

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 20 AUGUST 1885

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Thursday, 20 August, 1885.

Petition.—Pacific Islanders Employers Compensation Bill.—Additional Members Bill.—Marsupials Destruction Act Continuation Bill.—Rabbit Bill.—Townsville Jetty Line.—Local Government Act of 1878 Amendment Bill—third reading.—Charitable Institutions Management Bill—committee.—Crown Lands Act of 1884 Amendment Bill—second reading.

The PRESIDENT took the chair at 4 o'clock.

PETITION.

The Hon. F. H. HOLBERTON presented a petition from 520 residents of Beauraraba and district in favour of the surveyed line of railway called the Beauraraba Branch and Toowoomba Deviation Railway, and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of the Hon. F. H. HOLBERTON, the petition was received.

PACIFIC ISLANDERS EMPLOYERS
COMPENSATION BILL.

The PRESIDENT read a message from the Legislative Assembly, intimating that the Assembly agreed to the amendment made by Council in this Bill.

ADDITIONAL MEMBERS BILL.

The PRESIDENT read a message from the Legislative Assembly, intimating that the Assembly disagreed to the amendments made by the Council in this Bill, for the following reasons :—

"Because they would allow of the addition of names to the electoral rolls without any provision for the prevention or detection of false or unfounded claims.

"Because it is not desirable that claims to be inserted on an electoral roll should be allowed without the names of the claimants being publicly notified, and full opportunity being given for lodging objections to such claims as may be unfounded.

"Because the small number of persons who would really be entitled to have their names inserted in both rolls does not warrant the delay in bringing the Act into operation which would be necessarily caused by a proper scheme for dealing with new claims."

On the motion of the POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson), the message was ordered to be taken into consideration at the next sitting of the House.

MARSUPIALS DESTRUCTION ACT
CONTINUATION BILL.

The PRESIDENT read a message from the Legislative Assembly, intimating that the Assembly disagreed to the amendment made by the Council in this Bill, for the following reasons :—

"Because it is desirable to encourage the destruction of dingoes, and the existing law is inadequate to effect that object.

"Because in many cases the dingo is, as well as the marsupial, the natural enemy of stock-owners, and it is therefore reasonable that the moneys raised from them for the destruction of one class of natural enemies should be permitted to be applied also for the destruction of the other.

"Because the clause provides sufficient safeguards against any abuse of its provisions."

On the motion of the POSTMASTER-GENERAL, the message was ordered to be taken into consideration at the next sitting of the House.

RABBIT BILL.

The PRESIDENT read a message from the Legislative Assembly, returning this Bill without amendment.

TOWNSVILLE JETTY LINE.

The POSTMASTER-GENERAL moved—

1. That the plan, section, and book of reference of the Townsville Jetty line from 0 miles, Northern Railway, to 2 miles 40 chains and 53 links, as received by message from the Legislative Assembly on the 12th instant, be referred to a Select Committee in pursuance of the 11th Standing Order.

2. That such Committee consist of the following members, namely:—Mr. F. T. Gregory, Mr. E. B. Forrest, Mr. Holberton, Mr. Pettigrew, and the Mover.

Question put and passed.

LOCAL GOVERNMENT ACT OF 1878
AMENDMENT 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 with message in the usual form.

CHARITABLE INSTITUTIONS MANAGEMENT BILL—COMMITTEE.

On the Order of the Day being read, the President left the chair, and the House went into Committee to further consider this Bill.

On clause 6—“Curator to manage estates of inmates of certain institutions?”—

The POSTMASTER-GENERAL said when last discussing clause 6 it was suggested that it would be desirable to make some provision restricting the powers of the curator with regard to selling the property of inmates; and he had the honour now to bring up a proviso to be added to the clause, which he thought would meet the wishes of those who held that view. Perhaps it would be as well, before saying anything more with regard to the proviso, to ask the Committee to postpone the clause with a view of making clause 7 clause 6 of the Bill. It had been suggested by the Hon. Sir Arthur Palmer, with very fair grounds, that clause 7 should properly come before clause 6. He therefore moved that clause 6 be postponed.

Question put and passed.

Clause 7—“Inmate liable for maintenance?”—passed as printed.

On clause 8—“Relatives of inmates liable for maintenance?”—

The Hon. F. T. GREGORY said there was only one way in which difficulty might arise from postponing clause 6, which governed the remaining clauses. If they passed the rest of the Bill, it was possible that it might be at variance with the clause which had been postponed. If the Postmaster-General would proceed with clause 6 it would simplify matters very much.

The Hon. Sir A. H. PALMER said that when a clause was postponed it must be to the end of the Bill; that was the practice. He did not see any difficulty about clause 6, for if it should be found at variance with other clauses they could recommit the Bill.

Clause put and passed.

Clauses 9 and 10 passed as printed.

On clause 11, as follows:—

“The relatives of an inmate shall be held liable for his maintenance in the order and according to the priority hereinafter enumerated—

1. Husband or wife;
2. Father or mother;
3. Children of the age of twenty-one years.”

The Hon. T. L. MURRAY-PRIOR said it struck him that the clause would work unfairly in some instances. If a wife had a drunken and bad husband it would come hard on her to be compelled to provide for him when she might have a family to support and educate. And the same might be said with regard to the husband

supporting such a wife, or children of twenty-one supporting such a father or mother—they might have enough to do to support themselves. As a rule, very few children would refuse to support either father or mother if they had the means, and he hardly saw why the clause should be made law.

The Hon. Sir A. H. PALMER said the same objection struck him when the Bill was under consideration before, and he had thought a great deal over the matter since, but on looking further into it he thought the saving clause was the clause they had just passed, which provided that the order might be made by two justices, as would be seen by reference to clause 10. It was not likely that any two justices would compel the wife to support a drunken husband or the husband to support a drunken wife, and the same might be said with regard to the cases mentioned. If a man was, from his own fault, forced to be an inmate of a charitable institution, no magistrate would make an order compelling wife or children to support him. Such a thing was possible, but not at all probable.

The Hon. A. J. THYNNE said he thought there was a further part of the Bill which modified the operation of clause 11—namely, those words in clause 8 which provided that relatives were to be liable for maintenance if they were of sufficient means. Unless a person was found by the magistrate to be of sufficient means to pay for the maintenance of an inmate to whom he was related he would not be liable. Under section 11, whether an inmate was deserving of good consideration or not, the relatives would be equally liable. Then came the question—was it a good thing to compel the relation of a drunken or dissolute man, if he had the means, to continue to maintain that man in a charitable institution? He did think that relatives within the degrees mentioned, if they had the means, ought to be compelled to pay for the maintenance of inmates irrespective altogether of the undeserving or deserving nature of the inmate's condition.

The POSTMASTER-GENERAL said, in addition to what had been said with regard to the limitation of any contribution from relatives hon. gentlemen would observe that clause 12 also related to the subject-matter of the remarks just made. He need not read the clause, for its effect would be at once apparent to hon. members. No contribution could be obtained from any person or persons unless they had the ability to make such contributions.

The Hon. A. J. THYNNE said that as the Postmaster-General had referred to clause 12 he would point out that the unfairness might come in under that clause, because there a person was spoken of as one relative fixed on by the curator to maintain an inmate, and that person having sufficient means to pay for the maintenance of an inmate could not call upon other people, whose duty it would be to an equal extent, to contribute to the maintenance of an inmate. If the curator selected one of two or three sons to pay for the maintenance of an inmate, that son would not be able to call upon any other relatives who might be in as good a position as himself and well able to bear a share of the burden. That was where the hardship came in under the Bill, though it might not occur very often.

The Hon. A. C. GREGORY said that under clause 14 there was a fair amount of protection to the relatives. The clause provided that any person required to contribute could, by giving fourteen days' notice to the curator, apply to any two justices to vary or discharge the order upon showing the altered circumstances of such inmate or relative;

therefore, power of appeal was given, not only when called upon to show cause, but at any future time, and that afforded a sufficient safeguard against the contingency of any unfair charge.

Clause put and passed.

Clauses 12 to 21, inclusive, passed as printed.

On clause 6—

The POSTMASTER-GENERAL moved that clause 6, as printed, be clause 7 of the Bill.

Question put.

The POSTMASTER-GENERAL said, with the permission of the Committee, he wished to amend the clause by adding at the end the following proviso :—

Provided that the powers conferred by this section shall not be exercised by the curator without the consent of the inmate except so far as it may be necessary to provide for the cost of the maintenance of such inmate in the institution.

Amendment agreed to.

Question—That clause 6 as amended be clause 7 of the Bill—put and passed.

The House resumed, and the CHAIRMAN reported the Bill with an amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for Wednesday next.

CROWN LANDS ACT OF 1884 AMENDMENT BILL—SECOND READING.

On this Order of the Day being read—

The POSTMASTER-GENERAL said: In deference to the wishes of hon. members, I propose to defer the consideration of this Order of the Day until Wednesday next, and it will then be the first business on the paper. I therefore move that the Order of the Day be postponed until Wednesday.

Question put and passed.

The House adjourned at a quarter to 5 o'clock.
