

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 16 AUGUST 1864

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LEGISLATIVE COUNCIL.

*Tuesday, 16 August, 1864.*Careless use of Fire Prevention Bill, read 2^d.—Public Buildings Bill, read 2^d.

CARELESS USE OF FIRE PREVENTION BILL.

The Hon. J. WATTS rose to move the second reading of the above Bill. He said it was merely a transcript of a Bill which had been passed in Victoria some few years previously. No doubt, honorable members would be aware of the circumstance which had led to its introduction in that colony. Owing to the great influx of population consequent upon the gold discoveries, such a measure had been found necessary, to prevent the destruction of a great deal of valuable property. It was found that persons travelling, and camping by the roadside, left their fires burning, and the grass and other materials, being very combustible, readily ignited. The consequence was, that many valuable homesteads were destroyed; and, he believed, upon one occasion, property to a very large amount, including stacks, corn, fencing, &c. The solar heat at one time of the year, rendered everything inflammable, and made it necessary to take precautionary measures against fire. The Bill before the Council would not only be useful to the owners of small enclosures near towns, but it would also extend to the pastoral districts. The honorable gentleman proceeded to review the various clauses in detail, and concluded by expressing his opinion that if the Bill were allowed to pass, it would be found of great value to the Colony.

The Hon. ST. G. R. GORE said he could not agree with the honorable gentleman that the Bill would be of service to the Colony. In his opinion, the majority of the clauses would prove inoperative and mischievous. The country to which the measure in force in Victoria applied, was of a totally different character. It contained large homesteads, and the pursuit of agriculture had been followed for a long time in that colony. For his part, he had never in the course of his experience known of any very serious damage caused by bush fires. No doubt a good deal of grass was burnt at times, but

that could not be prevented by any enactment. The fires were generally caused by the firesticks which were carried by natives, and therefore the Bill would be of little service. It was absurd to say that because a man set fire to a dry ridge on his own land, he must send a notice round to his neighbors; and equally so to require that persons travelling should have their names painted on their vehicles in letters one inch in length, particularly if they travelled in buggies, which would be defaced by the letters. He thought the Bill might be made useful, or at any rate comparatively harmless, if several of its provisions, which were quite inapplicable to the Colony, were omitted, and a clause inserted simply to prevent persons travelling along the roads from leaving their camp fires alight. He did not mean to take the extreme step of moving, as an amendment,—“That the Bill be read a second time that day six months,” but if it passed the second reading, he should certainly move that a great many alterations be made in committee.

The Hon. W. Wood said he was glad to hear the honorable gentleman who moved the second reading of the Bill say that he proposed to make certain alterations in committee, as he (Mr. Wood) conceived that they would be required. The twentieth clause, which stated that a person should not set fire to his own grass without ploughing a furrow round it, unquestionably required alteration. In the part of the country where he had been lately residing, ploughs were rarely, if ever, seen. It might, perhaps, be desirable to have a clause to prevent persons from leaving their camp fires alight, but even that appeared to him to be hardly necessary. If the clause which proposed to enact that all persons travelling should have their names painted on their vehicles in large letters were passed, there would be nothing but fines and penalties, although it would be difficult to prove the persons who really set the grass on fire. The Bill was evidently intended to apply to a country in which there were large agricultural interests, and not to pastoral districts, and was not adapted to the circumstances of this Colony.

The Hon. F. E. BIGGE also objected to the Bill, which, he considered, was altogether too stringent in its character.

The Hon. E. I. C. BROWNE suggested the propriety of withdrawing it. It was clear that the feeling of honorable gentlemen was against the measure, and the best thing that could be done would be to withdraw it. If it went into committee, there was little doubt but that it would come out in such a manner that the honorable gentleman who had moved it would hardly know it again.

The Hon. R. J. SMITH said that many clauses of the Bill were open to objection; but still, as it was very desirable that some steps should be taken to prevent the careless

use of fire, and many alterations could be made in committee, he would support the second reading.

The motion was then put, and the House divided, with the following result:—

Contents, 6.		Non-Contents, 4.	
Hon. J. Watts		Hon. F. E. Bigge	
„ F. North		„ E. I. C. Browne	
„ R. J. Smith		„ W. Wood	
„ G. Harris		„ St. G. R. Gore.	
„ D. F. Roberts			
„ J. Bramston.			

The Bill was then read a second time.

PUBLIC BUILDINGS BILL.

The Hon. J. BRAMSTON moved the second reading of the above Bill. The discussion which had taken place with reference to the chamber in which they met, was quite a sufficient guarantee as to the reception which the first portion of the Bill would be greeted with. There could be little doubt that the public offices in use were lamentably deficient in accommodation and appearance. The Government proposed to sell the land and buildings, which had been handed over by the Government of New South Wales at separation for public offices, and to apply the proceeds to the cost of constructing new ones. It was thought possible that those lands might not be of sufficient value to raise the money required, and therefore various other lands had been set apart within the city. The Government did not, however, desire to sell more land than was necessary to pay for the new buildings. That was the nature of the Bill which the Government, through him, asked honorable gentlemen to read a second time.

The Hon. ST. G. R. GORE gave his cordial support to the motion, and thought the Government had adopted a very wise course. If the buildings in question were constructed at the cost of the land in the vicinity of Brisbane, no one could grumble. He thought the Government had exercised a wise discretion in taking the bridge out of the hands of the corporation.

The PRESIDENT said he entirely concurred with the spirit of the Bill, but he objected to certain portions of the schedules, believing, as he did, that if passed they would have the effect of committing a breach of public faith. He could not imagine a more formal manner of pledging public faith than by an Act of the Legislature, and he considered that certain lands which it was proposed by the schedules to sell, were included among those of which the corporation of Brisbane were entitled by the Municipalities Act to receive a portion of the proceeds. As far as the spirit of the measure was concerned, it met with his entire approval, and he should, therefore, support the second reading.

The Hon. E. I. C. BROWNE cordially agreed with the Bill, and supported the second reading. He quite disagreed with the honorable President, in his opinion that

hardship would be suffered by the corporation if the schedules were passed. The municipality merely received the land from the public, and the public now resumed the trust to place it in the hands of the Government, who were far more capable of holding it than any municipality in Queensland.

The Hon. W. WOOD said the argument advanced by the honorable member who had just sat down, appeared to him a very unsound one. The guardian of a young man might say to him, "You can embark in business to a certain extent, and I will supply you with credit," and it would hardly be fair to take away that credit afterwards. The land had been promised to the corporation, and he did not see how it could fairly be resumed. If such a course were adopted, the banks would refuse to make advances to the corporation, or indeed to any corporation. He entirely approved of the principle that the public buildings should be erected out of the proceeds arising from the sale of lands in the neighborhood, and so far he should support the Bill. But he did not approve of the schedules, as he considered that a portion of the lands they referred to had been given by the Municipalities Act to the corporation, and should be reserved for them. In reality, the Bill proposed to punish Brisbane for being the metropolis of the Colony. The buildings would be public property; and if the land, from the sale of which it was proposed to construct them, was not sufficient to defray the cost, the remainder should be borne by the country, and not by Brisbane alone.

The Hon. J. WATTS said the honorable member who had just spoken, appeared to forget that if the Government sold the land in question, the corporation would not get one penny from the proceeds, because the Government had given a consideration for the lands thus held. Even for the property upon which the military barracks stood, the Government had given a *quid pro quo* in the shape of a site for the new gaol. The whole of the lands, therefore, virtually belonged to the Government. It had been said that the corporation of Brisbane had received less than any other corporation. But he would remind honorable gentlemen that £50,000 worth of land had been given for the erection of a bridge, which, although of general service, would certainly be more beneficial to the corporation and to the city of Brisbane than to any other place. It must also be taken into consideration, that large sums had been expended in dredging operations, and although the whole Colony would reap the benefit of such outlay, Brisbane would certainly derive the greatest advantage.

An honorable member: The railway!

The Hon. J. WATTS: Well, it was of little consequence whether the railway went to Brisbane or not. But there was this consi-

deration in connection with the railway now in progress, that it would cause a considerable influx of mechanics and artisans, whose arrival would give an impetus to trade, and enhance the value of the land which the Government had to sell, as well as increase the rates of the corporation. He could not see that any hardship would be inflicted upon the corporation, and he trusted there would be no opposition to the second reading of the Bill.

The Hon. D. F. ROBERTS said he thought the Bill was a very good one, but there were some points in it which he thought were unjust to the corporation of Brisbane. In clause five of the Municipalities Act there was a provision which gave to the corporation a sum not exceeding one-third of the sums received from the lands within the municipality. That was passed in 1861; and now, without any good reason that he could perceive, the House was asked to revoke that clause. Considering that the corporation were a trading body, who had to go to the banks and borrow money, he thought it unjust that the Legislature should be asked to take away from them lands, upon the faith of which they had, no doubt, raised some of their funds. Such a course would have the effect of putting a complete stop to the credit of the corporation. The clause which provided that land might be sold by tender appeared also to be a very objectionable one. The tender system was liable to a great deal of abuse, and he knew a case in which a gentleman had bought a block of land much under its real value under that system. ("Name, name.") He meant Dr. Hobbs, who had obtained possession of a piece of land for £600, for a small portion of which he was afterwards offered, and refused, £1,000. There was no doubt but that the real value of the land he bought so cheaply was £3,000 at least. In reply to the argument which had been urged, that so much money was about to be spent in Brisbane, he would observe, that in proportion to the improvements made in the metropolis would be the outlay required from the corporation to keep the streets and roads in repair. It could scarcely be denied that at present, with the exception of Queen and George streets, there was not a decent street in the city.

The Hon. R. J. SMITH said he did not consider that the municipality of Brisbane would be unjustly treated by the Bill, and he should support it. He must also observe, in reference to the large amounts said to be expended in Brisbane, that the condition of the streets, and the improvements generally, would not bear comparison with those of other towns, such as Ipswich for instance, where municipal affairs were much better managed.

The motion was then put and passed.