

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 18 DECEMBER 1884

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LEGISLATIVE COUNCIL.

Thursday, 18 December, 1884.

Bundaberg Railway.—Personal Explanation.—Crown Lands Bill.—Free Conference.—Officials in Parliament Bill.

The PRESIDENT took the chair at 4 o'clock.

BUNDABERG RAILWAY.

The POSTMASTER-GENERAL (Hon. C. S. Mein): Hon. gentlemen,—I beg to move—

That the report of the Select Committee on the proposed extension of the Burrum Railway from Howard to Bundaberg be now adopted.

Hon. gentlemen will see from this report that the proposed extension is from the township of Howard to the north side of Bundaberg, a distance of 36½ miles, or thereabouts. The evidence shows that this line traverses very inferior country from which very little revenue at present, at all events, is expected to be derived. But this is part of the system of coast railways which will connect Brisbane with the northern parts of the colony, and on that ground the committee have recommended that the line be carried out. I take it that we are all agreed that a work of such importance should be regarded as a national one and a desirable one. The scheme will involve an extension in the first place to Gympie; from thence to Maryborough by the line which is now in operation; from Maryborough to Bundaberg; from Bundaberg to Gladstone; thence to Rockhampton, and then further northwards. The whole scheme is not matured, but it is no doubt a valuable one, and will, I am sure, meet with the approval of this House. It is especially on the ground that this extension is a connecting link in that system that I now ask the House to adopt the report and sanction the construction of this railway.

Question put and passed.

The POSTMASTER-GENERAL: I beg to move—

1. That this House approves of the plan, section, and book of reference of the proposed extension of the Burrum Railway from Howard to Bundaberg, from 18 miles 08 chains 79½ links to 54 miles 42 chains 10½ links at 0 miles 6 chains 70 links on the Wharf Branch, North Bundaberg, as received from the Legislative Assembly by message on 3rd December.

2. That such approval be notified to the Legislative Assembly by message in the usual form.

These resolutions are natural consequences of the one we have already approved.

Question put and passed.

PERSONAL EXPLANATION.

The Hon. J. S. TURNER said: Hon. gentlemen,—I rise to move the adjournment of the House for the purpose of referring to certain remarks which, according to *Hansard*, were made, during my absence from the Chamber last evening, by the Hon. Mr. Graham. He is reported to have said that, in the event of the Hon. Dr. O'Doherty moving an amendment on the Payment of Members Expenses Bill, then before the Chamber, to the effect that it should be extended to members of this Chamber, not more than three other members would have voted with him, and he was good enough to say that I

was one of those three. I wish distinctly to state that the Hon. Mr. Graham had not the slightest authority for making that statement. I have never been, in any degree, in favour of payment of members—at any rate of this House. I have always held that no one should take a seat in this House who is not in thoroughly independent circumstances, and therefore above any such trifle as payment of members would give. I am not in favour of payment of members to the other House; but if I had been here last evening the probability is that I should have voted in favour of the Payment of Members Expenses Bill, so far as regards the other House; not because I approve of the payment of members, but because, regarding that Chamber as the custodians of the purse of the country, and their proposal on this occasion being a very moderate one, I should have thought it my duty to let them have it. But with regard to the payment of members of this House, I repeat that I am—and always have been—emphatically against it. I should not have risen except to make this explanation, but I may refer to the little pleasantries which were associated with my name last evening. Coming from the source whence they did—the hon. gentleman being an intimate friend of mine—I am quite sure that they were made in perfectly good part, and I am not going to allow myself in any way to be vexed by them. At the same time, I do regret these personal allusions. I wish to explain, with regard to my attendance in this House, that I believe the record of it will show that my attendance is at least above the average attendance of other members; and therefore I do not think that it was proper to refer to me personally as the “member of irregular habits” in his attendance in this House. I have always, when I could at all make it convenient, attended; and I think that so long as I conform to the Standing Orders of the House and perform conscientiously what is my duty, I am not amenable in any way to any member of the House with regard to my attendance; and I shall not change my plan in the future in consequence of any remarks of that kind being made. I repeat that I deprecate all these personal allusions, and if hon. members want to indulge in pleasantries I shall feel very much obliged if they will not do it in regard to me.

The PRESIDENT: Does the hon. member move the adjournment of the House?

The Hon. J. S. TURNER: I move the adjournment of the House.

Question put.

The Hon. W. GRAHAM said: Hon. gentlemen,—As I suppose I am the culprit in this case, I will say a few words. I am very glad that the Hon. Mr. Turner regarded what I said as mere pleasantry, and I know that he thoroughly understands that it was nothing more.

The Hon. J. S. TURNER: Certainly.

The Hon. W. GRAHAM: But at the same time I do stick to what I said. I would have liked very much better to have heard the expressions which have fallen from the hon. member to-day on the motion for the adjournment of the House spoken by him in his place with regard to the Bill last night. I do not wish to dictate to the hon. gentleman with regard to his attendance in this House; but at the same time I have a perfect right to criticise the conduct and attendance of any hon. member. If the hon. member had been in his place last night, and given the same reasons that he has given now, I am very sure that they would have given satisfaction to the House, and it would have been more in accordance with his duty as a legislator of the Council,

The Hon. W. H. WALSH : Hon. gentlemen,—The Hon. Mr. Turner has admitted by his “Hear, hear” that he regarded the remarks of the Hon. Mr. Graham as mere pleasantries. If they were so, the hon. gentleman was not justified in taking up the time of the House this afternoon by discussing them. That is very clear. I avail myself of the opportunity of the adjournment of the House being moved to call the attention of hon. gentlemen, and the Postmaster-General in particular, to the fact that it is nearly a week ago since papers were ordered by the House to be printed; they are not only not printed and circulated amongst hon. members, but on my calling at the Government Printing Office to-day I was clearly told that they would not be circulated during this session. I was quite prepared for that statement; I had anticipated it. I believe there is a great controlling influence over the Government Printing Office of this colony—a very great one, not an official one at all—and I was not surprised. I think it my duty to inform hon. gentlemen that papers ordered to be printed so long ago as almost a week—a week within one day—are not in their hands now; and I, at any rate, am justified in further stating that they will not be during this session. I wish it to be distinctly understood that if those papers had been put into our hands, as they ought to have been, within a few hours after they were ordered, I should have founded a motion upon them. This is one mode of defeating business in this Chamber, and I call the attention of the Postmaster-General especially to it, since it was at my instigation or request that he moved that the papers be printed.

CROWN LANDS BILL—FREE CONFERENCE.

The PRESIDENT : The time having arrived for the Free Conference with the Legislative Assembly upon the Crown Lands Bill, I now direct the Clerk to call over the names of the managers on behalf of the Council.

The CLERK thereupon called over the names, and the hon. members who had been appointed as managers answered thereto.

The PRESIDENT : The House will resume business on the return of the managers.

The managers for the Council having returned, remained standing, while,

The Hon. T. L. MURRAY-PRIOR said : I have to report that the managers of the Free Conference upon the subject of the Legislative Assembly's amendments on the Legislative Council's amendments on the Crown Lands Bill have met the managers for the Legislative Assembly in free conference, which, on their part, was managed chiefly by the Hon. S. W. Griffith and others, who used divers arguments in support of some of their disagreements, and did not offer further reasons for others; and the managers now report that certain agreements were come to at the Conference, which agreements I have now the honour to communicate :—

“The Managers of the Legislative Assembly—

“Insist in their disagreement to the Legislative Council's amendment in clause 20. Except the omission of the last line thereof, to which they agree.

“But propose to insert the following new clause to follow clause 20 :—

“21. Any person aggrieved by a decision of the board, whether on an original hearing or on a rehearing, may within one month after the pronouncing of the decision or the refusal of the Governor in Council to remit the matter to the board, as the case may be, appeal from the decision to the Supreme Court, which is hereby authorised to hear and determine such appeal.

“The appeal shall be in the nature of a rehearing, and shall be brought, and the proceedings therein shall be had, in such manner as may be prescribed by Rules of Court.

“The appeal shall be heard and determined by a single judge, but the judge shall, if required by either party to the appeal, call in the aid of two assessors specially qualified, and shall hear and determine the matter with the assistance of such assessors.

“One assessor shall be nominated by each party, but such nomination shall be subject to the approval of the judge.

“Evidence on an appeal to the court may be taken in the same manner as is hereinbefore prescribed in the case of matters heard and determined by the board.

“An appeal shall lie to the Full Court from any decision of the judge upon a question of law.”

“And also the following new clause to follow clause 110 :—

“No appeal shall lie to the Supreme Court from a decision of the board determining the amount of compensation payable to a pastoral tenant or lessee under this part of this Act.”

“Are not able to agree to the amendment of the Legislative Council in clause (f) of subsection 4 of section 56, but propose to omit the whole of clause (f).

“Without waiving their right to insist only upon the reason previously offered, offer the following additional reasons for disagreeing to the amendments in section 71, already disagreed to :—

“Because under the provisions of the 55th section it would be possible for a man to acquire a freehold as soon as he had complied with the conditions entitling him to a lease;

“Because it is desired to encourage the acquisition of land for *bona fide* and actual settlement only, and requiring residence for so short a period as five years before acquiring a freehold, in the case of large selections, would not have that effect;

“Because it is always in the power of Parliament to reduce the time if it should be found, on experience, that ten years is too long a period; but the period once fixed as a condition of the lease cannot afterwards be increased without an unfair violation of vested rights.

“And have offered no further reasons for disagreeing to the other amendments of the Legislative Council.”

The POSTMASTER-GENERAL said : Hon. gentlemen,—We none of us have any personal experience of the course of procedure to be adopted on this occasion; but it appears, on reflection, that the most satisfactory way for us to proceed now would be to proceed with the motion that was being discussed when the business of the House was suspended: that was, the motion for the adjournment of the House. When that is disposed of, I propose to move that the President leave the chair, and the House be put into a Committee of the Whole for the purpose of considering the report of the Council's managers to the Free Conference with the Legislative Assembly.

Question of adjournment put and negatived.

The POSTMASTER-GENERAL : I now beg to move that the President leave the chair, and the House be put into a Committee of the Whole for the purpose of considering the reply of the Council's managers to the Free Conference with the Legislative Assembly.

The Hon. W. H. WALSH : Hon. gentlemen,—This is certainly the most extraordinary evening's or day's proceedings I ever witnessed in my life. Without a spark of regularity in our proceedings, we have been going on from bad to worse from the commencement made this afternoon. The most important motion that can be made is that the House should adjourn, and that motion was this afternoon, without rhyme or reason, set at naught by the peculiar conduct—well, I will say, of the members themselves. It was set aside in such a way as I never saw before, and as I trust I shall never see again. Bear in mind what I say. We have an undoubted right to adjourn this House at any moment we think fit for the purpose of stopping all future business. We had a motion for adjournment before the House, and that motion was intruded upon at least three or four minutes before the prescribed time we had arranged to meet at the Conference with the managers from the Legislative Assembly. I state that distinctly, and I will bear no contradiction upon the point.

The Hon. W. FORREST: No.

The Hon. W. H. WALSH: Who says "No"?

The Hon. W. FORREST: I say "No."

The Hon. W. H. WALSH: I beg the hon. gentleman's pardon—I say he is wrong. I am quite as accurate as he is in this matter, and I say, with all due deference to him, and without desiring to contradict him or to doubt his word for a moment, that he has been misinformed. I say he is wrong, and I can appeal to a surer authority than himself on the subject. Let that pass, however, and perhaps the hon. member will contradict me in this—I say we have a prescriptive right when we want to close any business, whether it be a Conference with the other Chamber or the consideration of future matters, to adjourn this House, and thereby prevent such business from proceeding. Can the hon. gentleman deny that? I say the hon. gentleman by his precipitation or wrong keeping of time assisted in setting aside our undoubted prerogative. Of course I shall meet with some objection from the hon. gentleman, and other hon. gentlemen holding his views in the Chamber, but I am now going to protest against our being hurried into this without knowing what our delegates have done. It may suit the Postmaster-General, who has probably been advised by his chief to say it is all right and all correct. We have heard read an epitome or category of the proceedings that took place at this ever-memorable Conference, by the Hon. Mr. Murray-Prior. I did not hear a word of what he said. He addressed himself, and I think most improperly, if the hon. gentleman will allow me to make such a statement regarding him, entirely to the President. If I may be allowed, as a junior member in this Chamber to himself, I may say his duty was to address the members of this House, and not the President; and he addressed himself most closely to the President, by which I, and probably other members, were unable to catch the statements which he was making, and which, I presume, were of an important character. My desire now is to point out to this House that we are not in a condition to consider this subject. We have not received sufficient knowledge on the subject. I do not know, for instance, what are the agreements arrived at, and what are the arrangements made, but I do know that the Postmaster-General seems to be very satisfied with them, and is prepared at once to rush into the sanctioning of them, and to me, that is a matter of remarkable suspicion. No doubt the Hon. Mr. Forrest, who feels that he, next to the Hon. Mr. Gregory, has been the author, designer, and creator of all this matter—and I give him credit for doing so, but he has his weak moments like the rest of us, and I believe he has been "got at" this very day; I believe he is going to accede to the rapid passing of these agreements, which were not read to the House, and which we certainly did not hear. If he is going to accede to that, I have no hesitation in my own mind in saying that the hon. gentleman has been "got at" by the mellifluous tones of the Postmaster-General, or the still more engaging manner of, probably, the Premier of the colony, with whom I think I have seen him engaged in most earnest conversation. However, hon. gentlemen, I protest against our going on with the most important discussion that ever engaged the attention of the Legislature this evening, when we literally know nothing about the fidelity or the action taken by our representatives. I protest against our going on where we are in a state of utter darkness; and especially as the action of our representatives, who were the opponents from first to last of this Bill, seems to have met with the approval of the hon.

the Postmaster-General. The matter is suspicious, and I demand that we, as a component part of the Legislature of the colony, should let the country have an opportunity of seeing what has been done, and give them time to form their opinions as to our conduct. I say for God's sake do not, because our representatives at this Conference chose to have been waylaid, misled, cajoled, and taken advantage of by the persuasive powers of the Government—let us not by any means consent to them until we understand what we are doing, and until we thoroughly believe that what we are doing is for the best interests of the people of the colony. I protest against our going on this evening, long before we understand what has been the result of this weighty Conference, and arriving at a conclusion that may affect the future weal and best interests of the colony, in order that hon. members may, at any rate, exemplify to the country the one fact that we are unwilling to discuss the matter without a full knowledge of what we are doing, or are prepared blindly to follow the advice of the Postmaster-General. I beg to move that—

After a pause—

The Hon. W. H. WALSH: I have to apologise to hon. gentlemen for delaying them a short time getting the motion put into shipshape form. What I propose to do now is, to move that all the words after "that" be omitted, with the view of the insertion of the words "that the consideration of the report stand an Order of the Day for to-morrow."

The POSTMASTER-GENERAL: I really hope the hon. gentleman will not insist upon his amendment. We are within four or five days of Christmas; everybody in the Legislature is exceedingly tired and anxious to get home; there has been most unusually prolonged deliberation over the Bill; every little word has been studied over and over again, and considering that we know it more thoroughly than any other printed matter in the world, probably, I think we ought to proceed with it and come to a decision. The six gentlemen who were appointed to represent the views of this Chamber have conferred with the Legislative Assembly; they have mutually come to an understanding; that understanding has been reported to us; and does anybody believe for a moment that any one of those six gentlemen will go back from that understanding; that any of those six gentlemen will commit a breach of the trust reposed in them by the majority of this House; or that if we discussed the matter for three weeks longer we will vary one jot from the decision arrived at?

The Hon. W. H. WALSH: I will.

The POSTMASTER-GENERAL: One hon. gentleman may; but will all the illumination that we can throw on the matter alter the result in the slightest degree? I say we are committed in honour to be guided by the decision those gentlemen have arrived at, however—

The Hon. W. H. WALSH: No, no!

HONOURABLE MEMBERS: Hear, hear!

The POSTMASTER-GENERAL: However distasteful it may be to some members of the minority. Under these circumstances—feeling satisfied that the prolongation of the discussion will not vary the result in the slightest degree, and considering the late period of the session and the approaching holidays, I earnestly implore the hon. gentleman—I think this is the first time I have gone so low as that—I earnestly implore him not to persist in his amendment.

The Hon. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I fully agree with what the hon. the Postmaster-General has said, and trust that the Hon. Mr. Walsh will not press his

amendment, which he must see is distasteful to the Council generally. He may depend upon it that the managers of the Conference for this House fully understood their duties, and discharged them to the best of their ability for the good of the country. I am sorry the hon. gentleman did not hear me, but I had a Bill to present to the hon. the President, and I also went where I did to be near the lamp in order to see what I had to read. Had I known that the hon. gentleman did not hear me, I should certainly have tried to see from another place. There was no intention of any discourtesy on my part. I think, as the hon. Postmaster-General has said, that no matter how long the discussion may be prolonged, we will arrive at no other determination than we have arrived at. I believe the hon. gentleman has arranged for printed copies of the report of the managers to be sent round to hon. members, so that we shall be able to read them at once.

THE HON. J. TAYLOR: Hon. gentlemen,—I quite agree with what the hon. the Postmaster-General has stated, and I feel very vexed and annoyed that the Hon. Mr. Walsh should assert his right to persist in his amendment. The Postmaster-General begged of him not to oppose going on with this business, and almost went down on his knees to him.

THE HON. W. H. WALSH: No, no!

THE HON. J. TAYLOR: Very nearly; I watched him. I hope and trust the hon. member will not maintain his opposition to business now going on. I, myself, thoroughly understood what the Hon. Mr. Murray-Prior read, and I am perfectly satisfied in every respect with what our managers have done in the Conference. They have done far more than I, for one, expected they would; and I consider that it is a great victory for the old women and imbeciles of this House to gain. We have been called so; but I say that, at any rate, the party we sent down has been able to cope with the others; and I hope that the other House is as well satisfied with the result as we are.

THE HON. W. GRAHAM said: Hon. gentlemen,—I do not admire very much the taste of the last remarks of the Hon. Mr. Taylor. I do not look upon it as a great victory, and even if I did I do not consider it is decent or in good taste to talk of it as a great victory. We have tried to do what we could, and I suppose we have done it. I honestly confess that I do not know what we have done yet. I have no doubt the Hon. Mr. Murray-Prior was perfectly in order in turning his back upon the whole House and addressing himself to the President. He is a gentleman who is always right in those little details, but still it was a little awkward for people sitting here to hear him; and I certainly do not know what the managers of the Conference have done, and I am not going to pass any great eulogism upon them until I find what they have done. I have had put into my hands clause 21, which I find, as printed, is incorrect; that it is not what they agreed to at all. I had to get one of the managers to put in pencil for me the alterations that have been made. I think there is no need for hurrying on, and we might very well take this business tomorrow. I think we may very well wait until the proceedings are printed, and members of the House have a chance of seeing what our managers have done for us. We shall then be in a much better position to debate the question—because it is not finished. We have not yet agreed to what our managers have done, and I think we ought to know clearly and distinctly what they have done before coming to any decision in the matter.

THE POSTMASTER-GENERAL: It will be clearly explained in committee.

THE HON. W. FORREST said: Hon. gentlemen,—I do not know how far the Hon. Mr. Graham is in order in referring to a paper which is not properly in the hands of any hon. member. There were some resolutions printed for the convenience of the managers of the Conference, and which were placed before them. Some were agreed to, others were amended, and one of the printed papers containing a resolution that was amended has found its way into the hands of the Hon. Mr. Graham, and he has taken occasion to raise a discussion with respect to it. He says that he had to get it corrected by one of the managers. I do not think he ought to attempt to raise a discussion respecting it. I know that the manager who gave him the information told him also that the correct document is now in the hands of the hon. the President; so that if he took one portion of the information from that manager he ought to have taken the other, and made no reference to it. As far as settling this matter is concerned, I think we have discussed it quite long enough. We all know all about the Bill. Those who do not know the Bill have evidently been paying no attention to it. For my own part, I have got it off by heart, and I can say that I gave the matter in the Conference just as careful consideration as I did when it was before this House; and if hon. members, who object to going on with this business because they do not understand it, had given it the same consideration that I and other hon. members have bestowed upon it, they would know all about the Bill and the amendments.

THE HON. W. GRAHAM: Hon. gentlemen—

THE PRESIDENT: The hon. gentleman has spoken.

THE HON. W. GRAHAM: I wish to make an explanation.

THE PRESIDENT: It can only be done by the consent of the House. If any hon. member objects you cannot speak.

THE HON. W. GRAHAM: I say the statement is untrue.

THE HON. W. FORREST: I protest against this—

THE PRESIDENT: It is utterly irregular.

Question—That the words proposed to be omitted stand part of the question—put, and the House divided:—

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THE HONS. C. S. Mein, J. Swan, A. Raff, A. J. Thynne, T. L. Murray-Prior, P. Macpherson, J. C. Heussler, J. F. McDougall, J. C. Smyth, F. H. Hart, W. Aplin, W. Forrest, A. H. Wilson, G. King, W. F. Lambert, W. D. Box, J. Taylor, A. C. Gregory, W. Pettigrew, and D. F. Roberts.

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THE HONS. J. S. Turner, W. H. Walsh, W. Graham, and K. I. O'Doherty.

Question resolved in the affirmative.

Original question put and passed; and the House went into Committee.

THE POSTMASTER-GENERAL said that as there seemed to be some doubt as to the result of the Conference, with the permission of the Committee he would endeavour to give them complete information. He would first read the report of the managers; and if hon. gentlemen would keep the Bills in their hands they would be able to follow him. [The Postmaster-General then read the report at length.] Having read the report as brought up by the Hon. Mr. Murray-Prior, he would now ask hon. gentlemen to turn to the message last sent by the Council to the Assembly, which contained the points at issue between the two Houses up to the present moment. They would then be able to understand exactly the results of the

Conference. It would be more convenient perhaps to allude to the matters *seriatim*. The question with regard to pre-emption remained as the Council left it—that was to say, their amendments in clauses 6 and 7 had not been referred to in the Conference. The effect of that was simply that a message would be sent to the Assembly, saying that the Council insisted on their amendments in clauses 6 and 7, to which the Assembly had disagreed. Nothing was said in the report about Part V. with regard to scrub lands, the effect being that, inasmuch as the Assembly did not offer any further reasons, it was understood that the Council would insist upon their amendments relating to the excision of the provisions of the Bill with regard to scrub lands. In reference to clauses 20 and 21, the effect was that the Council would not insist upon its provision that there should be an appeal from the decision of the board to arbitrators appointed by the different parties; but it was provided that there should be an appeal from the decision of the board to a judge of the Supreme Court, assisted by two assessors approved by him, and nominated by the parties interested if they so wished; and that an appeal should lie from that judge to the Full Court on matters of law, the appeal from the board having to be made within four weeks after the decision objected to. With regard to the amendment in subsection 1 of clause 28, nothing was said; so that the Council would insist on their amendment in that subsection. Nothing was said in the report with regard to those portions of the Bill providing for the increase of the maximum area of agricultural farms; and the effect was that the Council would insist upon their amendment increasing the maximum from 960 acres to 1,280 acres. The particular reference to clause (f) in subsection 4 of clause 56 amounted to this: that the Conference had agreed that the matter in dispute would be settled by excising clause (f) altogether. The effect of this would be that agricultural and grazing farms would be in the same category as runs held by pastoral tenants. The board would determine the rent for each successive period, and either go below or above the previous amount, no minimum or maximum being fixed. With regard to the amendments in clause 71, to which he saw no reference in the report, it was proposed that the Council should not insist on their amendment providing that instead of ten years being the period during which an agricultural lessee should be in occupation before the right to purchase should accrue, he should be in occupation only five years; in other words, the provisions of the Bill in that respect as they came from the Legislative Assembly would be accepted—that was, the word “ten,” for which the Council had substituted “five,” was to be retained. To bring matters now to a point he proposed that the House insist on their amendments in clause 1; clause 4, lines 14 and 39; on the omission of clauses 75 to 79; and on their amendments in clauses 121 and 139. Those were the amendments which provided for the excision of the provisions with regard to scrub farms.

The HON. W. H. WALSH said there was something extremely curious in the motion as put, and the impotent explanation given by the Postmaster-General with regard to clause 71. The clause had apparently been omitted from observation—was he right there?

The POSTMASTER-GENERAL: I said I did not see it in the report.

The HON. W. H. WALSH said the hon. gentleman found that there was an error, and he tried to glide over it. But should not the Committee demand a straightforward, plain explanation? He felt a certain amount of shame come

over him in regard to that one clause. He did not know what it contained, or anything about it. Yet the manager of the Conference was going to allow the motion to pass without offering any explanation. Was that the way Land Bills should pass? Was it by blundering and collusion? He remembered the Land Bill of 1868 passing. He then told the Minister for Lands of the day that he crawled down on his very belly to get the Bill passed by the Assembly; and he never made a truer statement. And were they now going to drag the Land Bill through that Chamber? The Postmaster-General stumbled over a mistake made in the report, and the manager of the Conference was not going to give any explanation.

The HON. T. L. MURRAY-PRIOR: I am.

The HON. W. H. WALSH said he thought he could awaken the hon. gentleman to a sense of his duty, and a knowledge of that high character he possessed as a manager of any business in that Chamber. But how would it have been if he had not risen? They had the acknowledgment of the Postmaster-General that the clause had been inadvertently omitted, and but for him (Hon. Mr. Walsh) the manager of the Conference would have allowed the omission to pass without explanation. Surely he was entitled to some acknowledgment when he pointed out those serious defects! Surely the country was not reduced to such a strait that they were compelled to pass a Land Bill which might seriously affect the future welfare of the colony before they understood it! Was there one hon. gentleman, except those who attended the Conference, who knew one bit about the agreement entered into with the other Chamber? At an earlier period of the evening he importuned for the postponement of the debate till to-morrow; and was the Bill of such insignificance to the country that they could not afford that time for its consideration? Were their private obligations and public exigencies so great that they could not wait one night before entering on the consideration of such an important matter? Was it to be hurried forward simply because five or six members of that House had been appointed to assist at a Conference—simply because they agreed to it? Was a measure so seriously affecting the future interests of the colony to be hurried forward in that way? And then, in the very first resolution, moved by the Postmaster-General, he had to confess that there was something wrong in clause 71, and he did not understand it. He implored them, as members who had the sacred charge of the destinies and property of the colony, to look seriously into the duties that devolved upon them. He implored them not to allow an important measure of that kind, affecting the future weal and welfare of the colony, to be hurried through simply because some members from the Darling Downs wished to get to their homes, or because the Postmaster-General, at the instigation of his colleague, wished to close the session. It was not their duty to close the session, but it was their duty to see that the welfare of the colony was secured. That evening when they commenced, and he saw that a certain amount of ignorance prevailed and an undue anxiety prevailed on the part of hon. members to rush the Bill through, he asked, as he had a perfect right to do, that they should postpone the further consideration of it till to-morrow. If that was asking too much on behalf of the people of the country then let him demand nothing more than their right.

The HON. T. L. MURRAY-PRIOR said that the Hon. Mr. Walsh said that but for him the managers of the Conference would never

have given any information. How could the hon. gentleman say that? The motion now before the House was simply a motion about scrub farms.

The HON. W. H. WALSH: I do not care. That was not the motion.

The HON. T. L. MURRAY-PRIOR said the Postmaster-General was going through the Bill, and he would read to the hon. gentleman what was said upon that subject.

The HON. W. H. WALSH: Hear, hear! I will be very glad to hear it. We did not hear it before.

The HON. T. L. MURRAY-PRIOR said the hon. gentleman should understand that he was not the only one who wished to see that the welfare of the country was looked to.

The HON. W. H. WALSH: Prove it!

The HON. T. L. MURRAY-PRIOR said he would again read for the hon. gentleman what he unfortunately had not heard, upon that portion to which the hon. gentleman referred; and he trusted the hon. member would then be satisfied:—

"Without waiving their right to insist only upon the reason previously offered, offer the following additional reasons for disagreeing to the amendments in section 71, already disagreed to:—

"Because under the provisions of the 55th section it would be possible for a man to acquire a freehold as soon as he had complied with the conditions entitling him to a lease;

"Because it is desired to encourage the acquisition of land for *bond fide* and actual settlement only, and requiring residence for so short a period as five years before acquiring a freehold, in the case of large selections, would not have that effect;

"Because it is always in the power of Parliament to reduce the time if it should be found, on experience, that ten years is too long a period; but the period once fixed as a condition of the lease cannot afterwards be increased without an unfair violation of vested rights."

It was not to be supposed that a conference between two sections of Parliament could agree, having certain disagreements between them, without one party giving way in something; that was what they had done, and he himself thought they had done right in so acting. It was simply that in clause 71, where the Council omitted the five years with a view of substituting ten years, and he was inclined for one to agree to it, because he found he had been wrong in his previous reasoning upon the Bill. He had thought that if they omitted each ten years it would really amount to thirteen years, and if five years, it would amount to eight years; because a certain time would have to elapse before the improvements could possibly be made. He found, on further looking into the matter, that the lease commenced from the first, and therefore the period of ten years would only mean ten years, and not thirteen years; and it could be altered if Parliament thought it necessary to do so. It was well known that the Bill was a kind of experiment, and he believed it would have to be remodelled before very long, and that would be one question that would require remodelling. He trusted the hon. gentleman was satisfied with what he had said.

The HON. W. H. WALSH said he did not understand the hon. gentleman, and therefore he was not satisfied. He wanted to know how it was that the 71st clause had been referred to by the Postmaster-General, without his being able to explain its quality or connection with the Bill at all. He dared to say it was in the secret mind of the hon. the conductor of that league, or conference. He did not wish to use any disrespectful terms in speaking of it.

The HON. T. L. MURRAY-PRIOR said he could give the hon. member further information if he wished it.

AN HONOURABLE MEMBER: No.

The HON. W. H. WALSH said the hon. member would be told not to do it. Certain members of the Conference had got their little game, and they told the hon. the leader of the Conference not to disclose it. The doors were shut when they ought to be laid wide open. He was not going to prolong the discussion, but he simply said that they were not in a position at all to understand or to agree to the arrangements made at that Conference. The matter should be adjourned, and they should be called upon to-morrow or at some future time to say whether they agreed to the arrangements made or not. They should be given time to understand them, and to expect the Postmaster-General to describe them without being pressed on, because the Hon. Mr. Forrest, the Hon. Mr. Murray-Prior, and the Hon. Mr. Taylor, and others of that ilk were satisfied with them. He was not. However, the idea of such a conclave agreeing to the management of the Postmaster-General was quite sufficient to induce him to object to the proceedings in the strongest possible terms. He again urged the Postmaster-General to move the Chairman out of the chair, in order that they might know more than they did then of what they were doing when they were next called upon to discuss the matter.

The HON. A. H. WILSON said he was very sorry to raise any objection to anything that had been done that afternoon; but he really thought the Hon. Mr. Walsh was quite right.

The POSTMASTER-GENERAL said he would point out that they were not now discussing clause 71. They were discussing the provisions with regard to scrub lands. When they came to clause 71 the hon. gentleman could discuss it.

Question put and passed.

The POSTMASTER-GENERAL moved that the House insist on the amendments in clauses 6 and 7. Those were the clauses relating to pre-emption.

The HON. W. H. WALSH said if ever there was a spectacle in parliamentary management offered to the world that was one just exhibited. Here they had a Bill brought in by the Government, upon which, so far as they possibly could, they had assured the country they meant to stand or fall, that they meant to make their railroads by; and the most important clause in the Bill had not only been dealt with by the Opposition, and particularly by the Hon. Mr. Murray-Prior, and the Hon. Mr. Gregory, and other Darling Downs representatives, but it was absolutely objected to *in toto*, and at the time it was so it appeared so important a clause in connection with the Bill that the very destinies, faith, and character of the Government depended on its being carried. He remembered well asking, openly, after that clause was struck out by a very large division in that Chamber, whether the Postmaster-General could with any decency or self-respect to himself and the Government proceed with the Bill. The hon. gentleman submitted to the defeat, and certainly left the impression upon him that the result would be to hon. gentlemen sitting on the other side a very serious disaster. But now he found that the Postmaster-General got up in that Chamber and moved that the amendment made in the other Chamber to restore that clause to the Bill should be disagreed to, and that with respect to the clause introduced by the Government which contained the whole pith,

question, character, and conduct of the Government. Well, was ever such a sight before. Here was a clause which contained the whole essence and pith of the Government measure—the one with which they posed before the country, and upon which they demanded the support of the people of the country to enable them to exact something from the occupiers of Crown lands. And yet, in the face of that, they had the extraordinary spectacle that evening of the Postmaster-General moving that amendment which was tantamount to saying that the clause should stand as it was, that the amendments made by the representatives of the people in the other Chamber, should be disagreed to. Well, thank God, he did not belong to a Government that would submit to such proceedings. Let him, at any rate, as he did most loudly that evening, raise his voice in opposing such parliamentary practice; such yielding to the big squatting influences that seemed to dominate over the Government at that moment; such a desecration of the proper power which a Government should exercise; and, further, such a departure from their public announcements of their political procedure which they had made from time to time. He should vote against the motion if it was only to save the Government from what he considered would be the ignominy and infamy of sanctioning such a motion as that. The clause of all clauses upon which the Government staked their existence, as the grand panacea for all land evils, and the clause upon which they were going to raise a revenue for the carrying on of public works in the colony—the clause, he said, of all clauses upon which they staked their existence as a Liberal Ministry, and as a Ministry capable of carrying out great works—that clause was going to be abandoned at the instigation of half-a-dozen squatters in that Chamber.

Question put, and the Committee divided :—

CONTENTS, 20.

The Hon. C. S. Mein, T. L. Murray-Prior, W. Pettigrew, W. F. Lambert, A. J. Thynne, J. Swan, P. Macpherson, A. Raff, F. H. Hart, A. C. Gregory, A. H. Wilson, G. King, J. F. McDougall, K. I. O'Doherty, J. S. Turner, W. Forrest, W. Aplin, J. Taylor, J. C. Heussler, and J. C. Smyth.

NON-CONTENT, 1.

The Hon. W. H. Walsh.

Question resolved in the affirmative.

The POSTMASTER-GENERAL said he now begged to propose: That the Committee do not insist upon their amendments in clauses 20 and 21; subsection 8 of clause 27, to which the Legislative Assembly have objected; and agree to the proposed new clauses to follow clauses 20 and 110. Those were the clauses that dealt with appeal. It was provided that there should be an appeal from the decision of the board to a judge of the Supreme Court, assisted by two assessors named by the parties and approved by him; an appeal lying from the judge upon the questions of land to the full court, but there should be no appeal to the Supreme Court upon questions with regard to compensation.

The Hon. T. L. MURRAY-PRIOR said he would point out that clause 20 was restored to its original form, with the exception of the last line, which said that "the decision of the board upon a rehearing shall be final."

The POSTMASTER-GENERAL said, to place the matter beyond doubt, he would withdraw his previous motion, and substitute the following:—That the Committee do not insist upon their amendment in clause 20, except the omission of the last line thereof.

Question put and passed.

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The POSTMASTER-GENERAL moved that the Committee agree to the following new clause to follow clause 20 :—

21. Any person aggrieved by a decision of the board, whether on an original hearing or on a rehearing, may within one month after the pronouncing of the decision or the refusal of the Governor in Council to remit the matter to the board, as the case may be, appeal from the decision to the Supreme Court, which is hereby authorised to hear and determine such appeal.

The appeal shall be in the nature of a rehearing, and shall be brought, and the proceedings therein shall be had, in such manner as may be prescribed by rule of court.

The appeal shall be heard and determined by a single judge, but the judge shall, if required by either party to the appeal, call in the aid of two assessors specially qualified, and shall hear and determine the matter with the assistance of such assessors.

One assessor shall be nominated by each party, but such nomination shall be subject to the approval of the judge.

Evidence on an appeal to the court may be taken in the same manner as is hereinbefore prescribed in the case of matters heard and determined by the board.

An appeal shall lie to the Full Court from any decision of the judge upon a question of law.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee agree to the following new clause to follow clause 110 :—

111. No appeal shall lie to the Supreme Court from the decisions of the board determining the amount of compensation payable to a pastoral tenant or lessee under this part of the Act.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee insist upon their amendment in clause 21, and subsection 8 of clause 27.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee insist upon their amendment in subsection 1 of clause 28.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee insist upon their amendments in clause 43; 2nd paragraph of clause 51; and 1st paragraph of clause 70.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee agree to the omission in clause f, subsection 4, of clause 56.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee do not insist on their amendments in clause 71.

The Hon. A. H. WILSON said he did not wish to make any objection to the amendment, but he did not agree with the printed explanation, which said :—

"Because it is desired to encourage the acquisition of land for *bona fide* and actual settlement only, and requiring residence for so short a period as five years before acquiring a freehold in the case of large selections would not have that effect."

He had for the last eighteen years had a very great deal to do with selections, and the more he saw of the Bill the more he was convinced that it legislated for the squatters against the selectors. Selectors would take up land on the understanding that before it was their own they must reside on it for five years, and that was quite long enough; but to reside on it for ten years before they had a right to call it their own was too much. Yet the Assembly tried to make out that ten years were the same to a selector as five years. He objected to that assumption, and if it came to a division he should oppose the motion.

The HON. W. FORREST said he disagreed with the Hon. Mr. Wilson altogether with regard to the advantages conferred on the squatters by the Bill. As nobody more strongly opposed the condition imposing ten years' residence on selections than he (Hon. Mr. Forrest), he would give his reason for having changed his opinion. It was contained in the last objection brought forward by the Assembly:—

"Because it is always in the power of Parliament to reduce the time if it should be found, on experience, that ten years is too long a period; but the period once fixed as a condition of the lease cannot afterwards be increased without an unfair violation of vested rights."

When he heard that he had no answer to make, Parliament could always reduce an excess of burden, but could not fairly increase an amount once fixed.

The HON. A. J. THYNNE said that, in addition to what the Hon. Mr. Forrest had just said, there was, to his mind, in the last reason of the Assembly managers, practically a direct invitation to selectors as soon as they had taken up selections to agitate for not only a reduction of that particular restriction, but the removal of many other harassing restrictions which the Bill imposed upon them. The very fact of the question having been so much debated in that Chamber and elsewhere, and the extreme stringency of the condition imposing ten years' residence, would precipitate the remedy for what he had always held to be unfair conditions upon selectors both of grazing and agricultural farms.

The HON. A. C. GREGORY said he had hoped that five years would have been decided upon; but the Conference, of course, involved some concession on both sides—they could not expect the Assembly to concede everything and they nothing. In that case the concession was one which they might fairly make; because it would be five years before it could come into operation, and there would be ample opportunity for the Legislature to reconsider the question, and, if they considered it desirable, to reduce the ten years to five. As he said before, they could not concede everything to the Assembly, nor could the Assembly concede everything to the Council, and that was one of the matters of compromise.

The HON. A. H. WILSON: A compromise in favour of the squatters.

The HON. W. H. WALSH said the words of the Hon. Mr. Gregory implied that in order to secure a successful result at the Conference the Council must show a craven spirit—they must make concession; but he (Hon. Mr. Walsh) said that the representatives of the Council should have shown a bold front, and stuck to the resolutions adopted by the Council. The representatives of the Council at that entertainment, or whatever it might be called, should never have made concessions at all; they should have supported the feeling of the Council. If they felt that they could not thoroughly support them they should have returned and represented the dilemma in which they were placed; but they should not have made one single surrender of the position, rights, and feelings of that Chamber. But under the management, or super-management, or extra-management of the Hon. Mr. Gregory, with apparently the connivance of the Postmaster-General, their rights, liberties, claims, and designs were bartered away; and now they were told that the managers made the best bargain they possibly could by consenting to the arrangements proposed. They should despise such arrangements. They had agreed to what were to be the principles of the Land Bill; they had delegated a party to represent them at

the Conference and perform certain duties, and he did not hesitate to say that those duties had not been faithfully performed.

The HON. A. H. WILSON said he should like to have some explanation, which might go before the country, in regard to the condition of ten years' residence on a selection. No reply had been given to the question he asked before—he had been treated with contempt. The condition of ten years' residence would not give the selectors any chance; in fact, with such a condition they would not have the heart to take up selections at all. He must confess that he did not understand a bit about the Conference. It seemed that everything was against the selectors. He was not a squatter, and must give his feelings to the selectors, who were, he considered, being very badly treated. Why should selectors reside ten years on a piece of land before they had a right to call it their own? It was quite enough to expect people to reside on land for five years before it became their own; but it was ridiculous to fix so long a term as ten years.

Question put, and the Committee divided:—

CONTENTS, 16.

The Hons. Sir A. H. Palmer, C. S. Mein, J. Swan, T. L. Murray-Prior, A. Raff, J. C. McCusker, J. S. Turner, W. F. Lambert, G. King, W. Aplin, J. C. Smyth, W. Forrest, A. C. Gregory, W. Pettigrew, A. J. Thynne, and F. H. Hart.

NON-CONTENTS, 3.

The Hons. A. H. Wilson, P. Macpherson, and W. H. Walsh.

Question resolved in the affirmative.

The POSTMASTER-GENERAL moved that the Chairman leave the chair and report the resolutions of the Committee to the House.

The HON. W. H. WALSH said he could not understand at all what they were doing with the Bill that evening. They had been discussing for the last three or four hours a matter they did not understand, and they would be in the same position for the next three or four hours to go on with the matter of that kind. He could not understand, therefore, why the Postmaster-General should move the Chairman out of the chair.

The POSTMASTER-GENERAL: We have done all the work.

The HON. W. H. WALSH said that surely the hon. the Postmaster-General might find some other congenial work to go on with—some other sacrifices of the people's rights. He simply protested, and he had to say that the further consideration of that matter should not at any rate be brought before them at least for a few days so that they might have time to fully consider it.

Question put and passed.

The House resumed, the CHAIRMAN reported that the Committee had come to certain resolutions, and on the motion of the POSTMASTER-GENERAL the report was adopted.

The POSTMASTER-GENERAL: I beg to move that the resolutions as agreed to be forwarded to the Legislative Assembly with the following message:—

Legislative Council Chamber,
Brisbane, 18th December, 1881.

MR. SPEAKER,

The Legislative Council, having taken into consideration the report of the managers on their behalf on the Free Conference with the Legislative Assembly relative to their amendments in the Crown Lands Bill, which were disagreed to by the Assembly and insisted on by the Council, beg now to intimate that they—

Insist on their amendments in clause 1, clause 4, lines 14 and 39, on the omission of clauses 75 to 79 inclusive, and on their amendments in clauses 121 and 139, for the reasons already urged.

Insist on their amendments in clauses 6 and 7 for the reasons already urged.

Do not insist on their amendment in clause 20, except the omission of the last line of the clause.

Agree to the insertion of the following new clause to follow clause 20:—

21. Any person aggrieved by a decision of the board, whether on an original hearing or on a rehearing, may within one month after the pronouncing of the decision or the refusal of the Governor in Council to remit the matter to the board, as the case may be, appeal from the decision to the Supreme Court, which is hereby authorised to hear and determine such appeal.

The appeal shall be in the nature of a rehearing, and shall be brought, and the proceedings therein shall be had, in such manner as may be prescribed by Rules of Court.

The appeal shall be heard and determined by a single judge, but the judge shall, if required by either party to the appeal, call in the aid of two assessors specially qualified, and shall hear and determine the matter with the assistance of such assessors.

One assessor shall be nominated by each party, but such nomination shall be subject to the approval of the judge.

Evidence on an appeal to the court may be taken in the same manner as is hereinbefore prescribed in the case of matters heard and determined by the board.

An appeal shall lie to the Full Court from any decision of the judge upon a question of law.

And the following new clause to follow clause 110:—

No appeal shall lie to the Supreme Court from a decision of the board determining the amount of compensation payable to a pastoral tenant or a lessee under this part of this Act.

Insist on their amendments in clause 21, and subsection 8 of clause 27.

Insist on their amendment in subsection 1 of clause 28, for reasons already urged.

Insist on their amendments in clause 43 in the second paragraph of clause 51, and the first paragraph of clause 70, for the reasons already urged.

Agree to the omission of clause (f) of subsection 4 of clause 56.

And do not insist on their amendments in clause 71, to which the Legislative Assembly disagreed.

A. H. PALMER,
President.

I beg to move that the message, as read by me, be forwarded to the Legislative Assembly.

Question put and passed.

OFFICIALS IN PARLIAMENT BILL.

On the Order of the Day being read,

The POSTMASTER-GENERAL moved that the President leave the chair, and the House be put into a Committee of the Whole to consider this Bill.

The HON. W. H. WALSH: Hon. gentlemen,—I put it to the hon. the Postmaster-General whether we have not done enough business for this evening. There has been a most extraordinary meeting of certain members in this House. I saw the Hon. Mr. Murray-Prior most earnestly and energetically carrying on a correspondence with the President. I saw other hon. members of the House equally engaging the attention of the Clerk at the table. It seems to me that some proceedings going on have entirely engrossed the attention of hon. members.

The POSTMASTER-GENERAL: If the hon. gentleman will pardon me, I have something to say, which will save the hon. gentleman speaking any more. With the permission of the House, I will withdraw my motion.

Motion, by leave, withdrawn.

The House adjourned at twenty-five minutes to 10 o'clock.