

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 16 JULY 1885

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LEGISLATIVE ASSEMBLY.

Thursday, 16 July, 1885.

Formal Motions.—Police Officers Relief Bill—third reading.—Members Expenses Bill—third reading.—New Guinea Islanders Employers Compensation Bill—third reading.—Additional Members Bill—third reading.—Question without Notice.—Local Government Act Amendment Bill—second reading.—Adjournment.

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

FORMAL MOTIONS.

The following formal motions were agreed to :—

By the HON. SIR T. MCILWRAITH—

That there be laid upon the table of this House a Return showing,—

1. The names of all the selectors under the Crown Lands Alienation Act of 1876 who have elected to come under the Act of 1884.
2. The district and number of their selections.
3. The rents payable by each selector under the Act of 1876.
4. The rents due and not paid by each selector when the Act of 1884 passed.
5. The rents due and not paid when each selection came under the operation of the Act of 1884.
6. How each selector had, when he came under the Act of 1884, fulfilled the conditions of the Act of 1876.

By Mr. MACFARLANE—

That there be laid on the table of the House a Return, for the five years ending December, 1884, from all the hospitals in the colony, also from Dunwich, St. Helena, and Woogaroo and Sandy Gallop Asylums, showing,—

1. The total number of patients in each hospital and asylum, and total number of prisoners in St. Helena in each year.
2. Daily average in each year.
3. Average total cost of each patient and prisoner per annum.
4. Total quantity and cost for spirits, wine, and beer supplied to patients, distinguishing each kind.
5. The average cost per patient for spirits, wine, and beer in each asylum and hospital and St. Helena.

By the PREMIER (Hon S. W. Griffith)—

That leave be given to introduce a Bill to make provision for regulating the Width of Streets and Lanes, and to prevent the subdivision of Land in such a manner as to be injurious to the Public Health.

The Bill was presented, read a first time, and the second reading made an Order of the Day for Tuesday next.

By the PREMIER—

That this House will, at its next sitting, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to make better provision for the Management of Public Charitable Institutions.

POLICE OFFICERS RELIEF BILL— THIRD READING.

On the motion of the COLONIAL TREASURER (Hon. J. R. Dickson), this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

MEMBERS EXPENSES BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

NEW GUINEA ISLANDERS EMPLOYERS COMPENSATION BILL — THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

ADDITIONAL MEMBERS BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

QUESTION WITHOUT NOTICE.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—Before proceeding to the Orders of the Day, I wish to ask what the Government intend to do. There are only two Orders of the Day on the paper, and the Bills named have not yet come into the hands of hon. members—not one member in ten has seen them. I have asked every member on this side of the House, and the only one who has read the Local Government Act Amendment Bill is Mr. Hume Black. I therefore think it would expedite business if we hear the speech of the Minister proposing the Bill, and then adjourn the debate until hon. members have read the Bills set down on the paper.

The PREMIER said: Mr. Speaker,—Last night I said we proposed to-day, if possible, to take the second reading of the first of these Bills, and not the other.

An HONOURABLE MEMBER; I do not believe a member in the House has read them.

The PREMIER: It was circulated last week, but owing to a mistake it was withdrawn and circulated again this morning. I am not anxious to press the business against the wish of hon. members, and I think it will be convenient to move the second reading, and afterwards adjourn the debate if it is considered desirable for the sake of discussion.

LOCAL GOVERNMENT ACT AMENDMENT BILL—SECOND READING.

The PREMIER said : I have taken charge of this Bill because municipalities come within the department of the Colonial Secretary ; but, at the same time, a considerable portion of the Bill might have more fitly been dealt with by my hon. colleague the Colonial Treasurer. The Bill deals with two subjects—one, the borrowing powers of municipalities in connection with waterworks, and the other the joint care of boundary roads and bridges over rivers or creeks forming the boundaries of municipalities. I will say a word or two about the second part first. In the Divisional Boards Act of 1882, clauses were introduced on my motion, providing that where a road formed the boundary between two divisions, or between a division and a municipality, the care of the road should be entrusted to the joint local authorities, and there were provisions for compelling the local authorities to come to an agreement, or if they did not do so, the Government could arbitrate between them. There were similar provisions with respect to the bridges and also the roads that pass through more than one division. The latter were cases where the people who were charged with the expense of maintaining the roads were not the people who made the most use of them. That Act, however, deals with divisional boards only, and it could not by any possibility be made to apply to municipalities. A case arose the other day which showed how the Act was inoperative in this respect. Two municipalities exist at Rockhampton, those of North and South Rockhampton. When the Act was passed the north side of the river was in the division of Gogango, and it became jointly liable with the municipality of Rockhampton for the maintenance of the Fitzroy Bridge ; but when the municipality of North Rockhampton was created it was not liable, for the reasons I have already stated, that there were no provisions dealing with contiguous municipalities. The second part of the Bill simply re-enacts with respect to municipalities the provisions that are already in force with respect to divisional boards, and the clauses are in fact exactly the same. The other part of the Bill relates to the borrowing powers of municipalities with respect to waterworks. The present rule providing a limit to the borrowing powers of municipalities is contained in the second part of the 225th section of the Local Government Act. It says :—

“Nor shall any such special order be adopted if the sum proposed to be borrowed, together with any sums previously borrowed and not repaid, would exceed a sum equal to five times the then annual revenue of the municipality.”

At the time that Act was passed I do not think any municipality was concerned in the matter of borrowing for the purpose of constructing waterworks. This subject had not attracted attention at the time, but since then considerable debts have been incurred for this purpose. Although these waterworks are in the majority of cases remunerative, and the revenue derived therefrom is sufficient to pay the interest and instalments on the debt incurred, nevertheless the debt forms part of the burden of the municipality, and prevents it borrowing money to any greater extent—a result which I am very sure was never contemplated. As a matter of fact, waterworks were not the kind of works for which loans were contemplated when the Act was passed, yet at the same time they are remunerative works, inasmuch as when they are constructed the water is sold and it brings in a revenue, and the business is a profitable one in most cases. There is no reason, therefore, why the borrowing powers of municipalities should be limited because a special debt was contracted for the special purpose of

constructing waterworks. The 2nd clause provides as follows :—

“When any sum has been borrowed by the council of a municipality for the construction and maintenance of waterworks from which a revenue is actually derived by the municipality, then for the purpose of estimating the amount of money that may be borrowed by the council the following rules shall have effect :—

1. If the net annual revenue derived from the waterworks, after paying all working expenses thereof, is sufficient to pay the annual instalments payable by the council under the Local Works Loans Act of 1880 in respect of the whole sum borrowed for construction and maintenance of the waterworks or in respect of any part thereof, the whole sum or such part thereof, as the case may be, shall not be taken into consideration in reduction of the amount that may be borrowed by the council.
2. The surplus net annual revenue derived from the waterworks, after paying such annual instalments and all working expenses of the waterworks, shall be deemed to be revenue of the municipality ; but
3. Except as aforesaid the revenue derived from the waterworks shall not be taken into consideration in estimating the annual revenue of the municipality.”

The 3rd clause provides that for purposes other than waterworks a council may not borrow more money than its endowment is sufficient to cover the interest upon. That is the only security the Government have for payment of the interest. The 4th clause says :—

“If when a sum is proposed to be borrowed by the council of a municipality for the construction and maintenance of waterworks it is shown to the satisfaction of the Governor in Council that the net revenue which will be derived from the waterworks will be sufficient to pay the whole or some part of the annual instalments which will be payable by the council under the Local Works Loans Act of 1880 in respect thereof, the Governor in Council may, by Order in Council, with respect to the whole sum proposed to be borrowed or that part thereof upon which the net revenue will be sufficient to pay the annual instalments as aforesaid, and upon such conditions as may be imposed by the Order in Council, dispense with the provisions of the Local Government Act of 1878 which require a special loan rate to be levied in respect of moneys proposed to be borrowed by local authorities, and which limit the amount of money that may be borrowed by a local authority, and may further postpone the time at which the payment of annual instalments in respect of the sum proposed to be borrowed shall commence.”

At the present time a fixed limit exists ; but waterworks are not remunerative until they are finished. As the law stands at present the interest and instalments begin to be payable immediately the money is lent, although there is no source from which to pay it except from the general municipal revenue, which is a very serious burden upon municipal funds. It is therefore proposed that when money is lent for waterworks, and it is shown that the net revenue from them will be sufficient to defray the annual instalments, the Governor in Council may suspend the provisions of the Local Government Act requiring a special loan rate to be raised, and also the provisions which limit the amount of money to be borrowed. At the same time he may postpone the time at which the money shall begin to be returned. If the revenue from waterworks will pay the instalments due there is no reason why there should be a special loan rate raised, and I do not think the spirit of the Act intended it should be so. On the other hand, the limit that exists may prevent money being borrowed to start the waterworks, and that may be dispensed with also. I think these propositions will commend themselves as being fair and reasonable, and although they are variations from the present letter of the law they are entirely in accordance with its spirit. There can be no subject of more importance, from one point of view, than the supply of wholesome water to the inhabitants of towns ;

and I am sure Parliament will always be glad to give assistance in that direction. The restrictions which exist were framed for entirely different purposes, and have been the cause of considerable difficulty in getting money for the supply of water. The Bill introduces no new principle into the law as we have it; but it varies the letter of that law when it has been found to be inconsistent with its principle. The 5th clause provides for the disposition of revenue derived from waterworks. Those are the provisions of the Bill. I will say one word about local government generally. The Local Government Act has now been working for nearly seven years, and the Divisional Boards Act for nearly six years; and during that time it is not surprising that defects have been found in both of them. In the case of the Divisional Boards Act, amendments were made in it in 1882, and since then various suggestions have been made to still further amend it. But the subject is a large one, and the time is not quite ripe for dealing with the whole matter. With the experience we have had, perhaps next session whatever Government may be in power ought to be in possession of sufficient information to enable them to deal with both systems of local government and consolidate and amend them. In the meantime these are matters that are continually pressing themselves on the notice of the Government, and to deal with them this Bill has been introduced. I think it is likely to commend itself to both parties, and I move that it be now read a second time.

The HON. SIR T. McILWRAITH: I move the adjournment of the debate.

The PREMIER: If hon. members desire a further time to consider the Bill before proceeding with the second reading of it, there can be no objection, as I said before, to the adjournment.

The HON. SIR T. McILWRAITH: That is my only object in moving the adjournment.

The COLONIAL TREASURER: It is necessary that this Bill should be fully discussed. It is a matter of very great importance to all municipalities that are at the present time loaded with debt for their water supply, and whose borrowing powers are in many cases well-nigh exhausted. Those towns can only extend their water service by obtaining a larger amount of loan assistance from the Government. It is not the desire of the Government to burk debate or criticism on the Bill, but I think it can be best debated in committee. I should have thought that this afternoon would have afforded a very fair opportunity for discussing the second reading fully; but as there appears to be a desire on the part of hon. members to have more time to consider the Bill, the Government have no objection to consent to the adjournment.

Mr. BEATTIE said: This is the first time I have seen the Bill, and I am very sorry to find that it does not embrace more matters certainly requiring amendment. I was in hopes that it would contain an amendment with particular reference to the manner of rating property, a question that has caused a vast amount of heart-burning throughout every municipality in the colony. I suppose no member will be able to move any amendment, except on the two items of waterworks and joint control of bridges and roads. However, when the Bill is debated I shall take the opportunity of bringing several other important matters in connection with local government under the notice of the House.

Question put and passed, and the resumption of the debate made an Order of the Day for Tuesday next.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House until Tuesday next, in accordance with notice given by him at an earlier period of the sitting, said he proposed on Tuesday, after introducing the Bill for which leave had just been given, to go on with the resumption of the debate on the Local Government Act Amendment Bill, then to take the second reading of the Elections Bill and the Crown Lands Act Amendment Bill, and if there was time afterwards the Marsupials Bill would be considered in committee.

The HON. SIR T. McILWRAITH: I hope the hon. gentleman understands that we have no objection to proceeding with the other business on the paper. I am quite prepared to go on with the second reading of the Crown Lands Act Amendment Bill.

The PREMIER: The second reading of the Crown Lands Act Amendment Bill was made an Order of the Day for to-day by mistake. It was never intended to be brought forward before Tuesday.

Question put and passed, and the House adjourned at nine minutes past 4 o'clock until Tuesday next.