

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**THURSDAY, 26 JUNE 1873**

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LEGISLATIVE COUNCIL.

*Thursday, 26 June, 1873.*

Municipal Contracts Bill.

MUNICIPAL CONTRACTS BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to amend the law relating to Contracts with Municipal Councils. The object, he said, was to relieve municipal councillors from disqualification under the Municipal Institutions Act of 1864. This disqualification did not exist in Great Britain, or in any of the Australian colonies. The first clause provided that—

“From and after the passing of this Act the word ‘contract’ in the said enactment shall not

extend or be construed to extend to any lease sale or purchase of any lands tenements or hereditaments or to any agreement for any such lease sale or purchase or for the loan of money or to any security for the payment of money only."

The second clause provided that members interested, directly or indirectly, should not vote or take part in the discussion of any matter before the Council. The other clauses were to prevent any legal proceedings which might have been taken against aldermen under the Act being continued, and to provide that such aldermen should not be disqualified on account of certain contracts.

The Hon. H. B. FITZ said he had not read the Bill; but he thought it would be well for the Postmaster-General, who had charge of it, to give a little more explanation with regard to its provisions than he had given. Of course, honorable members could all read the Bill; but the Bill required a little further explanation upon being brought before the House than what he had heard. He was not in a position to offer any opinion upon the measure now under notice. He thought it was all correct. The honorable gentleman should explain fully what was the intention and meaning of the clauses.

The POSTMASTER-GENERAL: In answer to the honorable gentleman, the Bill was so easy, which was not always the case in legal matters, and the marginal notes were so plain, that they explained the whole object and scope of the measure. Two minutes of his honorable friend's time, with his commanding intellect, would have served to enable him to master it fully. The main provision was the first, which he had read. He could hardly see what he could do more than he had done. In trying further to explain the Bill, he should only have mystified honorable members. If the Honorable Mr. Fitz came to the House, and said he had not read a Bill, he was to blame, not the mover of it. He (the Postmaster-General) was the only representative of the Government in the Council, and it was not for him to go fully into every measure that he had to bring under the notice of honorable gentlemen. If he was asked any question, he was ready always to answer it, and to give any information that he could give.

The Hon. E. I. C. BROWNE: What the Honorable Mr. Fitz wished for was, to have the general reasons, the special necessity, for the Bill being brought forward explained; he wanted to be informed of the policy of it—why such a Bill was necessary. He (Mr. Browne) assumed that the main reason was, that it had been found very inconvenient, that a certain construction was always put upon the word "contract," which, he apprehended, restrained the transaction of business as between the Corporation and the people outside. That construction would not allow members of the Council to contract with the Corporation, so that they should not have inducements held out to them for their own

advantage; and it had put a stop to any dealings of the Corporation with an alderman. He imagined that the Bill had been brought in, in consequence of one particular transaction which had taken place in Brisbane.

The Hon. H. B. FITZ: Beattie's.

The Hon. E. I. C. BROWNE: He did not know. He surmised it was to get rid of an interference with the ordinary fair operations of trade in regard to the matters specified. The aldermen would not be relieved from restrictions in other matters.

The Hon. H. B. FITZ: The Honorable Mr. Browne took the same view as he did. When a Bill was introduced by a member of the Government, it was not enough that he should read the marginal notes. Honorable members could all do that themselves. They knew that the Bill was introduced merely on account of those cases which occurred between Beattie and Pettigrew and the Corporation, and for which Beattie was unseated.

The POSTMASTER-GENERAL: The Honorable Mr. Browne had given a very good explanation of the Bill. For his (the Postmaster-General's) own part, it appeared that most honorable members, specially legal gentlemen, would have known what the Bill was for. He did not feel himself justified in bringing forward cases. The Bill was to enable aldermen to enter into *bonâ fide* transactions with the Corporation, and it perfectly explained itself. There was no doubt that a barrister could put such things into words better than he could; but in this case there was no necessity for so doing.

Question put and passed.