—

"Because they would interfere with the public revenue;

"The Legislative Assembly do not deem it necessary to offer any further reasons, hoping that this reason will be sufficient.

"Agree to the amendment in the same clause omitting the words in lines 4 to 10 of page 8.

"Agree to the amendment in clause 27, subsection 6.

"Disagree to the amendment in subsection 8 of that clause, as being consequential upon amendments previously disagreed to.

"Agree to the amendment omitting the 2nd paragraph of clause 28.

"Disagree to the amendments substituting 'fifteen' for 'ten' and 'twenty' for 'fifteen' in the 3rd paragraph of that clause—

"Because, the tenure conferred by the Bill being a fixed and absolute lease, it is not desirable that the land should be withheld from the possibility of being otherwise dealt with for so long a period as that proposed;

"The Legislative Assembly offer this reason without waiving their right to insist on the further reason—

"That it would interfere with the public revenue;

"Which reason they hope will be sufficient.

"Disagree to the amendment in the 1st subsection of the same clause—

"Because it would interfere with the collection of the revenue; and

"Disagree to the amendment in the 3rd subsection of the same clause—

"Because it would interfere with the public revenue:

"The Legislative Assembly do not deem it necessary to offer any further reasons, hoping that these reasons may be deemed sufficient.

"Disagree to the amendments in subsection 4 of the same clause, being consequential upon an amendment already disagreed to.

"Agree to the amendments in clause (d) of subsection 5 of the same clause.

"Disagree to the amendment in clause (e) of the same subsection, being consequential upon an amendment already disagreed to.

"Disagree to the proposed clause (f) of the same subsection—

"Because it would interfere with the public revenue:

"The Legislative Assembly do not deem it necessary to offer any further reasons, hoping that this reason may be deemed sufficient.

"Agree to the amendment in subsection 7 of the same clause, because it is in furtherance of the intentions of the Legislative Assembly.

"Agree to the amendments in clause 34.

"Agree to the amendments in clause 37.

"Disagree to the amendment in clause 43—

"Because it is considered that 900 acres is a sufficiently large area of land for an agricultural farm.

"Agree to the amendment in the 1st paragraph of clause 51.

"Disagree to the amendment in the 2nd paragraph of that clause as being consequential upon the amendment disagreed to in clause 43.

"Disagree to the amendment in clause 52—

"Because the effect of making a license transferable would be to encourage persons who had no intention of occupying the land to lodge applications, with the object, in the event of their being successful in the drawing of lots, of selling the right to the selection at a premium;

"Because the proposed change would enable any person desirous of obtaining a particular selection to lodge any number of applications in the names of other persons, and so secure several chances in the drawing of lots, with the intention that the successful applicant should transfer to him;

"Because the proposed amendment would facilitate fraud.

"Agree to the amendments in clause (d) of subsection 4 of clause 56.

"Disagree to the amendment in clause (f) of the same subsection—

"Because it would interfere with the public revenue:

"The Legislative Assembly do not deem it necessary to offer any further reason, hoping that this reason will be deemed sufficient.

"Agree to the amendments in clause 57, with the following amendment:—

"Omit 'whose total holding in the colony exceeds' and insert 'of a holding exceeding'—

In which they invite the concurrence of the Legislative Council.

"Agree to the amendments in clause 58, with the following amendments:—

"In the amendment in line 40, before 'holding' insert 'any';

"In the amendment in line 43, before 'holding' insert 'of the';

In which they invite the concurrence of the Legislative Council.

"Agree to the amendments in clause 59.

"Agree to the amendments in clause 62.

"Disagree to the amendments in clause 67—

"Because the system of underleasing unless surrounded by special safeguards may be made the easy instrument of fraud; and it is therefore necessary to prohibit underleasing unless in exceptional cases, which should be approved by the board.

"Disagree to the amendment in the first paragraph of clause 70, being consequential on an amendment already disagreed to.

"Disagree to the remaining amendments in that clause—

"Because they would interfere with the public revenue:

"The Legislative Assembly do not deem it necessary to offer any further reason, hoping that this reason will be deemed sufficient.

"Disagree to the amendments in clause 71, lines 26 and 38, substituting 'five' for 'ten'—

"Because they would interfere with the public revenue:

"The Legislative Assembly do not deem it necessary to offer any further reason, hoping that this reason will be deemed sufficient.

"Agree to the other amendment in that clause.

"Agree to the amendments in clause 72.

"Disagree to the amendments omitting clauses 75 to 79—

"Because it is very desirable that the vast tracts of land in the interior of the colony, covered with dense scrub, should be utilised, and the scheme proposed by the Bill is likely to be effectual for that purpose.

"Agree to the amendment in clause 99, with the following amendments:—

"Omit 'imposing,' and insert 'to impose';

"Omit 'to exceed,' and insert 'exceeding';

"Omit 'twenty,' and insert 'five';

"Add to clause the following paragraph—

"No such by-laws shall have effect until they have been approved by the Governor in Council and published in the *Gazette*. Upon such approval and publication they shall have the force of law';

In which they invite the concurrence of the Legislative Council.

"Agree to the amendment in clause 113, because it is in furtherance of the intentions of the Legislative Assembly.

"Agree to the amendments in clause 120, with the following amendment in the first amendment—Omit 'holding' and substitute 'lease under this Act'—in which they invite the concurrence of the Legislative Council.

"Disagree to the amendment in clause 121, being consequential upon amendments previously disagreed to.

"Disagree to the amendment in clause 139, being consequential upon amendments previously disagreed to.

"WILLIAM H. GROOM,

"Speaker.

"Legislative Assembly Chambers.

"Brisbane, 11th December, 1884."

On the motion of the POSTMASTER-GENERAL, the consideration of the message was made an Order of the Day for Tuesday next.

TRAMWAYS IN BRISBANE.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I last night laid on the table of the House a Return to an Order made at the instance of the Hon. Mr. Walsh, with regard to the correspondence and other papers that passed between the Government and Mr. Buzacott or any other person, having reference to the proposed construction of tramways within the city of Brisbane. The Hon. Mr. Walsh was absent when the papers were laid on the table, and as they contained matter which it would be inconvenient as well as expensive to print, I made no motion with regard to printing. To-day, however, the Hon. Mr. Walsh has mentioned that he would like the correspondence, which is not very bulky, to be printed; and I see no objection. I therefore move, with the permission of the House, that all the papers laid on the table of the House last evening containing correspondence, and the list of shareholders in the Metropolitan Tramway and Investment Company, Limited, be printed.

Question put and passed.

DEFENCE BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

ADJOURNMENT.

The POSTMASTER-GENERAL: I move that this House do now adjourn. I propose to take the Legislative Assembly's message with regard to the Land Bill into consideration on Tuesday next; and that will be the only business which will occupy our serious attention on that day.

Question put and passed.

The House adjourned at twenty minutes past 4 o'clock.