Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 4 OCTOBER 1881

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LEGISLATIVE COUNCIL.

Tuesday, 4 *October*, 1881.

Pharmacy Bill.—Liquor Retailers Licensing Bill.—Mines Regulation Bill.—Railway to South Brisbane.—Railway from Toowoomba to Highfields.—Local Government Act Amendment Bill—second reading.—Fire Brigades Bill—second reading.—United Municipalities Bill—committee.—Police Jurisdiction Extension Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

PHARMACY BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding this Bill for the concurrence of the Legislative Council.

After a pause,

The HON. C. H. BUZACOTT said he did not know who had been entrusted with this Bill; but in order to bring it properly before the House he would move that the Bill be now read a first time.

Question put and passed, and the second reading of the Bill made an Order of the Day for Thursday next.

LIQUOR RETAILERS LICENSING BILL.

The PRESIDENT announced a message from the Legislative Assembly, forwarding this Bill for the concurrence of the Legislative Council.

On the motion of the POSTMASTER-GENERAL (Mr. Morehead), the Bill was read a first time, and the second reading made an Order of the Day for Thursday next.

MINES REGULATION BILL.

The PRESIDENT announced a message from the Legislative Assembly, stating that the Legislative Assembly had agreed to the Legislative Council's amendments in this Bill.

RAILWAY TO SOUTH BRISBANE.

The POSTMASTER-GENERAL laid on the table of the House the third Progress Report of the Committee upon Railways, referring to the branch line to South Brisbane.

RAILWAY FROM TOOWOOMBA TO HIGHFIELDS.

The POSTMASTER-GENERAL said that in moving the adoption of the report of the Select Committee on the branch line from Toowoomba to Highfields, *viâ* Meringandan, he would point out that hon. members had had the evidence taken with reference to this particular extension in their hands for some time; and he thought that if they had taken the trouble to read it—and he was sure they had done so—they would see that a very good case had been made out for the proposed extension. It had the concurrence of one member of the Committee—the Hon. Mr. Gregory—who was intimately acquainted with the district, and whose knowledge of it was second to the knowledge of no other hon. member of that House. The only question that appeared to be raised was as to whether it was better to make a shorter and more direct line than the one proposed *viâ* Meringandan. There was no doubt, and there could be no doubt in the mind of any hon. member, that a more direct line might have been made and could have been made, and the question was suggested by the Hon. Mr. Gregory; but at the same time he thought hon. members would agree with him that, had a more direct line been taken, it would not have developed and would not have tapped such a very large and grand agricultural district as the line which had been proposed to be taken would. There was no doubt that this line would go through a very rich agricultural district, and would be one on which there would be great traffic, particularly in timber; and he himself thought that no branch line had ever come before the House which deserved more consideration at the hands of hon. members than this one. It was a short line and not an expensive one, but it would develop a large traffic in the present, and a greater traffic in the future. If hon. members would look at Mr. Phillips' evidence—a gentleman who had surveyed not only this line, but various others between the two points—they would find that he said towards the end of it, when asked by Mr. Mein—

"Do you know much of the district, Mr. Phillips? Yes; I know it pretty well.

"Is it a large agricultural district? Yes.

"A great deal of timber traffic is done there also? Yes; timber traffic.

"This railway would serve the timber industry, and offer facilities to agriculturists? Yes; both combined.

"Is it likely, as far as your observation extends, to be an increasing agricultural district? Yes.

"Fine country there? Yes; fine country.

"Still unoccupied—to be taken up? Yes; plenty towards Gowrie."

So that it would be seen that the railway was not proposed to go through a country that was already fully cultivated, but it was intended to assist in the further development of that particular portion of the colony. He thought little need be said to show hon. members that the line should be constructed. He was perfectly certain that his hon. friend Mr. Walsh, from the eyrie he sometimes occupied on the Main Range, and from his knowledge of the country and thereabouts, could tell them himself that there was a very large amount of agricultural settlement going on in the district to be traversed by this railway. As he had said before, a more direct line could be made, but it would not be a line that would have done so well to develop the district as the one proposed. He therefore moved—

That the Report of the Select Committee on the Branch Line, Toowoomba to Highfields, *viâ* Meringandan, be now adopted.

Question put and passed.

The POSTMASTER-GENERAL moved—

1. That this House approves of the the Plans, Sections, and Book of Reference of the Branch Line, Toowoomba to Highfields, *viâ* Meringandan, as received by message from the Legislative Assembly on the 31st August last.

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

Question put and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL—SECOND READING.

The POSTMASTER-GENERAL said, in moving the second reading of this Bill, he would point out that, to a great extent, the principal reasons of its being introduced had been a misinterpretation or a misunderstanding, whichever it might be, of certain clauses in the Local Government Act of 1878, by which the Brisbane Municipality had made certain claims, which had up to the present time been recognised, but which it was perfectly certain were never intended to be so dealt with by the Local Government Act of 1878. If hon. gentlemen would take the trouble to look at the Local Government Act, they would see by clause 187 that municipalities had a right to levy a general rate; that by clause 188 they had a right to levy a separate rate; and that, by the same clause further on, they had a right of levying rates known as special rates, for the purpose, as that clause said, and afterwards described, of the maintenance and construction of drainage and for making waterworks. So far as he was informed, the Brisbane Municipality had been receiving an endowment on all these rates. He thought his hon. friend (Mr. Pettigrew) would be able to give some information on this point. It evidently was not the intention of the Legislature that the Municipality of Brisbane, or of anywhere else, should be endowed in that way. In the first place, they were all very well aware that the Government by certain Acts in existence had the power to lend, and had, as a matter of fact, lent sums of money to municipalities for the construction of waterworks, the money to be repaid with interest. Now, on the face of it, it was monstrously improper and unjust, and not the intention of the Legislature, that the Municipality of Brisbane should have a water rate, and receive from the Government £1 for £1 on the water rate, to assist them in paying back a sum of money, with interest, which they borrowed from the Government in the first instance. It was to deal with that that the Bill was introduced; and, besides this, it might also be said that the waterworks of Brisbane and other municipalities were, to a great extent, protected in this Bill, which provided that no very serious loss of revenue would accrue to them. If hon. members would look at the 2nd clause of the Bill, they would see that the

clause as it originally stood was without its latter portion, which was adopted by the Government, having been introduced by the hon. the leader of the Opposition. It was to provide for rates levied for drainage or sewerage works; so that the municipality would still be entitled to endowment on them. Then they came to the 2nd clause, in which it would be found that, although it was perfectly clear that the municipalities would not be entitled to an endowment for water purposes, yet, at the same time, municipalities would find that they now had the power of levying water rates on buildings which they had not heretofore; and, therefore, a considerable sum of money would accrue to them which would not otherwise have accrued. This was the only intention, as he understood it, of the Bill. It was simply to limit the endowment to general rates, while at the same time giving the municipality the right to charge for water supplied to public and other buildings which heretofore had gone scot-free—and he thought improperly gone scot-free—from rates. That pretty clearly set forth the whole of the amendment to the Local Government Act, and he certainly felt that it would be accepted by the House. He therefore begged to move that the Bill be read a second time.

The HON. J. TAYLOR said he thought this was a very fair Bill. It was most unfair that any corporation should be asked to supply, as they had hitherto done, Government buildings, hospitals, and churches with water free of all cost. He understood that by this Bill the water supplied to these buildings would have to be paid for; and he thought this was a very proper and fair provision.

The HON. C. S. D. MELBOURNE said he was inclined to differ from the hon. gentleman who had moved the second reading of the Bill with respect to the subsection A of the 2nd clause. That subsection provided that municipalities could demand and recover payment of rates for water supplied to—

"Any place or building in the use or occupation of the Crown, or of any person or corporation, and used for public purposes."

He had not got the Brisbane Waterworks Act before him, but he knew that under the Rockhampton Waterworks Act all water supplied must be paid for. If the water was laid in front of buildings, the rate was levied on the buildings. But it was not levied on unoccupied land. He did not know whether this was the intention of the hon. the Postmaster-General in this subsection A of the clause. According to the Rockhampton Waterworks Act—which he believed was only a copy of the Brisbane Waterworks Act—the tax could only be levied on buildings where the mains were laid in front, and whether the water was laid on or not; but this subsection said "any place or building."

The POSTMASTER-GENERAL said if there was anything in the hon. gentleman's objection, which he doubted, it could be met in committee.

The HON. C. H. BUZACOTT said the 2nd clause provided that—

"Notwithstanding anything contained in the Local Government Act of 1878, it shall be lawful for the council of any municipality, or other local authority charged with the maintenance and control of any waterworks, to demand and recover payment of rates for water supplied."

The interpretation seemed perfectly clear to him.

The HON. C. S. MEIN said he should not oppose the Bill, but he must certainly join issue to a certain extent upon some of the remarks of the hon. the Postmaster-General. The rule laid down with regard to endowments paid to municipalities, and to the Municipality of Brisbane in particular, was not inconsistent with the provisions of the Local Government Act of 1878. He had something to do with the construction of that statute, and he knew tolerably well what was the intention of the Legislature when they passed it. He thought the intention of the Legislature was very distinctly avowed to be that a premium should be offered for persons to incorporate themselves, by an undertaking on the part of the Government that they would be compensated for taxation by a certain amount of endowment proportionate to the amount which they had contributed themselves; in other words, that the amounts contributed by the municipality in the form of taxation would be supplemented by donations from the Government. He thought this was a wholesome rule, and one which had been recognised in all Acts dealing with local government passed subsequently. He could not see any difficulty in the interpretation of the Local Government Act with regard to the endowment of the State. This was to be proportionate to the amount of rates levied, with the exception of special loan rates, in respect of money borrowed for the construction of public works, and which was to be repaid in a number of years by the persons taxing themselves. In the latter case the Bill specially provided that there should be no endowment from the public Treasury; but in all other instances where persons taxed themselves to meet current expenditure in connection with public works, it was the intention of the Legislature by the Local Government Act to provide an endowment proportionate to the amount of taxation. For the reasons he had given he thought this was a very wholesome rule, and he regretted that the Act did not extend so far as to meet the cases which would occur under the 255th and other sections of the statute that dealt with water rates. There was no doubt that compensation was now proposed to be allowed to the local authorities, by a provision introduced for the first time in an Act of Parliament of this colony, enabling the municipal authorities to recover from the Government and public bodies moneys that they were fairly bound to pay for the use of the water supplied to them. He did not think there was anything in the objection of the Hon. Mr. Melbourne. It was possible that land might be liable to taxation under the by-laws relating to waterworks where the occupant made use of the water. For instance, if the water was laid on to a garden, or for purposes of irrigation, it was only right and proper that the persons using the water should pay for it. It was not contemplated that any of those public institutions would be devoted to that purpose, and he thought the words, "any place or building," were certainly proper, and would be held to apply only to erections where water was used. He saw nothing objectionable in the wording of the clause in this respect.

The HON. F. T. GREGORY said it appeared to him, upon looking closely into the details of the Bill, that if it were brought into operation questions would in all probability arise as to the construction of the terms made use of; and when it got into committee it would be of very considerable importance to carefully describe what those places were to which water could be supplied, and for which a claim might be made by corporations. One of those points was this: There were some places where a very considerable quantity of water might have to be supplied, such as botanical gardens; and there should be some restriction imposed as to the claims a municipality or corporate body could make for the supply of water to such places, because it was

quite possible that these bodies might say that, the demand being very considerable, the rate should be proportionately high. Another way in which it might be remedied was, that the water should be measured out by meter, as was the practice in nearly all the towns in the old country, and charged for according to consumption. This Bill proved that all buildings, whether public or private, should pay water rates. At present the course adopted in the towns of Queensland that had water supply was to draw up by-laws for the purpose of regulating the rates and all such matters. Hotels were placed at a very high standard, on the basis of the number of rooms and of inhabitants residing in those buildings supposed to be generally supplied with water. Private houses, he believed, were rated in accordance with the number of rooms.

The HON. W. H. WALSH: What has that to do with this Bill?

The HON. F. T. GREGORY said it had a great deal to do with it. It was a question of levying rates. The point to which he was anxious to draw the attention of the House was that, as the matter now stood, it was not defined with sufficient clearness the extent to which the Government or any public institution would become liable for water supply. The Bill itself was one which possessed many valuable advantages, and was an exceedingly desirable measure to pass. He was now only referring to matters which he considered would require to be carefully watched in committee. The *quid pro quo* that the different corporate bodies would receive from levying rates upon public institutions would in a great degree compensate them for the loss of endowment that would result from the passing of this measure. In supporting the view he took, he might mention that some years ago a demand was made by the Government on the Board of Waterworks in Brisbane to pay interest on the money originally borrowed for carrying these waterworks out; but the Board, as a set-off against the demands sent in—or if they did not actually do so—intimated their intention of sending in a bill for supplying water to the public offices in Brisbane. The result was that the matter was finally settled by the set-off of the board being allowed to stand as against the claim of the Government—one balance as against the other.

The HON. W. H. WALSH: No; it was never done.

The HON. F. T. GREGORY said he was not aware of any other conclusion that was arrived at; at any rate, no further action was taken in the matter. He thought it would be extremely undesirable to continue the system hitherto adopted of varying the rates paid—one municipality receiving endowments upon one class of rates, and another upon separate rates. It was calculated to work very great injustice. The present Bill would obviate that, as there would be one class of rating upon which the Government endowment would be allowed. Of course, it was quite possible that a measure of this sort might be worked to a certain extent by a little manipulation on the part of the municipalities, so as to increase their endowments. They might effect this by increasing the general rates, and devoting part of the revenue resulting from this increase to carrying out some of those collateral improvements that might be easily merged into the general rates, but which, properly speaking, ought to belong to special rates. This could be easily done in the case of waterworks, where there was a great deal of work done which might be charged to the maintenance of streets and so on. He was not raising any objection to the Bill, but thought this was an opportune time to point out the various sources of difficulty which might arise, and which would require to be carefully watched, and, if necessary, amended in committee.

The HON. W. H. WALSH said he must do the Hon. Mr. Gregory the justice of saying that he did not think he understood, in the slightest degree, the Bill that he had been the exponent and advocate of this evening. In fact, from the time he rose to address the House till he sat down, his remarks were as wide of the scope and intention of the Bill as it was possible to conceive. This Bill was not what it professed to be at all. He warned hon. gentlemen that the Bill was a deception. It was one of those *ad captandum* Bills introduced by the present Government to captivate municipalities and supporters of various classes. While it pretended to be a Bill to enable the Government to regulate the rates they should pay towards water corporations or municipalities, it really meant to enable those corporations to possess a power never possessed before—of legally claiming those rates from the Government. He did not hesitate to say that it had been brought in under false pretences. He had watched the whole question for the last twenty years, and he thought he knew it as narrowly and intimately as any member of that Chamber; and he did not hesitate to say that the Bill was simply authorising the Government of the day—not in the straightforward manner in which it was done by a previous Treasurer, Mr. Hemmant—who illegally and improperly allowed the Corporation of Brisbane to put as a set-off against the interest accruing upon their new loan, which was exacted from the Government, the water supplied to public buildings in the city of Brisbane. And, now, what did this Government propose to do? He did not hesitate to say, so far as he could see from the speech of the Postmaster-General, and from the way in which it had been seconded by the Hon. Mr. Gregory, that the present Government were trying to ingratiate themselves with the citizens of Brisbane by endeavouring to give the effect of law to that which had been improperly done under the auspices, or at the instigation, of a former Treasurer, Mr. Hemmant. How did the matter really stand as far as the taxpayers of the colony were concerned? In the year 1862 or 1863 the Government of Brisbane were induced to advance the sum of £50,000 or £60,000 to the Corporation of Brisbane to carry out certain waterworks. A Bill was introduced on the subject, but by some oversight, although the Corporation was bound inferentially to pay interest upon that loan, the Government felt that they were unable to exact it; nor was the Corporation any more justified in charging rates against the lender of that money than the Government were in demanding the interest. That was the position of affairs for a long time. Five or six years ago the Corporation asked Parliament for a further loan, on the understanding that on that loan, at any rate, they should pay interest. Parliament did not forego its right to claim interest on the previous loan; they waived it, or did not insist upon it at the time of the passage of that Bill; but they demanded that interest should be paid on the second loan of something like £24,000. What was the result? The moment the Corporation got the £24,000, for making extensions—as they called them—they entered into a secret treaty with the Government, and the Government with the Corporation, that they should be allowed to set off the charge for supplying water to the public buildings of Brisbane, in lieu of the interest which it was actually specified should be paid under that second Loan Bill. He did not believe, to this day, that the Government were ever able to recover from the Corporation one farthing on account of that interest,

He said that until the Corporation refunded to the country the whole interest accruing upon the first loan of £64,000, no concession such as was proposed by this Bill should be allowed to pass. This led him to another question. The Waterworks Board was a very peculiarly constituted corporation. It was composed of Government nominees—probably members of that House; he might be looking at some of them now. He was, *ex officio*, a member of that board for some years, and, from his own experience and knowledge of the way in which its affairs were conducted, he protested against such a board being allowed to come forward—knowing its proclivities, and knowing the sway the Government of the day had over it politically and otherwise—he objected to that board being allowed to come forward and influence the Government in the way it was likely they would do. He was not at all surprised to find the Hon. Mr. Taylor trying to snatch this Bill for the benefit of the municipality he had been such a benefactor to—namely, the Municipality of Toowoomba. He was not at all surprised that he should snatch such a Bill of this kind for the purpose of benefiting that little Pedlington of his own. Of course, the hon. member thought that what was sauce for the goose—the great goose—would be sauce for the little gander; and he immediately expressed the pleasure he felt in supporting this Bill. They had no business now—under the pretence that this Bill would protect the Government from being inordinately charged by corporations—to submit to the passage of such a measure until the money advanced almost twenty years ago, and the interest, were recouped to the taxpayers of the country. He did not hesitate to say that the proceedings of municipalities in connection with applications to the Treasury were such as ought to be watched with the most jealous interest by members, even of that Chamber, although they were not supposed to have the guardianship of the purse of the colony; but so far as he could see every Bill that was being introduced by which municipalities were affected was simply nothing more or less than an attack upon the general taxpayers of the country; and he was not at all surprised to find that hon. gentlemen who took great interest in municipalities were so much pleased with a measure of this sort. If hon. members would turn to the Waterworks Act of 1863, they would find that there were no clauses such as could be interpreted as his hon. friend the Postmaster-General seemed to interpret them in his speech, or even such as the Bill itself referred to. He would compare them. Clause 1 of the Bill said:—

"From and after the passing of this Act it shall not be lawful for the Colonial Treasurer to pay from the Consolidated Revenue Fund of the colony to the treasurer of any municipality, by way of endowment for corporate purposes, any sums of money in respect of any rates other than such 'general rates' as are lawfully made and levied under the one hundred and eighty-seventh section."

He would tell hon. members that under that section there was no power given to municipalities to levy any such rate at all, and hence this Bill was a deception. What did this 187th section say? It said:—

"The council of such municipality shall once at least in every year, and from time to time as they see fit, in manner hereinafter mentioned, make and levy rates, to be called 'general rates,' equally upon all ratable property within the municipal district, and no such rates made in any one year shall exceed the amount of one shilling in the pound of the annual value of such property."

That did not give any authority to the municipality to levy rates upon Government property. They knew, from time immemorial and from general custom, that a municipality could not levy rates upon Government property; and it was evident that such a power was introduced with a design in this Bill. He would go a little further. They found in clause 2:—

"Notwithstanding anything contained in the Local Government Act of 1878, it shall be lawful for the council of any municipality, or other local authority charged with the maintenance and control of any waterworks, to demand and recover payment of rates for water supplied to—

"(*a*) Any place or building in the use or occupation of the Crown."

There was nothing in the Act of 1878 to allow them to levy upon the Crown. The origin of all this was that—he would not say infamous but that improper proceedings that were promulgated, sanctioned, and agreed to when, as he said before, in getting their second Loan Act, the Government of which Mr. Hemmant was Colonial Treasurer agreed to setting off the interest accruing under that Act—which there was no mistake about—being put against the fanciful water charges against public buildings. He had been a member of the Waterworks Board for three years, and no attempt was ever made during that time to levy rates against the public departments, because it was not considered feasible or possible. All that animated that Board appeared to be to get as much money out of the Government as possible, and to contribute as little as possible towards repaying the loans made to them by the Government. He had frequently said to them, when they talked of making extensions here and there, both in the city and out of it: "Don't you ever talk about the paying of the debt you owe to the country;" and he used to be laughed at for it. It was never supposed that a public building was to be charged with rates, because they well knew and felt the immense obligation they were under to the people of the colony generally for the amount of the loan that was granted the Brisbane Board of Waterworks. He maintained that this Bill was one which had a sinister aspect, and as such it ought to meet with the most careful consideration and examination at the hands of hon. gentlemen.

The HON. W. PETTIGREW said that this Bill would make some considerable alterations with reference to Brisbane, and it struck him that it was really aimed at Brisbane alone. At present they paid for an endowment by special rates, of which the rate for watering the streets was one, and that for gas was another. These were rates which, when the Act of 1878 was passed, he never thought would be brought in, and for the first year he believed no such rates were levied. He thought the Government had acted very wisely in bringing in this Bill to put an end to it. However, he thought with the Hon. Mr. Walsh that this 2nd clause was objectionable, as he did not think that public buildings should be charged with water rates. The Government gave an endowment, and he considered that that was quite sufficient. The Hon. Mr. Walsh had referred to the Brisbane Waterworks and Corporation, but he might state that as soon as that Act was passed the Corporation had nothing further to do with it. As soon as that Bill became law the power was taken out of the hands of the Corporation, and was handed over to the Board, and from that time forth the Corporation had never had anything to do with it; though the Chairman of the Municipality at the present time was a member of the Board. He would point out, however, that there was a Bill passed last session making it compulsory to levy a rate for the purpose of paying off their liability.

Question—That the Bill be now read a second time—put and passed; and the commital of the Bill, on the motion of the POSTMASTER-GENERAL, made an Order of the Day for to-morrow.

FIRE BRIGADES BILL—SECOND READING.

The POSTMASTER-GENERAL said that in moving the second reading of this Bill he would state that in principle it differed very little from the Bill which it proposed to repeal. This Bill was, however, more stringent than the Act at present in force, and there were greater powers given under it. There was some material difference between these Acts, more especially in the compulsory clauses. It was quite true that the municipal council, the insurance companies, and the Government were expected to contribute a certain sum of money annually to the support of fire brigades. As a matter of fact, however, there was no power to compel them to do so, and this Bill proposed that such power should be given. It was further proposed by this Bill to re-constitute to a certain extent the boards of management of individual fire brigades and of fire brigades generally. As the law at present stood, the superintendent of a fire brigade was appointed by the Government for life or during good behaviour. It was now proposed to elect a superintendent annually. He (the Postmaster-General) thought that a step in the right direction, as it would prevent what might be considered a monopoly. There were at present but three members forming a fire brigade board—one representative from the municipal council, one nominated by the insurance companies, and one nominated by the Government. It was now proposed that there should be six members of each board—two appointed by the municipal council, the mayor, and some other member of the council; two appointed by the insurance companies, and two by the Government. The numbers were made equal in each case, and the three interested parties had equal privileges. The municipal council were interested for the people of the municipality, the Crown for the people at large, and the insurance companies as having a very large interest at stake had, therefore, a direct interest in seeing to the proper management of the brigades. The clauses of this Bill were very clear. One of the points to which objection might possibly be taken was, perhaps, clause 7, providing for the annual appointment of officers:—

"It shall be lawful for the Governor in Council, on the nomination of a majority of the members of any fire brigade, to appoint a superintendent and one or more assistant superintendents of such fire brigade; and the nomination and appointment of every such superintendent and assistant superintendent shall be made annually in the month of March."

Some objection had been taken to that in other places, but he thought himself that the most convenient and proper way of appointing a superintendent of such a body of men as a fire brigade was to leave his nomination in the hands of the men themselves. They would nominate the man in whom they had most confidence, and he would therefore be the more likely to render service to the public. There was a further provision in this Bill, and that was the power given to brigades to attend fires outside the boundary of a municipality. This was contained in clause 10, as follows:—

"It shall be lawful for the superintendent, or, in his absence, for any assistant superintendent of a fire brigade, in the case of any fire occurring outside the limits of the town in which such fire brigade has been established, to proceed with such members of his fire brigade, engines, and other appliances as he may deem necessary, for the purpose of extinguishing such fire or preventing it from spreading.

"Such superintendent or assistant superintendent shall have and exercise at any such fire the same powers as he is by this Act empowered to exercise in the case of fires occurring in the town in which his fire brigade has been established.

"And any damage caused in the due execution of the powers conferred by this section shall be deemed to be damage by fire within the meaning, but subject to the conditions of any policy of insurance against fire, which is effected on any building so damaged."

He was not aware himself that there had been any difficulty with regard to fires outside the boundary of a town—he had not heard of a case of the kind himself—but he believed that there were good reasons for the insertion of this clause. The 17th clause was one which no doubt would elicit a considerable amount of discussion, as he had heard it alleged that the minimum rate fixed was too high. He had been told that so far as Brisbane was concerned a sum of £500 or £600 was amply sufficient to carry out all the work of the brigade, keep the machinery in order—and, in fact, sufficient for all their wants. On the other hand, they should remember that the rate was so fixed because they had to take into consideration other municipalities besides Brisbane, and the clause had to be made a general one. The rate of 4 per cent. would provide, probably, much more than was necessary in the case of Brisbane; but when it was known that in the case of smaller municipalities the rate of 4 per cent. would, perhaps, only amount to £100, it would be seen that the minimum rate fixed was not a high one for the colony at large. He would further point out, in connection with this clause, that while a municipality had power to contribute a sum such as they thought would be necessary, but not under the 4 per cent. rate, still, if hon. gentlemen would look at the latter portion of the clause they would see that, so far as the Government and insurance companies were concerned, they might, if they chose, contribute an amount above 4 per cent. of that general rate; but this could only be done by the consent of the Governor in Council. So that unless there was some extreme reason for doing it they were not likely to raise the rate above 4 per cent. No doubt, if a good case were shown the other contracting parties would be only too glad to fall in with the views of the municipality. The contribution of the insurance companies was a *pro ratâ* one, and a fair one. He would point out that the constitution of the fire brigade boards was altered somewhat, as would be seen in clause 13, which read:—

"For the purpose of carrying the provisions of this Act into effect, a fire brigade board for each town to which this Act is extended shall be constituted in the manner following, and, when so constituted, the names of the members thereof shall from time to time be notified in the *Gazette* by the Colonial Secretary.

"The mayor of the town shall be *ex officio* chairman of the board, and at all meetings of the board shall, in the event of an equality of votes upon any question, have a second or casting vote.

"One other member shall be nominated by the municipal council.

"Two other members shall be appointed by the Governor in Council.

"And two other members shall be elected annually in the month of March by the fire insurance companies carrying on business in the town, and for the purposes of such election such fire insurance companies shall have one vote for every ten thousand pounds or portion of ten thousand pounds insured, as shown in the return hereinbefore required to be furnished by each insurance company."

Their voting power, of course, would be fixed at the proper time. In clause 19 power was given to the fire brigade to make their own by-laws. He thought this was a very wise provision, that a body of men banded together for such purposes should have, subject to the provisions of this Bill, the management of their own internal affairs. Clause 20 was also a very important clause and with which most hon. members would no doubt agree, and would, no doubt, feel that it justified even what might be thought to be an excessive rate for the town of Brisbane. He believed every hon. member would agree with him that power should be given to pay members

of a fire brigade for attending drill. They all knew that very good work had been done by these brigades in the past, and, no doubt, equally good work would be done in the future; still it would be a very good thing for the colony that there should be a certain proportion of money paid to these men, as he certainly thought that there was no body of men to whom they would be more justified in granting some payment than to the members of fire brigades. This Bill was simply to make the Act as at present in force a more useful one. It was a measure, he was perfectly certain, which most hon. members would approve of; and he himself thought the provisions contained in it were very just. He considered the contribution proposed was a very proper one, and that the control of fire brigades had now been put into proper hands. He had not the least doubt that there would be some argument about that, however—that there would be some argument to the effect that the control of fire brigades should not be represented by three different bodies; but the three that he had mentioned were intimately connected with the matter which this Bill was intended to deal with. Two of these bodies were the municipal authorities and the Government: the one having to look after its local property, and the Government having to look after the proper protection of life in the case of a large conflagration; and the insurance companies, as having a large interest in the money value of the property in the place where they were located, formed the third body. He moved that the Bill be now read a second time.

The HON. C. H. BUZACOTT said he was not prepared to offer any very strong opposition to the Bill, but he could not allow it to pass without entering a strong protest against it. The only recommendation which the Bill had to his mind was that it might, perhaps, be an improvement on the existing Act. He regarded it legislation directly opposed to the spirit of recent Acts for the carrying out of the principle of local government. He regarded it as a measure taking out of the hands of municipalities and other authorities the work they were best fitted to perform, and the work which the Governor in Council was entirely unfitted to perform. The broad principle had been laid down that the central authorities should deal with principles, and that the local authorities should deal with details; but in the Bill, at present, that maxim was entirely set at defiance; and he thought that in this respect the Bill would operate very unfairly. It would be seen that the Governor in Council could accept the services of a fire brigade in any town, and from the time he accepted the fire brigade one-eighth of the whole amount received by the local authorities in rates would go to maintain that fire brigade. It seemed to him that this was a very extraordinary position, and, moreover, this Bill would take effect at any time the Governor in Council might accept the services of any fire brigade in any town in the colony. When the whole revenue of the towns had been absorbed, when the appropriations for the present year had all been paid, and when the works engaged in had absorbed the whole amounts at their disposal, at once this Bill came in and said, "We want one-eighth of the money you have extracted from the ratepayers to maintain a volunteer fire brigade." If the municipal authorities had any act or voice in the initiation of fire brigades there would be something to say in favour of this measure, but it might be that a few youngsters who had no interest in the affair, and who did not pay one farthing of rates, might meet together in an hotel and decide to form a brigade. They might send a notice of this to the Colonial Secretary and the brigade would be established forthwith; and from that time one-eighth of the whole rates of that town must be devoted under this Act, if it became law, to support that brigade. It seemed to him to be the most extraordinary attempt to interfere with the functions of local authorities that had ever been seen in the colony, and he regarded it with the more aversion because he believed the Act, of which this was an amendment, had its origin in the miserable, contemptible, and petty feeling of certain persons in the town, being the municipal authorities for the time being, and because the people who wished to carry on that fire brigade could not agree with the municipal authorities of the day. Therefore it must be a separate body, working under the support of a distinct Act of Parliament. It was necessary that the municipality should be compelled to contribute; but there was some misunderstanding, and it was found that they could not be compelled. This Bill was therefore brought in to enforce compliance. He did not think this Bill was one that any Parliament would pass, as it was a very objectionable one. The whole management of fire brigades should be entrusted to the local authorities, and the Governor in Council had better keep clear of such things; he had quite enough to do in a colony like this, possessing such an immense geographical area, without interfering with such a paltry matter as the support of a fire brigade. It seemed to give ample power, and it seemed to give ample revenue; and if the Governor in Council, the municipal authorities, and the insurance companies could work together, he had no doubt they would maintain very efficient fire brigades in the various towns in the colony. It was a right object, attained by entirely improper means, and as such he could not but enter his protest against the passing of the Bill. Had it not been that the Bill was an amendment of the existing Act constructed on the same principles, he should feel it his duty to offer it his most strenuous opposition; but if the House went to a division he should content himself by simply voting against it.

The HON. F. T. GREGORY said his object in rising on this occasion was not because he had intimately studied the question before the House, but rather to point out a remarkable fallacy in the statement of the last speaker. In the first instance, the Hon. Mr. Buzacott stated that one-eighth of the revenue of a municipality would have to be subscribed towards the maintenance of a fire brigade. He (Mr. Gregory) would point out that it was really something less than one-twelfth; that was even if the larger amount was obtained, and it was very much less if the lower amount were taken. He would have thought that the hon. gentleman, who appeared to have studied this question, would have been aware of this fact. The next point was that there were three parties, if the measure were carried, who would have to deal with the controlling of fire brigades. One party was the general public, on which the rate was levied in the municipality; the second party was the fire insurance companies, which had a very heavy stake in the municipality; and the Government was the third party. The management was, therefore, divided between the insurance companies, the municipalities, and the Government. He could not see anything wrong in this. From previous experience they had seen that the management of fire brigades had not always been satisfactory, but the Bill would obviate the difficulty at once by placing the management on a sound basis. On the general details of the Bill he had nothing to say until it got into committee; but the measure, on the whole, appeared to his judgment to be a very desirable one at the present time.

The HON. C. H. BUZACOTT said he wished to say one word in explanation. He said "one-eighth of the rates," when he ought to have said "8 per cent. of the rates."

The HON. W. D. BOX said he intended to support this Bill; but he wished to state to the hon. gentleman in charge of it that when they were in committee he desired to make an alteration in clause 17, so as to reduce the amount contributed under the Bill. If the Bill were in force next year, the Brisbane Municipality would have about £500 to pay to fire brigades, insurance companies £500, and the Government would have to pay about the same sum; the result being that the total would amount to about £1,500 a year. The disbursement for a reasonably efficient fire brigade last year was about £500, so that there would be about £1,000 over. During the first year additional plant would have to be obtained, and no doubt the working of the brigades then would be very satisfactory; but afterwards the endowment would be an ever-increasing one, and the next year probably £1,500 would not be wanted. If they got it, no doubt they would find means to spend it, but not according to the intention with which it was given to them; and he therefore trusted the House would assist him in changing the rates so as to enforce a minimum amount of endowment. His desire was that the minimum should be fixed at 2.

Question put and passed.

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

UNITED MUNICIPALITIES BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the House went into Committee to consider this Bill in detail.

The preamble was postponed.

Clauses 1—"Interpretation"; 2—"United municipalities constituted for certain purposes"; and 3—"Governor in Council may constitute united municipalities, etc.";—passed as printed.

On clause 4—"Powers to be exercised on petition from the local authorities concerned"—

The HON. C. H. BUZACOTT moved as an amendment the addition of the following words at the end of the clause:—

> Provided that when the area referred to in a petition comprises not more than two municipalities, such petition may be signed by the chairman of one only of the local authorities affected thereby.

He said it would be seen that, if this proviso were not inserted, no petition could be sent in from one of two municipalities which desired to be united with some other municipality. The amendment was rendered necessary by the amendment in Committee of the other House to the effect that every petition should be signed by a majority of the chairmen of the local authorities. Of course they could not have a majority of two in any case.

Amendment agreed to, and clause, as amended, put and passed.

On clause 5—"(1) Copy of petition to be gazetted and sent to the local authorities; if counter-petition presented; if no counter-petition presented"—

The HON. W. H. WALSH objected to the concluding proviso of this clause. He thought it was a most extraordinary power to give to the Governor in Council. The first part of the clause said—"On the presentation of any such petition." That might be a petition sent in by one council and not objected to by another; it might be sent in by one council and unanimously agreed to by another, but nevertheless it was provided that—

> "It shall be in the discretion of the Governor in Council absolutely to refuse the prayer of any petition, or to grant the whole or any part thereof."

That struck him as a very Algerine power to place in the hands of any Governor or any Minister in charge of a department. It seemed to be monstrous that if two municipalities or boards agreed to certain arrangements, and one of them sent down a petition with the full concurrence and desire of the other, the Governor in Council—who might be influenced by some individual—should have power to absolutely refuse the prayer or petition, or grant only a part of it. He moved that those words be omitted; and even if it could be proved, as he anticipated, that this provision existed in some Act passed, probably in careless moments, that was no reason why, on revision, the same evil should be perpetrated; but they should be called on to embrace the very first opportunity of preventing such power being left in the hands of any Government.

The POSTMASTER-GENERAL thought the provision a remarkably good one. It existed in the Local Government Act of 1878, which could not be said to have been passed in an easy or slipshod way. He should oppose the amendment.

The HON. C. S. MEIN said this was an absolutely necessary proviso, without which the whole machinery of the Bill would become nugatory. The Governor in Council could not act except on the petition of one of the constituent municipalities, and it was only right that there should be some arbitrator in the event of any difference arising between the municipalities. There might be a certain public work proposed to be constructed or undertaken in a district, and yet, upon the objection of one of the municipalities in a little corner of it, it could not be gone on with, unless some provision of this kind were inserted. They must have some ultimate court of appeal, and he was not inclined to think that they were likely to have Governments so corrupt as to be influenced by every little Pedlington that might have some grievance to ventilate.

The HON. W. H. WALSH did not think his hon. friend fully understood the scope of the Bill. The second paragraph of the clause said:—

> "If within three months after such publication a counter-petition signed by any chairman of any such local authority under the corporate seal of his municipality is presented, the Minister shall cause inquiry to be made, and thereafter the Governor in Council may make such order as the circumstances of the case require."

So that a petition might be sent in by one municipality or board with the tacit consent of the other—the two heartily agreeing to it, there being nothing whatever to cause the Government to pause for a moment—and yet the united wishes of these two bodies might be set entirely at naught by some arbitrary Government, or by some persons who could earwig the Government, inducing them to absolutely refuse the prayer of the petition. He could quite understand the Government having the power to determine the merits of a petition and counter-petition, and of deciding which had most weight; but this was a totally different case, where two municipalities might agree on the same subject, and yet the Governor in Council had the power to refuse the prayer of the petition, or grant only a portion of it. That was not the ordinary way of exercising either judgment or justice.

The HON. P. MACPHERSON said the clause provided that the Government should cause

inquiry to be made, and they would decide according to the result of the inquiry.

The HON. C. H. BUZACOTT said if there were two petitions presented—one in favour of a united municipality, and another against it—there must be somebody to decide which petition should be accepted and which refused; and he did not know any authority so fit for that duty as the Governor in Council.

The HON. C. S. MEIN said what the Hon. Mr. Walsh wished was that in the event of two municipalities agreeing to unite to do a certain thing the Government should not have the power of refusing the request; but they might make a most unreasonable request. They might wish to undertake some public work which it would be very undesirable to place in their charge, and which should be carried out under the control of Government. There must be some discretion allowed to the Government.

The HON. C. H. BUZACOTT also pointed out that the Government might think it desirable that other municipalities should be associated. They might have two wealthy municipalities, which might have to incur very little expense in maintaining the main road running through them, desiring to unite in order to escape the cost of the maintenance of the road outside their boundary.

The HON. W. H. WALSH said the Hon. Mr. Buzacott might as well say that so long as he ruled in Brisbane he would take care that the Government of Brisbane, and they alone, should determine what was right to be done for the distant municipalities of the colony. That seemed to be the English of it. There might be municipalities—say Rockhampton or Townsville—the working of which the Government knew nothing at all about, and these wished to unite with other boards to carry out certain things for their common benefit, and it rested with the Hon. Mr. Buzacott to decide—of course he would be the last man in the world to do it—but a man exactly opposite in nature to that hon. gentleman might step in and hoodwink the Government and say—"Do not let those fellows at Rockhampton have what they want; refuse their petition, or grant only part of it." He held that was not local government. It was Brisbane government doled out to distant parts of the colony, probably in a tyrannical manner.

The HON. F. T. GREGORY said the Hon. Mr. Walsh overlooked the important feature of the clause—that although it did give the Government the right to interfere, there were many cases in which it would be necessary that that interference should be exercised; and without this provision there would be no power of interference. There might be cases in which municipalities might wish to unite to carry out some measure which might be exceedingly detrimental to other parties. A powerful and intelligent minority might be unable to carry their views by petition, but might be strongly opposed to some measure carried hastily by popular acclamation, and this provision reserved to the Governor in Council the power to decide in such cases. The provision was certainly a very necessary one, and it was very important that it should be included in the Bill.

The HON. W. H. WALSH still thought that hon. gentlemen, and especially the last speaker, did not see the scope of this matter. People were generally supposed to know better than any one else what they wanted. These municipalities might desire to combine and agree to carry out some work that was for their common benefit; but, forsooth, because some member of Parliament or individual of influence in Brisbane induced the Minister in charge of the department to refuse the prayer of the petition, the united wishes of probably several thousands of persons were to be set at naught. It was placing in the hands of the Government a power they should never possess.

Question—That the words proposed to be omitted stand part of the question—

The POSTMASTER-GENERAL said he really thought that if the Hon. Mr. Walsh would consider for a moment what might happen if some such provision as this did not exist, he would not press his amendment. Supposing two united municipalities petitioned for the Enoggera water under this clause, unless some such provision as this was in force, what they asked for in their petition would have to be granted. It was a power which it was absolutely necessary should exist, and this clause was the place to insert it. Unless power of this kind were invested in the Governor in Council there would be no option but to agree to every petition, and no matter what absurd thing was asked by a municipality it would have to be granted.

The HON. W. H. WALSH said the Enoggera Waterworks were managed under a different Act entirely, and the list in this Act did not refer to it in any way. What this clause proposed to do was, that after two or three bodies of people, or corporations, had agreed to govern themselves in a certain way, and had petitioned to the Governor in Council to be allowed to do so, the Government—instigated, probably, by private feeling—might come down, and either refuse the application or grant only a portion of it. He would again point out to hon. members that this Bill was intended to assist in giving local government, and this particular portion of the clause seemed to be for the purpose of extracting such power from the corporations and centralising it in the Colonial Secretary. He (Mr. Walsh) believed that if the gentleman who held that office now was not in office he would be even more ready than he himself was in opposing such a clause.

The HON. C. H. BUZACOTT said he would give the Hon. Mr. Walsh an illustration which, perhaps, might enable him to see the effect of his amendment. Supposing the Brisbane Waterworks were extended, as was contemplated at the present time, and the Waterworks Board were asking for a loan of another £80,000, with a view to extending the waterworks in such a way as to provide for wants of Brisbane and all its suburbs. Supposing the municipality of Brisbane and the division of Ithaca took advantage of this view and petitioned to be incorporated as a united municipality, and then applied to have the waterworks placed solely under their control, it would be extremely unfair to Booroodabin, Woollongabba, and other divisions in the neighbourhood of Brisbane to place the waterworks under the control of the two authorities first named; and, unless such a provision as was proposed existed as in this clause, that would have to be granted. The probability was that, if they had the control of the works, they would give the preference to claims for extensions within their own boundaries, and leave districts not within their jurisdiction out in the cold. They might agree to petition in this way; but it would be a monstrous thing if, simply because they did petition, the Governor in Council was bound to constitute them a united municipality, and give them control over the waterworks. That, therefore, was the reason for putting this provision in the Bill. The Governor in Council was the highest authority they had, and if they could not expect proper jurisdiction from the Governor in Council, where were they to get it?

The HON. W. H. WALSH said that, to show the impropriety of the Hon. Mr. Buzacott's

remarks, he would simply refer to the Waterworks Act, under which the waterworks were now managed. According to the dictum of the hon. gentleman, the Government had the power to refuse any application made by a municipality to place waterworks under their charge. If they had that power the hon. gentleman, *ergo*, must answer that the Government had also the power to grant it. He (Mr. Walsh) said the Government could do nothing of the kind, and, therefore, the argument of the hon. gentleman was as fallacious as an argument could be. Where was this power? There was no mention of the Act he referred to being repealed, and hence the whole of the hon. gentleman's arguments were wrong. He was satisfied that this particular portion of the Act carried a great deal more than hon. gentlemen seemed to be aware of. There was nothing particularly wrong about it until one chose to be suspicious—and he must confess that he was very suspicious when discussing Bills of this kind. Under this Bill a municipality might send down a petition as representing, perhaps, 8,000 or 9,000 people, and it might lie for three months without any counter petition being presented, and without any objection being taken to what was asked; and at the end of that time a single member of the Government might step in and say—"We won't give you what you ask for; we will either give you a portion of it, or none at all." He said that was simply atrocious. Apparently what was intended to be done by this clause was to do away entirely with the Act itself, and place in the hands of an autocrat, situated, probably, a thousand miles away from a locality, the weal or woe of certain petitioners in that locality. He would like to know what the people of Brisbane would say if a Minister was situated at Cooktown, and had power to determine whether the wishes of the petitioners from Brisbane and the surrounding places should be carried out or not, and he chose to say they should not! This clause was simply tyrannical, and certainly not in accordance with the Local Government Act.

The HON. F. T. GREGORY said it appeared to him that if there was any force at all in the contention of the hon. gentleman who had just sat down, it would apply equally well to all cases in which the Governor in Council was mentioned, and it would apply to the clauses they had just passed as well as to the one they were now discussing. If the hon. gentleman was right, the power given to the Governor in Council in clause 3 should also be expunged. They saw in clause 3—

> Subject to the provisions hereinafter contained, the Governor in Council may, from time to time, by order in Council—
>
> (1.) Constitute any two or more conterminous municipalities a united municipality, and assign a name thereto.
>
> (2.) Annex to a united municipality any other conterminous municipality.
>
> (3.) Sever from a united municipality any one or more of its component municipalities.
>
> (4.) Dissolve or abolish any united municipality.
>
> (5.) Settle and adjust any rights, liabilities, or matters which, in consequence of the exercise of any of the foregoing powers, require to be adjusted.
>
> And every such order in Council shall be forthwith published in the *Gazette*.

If these powers were unnecessary, and if it was not essential that they should be vested in some authority, why could they not make the Act complete within itself, so that the whole of the work to be done under an Act of Parliament might be contained within the narrow limits of the Act itself, without calling in the aid of some supervising authority? They might just as well construct their laws on such a basis that they would have no occasion to have Ministers, the law being perfect in itself; and they might construct a Babbage's calculating machine, or some other machine without brains, to do the merely mechanical work of putting an Act in force. He gave this as an instance of what the hon. member's proposition would be if carried out to any extent, and to show that it would render all legislation perfect nonsense. A revising power was absolutely necessary. There must be cases which would occasionally crop up under any law, and which would demand the intervention of some superior authority. If this provision was not admitted into the Bill, it would probably be rendered unworkable.

Amendment put and negatived.

Clause, as read, agreed to.

Clauses 6 and 7 put and passed.

On clause 8—"To meet annually"—

The HON. W. D. BOX said, according to this clause, a quorum must comprise "not less than two members nor less than one-third the whole number of members." The number was, he thought, too small. If two members were present and voted on opposite sides, the business would practically be in the hands of the chairman, who would give his casting vote. This, he thought, was not the intention of the hon. gentleman in charge of the Bill.

The HON. W. H. WALSH reminded the hon. Mr. Box that this Bill was framed for Brisbane. He would suggest that the word "two," in the 25th line, be struck out, and the word "three" be inserted. The clause might also stop at the words "three members."

The POSTMASTER-GENERAL: Why?

The HON. W. H. WALSH: Because the less we have of a bad thing the better.

The POSTMASTER-GENERAL said the hon. member wanted to destroy the measure. They all knew that the Bill was not intended to be worked in a special way with regard to Brisbane; but the hon. gentleman had a distorted way of looking at things, and his conclusion was not that of any other hon. member of the House. But he (the Postmaster-General) saw a great deal in the point raised by the Hon. Mr. Box, and it seemed to him that it would be giving too much power to the chairman to retain the clause in its present form. He was of opinion that the word "three" was better than "two," but the remainder of the clause should stand as it was.

The HON. W. PETTIGREW said when there were only two members of the board present, one of them could walk out, and so take the power out of the chairman's hands.

The HON. W. D. BOX said their intention was to make the Act more workable. Men might attend the meeting for the purpose of doing business, and it was desirable to facilitate the accomplishment of this object. If the words "not less than two members" were left out, the object would be attained. The 6th clause provided for there being six members on a board. It stated:—

> "The governing body of every united municipality shall be a joint-board, consisting of the chairman for the time being of every local authority having jurisdiction within such united municipality. Provided that whenever a united municipality comprises less than three component municipalities, the joint-board shall be composed of the chairman and one other member of and elected by each local authority having jurisdiction as aforesaid."

The HON. C. H. BUZACOTT said the most formal business could not be transacted if the quorum was to be not less than three, seeing that there would only be four members of the board where there were only two component municipalities. He thought, when it was considered

that many of those members resided long distances apart, that it would be found to work rather awkwardly sometimes if a larger quorum than that specified in the Bill were required to be present. At the same time, as the Postmaster-General had accepted the suggestion of the Hon. Mr. Box, he would certainly not object to it, although it appeared to him that it would be as well to leave the clause as it was.

The HON. W. H. WALSH said, according to the argument of the hon. Mr. Buzacott, whereas a single municipality required the presence of a quorum of seven out of twelve, only a quorum of two was required in the case of a united municipality. He (Mr. Walsh) would argue the other way, and say that if seven were required in the case of a single municipality, at least twelve or thirteen should be required in the case of a united municipality. It was an extraordinary fact that whatever the Government proposed, however absurd it might be, members were found ready to support it.

The POSTMASTER-GENERAL said it must be evident that where there were only two component municipalities in a united municipality, and only the two representatives of one of them attended, they could do as they liked with the business. He was quite willing to accept the suggestion of the Hon. Mr. Box.

The HON. F. T. GREGORY asked, what occasion there was for the annual meeting necessarily taking place in April? He was aware that some fixed time was necessary, but he did not know why April was fixed upon.

The POSTMASTER-GENERAL said he believed the reason that April was selected was because the municipal elections took place at the end of February, and this gave a month for the appointment of mayors for those municipalities.

The HON. W. D. BOX moved that on the 25th line, the word "two" be omitted, with a view of inserting "three."

The HON. C. S. MEIN said he was in accord with the Hon. Mr. Walsh that they should not have the quorum too small, especially when these bodies had such important functions to perform; but in the case where the united municipality consisted of only three municipalities the result of this amendment would be that all the members would have to be present before any work could be done.

The HON. C. H. BUZACOTT pointed out that the powers to be exercised by the joint members would be in regard to matters that would be proclaimed in the *Gazette*. It was not as if they had powers the same as ordinary municipalities had. He thought it would be much better to leave the Bill as it stood.

The POSTMASTER-GENERAL explained that he was under the impression that the number was "six" instead of "three"; but the Fire Brigades Bill was running in his mind. He thought that each municipality returned two members, but of course it was only one.

The HON. W. D. BOX said that, unless some amendment such as he had indicated were agreed to, one man might practically have the whole control of the affairs of the board in his hands. The Bill provided that the chairman should have a vote and a casting vote; and in that case he would be able to exercise absolute control over the proceedings of the board.

The HON. C. S. MEIN pointed out that the Hon. Mr. Box's objection might be met by an amendment in the next clause by specifying that the chairman should only have a casting vote in certain cases.

The HON. W. D. BOX withdrew his amendment.

Clause put and passed.

On clause 9—"To elect president"—

The HON. C. S. MEIN said he thought the Hon. Mr. Box's views would be met by inserting after the word "question," in the 26th line, the words "and more than three members take part in such division." He moved that as an amendment.

Amendment agreed to; and the clause, as amended, put and passed.

On clause 10—"To make rules"—

The HON. W. H. WALSH said that as a rule he disapproved of the Governor in Council having extraordinary powers; but he thought there should be some provision in this clause to the effect that the rules framed by the board should be subject to the approval of the Governor in Council.

The HON. C. S. D. MELBOURNE said he would propose that the whole of the proviso be omitted. It was a proviso which did not exist in any other Act that he knew of. It might be worked in Brisbane; but it could not be worked in the country, because nobody could tell at any moment what law was adopted by any united municipality; and the consequence would be that persons would be liable to penalties in a most extraordinary manner.

The HON. C. S. MEIN said both hon. gentlemen appeared to be mistaken as to the scope of this clause. It was merely a clause providing the mode in which a united municipality should carry on its own proceedings. These by-laws would not affect any person outside of themselves. It simply gave united municipalities power to make rules as to the way in which they should conduct their own proceedings.

The HON. C. S. D. MELBOURNE repeated that there was no clause in any other Act of Parliament which gave such power as this clause, and he defied the Hon. Mr. Mein to show one.

The HON. C. S. MEIN said he did not suppose he could find a proviso in these words, because there was no other Act of Parliament in this colony, or in the Australian colonies, so far as he knew, that enabled different municipalities to be incorporated together for a specific purpose. The proviso simply said that, as a temporary expedient, the board might adopt the rules of one of the incorporated societies.

The HON. W. D. BOX thought the words referred to might be omitted with benefit. He considered it the duty of joint boards to make rules at once, but under this proviso they could put off doing so as long as they liked. He thought they should adopt rules for their management, and that those rules should be approved by the Governor in Council.

The HON. C. S. MEIN said they must have some rules to guide them in the first instance.

The HON. C. H. BUZACOTT said the object of the proviso was to allow members to get into working order at once. They could not begin by making rules, and should have something to go upon. He agreed with the Hon. Mr. Melbourne and the Hon. Mr. Box that there was not much object to be gained by this proviso, as the boards could agree to act temporarily on the rules of any component municipality, but he did not see much harm in it.

The HON. F. T. GREGORY said another view of the matter was that although the members might be empowered to make rules, it was not absolutely compulsory. He knew that under the Local Government Act there was a shire

council worked without any rules at all, and it was found very convenient. They merely adopted the ordinary rules which governed any debating body, and no harm whatever resulted from it.

The HON. C. S. MEIN said this clause would also meet the case where members required notice before meeting. There was no proviso in the Bill that notice should be given to members before the meeting should be held; but it might be a matter of considerable importance where a large number of municipalities were united to determine when and where it would be convenient for all parties to meet.

The HON. W. H. WALSH said, in all parliamentary practice his experience was that there was nothing both Houses of Parliament were more jealous of than granting power to the Governor in Council to make regulations which should have the force of law. Even when they were consolidating their Supreme Court Act, they were equally distrustful of the judges having more power than was absolutely necessary for framing regulations; but now they proposed, in their present flippant style of legislation, not only to abandon all that caution, but actually to give to two or three members of a municipality the power of framing regulations which, upon being gazetted, should have the force of law. He certainly would not give his consent to such a measure as this. They proposed to grant under this clause the extreme power of framing regulations which should have the force of law to men who might probably be unfit to form a parish vestry in a small village. These men were to be allowed to frame regulations which, as soon as they were published in the *Gazette*, would have the force of law, and which might be incompatible with the Act.

The HON. P. MACPHERSON said that under this Bill they gave men power to do certain things, and they should also give them power to manage their own internal affairs in connection with the working of the Act. He certainly agreed with all that the Hon. Mr. Mein had said on this matter.

The HON. W. H. WALSH said he did not see what answer this was to his objection, that they were going to make law-makers of men whom thay probably would not hire to drive their horses.

The HON. W. GRAHAM said he imagined the intention of all Bills of this nature was to try and educate the people to govern themselves; and if they were to learn to govern themselves properly, they should have the power to make their own regulations. They might make mistakes at first; but he thought that this clause was a very wise clause, as it also provided that until they had time to frame their own regulations they might take as a basis upon which to make the regulations those made by other councils.

The HON. C. S. D. MELBOURNE said he intended to move an amendment upon this clause, not with any intention to obstruct the Bill, but rather to assist its progress. He might mention to the hon. the Postmaster-General that when the Divisional Boards Act came into force, a district not far from the town in which he resided had a discussion, and decided to admit the public to their meetings. In case this clause were passed, it was of vital importance that the public should be admitted; for these men were all provided with the power to make regulations which would have the force of law. He contended that where such power as that was given there should be some strict supervision provided for. As the Hon. Mr. Walsh had said, they were particularly careful about their own rules, and even the rules made by the judges had to be placed before them for their consideration; and he, therefore, could not see why these men should be allowed to make laws without any supervision whatever. He would therefore move, with a view to facilitating the progress of this measure, that after the word "expedient," in the 2nd line of the clause, the following words should be inserted:—"After approval by the Governor in Council and."

Question—That the words proposed to be inserted be so inserted—put and passed.

Clause 10, as amended, put and passed.

On clause 11—"Governor in Council may authorise joint boards to exercise specific powers"—

The HON. C. H. BUZACOTT said he had an amendment to move in this clause. The only alteration made in the clause in the other House was the addition of the words, in the 1st line, "with the consent of the local authority of any component municipality." He had since ascertained that a number of members in that House had not considered what the real effect of that amendment would be. He had given an illustration of its effect when he had moved the second reading of this Bill, and he pointed out that supposing a united municipality, consisting of eight component municipalities, desired to carry out a certain work, and one of these component municipalities refused to give its consent to the work being carried out, it would be in the power of that municipality to overrule the wish of the other seven, and that would, of course, destroy the effect of the Bill and prevent the work being carried out at all. He considered, however, that there was some force in the argument of the hon. member of the other House, who caused the insertion of the words referred to—that it was rather arbitrary. If the Committee consented to strike out these words, he intended to insert a new clause, to follow clause 12, to give the municipality practically the power to appeal. With that protection in the Bill, he did not think any mischief would arise from the large powers which would inevitably be confided to joint boards under this Bill. He moved that the words "that the consent of the local authority of any component municipality," in the 1st and 2nd lines of the clause, be omitted.

The HON. W. H. WALSH asked the hon. gentleman in charge of the Bill if he could explain the meaning of the word "component" in the 11th clause, where it was stated—

"The Governor in Council may, with the consent of the local authority of any component municipality."

He did not think it was explained in any part of the Bill. Was there something sinister in it?

The POSTMASTER-GENERAL said if the hon. gentleman did not know the meaning of the word he might find out.

The HON. W. H. WALSH said that was not answering his question. He presumed the Bill was made to be understood by all classes of the community, and yet he would ask if any hon. member present understood what that word meant.

The HON. F. T. GREGORY said the hon. gentleman seemed to imply that none of them were able to tell him what the word meant. The word was very simple, and was variously employed. In chemistry the "components" meant the several parts of a compound; and in the old English it meant something compounded of several component parts. If the hon. gentleman could find a better word to substitute for it he should do so.

The HON. W. H. WALSH contended that the Hon. Mr. Gregory had not explained the word at all. He could see from the wording of the Bill that some "penny-a-liner" had had the construc-

tion of it. In the nineteenth century their Bills should at least be clear enough for the people who had to submit to them as well as those who had to administer them to understand.

The HON. C. S. MEIN said the components of a municipality were the municipalities united together to form a united municipality. He had not had the advantage of perusing the debate which took place in another Chamber, but it appeared to him that the object of the clause was to enable a united municipality to take out of the hands of one of the combined municipalities the privileges and powers conferred upon it by the Local Government Act in its incorporation; and it appeared to him to be a most undesirable thing that those powers should be taken away unless the municipality itself consented. The Hon. Mr. Buzacott's amendment would practically enable the Governor in Council to alter an Act of Parliament. Though he (Mr. Mein) was generally in favour of giving the Governor in Council large powers in regard to details, he did not think they ought to give him what was practically the power to alter an Act of Parliament. Every municipality, as soon as it became incorporated, was clothed with certain powers, and if the Hon. Mr. Buzacott's amendment were accepted, these powers might be taken away from it without its consent by the Governor in Council approving of the recommendation of the other bodies with which it might be associated for specific works outside of that particular municipality. He could not consent to the proposition.

The HON. C. H. BUZACOTT explained that they had in the Bill under discussion the language of the Imperial Act as nearly as circumstances would permit.

The HON. C. S. MEIN said what was here proposed was contrary to the Act. Under the Local Government Act powers were conferred on municipal bodies to perform certain functions. Under the subdivisions of the 167th clause, for instance, they were at liberty to pass by-laws with respect to markets, &c. Suppose the united municipality, composed of Woolongabba, Booroodabin, or Toowong, it would be impossible for the chairmen of these boards to authorise the joint board to exercise in the city of Brisbane any of the powers conferred on the municipality of Brisbane by the Local Government Act of 1878. It would be most unfair to confer upon the united municipality outside powers which would enable them to override an Act of Parliament. Under this proposed regulation, it would be possible for these outside districts to take the control of the Brisbane bridge out of the hands of the Brisbane Council, and to regulate all matters connected with the bridge or any other public work within the municipality of Brisbane, although the members of that municipality might strongly object to it. It was all very well to say that the Governor in Council would not be likely to deal unjustly with the matter, but the statute had conferred certain powers on those bodies, and it was not within the scope of the Bill under discussion to take any of those powers from the local bodies; it had simply to deal with them in respect to general works outside, and to confer the power on united municipalities of dealing with works common to the whole of them, and over which none of them in their individual state had any jurisdiction.

The HON. C. S. D. MELBOURNE said he agreed with the Hon. Mr. Mein with respect to this clause. The proper word appeared to him to be "united." They knew what that meant, and they knew what "local authority" meant. The word "component" might not be likely to lead to any difficulty hereafter, but he thought it would be better to adhere to one term all through the Bill, instead of introducing another. The term "local authority" was defined to be:—

> "Any municipal council or divisional board constituted under the laws in force for the time being for the constitution of municipalities or divisions."

—and it would be preferable to keep within the terms defined in the Bill. There was another most important feature of the clause to which the Hon. Mr. Mein had referred; and it would be seen that whether it read, "The Governor in Council may with the consent of the local authority," or "of the united municipality," the Governor in Council had power to do what no united municipality would attempt to do. It might be, as had been suggested, that the power would not be arbitrarily used; but all were liable to err, and it was quite possible that representations would be made which would bring about an undesirable condition of things under this clause, and a condition of things which the parties themselves would never bring about. He was of opinion that it might be better to make the clause read, "The local authority of any united municipality."

The HON. C. H. BUZACOTT said he did not think it was worth while for the Committee to spend its time over the word "component." But with respect to what had been said by the Hon. Mr. Mein, he admitted that there was very much force in his remarks. It must be remembered, however, in dealing with that Bill, that the only works calculated to be undertaken by the joint boards were works in which more than one municipality was concerned—works that were of consequence to several, and probably to the whole of the combining municipalities in the united municipalities; and this clause was more a clause to give power to the Governor in Council, under the joint board, with respect to works of general, as against works of mere local interest. He would give an illustration which he gave on the second reading. Suppose a road going between Brisbane and Ipswich had to be maintained, and that there was in one part of it a very difficult place to be maintained, and which required more than the expenditure required to maintain all the other portions of the road. That portion of the road might pass through a portion of only one of the component municipalities, and if the words, "with the consent of the local authority," were allowed to remain in the clause, that one municipality might say, "No, we will not allow this to be placed under the charge of a joint board." They might say—"If the board like to pay the whole of the expense, and relieve us of any portion of it, we will withdraw our opposition; but if we are to be compelled to contribute in any way whatever towards the maintenance of this road between Brisbane and Ipswich, we will not consent." The result would be that the whole object of the Act would be defeated, and the main road in question would be impassable, because one of the component municipalities refused to consent to repairs being carried out. He was quite prepared to admit that this clause, in the hands of an irresponsible authority, might be made to work very badly. Supposing the Governor in Council were so ignorant or so indisposed to consider the real requirements of the country as to empower the joint board to perform improper duties, or to interfere unnecessarily with component municipalities, then he admitted much wrong might be done under the Bill. But if the Hon. Mr. Mein would look at the clause in the English Act he would find that the local board exercised exactly the same powers that were proposed to be given here. He should not fight for the striking out of these words if he were not perfectly sure that in some cases at least the working of the Act would be rendered futile by the withholding of

the consent of some of a component municipality. If the words were inserted that the works so placed in the hands of the joint board should only be works of importance to the united municipalities, and not works of merely local importance, he thought an amendment to that effect might be good, and do away with the required consent of the local authority before anything could be done.

The HON. C. S. MEIN said the illustration of the Hon. Mr. Buzacott did not apply. Under the Divisional Boards Act special powers were conferred upon the Governor in Council to take main roads and other works out of the hands of local bodies; but they would have power under this Bill, if it became law, to authorise united municipalities to deal with the particular works that were so excluded under the Local Government Act. The object of the amendment was to enable the united body to usurp the functions of the local body, and that was what he objected to. If they wanted to give the united body power to usurp the functions of the local body, they must have the consent of the local body. Therefore, he said the illustration of the hon. gentleman did not apply. Take a case that might arise. The outside districts of Brisbane might take it upon themselves to say that Queen street should be laid out in a certain way—that, for instance, a tramway should be laid down in that street. It might be very convenient for people at Breakfast Creek and South Brisbane to have the two extremities united by a tramway down Queen street, and these bodies might insist upon having a tramway constructed without the consent of the Municipal Council of Brisbane or the Brisbane people. If the Brisbane Municipal Council agreed it would be all very well; but if they objected, as they very probably would, a work such as that should not be imposed upon them. Of course they were bound to believe that the Governor in Council would exercise a tolerably wise and sound discretion, but it was possible that they might have persons very upright and actuated by the very best motives, who would act very unwisely and in a manner prejudicial to the public interests.

The HON. C. H. BUZACOTT said he was always ready to acknowledge when he was in error. He admitted the force of the arguments which the Hon. Mr. Mein had used—that under the Local Government Act and the Divisional Boards Act the Governor in Council had power to except from the control of any municipality or division any road or other public work of the kind indicated. Therefore he thought the words "with the consent of the local authority" might remain without injuring the Bill. He begged to withdraw the amendment.

Amendment withdrawn.

The HON. W. H. WALSH suggested that the representative of the Government should withdraw the Bill, and that it should be brought up at some future time in a more lucid form. What with the original Bill and the attempted amendment of the Hon. Mr. Buzacott, they had got into such a state of fog that he thought the Bil should be withdrawn. At present they did not understand it. The amendment had made it more complicated, and the matter had been made even more difficult by the withdrawal of the amendment. He certainly put it to the Postmaster-General whether it would not be well to withdraw the Bill.

Clause put and passed.

On clause 12—"May appoint officers for united municipalities"—

The HON. W. H. WALSH said this clause required some attention from hon. members. They would shortly have before them one of the most important measures which had yet come before them—the Food and Drugs Bill—and here they seemed to anticipate one important provision of that Bill. He put it to the Postmaster-General whether it would not be better to postpone this clause until the end of the Bill, so that they might make it and the other Bill go together, hand-in-hand. This clause seemed to anticipate and might jar with the other Bill, and he made the suggestion for the good of both Bills.

Clause put and passed.

Clause 13—"Petitions for severance or amendment of boundaries to be referred to joint board'—put and passed.

Clause 14—"Expenses of joint boards to be equitably apportioned among component municipalities."

The HON. C. H. BUZACOTT said that he did not hear clause 13 passed, and it was a matter of some importance, because he had a new clause to precede it. However, the Postmaster-General said he was willing to recommit the Bill to consider the amendment of which he (Mr. Buzacott) had given notice. He thought this course was only fair, as he had taken a great deal of trouble in the matter.

The HON. W. H. WALSH said that there was a difficulty in this clause. He could not see how it could work at all, and the hon. the Postmaster-General did not give them much information. It said in the second paragraph:—

"When the expense is incurred for a work of an unequal benefit to the component municipalities, the respective contributions shall, as nearly as practicable, be in proportion to the benefit severally received."

Would the hon. Postmaster-General state how that was to be arrived at; and how enforced?

The POSTMASTER-GENERAL said the subsection was clear enough. When the expense incurred was of unequal benefit to the component municipalities, the proportion of the expense they should have to bear should be as nearly as practicable to the benefit they received.

The HON. W. H. WALSH asked how was that to be arrived at, and how to be enforced?

The POSTMASTER-GENERAL said he presumed that it would be arrived at by the decision of the joint board. He took it that the joint board would meet and consider the matter, and it would be decided by the majority in the same way that everything else was decided in such cases.

The HON. F. T. GREGORY pointed out that there was provision at the end of the clause for appeal in the case of any local authority feeling aggrieved by any such apportionment. He thought that removed any difficulty.

The HON. W. D. BOX said that he was at a loss to understand subsection 3, which said:—

"When the expense is incurred for the exclusive benefit of a portion only of the united municipality, the contribution in respect thereof shall be made solely by the component municipalities having jurisdiction in such portion."

It said "a portion only of the united municipality," and "component municipalities." He thought they must have either "municipalities" or "municipality"; unless the matter was provided for in the Acts Shortening Act.

The HON. C. H. BUZACOTT said the matter referred to was amply provided for in the Acts Shortening Act.

Clause put and passed.

Clause 15 passed as printed.

On clause 16—"Limit of rate"—

The HON. W. H. WALSH said he thought the amount of the rate in this clause, 16, was too

large, and he should move that the word "sixpence," in line 20, should be omitted, with a view of inserting the word "threepence;" but in doing so he did not give his sanction to these combined municipalities being allowed to levy rates at all. That was a power which should be left entirely with the individual municipalities. The Hon. Mr. Buzacott, when moving the second reading of the Bill the other day, had told them that the united municipalities had no authority under this Bill to levy rates; but when they got into the Bill they found that they had such authority. He was quite sure that whenever they could relieve the taxpayers by reducing the rates levied upon them, they would not only incur their favour, but they should be doing their duty to the country. He had pointed out the other day that one of the municipalities had levied a rate and then applied the taxpayers money to the purchase of a lawn-tennis ground.

The HON. C. H. BUZACOTT said the Hon. Mr. Walsh was perfectly correct in his belief that this Bill might increase taxation but he did not think that that House had primarily very much to do with that. The other House had assented to an increase at the rate of 6d. in the £1, as provided in this clause; and he did not think they would be likely to allow of any interference by the Council in that matter. It should be remembered that it would be only in exceptional cases that the rate would be at all increased.

The HON. W. H. WALSH said the hon. gentleman must draw a distinction between their making a tax upon the people, and their sanction to the increase of taxation by a municipality. They had as much right to determine whether 3d. was not a more proper rate to levy than 6d. The only alternative he saw would be to reject the Bill altogether. In spite of the distinct promise of the hon. gentleman who had charge of the Bill on Thursday evening last, that there was no power given to united municipalities to levy rates, he (Mr. Walsh) said there was, and that the hon. gentleman had deceived them—though, perhaps, not intentionally—and if the hon. gentleman would refer to the 16th clause he would see that they had such a power.

The HON. C. S. MEIN said with regard to the powers of that House he had always contended that they had ample and abstract right to interfere with anything brought before them; still there was no doubt that every time they had interfered with these matters the other House had resented their interference. He believed it was only two sessions ago that they had had a very exciting discussion over some amendment he (Mr. Mein) had made in the Divisional Boards Bill, with regard to an alteration of taxation very much similar to this. They conceived it was entirely in their power to make such an amendment; but the other House objected to it on the ground that the amendment dealt with taxation, and the Council had no power to interfere with it in any way. However, the Council at last gave way, but he (Mr. Mein) pointed out that if the Council assented at once in that case they might have to yield in the same way on other occasions.

The HON. W. H. WALSH, by permission of the House, withdrew his amendment.

Clauses 16 to 24, inclusive, put and passed; schedule and preamble agreed to; and, on the motion of the POSTMASTER-GENERAL, the Chairman left the chair, and reported the Bill to the House with amendments.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House resolved itself into a Committee of the Whole for the purpose of reconsidering clause 13 and the schedule.

On clause 13—"Petitions for severance or amendment of boundaries to be referred to joint board"—

The HON. C. H. BUZACOTT said the amendment which he had given notice of in this clause was designed merely to facilitate the working of the Bill in its particulars. It was not, perhaps, in many senses a very important amendment, because it did not affect the principle of the clause at all; but was rather a development of it. The clause provided that—

> "Whenever any petition is presented to the Governor in Council praying for the severance of any municipality, or for any alteration or amendment of the boundaries of one or more municipalities, or whenever any application is made under the laws in force for the time being for the closure of any public road, the Minister shall transmit by post or otherwise a copy of such petition or application to the joint board of the united municipality affected thereby for their consideration and report."

Then the clause stopped, and did not prescribe the way in which the joint board was to report. The amendment of which he had given notice would add a schedule to the Bill, which prescribed the several matters upon which the Governor in Council would expect the joint board to report. When the petition was for severance, the joint board should report whether there was substantial cause to complain of neglect by the local authorities exercising jurisdiction in the locality referred to; that the desired severance would be beneficial to the ratepayers; or that such severance would so so reduce the area of any municipality as that the annual value of all the ratable property therein would be less than £10,000 sterling. He considered it would be very improper for the Governor in Council to allow the severance of a municipality in which the annual value of the ratable property was £10,000, as the rate of 1s. in the £1 on that amount would be equal to £500 a year. He was of opinion that no municipality should be allowed to exist—unless under very exceptional circumstances—where the revenue raised amounted to only £500 a year. The clause did not absolutely say that the severance shall not take place if the annual value of ratable property was below £10,000 a year; but it would be a matter for the serious consideration of the Governor in Council as to whether severance should be permitted under those circumstances. The schedule then went on to say when the application related to the closure or deviation of a public road, the report of the joint board would be as to whether the proposed closure or deviation would be an obstruction to public traffic and would cause immediate or future inconvenience to the public, and for other reasons which would be seen in the schedule. The information supplied by them would be very valuable to the Governor as to the course which he proposed to take. It did not interfere with the Act in any way except to facilitate its working and make it more useful. He begged to move that in clause 13, line 32, there be inserted the words, "if they think fit, in respect to the several matters and things mentioned in the first schedule of this Act."

Question put and passed.

Clause, as amended, put and passed.

The HON. C. H. BUZACOTT moved two new schedules, to stand as schedules 1 and 2 of the Bill respectively.

Question put and passed.

The Bill was, on the motion of the POST MASTER-GENERAL, reported to the House with further amendments, and was recommitted for the reconsideration of amendments to clause 15.

The HON. C. H. BUZACOTT moved that before the word "schedule," in line 13 of clause 15, the word "second" be inserted.

Question put and passed; the Bill was reported to the House with further amendments; the report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

POLICE JURISDICTION EXTENSION BILL—COMMITTEE.

The House went into Committee of the Whole to consider the clauses of the Bill in detail.

Preamble postponed.

Clauses 1, 2, and 3 put and passed.

The HON. C. H. BUZACOTT said, in asking the Committee to consider the rather important amendment he had given notice of, he wished to point out that his attention had been directed to the increasing prevalence in this city of what was known in the colonies as "larrikinism." It was his misfortune, he might say, to have to pass through Queen street at various hours during the evening, and the scenes that were enacted there every evening would, he thought, be discreditable to any civilised community in the world. He had ascertained that the police under the present law had no power to order persons to move on, or to disperse assemblages which obstructed public traffic and seriously annoyed decent, respectable people whose business required them to go out after dark. The consequence would be that some wrong would be committed while the police had no authority to interfere with it. The clauses of which he had given notice dealt with this evil in two ways. Clauses 4 to 7 provided that boys of certain ages who were guilty of certain offences should be subject to whipping; and clause 8 provided that the municipal authorities might authorise any constable to keep the streets of the municipality or division clear of obstruction to public traffic, by—

"Requiring any person who is loitering or idling in any street or road, or on any footwalk thereof, to forthwith move on,

"Requiring any assemblage of persons in any street or road or footwalk thereof to forthwith disperse, or

"Requiring the driver of any vehicle to forthwith move on."

Any members who were in the habit of going through Queen street on Saturday evenings would see people standing about at corners actually preventing locomotion, and if there was a little judicious interference on the part of the police pointing out authoritatively that this must not be permitted, he believed it would effect a very material improvement in the present state of affairs. He would also point out that this clause would not be enforced unless the Municipal Council first passed a by-law authorising it to take effect. With regard to the clause for suppressing larrikinism, he could only say that it had been discussed at very great length in the neighbouring colony of New South Wales, where it had been moved in the Legislative Council by the Solicitor-General, and had met with the approval, he believed, of the whole of the Press of that colony. It was agreed on all hands that some legislation was necessary to deal with an evil which was daily attaining increasing dimensions, and which threatened seriously to interfere with the liberty of the subject. He was as much an advocate of the liberty of the subject as anybody, but he was not an advocate for allowing ill-disposed people to interfere with the liberty of others, which he was sorry to say they did, as matters were at present conducted. The clause was almost an exact transcript of the New South Wales Bill. The four clauses he proposed were one clause in the New South Wales Bill, but he had divided them in order to make them more clear and more easily understood. Therefore, he did not ask the Committee to accept this clause solely on his own authority, because, as he had pointed out, the colony of New South Wales had taken the steps he had indicated to deal with an evil which we suffered from in common with them, and he thought it would be a very wise course if they followed in their footsteps. It would be observed that the offences for which whipping was to be inflicted were very minutely described in the Bill, and whipping could not be inflicted for any other offence but those specified. It would also be observed that it was only by order of a police magistrate that whipping could be inflicted. As originally introduced in the New South Wales Bill, it was provided that any two justices should have power to impose this punishment; but after discussion it was resolved that only police magistrates, who were directly responsible to the Government, should be entrusted with so large powers as these. He felt as much repugnance as any other member possibly could to the infliction of physical suffering, but it must be known to all hon. members that with boys and young men physical pain or the fear of it was a much stronger deterrent than any other possible punishment that could be devised; and he was quite satisfied that there were cases in which no other punishment would be so effective, or which would act so much as a deterrent, as the fear of physical pain being inflicted by the means described in the Bill. The only injury that would be inflicted by this punishment would be a certain loss of dignity that the subject of it would suffer; but he thought they need not seriously consider that, as there was no doubt a good many youngsters who were growing up thought a great deal too much of their own dignity and power, and the way in which they got together in mobs like wild animals, sometimes insulting respectable people, was really outrageous, and ought not to be tolerated. It was very difficult for private persons to prosecute them; and they probably did not like to do it under laws which might consign those who were guilty from mere thoughtlessness or wantonness to incarceration in prison for a certain period of time. Besides, there was always an amount of ridicule attached to any person taking proceedings against a boy. It would be observed that these clauses were strictly within the scope of the title of the Bill, which was "A Bill to make further provision for the Maintenance of the Public Peace." It would be admitted that the object of the clauses which he was about to move was to maintain the public peace, which was frequently disturbed by boys and young men who were allowed to wander about the streets and get into all kinds of mischief. With a view of testing the feeling of the Committee, he would move that, after clause 3, the following new clause be inserted:—

Any boy or youth who commits any of the offences hereinafter mentioned, that is to say—

1. In company with any other person commits an assault;
2. In company with any other person takes part in or is found assisting or in attendance at or as a spectator of any fighting, boxing, dog-fight, cock-fight, or any unlawful game, match, or contest whatever;
3. In any public place, or in view thereof, exposes his person or uses obscene or blasphemous language, or makes any gesture calculated to provoke a breach of the peace, or commits any indecent act, or any act calculated to provoke a breach of the peace;
4. In any public place, or in view thereof, writes or marks upon any building, pavement, wall, hoarding, fence, scaffolding, or any foot or road way, or any erection whatever, any obscene or disgusting word or sign;
5. Throws any missile, or throws, places, or deposits any noxious or filthy matter or fluid so as to endanger the safety of or with intent to injure or annoy any person, or so as to create a nuisance;

6. In any public place, park, or reserve, or in any cemetery or churchyard, public or private garden, or ornamental grounds, maliciously or wantonly destroys or damages, or attempts to destroy or damage, any road or pathway, tree, shrub, or plant, trellis-stand, flower-pot, or flower-stand, railing, seat, fountain, structure, or enclosure;
7. Maliciously or wantonly destroys, damages, disfigures, or attempts to destroy, damage, or disfigure, any portion of a public building, statue, work of art, pedestal, or structure belonging thereto, or any tombstone or monument in a cemetery or churchyard;
8. Maliciously or wantonly maims, wounds, ill-treats, injures, or disfigures a dumb animal;
9. Disturbs or annoys any lawful assemblage of people by yelling or hooting, or by any other offensive conduct, noises, or gestures;
10. In any public place, behaves in a riotous, disorderly, or offensive manner;—

shall, notwithstanding any statute to the contrary, on conviction before a police magistrate be liable to be imprisoned for the period hereinafter mentioned; and, if such police magistrate so orders, to be once privately whipped at a time and place to be fixed by such police magistrate.

It would be seen by subsequent clauses that in any proceeding under this section the police magistrate might, in the case of a first conviction, if it seemed undesirable to him to inflict the punishment of imprisonment or whipping, impose a penalty not exceeding £20, and in default of immediate payment imprisonment for a term not exceeding seven days. For the purposes of this Act the word "boy" was defined to mean any male person apparently above the age of ten and under that of fourteen years, and the word "youth" to mean any male person above the age fourteen and under that of twenty-one years.

The HON. K. I. O'DOHERTY thought they must all agree with the Hon. Mr. Buzacott that some precautionary measure such as he proposed to insert in this Bill was very necessary, and he had no doubt that, in drawing the clauses out in this form, the hon. gentleman followed the example of the Bill introduced by Sir George Innes, and passed in New South Wales. But he must confess that it appeared to him they might very easily accomplish the purpose that was intended to be effected by this Bill in even a more effective manner than was proposed. He did not know that they had yet had any public opportunity of expressing the great pleasure it had afforded, he had not the least doubt, every member of the House, as well as himself, to see the change they had adopted with regard to the treatment of boys who had gone astray. A short time ago they used to send boys of the character referred to to the old vile hulk, and keep them in a close prison, to the great detriment of the unfortunate boys and to the disgust of every friend of humanity. They had now adopted a wise course in establishing an excellent reformatory for them at Lytton, which he thought was doing excellent service. He believed it was what it ought to be—a reformatory in the strict sense of the word—and he was not aware that anything such as he should consider personal cruelty was ever required to be enforced there. Under these circumstances he would suggest to the Hon. Mr. Buzacott that they might meet the object of his amendments by providing that all such cases as he proposed to deal with should be sent to the reformatory instead of a gaol, or subjected to whipping. The idea of sending boys under the age of ten years to gaol was, in his opinion, calcu ated, so far from improving them, to make them a great deal worse. That was his honest conviction, and he was so convinced of it that he would earnestly suggest to hon. members to have recourse to the usual rule of sending these lads to the reformatory instead of to the gaol. He must confess that the measure with an amendment such as he suggested would be a very good one. He did not care to be the mover of an amendment until some further discussion had taken place, but he would strongly suggest to the Hon. Mr. Buzacott or the Postmaster-General to amend this new clause in the way he had pointed out.

The HON. F. H. HART said he was inclined to support the amendment as moved by the Hon. Mr. Buzacott. He would point out that it was not imperative on the police magistrate to order boys to be whipped. The clause provided—

"That in any proceeding under this section the police magistrate may, in a case of a first conviction, if it seems to him undesirable to inflict the punishment of imprisonment or whipping, order the offender to pay by way of penalty any sum not exceeding £20, and in default of immediate payment thereof to be imprisoned for any term not exceeding seven days."

It was therefore entirely in the discretion of the police magistrate whether he should order the boy to be imprisoned, and under the 6th clause, if the offence were a very grievous one, he might order the offender to be whipped. He thought it would be wise to leave that discretionary power in the hands of the police magistrate, especially having in view the extent to which larrikinism was increasing. He should therefore support the amendment.

The HON. F. T. GREGORY said he certainly felt inclined to support the amendment. It must be apparent to everyone that the necessity for some provision of the kind had been felt for a long time past; and while he concurred to a certain extent with the remarks of the Hon. Dr. O'Doherty, still he did not think they were sufficient to warrant them in rejecting the amendment. Although a term of imprisonment was mentioned, it did not imply that offenders under these clauses should be sent to the common gaol; they might be sent to any place at the disposal of the police magistrate, and the longest term was four days. Under those circumstances, he thought that no one in the position of a stipendiary magistrate was at all likely to misuse that power, and therefore that was no reason for rejecting the amendment. He should have objected to leave such power in the hands of even two justices of the peace. He had seen so many instances of the extraordinary administration of justice by the unpaid magistracy, that he would be sorry to place such power in the hands of even six of them. Under the circumstances, he thought the amendment might very beneficially be inserted in the Bill.

New clause 4 put and passed.

On the motion of the Hon. Mr. BUZACOTT, the following new clauses were agreed to:—

New clause 5—

For boys the number of strokes shall not exceed eighteen, and for youths the number of strokes shall not be more than twenty-five, the number in every case to be fixed by the police magistrate.

New clause 6—

In every case as aforesaid the offender shall be kept in custody for not less than six nor more than ninety-six hours after conviction in such place of detention as the police magistrate prescribes; and the whipping, if ordered, shall be inflicted during such custody, and not less than six hours after such conviction.

Provided that in any proceeding under this section the police magistrate may, in a case of a first conviction, if it seems to him undesirable to inflict the punishment of imprisonment or whipping, order the offender to pay by way of penalty any sum not exceeding twenty pounds, and in default of immediate payment thereof, to be imprisoned for any term not exceeding seven days.

New clause 7—

For the purposes of this Act, the word "boy" means any male person apparently above the age of ten and

under that of fourteen years; and the word "youth" means any male person apparently above the age of fourteen and under that of twenty-one years.

New clause 8—

The council of any municipality or board of any division may, in addition to the powers conferred upon them by the laws in force for the time being for the government of municipalities and divisions, make bye-laws for the better maintenance of order within their jurisdiction in respect of the following matters and things, that is to say,—

(1.) To give authority to any police constable to keep the streets of such municipality or division clear of obstruction to public traffic, by

(*a*) Requiring any person who is loitering or idling in any street or road or on any footwalk thereof to forthwith move on

(*b*) Requiring any assemblage of persons in any street or road or footwalk thereof to forthwith disperse

(*c*) Requiring the driver of any vehicle to forthwith move on

and such council or board may impose a penalty not exceeding fifty pounds for every breach of any such bye-law.

Clause 4—"Short title"—schedule, and preamble, put and passed.

On the motion of the POSTMASTER-GENERAL, the Chairman left the chair, and reported the Bill with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

ADJOURNMENT.

On the motion of the POSTMASTER-GENERAL, the House adjourned at twenty minutes past 10 o'clock until the usual hour to-morrow.