

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**THURSDAY, 22 NOVEMBER 1894**

---

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

THURSDAY, 22 NOVEMBER, 1894.

The PRESIDENT took the chair at half-past 3 o'clock.

THIRD READINGS.

RECONSTRUCTED COMPANIES BILL.—RABBIT BOARDS ACT AMENDMENT BILL.

These Bills were read a third time, passed, and ordered to be transmitted to the Assembly.

STANDARD TIME BILL.

ASSEMBLY'S AMENDMENTS.

The HON. W. H. WILSON explained that the amendments made by the Legislative Assembly were merely of a verbal character.

The amendments were agreed to.

The House resumed; and a message was sent to the Legislative Assembly intimating that the Council had agreed to the amendments.

SUSPENSION OF STANDING ORDER.

The POSTMASTER-GENERAL: I beg to move—

That so much of the 111th Standing Order as requires that "resolutions calling for the sanction of Parliament to the construction of railways and approval of plans, sections, and books of reference shall lie on the table for a period of one week" before being referred to a select committee be suspended during the remainder of the present session.

The suspension is intended to apply only to the four proposed railways now on the paper, and I do not think any danger is likely to arise from passing the motion.

Question put and passed.

NEW RAILWAYS.

CHILDERS TO CORDALBA.—BOGGO ROAD AND INDOOROOPILLY JUNCTION.—SOUTH BRISBANE WHARF LINE.—IPSWICH LEVEL CROSSINGS.

On the motion of the POSTMASTER-GENERAL, resolutions were passed referring the above railways to a select committee consisting of the following members—namely, Mr. Gregory, Mr. Norton, Mr. Clewett, Mr. Power, and the mover.

FRIENDLY SOCIETIES BILL.

COMMITTEE.

Preamble postponed.

Clauses 1 to 10, inclusive, put and passed.

On clause 11, dealing with the registry of societies—

The HON. R. BULCOCK thought the fee of £5 5s. to be paid to the certifying barrister was too much. The quantity of matter requiring to be examined was equal to not four pages of the present Bill, and he would move that the word "three" be substituted for "five."

The POSTMASTER-GENERAL said the fee was the same as had been paid for a considerable time. A revising barrister was appointed to specially devote his attention to those questions; and in three years the whole of the fees paid to him was considerably less than £100. The hon. gentleman did not appreciate the amount of work involved in examining the rules of these societies and finding out whether there was anything in them contrary to the provisions of the Bill. The clause had been well considered by those concerned, and he hoped it would be allowed to remain as it was.

The HON. R. BULCOCK admitted the importance of the work, but there was not much to be done. He had seen rules returned with only three or four small alterations.

The HON. C. H. BUZACOTT thought there was something in the contention of the Hon. Mr. Bulcock. There would be a solicitor's fee as well as the revising barrister's fee; and in societies in which there were only a few members the expense would be heavy.

Amendment put and negatived; and clause put and passed.

Clause 12 put and passed.

On clause 13, dealing with rules and amendments—

The HON. W. D. BOX pointed out that the fee to a revising barrister for approving of an amendment to a rule was £2 2s., which he considered too much.

The POSTMASTER-GENERAL said the fee was less than used to be charged. These amendments were not simple matters that could be dealt with in a moment. Each one involved a detailed study of the whole Bill, and in some cases they were very numerous. The fee was little enough to secure intelligent work on the part of a barrister. The £2 2s. covered all amendments that might be submitted at the same time.

Clause put and passed.

On clause 14—"Duties and obligations of societies"—

The HON. C. H. BUZACOTT said this clause covered four pages, and he did not see why it could not have been divided and subdivided so that anybody who read it could understand it. The Bill would be worked by men not skilled in the law, and they would not know what to do until the courts had construed the various clauses. Nobody could explain the provisions of a measure more clearly than the Postmaster-General, and yet when it came to putting anything on paper all these intricacies and difficulties arose. He hoped that in future Bills would be brought before Parliament in language that an ordinary educated man could understand.

The POSTMASTER-GENERAL said no law had been drafted so much in modern language as that relating to friendly societies. The clause was put in its present shape so that those connected with these societies could have their obligations put before them collectively. It was far better that way than to have a Bill with a couple of hundred clauses, because it would not always be worked by educated men. Those connected with friendly societies had had scarcely any difficulty in interpreting the laws they had to work under, and it was only in cases that the Act did not provide for that there had been any difficulties. They were putting before the House the concentrated experience of a number of years, and barristers and solicitors would be employed to a very small extent.

Clause put and passed.

The remaining clauses, the schedules, and the preamble were put and passed.

The House resumed; and the CHAIRMAN reported the Bill without amendment.

The report was adopted, and the third reading made an order for Tuesday next.

#### MINERAL LANDS (SALES) ACT AMENDMENT BILL.

##### COMMITTEE.

Clauses 1 and 2 put and passed.

On clause 3—"Governor in Council may grant licenses to construct drives through land intervening between leaseholds"—

The POSTMASTER-GENERAL said he proposed to move a series of amendments for the purpose of enabling the clause to be applied to those cases in which the working of one mining

lease was interrupted or prevented by the intervention of a piece of land between two portions of a lease.

The HON. A. C. GREGORY thought it would be desirable to also give power to run a drive through land coming between the properties of different owners if those owners so desired.

The HON. C. F. MARKS did not see how the rights of the individual were protected under the clause. It appeared to him that a license might be given to construct a drive through a man's freehold property whether he wished or not.

The POSTMASTER-GENERAL said the rights of freeholders were protected by the latter part of the clause, which provided for the license being granted upon such conditions, for the benefit of any person interested in the land through which the drive was to be constructed, as the Governor in Council might deem equitable. He had no objection to the amendment suggested by the Hon. Mr. Gregory if it could safely be incorporated in the clause.

The 1st paragraph of the clause was amended to read as follows:—

"When one or more mining leaseholds is or are wholly or partially divided or separated by other land held in fee-simple or by virtue of any mining lease or license, the Governor in Council may, subject to the provisions of this Act and the regulations, grant to the person or persons in occupation of such mining leasehold or leaseholds, or any of them, a license to construct a drive or drives through the land lying between or wholly or partially dividing or separating such mining leasehold or leaseholds, for the purpose of enabling the whole of such mining leasehold or leaseholds in the occupation of such person or persons to be effectually worked and mined."

The HON. A. NORTON thought the word "may" in the 3rd line of the 2nd paragraph was quite out of place. It was intended that the Governor in Council should decide upon certain reservations and covenants, and the wording of the clause was, "as the Governor in Council may determine." That word "may" was permissive, and in the 6th line the mistake of introducing it was still more apparent. He did not know whether the word had any legal significance beyond what was intended in ordinary language.

The POSTMASTER-GENERAL said the word, as used in the clause, implied something more than it did in ordinary language. It implied a discretion, and was something more than permissive. It would be a very awkward expression to say, "as the Governor in Council determines," and it would be hardly correct to use the word "shall."

The HON. A. NORTON said the use of the word appeared to make permissive what was already required before certain things could be done.

The POSTMASTER-GENERAL said if that word were not used they would not give proper expression to the discretionary power intended to be given to the Governor in Council. It reminded him of a celebrated professor of the English language whose lectures he used to attend, and who never got beyond the distinction between "shall" and "will."

The HON. A. C. GREGORY said the words "may" and "shall" had certain statutory meanings, and were not used in the ordinary conversational meaning.

Clause, as amended, put and passed.

The remaining clauses were put and passed.

The House resumed; and the CHAIRMAN reported the Bill with amendments. The report was adopted, and the third reading made an Order of the Day for Tuesday next.

The House adjourned at half-past 5 o'clock.