Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 14 SEPTEMBER 1887

LEGISLATIVE COUNCIL.

Wednesday, 14 *September*, 1887.

Divisional Boards Bill—second reading.—Messages from the Legislative Assembly—Local Government Act Amendment Bill—Bundaberg School of Arts Land Sale Bill.—Real Property (Local Registries) Bill—second reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

DIVISIONAL BOARDS BILL.

SECOND READING.

The POSTMASTER-GENERAL (Hon. W. Horatio Wilson) said: Hon. gentlemen,—This is a Bill to consolidate and amend the laws relating to local government in districts beyond the limits of municipalities, and to provide more effectually for the local government of such districts, the object being to codify and consolidate the laws relating to divisional boards. The present Divisional Boards Act of 1879 and the Divisional Boards Act Amendment Act of 1882 are elaborated by the inclusion of some clauses from the Local Government Act, the Elections Act of 1885, the Closure of Roads Act of 1864, the Endowment Act of 1880, and the Agricultural Drainage Act of 1884, all of which are found to be applicable to divisional boards. I mention these Acts particularly, because if hon. gentlemen will refer to the Bill generally they will see that those are the Acts alluded to in the references. It is proposed to repeal the Divisional Boards Acts of 1879, 1882, and 1883, four old New South Wales Acts relating to tolls, and the Queensland Act of 1884 on the same subject, which subject is dealt with in section 179. Subsection 26 of that section gives boards the requisite powers to impose tolls and make by-laws in relation thereto. The Bill also repeals the Act of 1880, and section 1 of the Act of 1884, relating to endowments to divisional boards, which subject is treated of in Part XIV. of this measure; and it further repeals the Drainage Act of 1884, and the subject dealt with by that measure is treated of in Part XVII. of the Bill. As to the Closure of Roads Act of 1884, that is repealed so far as it relates to roads within divisions, and its provisions are re-enacted in sections 165 to 174 of this Bill. Hon. gentlemen are aware that this measure has already been before the Legislature of this colony on three separate occasions. It was introduced to the Assembly last session, and was sent up here, where, as hon. gentlemen know, it received very great and patient attention at the hands of the members of this House. There were some difference of opinion between the respective Houses concerning some matters contained in the Bill, and on its being sent up here by message the further consideration of the measure was, on the motion of my hon. friend Mr. King, postponed for six months, in order to give the Legislature and the country time to thoroughly consider its provisions. That time having elapsed, it now comes before us from the Legislative Assembly for consideration, and I trust that hon. gentlemen will see the desirability of passing the Bill. It is substantially the same as the measure which was brought before us on a former occasion, there being only some slight amendments and one or two additions. The valuation clauses are, of course, omitted, they having been inserted in a separate Bill, which we shall have to deal with separately. This Bill is an excellent codification of the laws at present in force relating to local government. The Local Government Act and the Divisional Boards Acts of 1879 and 1882 have been very largely drawn upon—in fact, almost re-enacted—in this Bill. Hon. gentlemen will notice that, though it is a Bill of 288 clauses, still, at the same time, it is a re-enactment of the laws at present in force, and that there is very little which hon. gentlemen will have to pay attention to, unless they wish to alter the law as it now exists. The provisions as to the constitution of divisions and boards, and the qualifications of members, are exactly similar to those contained in the existing law, except that the qualification of a member of a board is extended by a proviso in section 15. By the first portion of the clause, which is taken from the Divisional Boards Act of 1879, it is enacted that every male person who is a natural-born or naturalised subject of Her Majesty, and who is a ratepayer of a division, shall be qualified to be elected and act as a member of the board, provided he "is an occupier or owner of rateable land within the district." When a division is subdivided "it is not necessary that the qualifications should arise in respect of land within the subdivision for which the member is elected." That is the only part of the clause that is new. If hon. gentleman will turn to clause 28 they will find that the qualification of voters consists of the following, namely:—Every person of the full age of twenty-one years, whose name appears on the ratebook of the division as the occupier or owner of rateable land within the division; but the provisoes at the end of the clause are new. It is there stated that no person is allowed to have more than three votes at an election, and that the owner and occupier shall not both be entitled to vote in respect of the same land. If the rates are paid by the occupier he will be entitled to vote, but if the rates are paid by the owner, the owner will be entitled to vote, and not the occupier. In section 29 it is provided that, if more than three persons are joint occupiers, the persons to be deemed occupiers and owners for the purposes of voting shall be the three whose names stand first in order on the ratebook. There is also a new provision introduced, I think, in this Chamber, providing for the voting by

corporations. A corporation may vote by its chairman, directors, or local manager, but no matter what the number of directors may be they cannot give more than three votes. Another very important part of this Bill is that which deals with the mode of voting. It is provided by this measure that votes can be taken by ballot or by post. As hon. gentlemen are aware, up to 1882—that is, during the time the Divisional Boards Act of 1879 was in operation—the voting was by post, but in 1882 an alteration was made; voting by post was primarily allowed, and voting by ballot could be obtained if the Governor in Council directed the same on petition. But now, by section 51 of this Bill, when a poll is required to be taken, it shall be taken in the mode prescribed in Part V. of the Bill—that is, by ballot—unless the Governor in Council directs that it shall be taken in the mode prescribed in Part VI.—namely, voting by post. In divisions where it is thought better that the voting should be by post, that can be ordered by the Governor in Council. In other words, preference is given in the Bill to voting by ballot; but voting by post is allowed if the Governor in Council shall so direct. From the part of the Bill to which I have been alluding, up to clause 163, there is very little difference between the present law and the provisions comprised in the Bill; but section 163 is entirely new. It provides that when a railway crosses a road on the level, the owner, or other person in possession of the railway, shall repair and keep in repair the road at his own expense. With regard to the power to make by-laws, which is contained in section 179, that has also been added to, but in no very important particular. It may be as well that I should briefly point out the additional matters on which divisional boards are empowered by this clause to make by-laws. Hon. gentlemen will see that in subsection 16 the boards have power to regulate the width of the tires of wheels of vehicles; they have also power to regulate traffic on tramways, to regulate ferries, and to prohibit mining for minerals other than gold upon the surface of roads without a license from the board. By subsection 35 they have power to make by-laws with respect to the rights and privileges to be enjoyed by the inhabitants of the division over any place of improvement or recreation. Under subsection 38 the board may declare any weed to be a noxious weed. Those are the new matters upon which divisional boards have, in this measure, power to make by-laws, and I feel it is my duty, now, to draw the attention of hon. members to the powers which are proposed to be given to them in these particulars. The next important matter to which I wish to draw the attention of the House is in Part XIV., which relates to the endowment to boards. There is, of course, a change there. The first part of clause 222 is taken from the Divisional Boards Act of 1879, but the rest of the clause is new. It is proposed to alter the present law as to endowment, in order to give Parliament the power to control public moneys. It is required by this measure that any sums that are paid by way of endowment should be paid out of any sums appropriated by Parliament for that purpose. But hon. gentlemen must recollect that up to June of next year there will be no change whatever. It is proposed that the amount payable to divisional boards, during the present and next years, shall be exactly the same as they are now in the habit of receiving, but that after that time, in 1889 and 1890, the sum of £165,000, being the sum payable to divisional boards last January, will be available for that purpose. Of course, the reasons for this are very simple. Under the present system Parliament entirely loses the control over all the moneys that are payable by way of endowment to divisional boards. Under the system proposed by this Bill Parliament will retain that control; but it is not proposed, as I have said, that any change should take place until after 1888, which, I think, hon. gentlemen will agree is a perfectly fair arrangement. The object is not to allow the taxation of the country to go out of the hands of Parliament. There is nothing under the head of endowments that is otherwise important. By section 244, loans to waterworks are provided for, and hon. gentlemen will see, on reading that and the succeeding clauses, that they are taken from the Bill that was before this House some time ago, and are almost in the same words. There is a new clause in section 278 which provides for actions that are brought against a divisional board for the recovery of damages alleged to have been sustained by reason of the negligence of the board on any highway, road, bridge, culvert, etc., being brought in a district court; and by that section also a district court is given jurisdiction to hear and determine any such action, although the amount of the claim may be over £200. That is the maximum amount for which actions can be brought at the present time in a district court, and under this section actions may be tried, either before a judge, or a judge and jury, as the parties may agree; that is the law as it at present obtains under the District Courts Act. There is a provision in section 280 for the punishment of any person, whether a member of the board or a clerk of a division, who in any way misapplies any money belonging to the division. In all other respects, hon. gentlemen, the Bill is very much the same as the Bill which was introduced into this House last session. Hon. gentlemen all know that a codification of the laws relating to divisional boards is a matter of very great importance to those who conduct the local government of the country, and who are very anxious that an Act should be passed, so that they may not have to refer to different Acts in order to find out what their powers are in connection with local government. I think hon. gentlemen will find, on carefully considering the Bill, that it carries out the intentions of its framer, and that the consolidation of the different Acts which relate to divisional boards has been done very carefully. As the measure has now been before the Legislature for a considerable time I trust that there will be no further difficulties in its passing, especially as the valuation clauses have been eliminated from it and placed in a separate Bill, which, of course, hon. gentlemen will deal with at another time. I beg to move the second reading of the Bill.

The HON. A. C. GREGORY said: Hon. gentlemen,—The Bill which we now have before us is rather a bulky production, but I do not well see how it could have been condensed into a much smaller compass. It is, in fact, a consolidation of most of the laws in force at the present time relating to divisional boards, with the addition of several matters which this Council inserted in the Bill last year, but which did not finally pass. There are some few points which I think should be referred to on the second reading, with a view to preparing for the consideration of the Bill in committee. So large a proportion of the Bill, however, is formal that I think it is better only to treat of those few clauses which refer to particular parts which appear to require some further consideration. One matter that is new is that relating to the voting, whether by the occupier or the owner. It has been the practice in several municipalities to allow voting by both occupier and owner. Although there is no doubt that it is illegal it has been the practice, and it is therefore necessary that this Bill should define clearly under what conditions the occupier or the owner should vote. We find in clause 28

reference to the qualifications of voters, and it says that if the occupier fail to pay the rates then the owner may pay them and be entitled to the vote. Now comes the practical question as to how long the occupier is to be allowed to fail before the owner can step in. May he step in forthwith or within twenty-four hours, or will he have to wait for some further period, which may be termed a reasonable period? When we come to deal with that part of the Bill in committee, I think it will be desirable to introduce an amendment to the effect that if the occupier do not pay his rates within sixty days—I think that is the time allowed to pay the rates—the owner may pay them, or the owner may have the right to claim to pay the rates on his own behalf independent of his tenant. There are a great number of cases in which properties are let for short terms—in fact, weekly tenancies—and it would be unreasonable to give the individual who chances to be the temporary occupant for the week the right of voting as against the owner of the property. Under these circumstances I think something should be done to amend the Bill so that, first of all, it should be clearly defined how long the tenant should be allowed for the payment of his rates before the owner could step in, and also that the owner should have the right to notify at an early part of the year that he intended to pay the rates himself and should thereupon be dealt with as the person entitled to vote. The question is very much a matter of minor detail. The next part of the Bill which requires attention is that which provides for voting by ballot or by post. At present a very large number of divisional boards conduct their elections by voting by post. That was the original form under the first Divisional Boards Act, and is one which is found to work very well in the outer and more sparsely populated districts; and although a provision was afterwards made by which in those districts where the ratepayers wished to vote by ballot they could have the system altered, the larger proportion of boards still vote by post, and any attempt to vote by ballot would be a hopeless failure. In fact, how is a ballot to be carried on effectively in a district extending over a space of 100 miles? I can easily understand that it is necessary to make provision for voting by ballot in the more densely populated and smaller districts. In such cases, if they wish it, I do not see why they should be debarred from voting by ballot. But the Bill proposes in the first instance to set aside voting by post unless the Governor in Council shall specially proclaim and declare that in any particular district the voting shall be conducted by post. We had a long discussion upon this question upon a previous occasion, therefore the matter is not an oversight. When we come to deal with it in committee I think that we should amend the Bill so that these divisions should be left to continue to vote under the same system that they are now voting, leaving it open, of course, to any division, by a majority of ratepayers, to petition the Government to have voting by ballot established. Now, there is another part of the Bill which contains a slight oversight, and that is in clause 66, which says:—

"Every person who intrudes into a booth or polling-place, other than such presiding officer, poll clerk, candidates, scrutineers, and voters actually voting, shall be guilty of a misdemeanour, and shall, on conviction, be liable to imprisonment for any period not exceeding one year with or without hard labour."

Now, I think it is highly undesirable that candidates should ever be allowed to be inside a polling-place. Let them be outside as much as they like, but allowing them inside will cause a great deal of disturbance and a great many attempts to influence voters. I think that the word "candidates" ought to be omitted. I have seen cases in municipalities where it did not work satisfactorily. Candidates were inside, and they endeavoured to influence the voting. Better provision is made in this Bill for preventing irregularities and double voting than in our existing Acts; and all these questions were discussed very fully in a previous session, so that I do not think that it is necessary now to take up the time of the House talking about them. In clause 108 there is an expression which might perhaps be modified, although I think the meaning is quite clear to a legal mind. Still, it would be as well to add a word or two to it. The last paragraph of the clause says:—

"But nothing in this section shall apply to any person by reason only of his exercising the right of voting as often as it appears by the rate-book of the division that he is entitled to do so."

Now, these words have been used in another Act, and the parties who hold property to the extent of more than three votes said, because their names were on the rate-book, that they were entitled to additional votes. Clause 28 makes it perfectly clear that no person shall have more than three votes; but it would be as well for us to amend the clause before us by adding the expression "not exceeding three votes," so as to avoid any misinterpretation by persons who, in the hurry of an election, might put some other construction upon it. As regards the exclusion of candidates, by clause 112, candidates are excluded from polling-booths where the votes are being scrutinised in the case of voting by post, which, I think, is a very proper precaution, although in that case they would have no power to influence the voting. The only result would be that he would see who voted for and against him. In regard to clause 120, a question is raised which I think ought to be formally settled. Hitherto at the proceedings of any board newly constituted, or at the election of the first chairman or at the election of a chairman in a succeeding year, it is rather a doubtful question as to who shall preside. It unquestionably is best that what is the practice, although not defined in the Bill, should be adopted, and that is that the clerk should preside until a chairman is elected. Such is the practice, and it works very well, and it would be better to define it than to leave it an open and a doubtful matter. Of course every member of the board will be equally entitled to be placed in the chair, and therefore it will be necessary, first of all, to find out whether the member would accept the office; so that it is better that what is actually the practice should be also defined in the Bill. Under clause 133 the board shall cause entries to be made of all its proceedings—keep minutes, in fact. There is no mention, however, of any confirmation of the minutes. It is customary in the cases of municipal councils to confirm the minutes of the last meeting. There might be some difficulty in regard to what matters might be subject to confirmation or otherwise, because if a minute is passed authorising immediate action, it is not competent, at any rate in practice, for the succeeding meeting not to confirm that power which has been put in operation. On the other hand it is very often a convenient way of getting rid of an inconvenient resolution which may have been passed by a bare quorum or through inadvertence. That clause is entitled to careful consideration in regard to that particular subject. Clause 145, in connection with waterworks, is very well as it stands, but there may be considerable inconvenience in working it out unless we carefully keep it in mind when dealing with the promised legislation in regard to waterworks, and carrying out works for irrigation. Except in reference to its clashing with the

operations of that, I do not see that clause 145 requires more than careful consideration. The last paragraph of clause 177 says:—

"The cost of abating any such nuisance upon unoccupied Crown lands shall be defrayed by the Treasurer out of funds appropriated by Parliament for that purpose: Provided that the sanction of the Treasurer shall be obtained before any such cost is incurred."

Now, the Treasurer cannot compel Parliament to appropriate funds, and he cannot be compelled to pay money unless money is available. So that I think the word "may" should be used instead of "shall," in the 1st line, so as to be in reasonable concurrence with the remainder of the subsection. In clause 179, relating to by-laws, paragraph 27 prohibits mining for minerals other than gold under the surface of the roads without a license from the board, and prescribes the conditions under which such licenses may be granted. Now, there is no doubt that the board should have power to prevent mining for coal under roads, because the surface is very often disturbed through the subsidence of the works underground. But I see no more reason why gold should be excluded than silver or lead or copper, because the surface is not hurt by the extraction of those metals. Coal does hurt it in many cases, and therefore I think that divisional boards might reasonably have a right to control what may be done in regard to that mineral; but in regard to metallic minerals, I think several of them might be advantageously added to gold. It would be a great pity, where small portions of land might be contiguous and where we know that valuable lodes of metal are running underneath, which the discoverers might have created valuable by their discovery, that they should have to pay an unknown amount to the divisional board. In regard to coal, if the miners and the board did not agree, it would not be any very great hardship to pass from one block of land to another; but it might utterly crush the exploration for metallic minerals. Now, in regard to the matter of financial accommodation, there is nothing whatever in this Bill, or in any of the existing laws, stating whether boards may or may not obtain temporary accommodation from banks or any other financial institutions; but in the Municipalities Act specific provision is made that for the purposes of temporary accommodation a municipal council may obtain an overdraft to an extent not exceeding the income of the previous year, and that provision I think should be extended to divisional boards. At any rate, if it be deemed that boards should not have that power, let it be so stated, because we see, from a return laid on the table lately on the motion of the Hon. Mr. Walsh, that, through there not being any definite provision on the subject, boards have overdrafts amounting to as much as £10,000 for one board. The question is not whether that is a proper amount or otherwise, but it simply shows that, without any specific law authorising it, one board has overdrawn to the extent of £10,000. I think, if the Colonial Treasurer came to look into the matter, he would object to overdrafts to an extent not exceeding one year's income, because by another part of the Bill the Colonial Treasurer has a lien over certain of the special rates. An amendment to that effect would come in well immediately after clause 156. Now, no provision has been made in this Bill, as we have in the Local Government Act and also in the previous Divisional Boards Act, for the decision of questions of law. We find that on previous occasions provision was made for that. In the Divisional Boards Bill, which was before us last session, it is provided by clause 288 that—

"If, at the hearing of a complaint for an offence against this Act, or any by-law made thereunder, or under any of the said repealed Acts, any question of law arises, the justices shall state and record their decision upon such question, and if either party is dissatisfied with such decision such party may appeal therefrom to the Supreme Court."

Then there are, of course, the necessary provisions as to how the appeal is to be made. I think it is very desirable that we should define how questions that appear to be questions of law with regard to the rights of parties, and also with respect to the effect of by-laws, may be decided. There should be power to appeal, possibly, to the District in preference to the Supreme Court. This is a matter which I think deserves our very careful consideration. However, taking the Bill as a whole, I think it is a decided improvement upon the present fragmentary condition of the law relating to divisional boards. It has some useful additions, and is, besides, a convenient codification of the existing law. I shall therefore support the second reading of the Bill.

The HON. A. HERON WILSON said: Hon. gentlemen,—Whilst agreeing with the last speaker that this Bill is a very great improvement on former ones, I must say that I think the last portion of clause 28 ought to be struck out altogether. The part I refer to says:—

"Provided nevertheless that the owner and occupier shall not both be entitled to vote in respect of the same land."

I think if that provision were eliminated it would give general satisfaction. It would be a great hardship to an owner to have no vote in a case where the occupier, having a lease of the land, paid the rates, and then, through insolvency or other causes prejudicial to the owner, had to leave the land, and perhaps the country. In such a case the owner would be entirely disfranchised. And if, on the other hand, the tenant was in the country, he might give his vote in such a way as to be injurious to the owner. I think the owner should have a vote as well as the occupier. There can be no great harm in allowing that, and it will give the owner a greater interest in seeing that the roads about his land are properly attended to. Of course, the occupier should also look to that, but there may be circumstances in which, on account of some ill-feeling towards the owner, he might use his vote in a manner prejudicial to the owner. I hope the Postmaster-General will take into consideration what the Hon. A. C. Gregory has said, and which I now repeat. It would, I am sure, give more general satisfaction if the last part of the clause were omitted entirely.

The HON. W. PETTIGREW said: Hon. gentlemen,—This Bill, so far as I have looked through it, appears to be a decided improvement on the law as it at present stands in several respects. With regard to what has fallen from the Hon. A. Heron Wilson, I do not intend to refer to the subject he discussed. The Hon. A. C. Gregory, if I understood him correctly, referred to clause 120, which provides that—

"The board of every newly constituted division shall hold its first meeting at some convenient place within or near the district on the second Wednesday after the conclusion of the first election of members, or after the notification in the *Gazette* of the appointment of the first members, as the case may be, or as soon afterwards as conveniently may be, at the hour of twelve o'clock noon.

"On the second Wednesday after the conclusion of every annual election of members, or on such other day as may be appointed by the by-laws, the board shall hold a meeting at the hour of twelve o'clock noon."

On that the hon. gentleman raised the question as to who should take the chair at the first meeting of the board, and suggested that a provision should be inserted to the effect that the clerk should take the chair on such an occasion. I would, however, point out that there can be no clerk, as it will be the first meeting of a newly constituted board. The only

way I can see out of the difficulty is that some one should be appointed for the purpose of taking the office at that board meeting until a chairman is appointed. It is not a matter of much consequence. What I wish particularly to point out is that the clerk could not take the chair, as there would be no clerk appointed.

The POSTMASTER-GENERAL: The matter is provided for in clause 121.

The HON. W. PETTIGREW: Yes; I see it is there provided that the members present shall choose a chairman. There is another clause of the Bill which I think is a decided improvement, but I cannot lay my finger on it at the present moment. It gives the boards power to levy rates in the different subdivisions as required. I have known the necessity of that from the most unjust way in which the east ward of the Brisbane Municipality has been taxed. The way that ward had been treated has been a standing complaint with me for many years past, and I hope that the law relating to municipalities will be altered in a similar manner, so as to enable councils to rate districts according to their requirements. I shall support the second reading of this Bill.

The HON. A. J. THYNNE said: Hon. gentlemen,—With reference to the matter alluded to by the Hon. A. Heron Wilson, it seems to me that there are very good reasons why his suggestion should be adopted. Both the owner and occupier are liable to pay the rates; they may be enforced against the owner as well as the occupier. I therefore think that, as both are liable for the rates, they ought both to have the advantage or right of voting. But there is another reason why I think that the owner as well as the occupier should have the right to vote. This Bill does not provide merely for the collection of money, and the expenditure of that money in the streets and roads, but hon. members will notice, if they look at the clause relating to by-laws, that there is a very large number of subjects upon which a board may make by-laws affecting the privileges and rights of the inhabitants of the division generally. In fact, powers of legislation are given to the divisional boards within their districts, in regard to matters in which not merely tenants or occupiers, but owners also have really a substantial interest. I will now briefly advert to another subject. Clause 15 provides that no person shall be qualified as a candidate for a seat on a divisional board who has not paid all sums due by him at the time he is nominated in respect of any rates upon land within the district for the payment of which he is liable. I am of opinion that that principle should be extended to voters as well as to candidates. As the Bill stands now it is provided in clause 28 that no person shall be entitled to vote unless, before noon on the day of nomination, he has paid all sums due by him in respect of any rates upon the land in respect whereof he claims to vote. According to that a man may have one piece of ground in a division upon which he has paid his rates, and may have twenty other pieces upon which he has not paid the rates then due, and yet be entitled to vote. I do not think that is either fair or just to divisional boards, because it will have a tendency to encourage people to delay paying money which they ought to pay, and compel the board, to some extent, to borrow money from banks or other institutions in order to meet their temporary requirements. It is well known that under the present system when elections are approaching the ratepayers pay whatever balance of rates may be due by them in order to secure their votes; but if the provision in this measure is passed a ratepayer may pay his rates on one piece of land, and thereby secure his vote; and that will put upon the divisional board a difficulty which, I think, they ought not to have, and that is the necessity of using their legal remedies for the recovery of rates. As I have pointed out, under the present system the rates come in spontaneously—come in rapidly and regularly—whenever an election approaches, but this provision will put the board in an invidious position with regard to ratepayers, and will put a great deal of labour on their servants in regard to the collection of rates. The only other matter that I shall refer to now in connection with this Bill is the question of endowments to divisional boards. I think it is not right that the principle upon which divisional boards have been working up to the present time should be altered, especially for the reason which has been given by the Government. The reason given is that Parliament is desirous of getting into its own control the whole of the money for these endowments. I could understand that, if the rule which it is now decided to adopt were applied to every branch of the public service in which moneys are subscribed by the people and then subsidised by the State in a similar ratio to that in which the rates of many local authorities are subsidised—namely, £1 for £1. I will just give one instance, and that is the subsidy paid on subscriptions for grammar and other schools, which is the first illustration that suggests itself to my mind, but I believe there are many others, in which the money raised by the people is subsidised by the Government according to the amount collected. If the Government are sincere in the reason which they give for making this proposed alteration in the endowments to divisional boards, let them prove their sincerity by applying the rule in all cases and upon all occasions, and not simply in one instance, when they find themselves for other reasons getting short of money. This is put forward as a great constitutional reason, and at the same time we have the Government proposing to bring before Parliament propositions for the payment of large sums of money out of the Treasury to people outside and entirely beyond the control of the Queensland Parliament. I think that if those propositions are carried further, as they may be, and probably will be, a grave constitutional question may arise with regard to them. There is the New Guinea contribution to the Imperial Government. Is that a proper payment for a colonial Parliament to make? Whether that is within our power, or whether the contribution to the naval scheme that has been proposed is within our power, is a question that may be worthy of some consideration. It seems to me, however, that the reason given for this change in the endowment to divisional boards is not the true one. The Government, as I have intimated, are proposing to ask Parliament to agree to a matter which is a very much greater danger to the principle it is now intended to apply, and which may involve very much graver consequences than the existence of our divisional boards in their present condition.

The HON. G. KING said: Hon. gentlemen,—While fully approving of the Bill, which will be a most useful measure to those who have to administer the Divisional Board Acts, I would draw attention to clause 29, which provides that—

"In case more than three persons are joint occupiers or owners of any land, the persons to be deemed occupiers or owners for the purpose of voting shall be those three whose names stand first in order upon the rate-book in use."

If that is passed it will give a larger voting power to the representatives of property than is given to the trustees of bank stock. Where there are several trustees of a bank, only one of them has a vote—namely, the one whose name

appears first in the list; but in divisional elections three of the joint occupiers or owners of any land may vote. I think that is giving them too large a voting power altogether.

The HON. J. D. MACANSH said: Hon. gentlemen,—There is one clause in the Bill to which I wish to draw attention, and that is clause 32, which provides for "the ratepayers' list." I suppose that will be the electoral roll. By a previous section every person, whether male or female, who is a natural born or naturalised subject of Her Majesty of the age of twenty-one years is entitled to vote. I know for a fact that there are many male ratepayers who are under the age of twenty-one years, and also that some holders of property have divided their property amongst their children in order to obtain more votes. There is no provision that I can find in this measure for the revision of "the ratepayers' list," or electoral roll, and I draw attention to the matter now in the hope that it will receive the attention of the Postmaster-General.

Question—That the Bill be now read a second time—put and passed, and committal of the Bill made an Order of the Day for Wednesday next.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly forwarding, for the concurrence of the Council, a Bill to further amend the Local Government Act of 1878.

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

BUNDABERG SCHOOL OF ARTS LAND SALE BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly forwarding, for the concurrence of the Council, a Bill to enable the trustees of three allotments of land in the town of Bundaberg, granted for the purposes of a school of arts, to sell or mortgage the same, or any part or portion thereof, together with the buildings erected thereon, and to devote the proceeds to the building of a new school of arts.

On motion of the HON. P. MACPHERSON, the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

REAL PROPERTY (LOCAL REGISTRIES) BILL.

SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—This is a Bill to provide branches of the office of the Registrar of Titles in the Central and Northern districts of the colony. The object is to provide that the Real Property Act, which is at present administered entirely in Brisbane, should have effect in the central and northern portions of the colony, and that offices should be established at Townsville and Rockhampton in order that the registration of titles to land should be effected at those offices instead of sending to Brisbane and having the titles made out here. In clause 4 of the Bill the Governor in Council is empowered to establish at Rockhampton and Townsville branches of the office of Registrar of Titles, and to appoint deputy registrars for such districts, who will, of course, perform the duties of that office; and upon the establishment of local registries in those districts, a duplicate, certified by the Registrar of Titles, of so much of the register-book kept by him in Brisbane, under the principal Act, as relates to the existing title to any land within those districts, shall be transmitted to the local registry, and shall there be kept by the local deputy registrar of titles. There is a provision for the register-books to be kept in the local registry offices; that all the duties and powers which are imposed or conferred upon the Registrar of Titles under the principal Act—that is, the Real Property Act of 1861—shall be performed in those districts by the local deputy registrars; and that all instruments required by the principal Act to be lodged shall be lodged at the local registries instead of at the registry office at Brisbane. There is an exception made in connection with the registrations, and that is, that applications to bring land under the provisions of the principal Act, in the first instance, shall be made to the Registrar of Titles and lodged in his office in Brisbane, and be dealt with by him as heretofore. That provision will be found in section 7. All other registration will, of course, take place at the local registries which are now intended to be established. The Bill is one of a very formal character. The boundaries of the Central and also of the Northern district hon. gentlemen will find in the first schedule of the Bill. The object of the measure is simply, as I have just pointed out, to establish at those two places branch offices for the purpose of registering titles in order that people living far away from the metropolis should not have to forward their transfers and other instruments to the Real Property Office at Brisbane, and that they should have the privilege and advantage of local registration. There is really nothing else in the Bill. I now move that the Bill be read a second time.

The HON. A. C. GREGORY said: Hon. gentlemen,—The Bill, as the Postmaster-General has just suggested, is a very simple one, but I maintain that it is not without objections. First of all, in looking over it, I find no reference as to how questions are to be dealt with that are now referred to the Master of Titles. Either such documents as require to be referred to the Master of Titles will have to be sent to Brisbane, or there must be a local master of titles at each place. The Bill is silent as to what is to be done in regard to this important question, and yet it will closely affect the local registration. Local registration, no doubt, will save a great deal of trouble to parties who now deal with land more as a chattel than it used to be, and I think great convenience will result from it. But when I look over the Bill I find that there are so many things that are not provided for, which in practice will have to be provided for, that I fear the Bill will become one of those which will want amending during the next three or four sessions. One inconvenience will be that, as they only have to forward to the local registrar so much of the books kept in Brisbane as relates to the existing titles, anyone who wishes to trace up the history of a portion of land will be unable to do it without sending to Brisbane. And, then, unless the local registrar continually sends down copies of what he does at the local registry office, to Brisbane, there will be very great difficulty in tracing out titles. Such difficulties do arise even in Brisbane. I know of a case where there was a piece of land in the possession of a person, and when he died his executors could not find out anything at all about the property. They had actually to go and look for the original survey, and find to whom the land was originally sold by the New South Wales Government, and then trace it through all its various subdivisions and re-subdivisions, and re-consolidation, to find out where the deed had gone to. Had the registry office been divided into two parts it would have been next to impossible to find it out; it fact, it would become virtually necessary that copies of the local registries issued

with new certificates of title should be retransmitted to the head office, where they could all be kept together, or that much more elaborate arrangements should be made for registration in local registry offices. I think there is a certain amount of good in the Bill, even imperfect as it is, and the imperfections are evidently the result of haste, or perhaps, pre-occupation in other matters, and they will be remedied by future amendments. We will take this as an instalment, because we shall have another session of Parliament long before the books can be prepared in the Brisbane office for transmission to the local registries.

The HON. A. J. THYNNE said: Hon. gentlemen,—I agree with what the Hon. Mr. A. C. Gregory has just said—that it will be a long time before the books can be made complete for transmission to the Northern registry offices. But, so far as I can see, there is no clause in the Bill postponing the commencement of the effect of it, unless in this way: that the Governor in Council may postpone making his order until such time as the documents are ready. The Bill as a whole seems to be following in the steps of the introducers of the original real property law. They took their idea from the system in force in regard to the registration of shipping, and we all know that shipping registers can be made in almost every port where there is a collector or sub-collector of Customs. It will facilitate dealing with land; and I think a measure that will facilitate dealing with land should have our sympathy. At the same time it will be very necessary to carefully guard against mistakes being committed. The difficulty that I see, and a serious one it is too, is that in the different registry offices the deputy registrars will each be the supreme head. They are invested with all the powers of the Registrar of Titles, except one or two specific things; and they will probably, in the course of time, establish in the different districts practices of different kinds. What will pass in one office will not pass in another, as we have experienced here that some registrars of titles have been more difficult to satisfy as to the requirements of the Act than others. So it will be undoubtedly that some registrars of titles will be more easily pleased or satisfied than others will be, and in those northern places they will not have the advantage of having the Master of Titles at their elbow to consult with as to any transaction that comes before them. Still the difficulties in that way will be perhaps much less than the difficulties that now exist. The correspondence which the Real Property Office has to carry on with people in the country districts is something very enormous, and there is a great waste of time and expense even in postage stamps alone in each year on documents sent and received, many of them incorrect and inaccurate; and long correspondence has to be carried on with the parties interested before anything can be done with them. If the offices for registration were made more numerous, of course that difficulty would be less, and less loss would be undoubtedly sustained by people in any distant place who had dealings in land. The Bill has my sympathy in these particulars, although I am sure that important improvements will have to be made before very long. However, there will be some time to consider and examine the working of the measure before it actually comes into force, and I have no doubt that by that time we will have an opportunity of making the necessary alterations in the measure.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the consideration of the Bill in committee was made an Order of the Day for to-morrow.

ADJOURNMENT.

On the motion of the POSTMASTER-GENERAL, the House adjourned at twenty minutes to 6 o'clock.