Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 12 AUGUST 1885

LEGISLATIVE COUNCIL.

Wednesday, 12 *August*, 1885.

Crown Lands Act of 1884 Amendment Bill.—Police Officers Relief Bill.—Townsville Jetty Railway.—Question.—Additional Members Bill—third reading.—Pacific Islanders Employers Compensation Bill—third reading.—Marsupials Destruction Act Continuation Bill—committee.—Local Government Act of 1878 Amendment Bill—committee.

The PRESIDENT took the chair at 4 o'clock.

CROWN LANDS ACT OF 1884 AMENDMENT BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly forwarding this Bill.

On the motion of the POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson), the Bill was read a first time and ordered to be printed.

The POSTMASTER-GENERAL moved that the second reading of the Bill stand an Order of the Day for to-morrow.

The HON. T. L. MURRAY-PRIOR : I think it would be far better to put off the second reading until this day week. We shall not have time to consider the Bill by to-morrow.

The POSTMASTER-GENERAL : I have no objection, and will therefore move that the second reading stand an Order of the Day for this day week.

Question put and passed.

POLICE OFFICERS RELIEF BILL.

The PRESIDENT read a message from the Legislative Assembly agreeing to the amendment made by the Council in this Bill.

TOWNSVILLE JETTY RAILWAY.

The PRESIDENT announced the receipt of a message from the Legislative Assembly transmitting the plans and books of reference of the Townsville Jetty Railway for the approval of the Council.

QUESTION.

The HON. P. MACPHERSON asked the Postmaster-General—

Whether the Government intend to initiate any legislation on the subject of the Victoria Bridge, in view of the recent decision of the Supreme Court in the case of McBride *v.* the Municipal Council of Brisbane?

The POSTMASTER-GENERAL replied—

Yes; it is proposed to ask the assent of Parliament to a Bill authorising the permanent closure of the Victoria Bridge.

ADDITIONAL MEMBERS BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

PACIFIC ISLANDERS EMPLOYERS COMPENSATION BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into committee to consider this Bill.

Preamble postponed.

Clause 1—"Continuation of Act 45 Victoria, No. 4"—passed as printed.

On clause 2, as follows :—

"The term 'marsupial' in the said Act shall include kangaroo-rat."

The HON. T. L. MURRAY-PRIOR said he saw that the clause was an innovation, but he did not intend to oppose it. It was very well known that kangaroo-rats were difficult to catch and that they could outstrip several dogs. However, as the amount proposed to be paid for the scalps was only 2d., the matter was hardly worth consideration.

Clause put and passed.

Clauses 3 and 4 passed as printed.

On clause 5, as follows :—

"The Minister, at the request of the board of any district, may authorise the application of the funds standing to the credit of the account of the district in payment of a bonus for the destruction of dingoes at a rate not exceeding five shillings for each scalp.

"When any such authority is given it shall remain in force until withdrawn by the Minister on the like request.

"While any such authority is in force, the provisions of the said Act relating to the scalps of marsupials, and to anything done or to be done with or in respect to scalps of marsupials, shall extend and apply to scalps of dingoes and to anything done or to be done with or in respect to scalps of dingoes as fully and effectually as if the terms 'dingoes' and 'scalps of dingoes' were used in the said Act wherever the terms 'marsupials' and 'scalps of marsupials' are used therein respectively, and the term 'scalps' shall so far as necessary be deemed to include scalps of dingoes."

The HON. A. J. THYNNE said that on the second reading he made some reference to the introduction of the dingo into the Bill, and he wished now to carry out the intention he then expressed. He thought the better course to take would be to have the clause expunged in its entirety. There was a great difference of opinion amongst both cattle and sheep men as to the propriety of destroying the dingo. Some said that the preservation of the dingo in reasonable numbers was a protection against the increase of marsupials, but whether that was so or not he thought it was quite clear that the protection of the dingo in reasonable numbers was one of the best and safest protections against a rabbit invasion. They saw that in other parts of the world—in New Zealand and Victoria, where what might be properly described as the balance of nature had been disturbed by the destruction of animals of this kind—they had been obliged now to introduce large numbers of weasels and stoats for the purpose of freeing themselves of the rabbit plague. He thought it was very likely that if rabbits should come here they would have to resort to something of the same kind if the present proposition to destroy dingoes was carried out. He had been furnished, by a gentleman who had had a great deal to do with the working of the Marsupial Act, with some information which certainly seemed to him to be of a very strong character indeed in support of the view which he was now taking. That gentleman was the chairman of a marsupial board, and he wrote as follows :—

"I may say that I have been chairman of a marsupial board for the last two years, and for the last four years I have had to pay for the destruction of marsupials on the neighbouring open downs, while in our scrubby end of the division, embracing one-tenth of the whole, there has not been a single marsupial killed during those years. The reason, as you will easily understand, is that on the open downs referred to the dingo has been exterminated, while we cattle men on the thickly-timbered country prefer to keep a few dingoes instead of having millions of marsupials, as we had from 1870 to 1880, when our country was stocked with sheep."

He went on to say—

"If you extirpate the dingo the smaller marsupials increase to an enormous extent, and I think every stock-owner from the Balonne to the Peak Downs will bear me out in saying that his country will now carry at least three times as many stock as from the years 1870 to 1880, when, on account of a large portion of our country having been stocked with sheep, a good deal of dingo poisoning was carried on."

He thought that what that gentleman wrote was certainly worth repeating. In another letter he wrote :—

"I notice the Hon. J. F. McDougall said that he had never seen a dingo hunting a kangaroo or wallaby, and this is a very common and favourite remark of country gentlemen who are sheep-owners. Now, I have frequently seen them hunting kangaroos, but this is merely, I believe, for sport on their part. We must remark that the dingo is an animal who does his work at night, when those gentlemen are comfortably at home."

He quoted that gentleman's correspondence to show that there were intelligent men, having interests in the colony, who were strongly opposed to the destruction of the dingo, and he thought good reasons had been supplied why that animal should be preserved. Hitherto they had not suffered to so great an extent from the inroads of the dingo. In the first place, if they were too

numerous it was in the power of the owners of property to destroy them by poisoning. It might be that it cost something to carry that out, but it was better that some individual should lose a little in that way than that the colony should lose what might be a very valuable protection against a trouble which everyone foresaw must come—namely, the rabbit pest. The question was one of those moot points which, as he had said on a previous occasion, they could scarcely hope to have unanimous agreement upon; but, at all events, he should like to see a unanimity of opinion in regard to leaving the question open a little longer before any actual law was placed upon the Statute-book authorising the destruction of the dingo.

The HON. T. L. MURRAY-PRIOR said he had listened to what the hon. gentleman had said, and he for one agreed with him. He thought that, whether there was any doubt about the increase of native dogs or not, it was quite within the power of persons troubled by them to exterminate them. In practice he knew that people who stocked their country with cattle—although the dingoes occasionally killed a calf—still they did not kill the dingoes, because it was thought that they did more good than harm. If there were an unusually large number of native dogs he had no doubt they would be destroyed if they became a nuisance. With respect to native dogs not hunting, he could only say that he had himself seen them hunting a wallaby, and only the other day, on questioning one of his sons, he was told that on two different occasions he had seen kangaroos bailed up by dingoes. He (Hon. Mr. Murray-Prior) had no hesitation in saying that native dogs did destroy marsupials. There was a sheep run in his neighbourhood where the poisoning of dogs was resorted to, and in a very short space of time kangaroos increased to an alarming extent—in fact, they had become so numerous that shooting had to be resorted to again. With regard to the country which he had most experience in—the Logan district—there was no doubt that for some years it was overrun by kangaroos. He had seen kangaroos in that district in droves of fifty and a hundred, but of late years they had been able to keep kangaroo-dogs, and he had himself ridden for days and scarcely saw a single kangaroo. Therefore, he said, it lay with the holders of the country themselves to kill the dogs if they were a nuisance. He was not so very much in favour of the Act at all, because he thought that where vermin was a nuisance those affected by it ought to get rid of it themselves, and not make others, who did not consider the same thing a nuisance, pay for its destruction. However, he would not oppose the Bill, but he should decidedly vote for the excision of clause 5. He would not say that native dogs did more harm than good, but he would say that where they were numerous they should be poisoned, and that station owners had no business to expect the country to pay at the rate of 5s. a head for scalps. He should therefore vote for the excision of the clause.

The HON. W. H. WILSON said the clause provided that the Minister, at the request of the board, might authorise the application of funds, so that it would lie with the board to decide as to whether the dingo should be included or not. He had a letter written by a gentleman in this colony who was very much interested in the question, in which he said:—

"From the time I purchased this station I have kept my sheep in paddocks. To do so I have paid 10s. per tail for dogs killed on my country, or within a reasonable distance of my boundary; finding the men in guns and strychnine. I intend still to continue this, but as soon as I can get the marsupial board to apply to bring the dogs under the Act it must reduce the trouble. I estimate I have been expending nearly £200 a year in destroying dogs, and in spite of this my loss from sheep killed, bitten, and worried, has been considerable. I look on the renewal of the Marsupial Bill, with the dingo amendment attached to it, as the most useful bit of legislation likely to be passed this session of Parliament."

It was clear, therefore, that there was a diversity of opinion with respect to the inclusion or exclusion of the dingo, and he thought it was better to allow the various boards to decide the question for themselves; and he should accordingly support the clause as it stood.

The HON. F. T. GREGORY said it was not much to be wondered at that there should be so much diversity of opinion on the subject. Anyone who had travelled in Australia would be in favour of destroying them in one district, while in another district he would look upon it as better to allow them to roam over the country to kill the vermin. He would point out that the clause was not compulsory throughout the whole of the colony; if it were he should be in favour of expunging it; but seeing that it was permissive, and knowing that there were districts where the dingo was a serious evil, he was not surprised at the introduction of the clause. In some districts a large amount was spent on poison for the purpose of keeping dingoes under. While he was engaged in squatting pursuits he spent between £60 and £80 a year in strychnine alone, and it amply paid the concern to do so. The colony was different now, and owing to closer occupation the dingo was prevented from increasing to such an extent as formerly, and poisoning had gone very much out of vogue. As he had said before, he should feel inclined to vote for the rejection of the clause but for the fact that it was permissive, and he thought scarcely any Minister would interfere except, as provided in the clause, at the request of the board of any district; and they might fairly leave it in hands of the board to settle the question.

The HON. W. D. BOX said it would be wise to leave the Bill as it stood, because it was only at the request of the board that the clause would be operative. He thought the dog did a great deal more injury by killing sheep and calves than the good it did by the small diminution of marsupials which it caused; and the value it would be in keeping back the rabbit plague would be infinitesimal. If there were nothing else for the dingo to eat he might be of some use in that respect, but, as it was, he thought that the sooner the dingo was destroyed off the face of the earth the better.

The HON. W. FORREST said that with respect to the inability of dogs to kill rabbits, all experience went to show the contrary. In New Zealand one of the principal modes of killing rabbits was to go out with packs of dogs, chiefly mongrels; and in New South Wales, on a station belonging to Mr. Tyson, there were several hundred dogs for the purpose of killing vermin. Those facts were worth any number of theories. He had gone as far as South Australia to study the rabbit question for himself. While in Victoria, he went out with a few others taking guns but no dogs, and they got a shot now and again. After that they went out with dogs and no guns, and the dogs killed a great many more rabbits than they had killed before with guns. The Bill would be very much better without the clause, because he was confident there would be an invasion of rabbits, and though he was pleased to see that £100,000 had been placed on the Estimates for the purpose of dealing with the rabbit invasion, they could not have a better ally than the native dog. He knew from experience that the owners of sheep could protect themselves against dogs if they took the trouble to put up marsupial fencing, which

would also be dog-proof, but they could not protect themselves against rabbits at a reasonable cost. The Marsupials Act had done a vast amount of good, and it might be continued for another year without amendment. It was surprising how history repeated itself. Students of the Old Testament must remember that when the Children of Israel were travelling from Egypt to the Promised Land, amongst the promises held out to them was the following:—

"I will deliver the inhabitants into thy hands; but I will not drive them from before thee in one year lest the beast of the field prevail against thee. By little and little I will drive them out until thou be increased and inherit the land."

That was the promise as near as he could remember, and the wisdom of the course contemplated was obvious. The inhabitants were necessary for a time to preserve the balance of nature. The native dog to a certain extent does the same for us, being the natural enemy of marsupials and rabbits. Those who most advocated giving power to boards to pay for the destruction of native dogs the money subscribed to destroy marsupials were situated in districts most subject to the invasion of rabbits, but for the sake of getting rid of an immediate danger they would not look forward to a far greater danger. He would support the proposal of the Hon. Mr. Thynne.

The HON. SIR A. H. PALMER said he had very considerable experience both in regard to marsupials and native dogs, and he had come to the conclusion that the Bill would be far better without the clause. He had seen the native dog absolutely exterminated in a part of the country he knew very well. Not only had the dog been poisoned, but every bird that would eat meat—eagle-hawks and even magpies. The squatters there lived in a sort of fool's paradise, thinking that because they had got rid of the native dog the sheep would get on first-rate, but the following year the marsupials were there in thousands, and he had to move 30,000 sheep from country which would previously carry from 60,000 to 80,000 sheep. Even in sheep country it was better not to exterminate the dingo as he had done, because the managers could kill them when they were troublesome about the station—they could soon be got rid of by means of poison. He was of opinion that, the funds having been subscribed under a previous Act for the extirpation of marsupials, they had no right whatever to bring native dogs into the Bill. He should vote against the clause.

The HON. A. C. GREGORY said he had some little experience of what dingoes did and what they did not do, and he had seen very little of dingoes attacking kangaroos or the larger wallabies; on the other hand, their chief object of chase was the smaller marsupials, which ate an immense quantity of grass. Being nocturnal animals, very little was known about them except that the grass was gone. No doubt dingoes did more mischief to the calves and sheep than to kangaroos, but the quantity of marsupials they devoured was larger than most people imagined. One result of the clause would be that there would spring up what was termed in America "wolf ranches," but what they might call in the colony "dingo farms," where it would pay better to breed native dogs at 5s. than to breed sheep. He had a great objection to 5s. being paid for each dingo's scalp; and the whole matter should be left in the hands of those particularly interested. A far cheaper way to get rid of dingoes would be by means of baits. He was afraid the clause as it stood would not work satisfactorily.

The HON. W. FORREST said there was an Act at present in force quite capable of meeting the case. If anyone felt aggrieved on account of his neighbours failing to poison the dingoes when they became numerous, he could have his remedy under the Native Dog Act. As the Hon. Sir Arthur Palmer had pointed out, the clause provided for the application of funds contributed for the purpose of destroying marsupials to a different thing altogether, and possibly that application would be made by a board other than the board which first assessed the amount to be paid, because the members of boards very often changed. As he stated before, those who had sheep might fence out marsupials and dingoes as well, and when the dingoes were unable to get at the sheep they would have to kill the marsupials outside the fence in order to obtain food.

The HON. A. J. THYNNE said that with regard to the remarks of the Hon. Mr. Wilson, who said that the clause was permissive, he could scarcely see how a man who was forced to contribute to the destruction of dingoes on his run when he did not want to do so—he could not see how the clause was permissive, so far as he was concerned. A man might wish to preserve the balance of nature, but his neighbours might be in the majority and force him to contribute to the destruction of what he considered a valuable element in preserving his property against vermin. He was glad to hear the expressions of opinion which had been made on his suggestion.

Clause put and negatived.

Clause 6—"Short title"—and the preamble, passed as printed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair and reported the Bill to the House with an amendment.

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

LOCAL GOVERNMENT ACT OF 1878 AMENDMENT BILL—COMMITTEE.

On the motion of the POSTMASTER GENERAL, the President left the chair and the House went into Committee to consider this Bill in detail.

Preamble postponed.

Clause 1—"Interpretation"—passed as printed.

On clause 2—"Reproductive waterworks loans not to be taken into account in estimating the borrowing powers of municipalities"—

The HON. A. C. GREGORY said that before passing further he might mention that, though he spoke on several matters when the discussion took place on the second reading, he did not see how any private member could introduce, without extreme delay, and completely cutting up the Bill, the amendments he considered ought to be included in such a measure; and he trusted the Government would take the opportunity of carefully considering the question and remedying the several defects. The defects he spoke of were those affecting the question of rates. At present there was no real power to levy a rate except the general rate, and the rate for the maintenance of works, or payment of interest.

Clause put and passed.

On clause 4, as follows:—

"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."

The HON. A. C. GREGORY said the clause should be amended in one particular. Under the existing law, repayment of the capital of a loan need not commence till the expiration of five years, but by the clause under discussion the term might be postponed indefinitely, and though he could not see any grave objection to a moderate amount of time being given, it should not be left in the hands of the Government to lend money to a municipality, on condition that they paid 5 per cent. and repaid the principal under the Local Works Loan Act, at a time beginning, say, 100 years hence—any indefinite period; and unless the Government were prepared to name some period at which the repayment of the loan should be commenced it would be far better to expunge the provision. He therefore moved that the words in the last part of the clause—"and may further postpone the time at which the payment of annual instalments in respect of the sum proposed to be borrowed shall commence"—be omitted.

After a pause,

The HON. A. C. GREGORY said he had consulted with several hon. members; and as his anxiety was more for the improvement of the measure than the obstruction of its passage through the House, he would, with the permission of the Committee, withdraw his amendment, for the purpose of adding at the end of the clause the words "for a period not exceeding five years."

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

On clause 5, as follows:—

"All revenue derived by the council of a municipality from waterworks shall be placed to the credit of a separate account, and shall be applied in manner following and not otherwise:—

First—In payment of the actual working expenses of the waterworks;

Second—In payment of the annual instalments payable by the council under the Local Works Loans Act of 1880 in respect of the money borrowed for the construction and maintenance of the waterworks;

Third—And the balance, if any, may, at the discretion of the council, be applied to the maintenance, repair, and extension of the waterworks, or may be carried to the municipal fund."

The HON. A. C. GREGORY said at the end of the clause provision was made that any surplus which might remain after carrying out the waterworks might be carried to the municipal fund. Now, the operation of that would be that waterworks might be in the hands of the corporation, and they would so work the accounts, not necessarily with any falsification, by placing certain sums against capital and certain sums against maintenance, that they would make it appear that there was a considerable profit; and instead of maintaining the works properly they might carry a great deal of the ordinary revenue of waterworks to the municipal fund. The money in the first instance was advanced by the Government for the purpose of providing a water supply, and he thought that in no case should municipal authorities be allowed to divert any moneys which they obtained from the supply of water to any other purpose than the improvement of the works or the lowering of the] rates. Under these circumstances, without detaining the House any further, he would propose to omit the words in the last two lines in the 3rd subsection—namely, "or may be carried to the municipal fund"; and if that were agreed to he should propose that the following words be added at the end of the clause—"shall be applied in reduction of the principal loan."

Question—That the words proposed to be omitted stand part of the clause—put.

The POSTMASTER-GENERAL said that if fair reflection was given to the subject of local government hon. gentlemen would see that it was desirable that the clause should remain as it was. He had had considerable municipal experience, and during that time had taken a very deep interest in the subject of municipal government; so that hon. gentlemen might understand that what he said was said with some slight acquaintance with the operation of local self-government. Local self-government he thought could not be too largely developed in this colony, and he was of opinion that the Legislature should encourage its extension from time to time, as the municipalities or divisional boards displayed ability, skill, and carefulness. He was of opinion that their discretionary powers should be increased year by year, where it was discovered that those powers were fairly valued and properly used by the local bodies. Now, he thought that the 3rd subsection, providing that the balance of profit might be applied at the discretion of a municipality, or be carried to the municipal funds, was a very wise one indeed; but if they excised that portion of the clause and substituted the words suggested by the Hon. A. C. Gregory, he thought they would do a very unwise thing. He would take, as an instance, the municipality of Brisbane, which derived a considerable income and profit from wharfage. It was not attempted for a moment—indeed, it would be farcical for any citizen to propose it in these days—that the balance of the revenue derived from those wharves, after paying working expenses, should be used to liquidate the original loan obtained from the Government for their construction and maintenance. He could also refer to Rockhampton, where they derived a very extensive revenue from their river frontage; and if the principle held good in one case it must surely hold good in another. If the Chamber elected to omit the words from the clause, that action would probably have some effect in the coming legislation of next year in regard to local self-government. He therefore thought that viewing the case as it was—that the power proposed to be given was a discretionary power—they should not interfere with it. Moreover, there was a higher ground for not interfering with the clause, because they had merely to keep in view the fact that all local bodies were elective, and if they exercised their discretionary powers injuriously to the municipality or division which they represented, then the ratepayers would turn them out and thus remedy the evil. If the amendment were accepted it meant that the possible surplus would not become the property of the council for any other purpose than to be applied to waterworks, and if the money was not wanted for that purpose he failed to see what harm the clause could do as it stood. He felt bound to say that if their local governing bodies were intended to occupy the position that they all hoped they did occupy now, and would occupy in the future, it was perfectly justifiable to place discretionary powers in their hands. The ratepayers would take good care that no surplus arising from waterworks

would go into the wrong channel; and holding that view he trusted the hon. gentleman would see his way to withdraw his amendment.

The HON. W. FORREST said he was unable to bring to the deliberations of the Committee the wisdom and experience of the Postmaster-General as a municipal councillor; but he thought that to apply revenue derived from waterworks to the municipal fund would be altogether inequitable. A big laundry or bathing establishment might be situated on land of little value, and the water rates derived from them might, by the clause, be applied to the improvement of streets where property was exceedingly valuable. Surely that was inequitable!

The HON. W. PETTIGREW said he was sorry he could not agree with the Postmaster-General. The system of raising more money than was really required was a very bad system indeed; and he believed in every herring hanging by its own head. He would direct the attention of the Postmaster-General to a matter connected with the city of Brisbane. The east ward was an apt illustration of the gross injustice that had been perpetrated with respect to the application of rates. That ward contributed—and had done so for many years—about one-third of the revenue of the city of Brisbane, and yet only one-seventh of the revenue was expended in that ward; so that actually the east ward existed for the purpose of raising revenue to be spent on the rest of the city; and if the clause passed in its present form it would be carrying on another gross injustice of a similar nature. He hoped the Committee would agree to the amendment of the Hon. Mr. Gregory.

The HON. A. C. GREGORY said he would draw the attention of the Postmaster-General to the 229th clause of the Local Government Act of 1878, which ran thus:—

"All moneys derived from special loan rates shall be placed to the credit of a separate fund, and shall be applied in the payment of interest at the rate of five pounds per centum per annum on the amount of moneys advanced in pursuance of the provisions of this part of this Act. And if in any year after the payment of such interest there shall be any surplus, such surplus shall be applied in part liquidation of the principal money due upon such advance."

What he now proposed to do was to simply make the clause consistent with the Local Government Act. It had been said that it had been found convenient in municipalities to apply money derived from special rates to general municipal purposes, but that was a matter he did not clearly understand. Surely it was not intended to be indicated that some municipalities went contrary to the Act and carried the surplus of special rates to the general municipal fund! He had, however, seen such things, and they had escaped even the Auditor-General, but it was desirable not to afford facilities for their recurrence. If it were considered expedient in carrying out a large work that the municipal authority should have the power to carry a surplus over to the municipal fund, the case would be of sufficient importance to require a special enactment empowering them to do so, with such safeguards as the character of the case might demand. The necessity for being particular in defining such matters, was shown by the exceedingly loose way in which municipal affairs were carried on. He had known, for many years, rates levied for watering streets. By-and-by an Act was passed which repealed the Act under which the rates were levied, but the rates continued to be levied under by-laws; and on one occasion the council actually said that watering streets only cost so many hundreds and they got so many more; and in the face of the Act, which said it ought not to be applied to the municipal fund, they passed it over openly to that fund. He contended that they ought to protect any sums of money contributed by taxpayers, so that they should not be diverted from the purposes for which they were originally intended. He should adhere to the amendment he had proposed.

The HON. W. D. BOX said he trusted the House would agree to the amendment, because he thought "every tub should stand on its own bottom." If the revenue from waterworks exceeded the amount required to maintain them, it should be devoted towards extending the benefits to be derived from those works. Waterworks were peculiar, because they did not derive their revenue entirely from the cities to which they supplied water. In some instances, water was brought many miles, and was of benefit to all the country through which it was brought. The Yan Yean supply was thirty miles from Melbourne, and the municipalities between there and Melbourne were benefited by that supply; and if the revenue were sufficiently large to repay the principal and yield a large sum of money besides, it would not be fair that the city of Melbourne should have the benefit of that money to mend their roads. In the case of Brisbane, if the board had a revenue larger than its expenditure, and did not think it necessary to expend that surplus on pipes to take the water to other parts of the district, he did not think it would be fair to take the rates which came from people living outside the municipality in order to diminish the rates of the city. He trusted the Committee would alter the clause.

The HON. W. G. POWER said the argument of the Hon. Mr. Box did not apply, as the Yan Yean waterworks supplied several municipalities, and was not owned by any one of them, but was carried on by a board.

The HON. W. H. WILSON said that if the majority of hon. members were in favour of the amendment he thought a few words should be added in regard to the surplus. The words he proposed should be added were, "Any surplus after repayment of the principal of the loan shall, from time to time, be carried to the municipal fund." That would meet the whole case, but he should prefer the clause as it stood.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided:—

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The Hons. Sir A. H. Palmer, A. C. Gregory, F. H. Hart, F. T. Gregory, T. L. Murray-Prior, A. J. Thynne, W. Forrest, W. D. Box, and W. Pettigrew.

Question resolved in the negative.

The HON. A. C. GREGORY said that the words having been omitted, he now proposed that the words "or may be applied in reduction of the principal of the loan" be inserted.

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

On clause 6, as follows:—

"The first proviso to the one hundred and seventy-seventh section of the Local Government Act of 1878 shall not apply to any ratable property which, in the opinion of the court of petty sessions appointed to hear appeals from valuations, is fully improved—that is to say, upon which such improvements have been made as in the opinion of the court may reasonably be expected, having regard to the situation of the property and the nature of the improvements upon neighbouring properties."

The HON. W. D. BOX said that when the discussion on the second reading of the Bill took place he expressed his disapproval of the clause,

which he did not consider by any means an improvement on the clause in the principal Act. Clause 177 of the Local Government Act read thus :—

"The council of every municipality shall from time to time cause to be made for such municipality a valuation of all ratable property within the municipal district by a competent person or persons, to be called valuers, and the rates made by the council for the purposes of this Act shall be made upon such valuation, which shall remain in force until a fresh valuation shall have been made. And in every such valuation the property ratable shall be computed at its net annual value, that is to say, at the rent at which the same might reasonably be expected to let from year to year free of all usual tenants' rates and taxes, and deducting therefrom the probable annual average cost of insurance and other expenses (if any) necessary to maintain such property in a state to command such rent.

"Provided that no ratable property shall be computed as of an annual value of less than eight pounds per centum upon the fair capital value of the fee-simple thereof. And provided that every person occupying Crown lands for pastoral purposes only shall be rated in respect of such annual value thereof as aforesaid, and not on the capital value thereof."

That was the basis of valuation, and it was something tangible. It would perhaps have been wiser if the 8 per cent. basis had been reduced to 6 or 7 per cent., but it was not wise for Parliament now to alter the clause, so that the courts of petty sessions might hear appeals from all valuations without any guide from Parliament. There were in Brisbane, and would be in other cities, valuable properties ; as an instance, he might mention the Queensland National Bank. If the system of valuation in the original Act were adhered to, that building might be burdened with excessive rates ; but that was no great hardship to the bank, because they could well afford to pay ; and less harm would accrue to the country by allowing the Act to stand as it was than by having an appeal to the court of petty sessions.

The POSTMASTER-GENERAL said he had not thought there would be any discussion on the clause, and he was rather surprised at what had fallen from the Hon. Mr. Box, because he believed the clause would commend itself to every sensible man. A great injustice had been done hitherto under the proviso of the clause the hon. gentleman quoted from the Local Government Act, and the clause now under decision specially provided that that proviso should not apply to the ratable property described in the latter part of the clause. It was to remedy an evil that had borne prejudicially, not only against private individuals but against corporations, such as banks, who had the pluck to erect handsome buildings which embellished the various towns in the colony ; and he trusted hon. members had made up their minds to pass the clause without further discussion. If, however, it was intended by a respectable number to fight the clause, it would be better to move the Chairman out of the chair, and resume the discussion to-morrow. It was left to their decision after hearing evidence, and the same principle was contained in the Local Government Act. It was not the individual opinion of the court that would govern the matter, but evidence must be given. He trusted there would be no further opposition to the clause, because he believed it contained a provision that was very much wanted, and was a good alteration of the present law.

The HON. T. L. MURRAY-PRIOR said he thought the hon. gentleman had better leave the question to be settled to-morrow, and now move the Chairman out of the chair.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again to-morrow.

The House adjourned at 6 o'clock.