

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 30 SEPTEMBER 1880

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LEGISLATIVE COUNCIL.*Thursday, 30 September, 1880.*

Absence of Presiding Chairman.—New Bill.—Proposed Railway Extensions.—Municipalities and Divisions Bill—second reading.—Licensing Boards Act Amendment Bill—second reading.—Chairman of Committees.—Census Bill—committee.

The House met at 4 o'clock.

ABSENCE OF PRESIDING CHAIRMAN.

The CLERK-ASSISTANT said he had to inform hon. members that he had received the following letter from the Presiding Chairman :—

"SIR,—Will you have the goodness to inform the Council, on its assembling to-day, that I am prevented by illness from attending in my place.

"I have, &c.,
"DANIEL F. ROBERTS."

The POSTMASTER-GENERAL (Mr. Buza-cott) said that he believed that under their Standing Orders it was necessary that the Acting-Chairman should for the day occupy the President's chair.

The ACTING-CHAIRMAN thereupon took the chair.

NEW BILL.

A message having been read from the Legislative Assembly, forwarding the Gold Mining Appeals Bill,

The Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

PROPOSED RAILWAY EXTENSIONS.

The POSTMASTER-GENERAL said he had given notice for the reference of the plans and sections of the various railways in separate motions, but with the permission of the House he would move them as one motion, making each a section of the motion. He proposed to ask the House to appoint the same members of com-

mittee for each railway, but thought that it would be more convenient to put them into one motion. He begged to move :—

1. That the Resolutions embodied in the Legislative Assembly's message of 22nd September, relative to the proposed deviation from 59 miles 70 chains to Caledonian Hill, Maryborough and Gympie Railway ; and the proposed Wharf Branch, Maryborough and Gympie Railway, be referred to a Select Committee, in pursuance of the Standing Order of 2nd October, 1879.

2. That the Resolutions embodied in the Legislative Assembly's message of 22nd September, relative to the Clermont line of railway, be referred to a Select Committee, in pursuance of the Standing Order of 2nd October, 1879.

3. That the resolutions embodied in the Legislative Assembly's message of 22nd September, relative to the Bundaberg and Mount Perry Railway, be referred to a Select Committee, in pursuance of the Standing Order of 2nd October, 1879.

4. Such Committee to consist of the following members, viz. :—Mr. Sandeman, Dr. O'Doherty, Mr. Walsh, Mr. Ivory, and the Mover.

Question put and passed.

**MUNICIPALITIES AND DIVISIONS
BILL—SECOND READING.**

The POSTMASTER-GENERAL said that the measure he had to submit to the House was a very simple one. It had become requisite in consequence of a presumed defect in the Local Government Act of 1878 which provided for the division of municipalities and the annexation of portions of outlying districts, and such other alterations as might be necessary. It also provided that for the first five years after the incorporation of a municipality there should be paid by the Treasurer an endowment equal to £2 for every £1 raised by rates. There were one or two clauses which inferentially led to the conclusion that when a portion was separated from an established municipality that portion should stand in the same position with regard to the endowment as the portion from which it was severed; that was to say, supposing a municipality to be constituted in 1880, and in the year 1885 a separation took place, neither the separated portions nor the original municipality would be entitled to the double endowment, which expired at the end of five years. To show that this was the intention of the Act, he would read section 7, which provided, in the case of a dissolved municipality afterwards reconstituted, that in estimating the amount of endowment from the Consolidated Revenue Fund to be paid to the said existing municipalities, such municipalities respectively should be deemed to have received such endowment for the period during which the said dissolved municipalities respectively received the same. There were one or two other references in the Act of a similar character which he need not read to the House. It became, however, a matter of uncertainty during the recess—when the people of South Brisbane petitioned for a severance from the Municipality of Brisbane and the establishment of another municipality—as to what the meaning of the Act was. The people of South Brisbane were under the impression that if the severance were assented to they would be entitled to receive the endowment of £2 for every £1. The Government, on the other hand, contended that they would be only entitled to receive the same endowment as if they remained a portion of the Brisbane Municipality. The matter was referred to the Attorney-General, who gave the opinion that the Act was uncertain in its language. Although the intention of the framer and the Legislature seemed tolerably clear, still there was so much uncertainty that he recommended the introduction of a Bill to set the matter at rest. The Bill before the House no doubt distinctly provided for the difficulty.

If it were passed the severed portion of a municipality would in future be exactly in the same position, in regard to the endowment, as the older portion. Of course, it would be very undesirable, on the ground of public policy, to offer a premium to municipalities to divide and sever. If any municipality had a right under the law to receive double endowment by the mere fact of dividing itself, that would, of course, be offering a premium which would have a very undesirable effect. The tendency of legislation ought to be to prevent these very small divisions—to prevent municipalities being cut into very small portions, which could not do the work as economically as large areas. The Bill would remove the doubt, and would make the law perfectly clear and in accordance with what the Government supposed to be the proper policy. He did not expect a long debate on the measure. His own reading of the Act, which of course he could not set against the legal interpretation, was that the measure was really not necessary, and that it was more a declaratory Bill than anything else. However, in its present form, the Bill had received the assistance of the leader of the Opposition in the other House, and he (Mr. Buzacott) had no doubt it met the exigencies of the case. He begged to move the second reading.

The HON. C. S. MEIN said that his excuse for addressing the House was the warm interest which he took in all questions affecting local government. He had to admit at the outset that he had not read the Bill before the House. It appeared to have come up yesterday, and it was not distributed among members until to-day—at least, the papers had not reached his residence at the time he left that morning, 9 o'clock, and the result was that he had not seen the Bill until the present moment. As far as he could gather from the last few remarks of the Postmaster-General, the object of the measure was to remove doubts as to the interpretation of the existing statute, and to provide that where a new municipality was created containing a portion of an old one, it should, for the purpose of determining the amount of contributions to be paid by the State to the new municipality, be deemed to originate with the first municipality of which it formed part. He thought that a perfectly fair provision, where substantially the whole of a municipality consisted of a portion of an old one; but if for the convenience of local government it was determined to establish a new municipality which might take in only a fraction of an old one, it would be very hard for the inhabitants of the newly incorporated outlying district to prevent them from getting their fair quota of contributions from the Government. He did not know whether the Bill provided for such a case, but if it did not he should endeavour to bring about an equitable adjustment when it got into committee. At the same time, he would ask the Postmaster-General not to expect the House too often to consent to the second reading of a Bill of importance without members having had it freely distributed amongst them and had an opportunity of considering it. However, as this measure had gone through the Legislative Assembly, he did not offer any opposition to it to-day.

The POSTMASTER-GENERAL said that, with the permission of the House, he wished to explain that had the Bill been a complex one, or one which he considered of very great importance, he should not have asked the House to consider it to-day; but there was scarcely any other business on the paper, and he thought it would have been rather unfortunate for hon. members to assemble without transacting any business, particularly as they expected to have a great deal to transact shortly;

Question put and passed, and the consideration of the Bill in committee made an Order of the Day for next Wednesday.

LICENSING BOARDS ACT AMENDMENT BILL—SECOND READING.

The POSTMASTER-GENERAL said that this was also a small Bill, intended to remedy a defect in the Act passed last year. At the time the Licensing Boards Bill was passed last year there were no divisional boards in existence, and the effect of the divisional boards system, since introduced, was not foreseen. No doubt, in passing through the committee of the House an amendment in the interpretation clause was made so that divisions might be included in the term "municipality," but the effect of the Act was that, if all the mayors of municipalities and chairmen of divisional boards were appointed members of licensing boards, they should have in most of the districts far more members than the Act permitted. In the metropolitan districts, for instance, they should have eight or ten members at the board; whereas, the 2nd section of the Act enabled the Governor in Council to appoint not less than three nor more than five members, and also provided that when any district or part of a district should be incorporated as a municipality the mayor should be a member of the licensing board. It had been found that the introduction of the system of divisional boards rendered the Act unworkable in the manner prescribed by these sections. The Bill now before the House, therefore, repealed the 2nd section and substituted an improved one. There was to be no limit now to the number of members of each board, except the number which the Governor in Council was authorised to appoint. The mayor of each municipality and the chairman of each divisional board would be appointed as a matter of course. Then the Governor in Council was empowered to appoint five other fit and proper persons, being justices of the peace, to be members of the board. In other respects the clause was substantially the same as the one in the Act of last year. The licensing board system, he thought he was in a position to say, had operated even more successfully than the Government anticipated, and with the amendment he now proposed he had no doubt that it would be a permanent and substantial improvement in the administration of the licensing boards. Although he had asked the House to consider the second reading of the Bill to-day, he was quite aware that, as in the previous case, he had gone somewhat out of the usual course, but he would submit that there was some advantage in his doing so. He thought that the sooner a member in charge of a Bill was enabled to give his explanation of it the better would members of the House be able to understand it, and he would submit whether it was not desirable in most cases that the Postmaster-General should take the earliest possible opportunity of moving the second reading, with a distinct understanding that the debate should not be concluded on that day, but that there should be an adjournment in order that members might have ample time to consider the measure. However, in the case of neither of the Bills brought before the House to-day did he consider such a course necessary. The measures were so simple that he was sure the House would not object to reading them a second time, and would be quite prepared to give consideration to them in committee on a subsequent day. He begged to move the second reading of the Bill.

The HON. W. H. WALSH thought it was a pity that the Postmaster-General could not introduce a most useful measure, such as the one before the House was, and which would certainly

have his cordial support, without bringing in the vexed question of when a Bill should be properly introduced. He could not understand why the hon. gentleman should disturb the complacency of hon. members, and their willingness to co-operate with him in getting the Bill passed, by introducing matters which bore in such opposite ways to each other and only tended to raise a spirit of antagonism in hon. members. He could not listen to such an argument as the hon. gentleman had used regarding the introduction of a Bill before it had been placed in hon. members' hands, especially when the argument was brought in at an inopportune time. He maintained that their legislation should be dignified, useful, and permanent; that it should be done deliberately, and that they should have time to think over it. What they did should not be forced on, as was the case with regard to the two Bills brought up that afternoon, and nearly every important measure. They were not given time to consider the measures, as was apparent from the confession of the leader of the Opposition that afternoon; and yet the Postmaster-General irritated hon. members to differ from him by introducing entirely extraneous matter in the discussion. It was a pity that the hon. gentleman should take every opportunity of flaunting his own ideas and forcing them on the acceptance of the House. He assisted the Government last session in passing the Licensing Boards Act, which he considered one of the most useful measures the Government had the honour and satisfaction to introduce during their tenure of office. The last subsection of the 2nd clause of the Bill would, he had no doubt, excite an expression of opinion from hon. members. Without some further explanation the provision in question appeared very extraordinary. Why should a man gifted with the power of temperance be held ineligible for a seat upon a licensing board? There might be good grounds for such a provision, but they had not yet been stated. It was the duty of the Postmaster-General to explain his reason for assenting—if he did assent—to this new and extraordinary doctrine.

THE HON. T. L. MURRAY-PRIOR said he agreed in a great measure with the remarks which had been made that afternoon by the Hon. Mr. Mein and the Hon. Mr. Walsh; but he did not think the Postmaster-General had any intention of irritating hon. members. He believed the practice of asking for the second reading of a Bill on the day after its receipt was bad. However simple a Bill might be, it required to be well read by hon. members before it was passed. He was of opinion that several days should be allowed to lapse between the first and second readings of a Bill. When, however, the principle was affirmed, he saw no reason why the Bill should not be taken into committee without loss of time—and, as a rule, upon the following day.

Question put and passed, and the committal of the Bill made an Order of the Day for Wednesday next.

CHAIRMAN OF COMMITTEES.

Upon the motion of the POSTMASTER-GENERAL, the Hon. F. J. Ivory was appointed to act as Chairman of Committees for that day.

CENSUS BILL—COMMITTEE.

This Bill passed through Committee, and was reported without amendment. The report having been adopted, the third reading was made an Order of the Day for to-morrow.

The House adjourned at seven minutes to 5 o'clock till to-morrow.