

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 20 AUGUST 1889

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LEGISLATIVE COUNCIL.

Tuesday, 20 August, 1889.

Western Australian Constitution.—Messages from His Excellency the Governor—Quinquennial Census Act of 1875 Amendment Bill—Health Act Amendment Bill—Mines Regulation Bill.—Messages from the Legislative Assembly—Rabbit Act Amendment Bill—first reading—Civil Service Bill—first reading.—Brisbane Water Supply Bill—committee.—Message from the Legislative Assembly—Eight Hours Bill.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

WESTERN AUSTRALIAN CONSTITUTION.

The PRESIDENT: I have received the following message from the Chief Secretary, with the request that I will communicate it to the House. It is a telegram from the Speaker of the Legislative Council of Western Australia to the Premier of Queensland, and is as follows:—

“Perth 13th August 1889.

“Resolution unanimously passed by Legislative Council thanking Australasian colonies for their support Resolution forwarded by mail Please inform President and Speaker.

“JAMES G. LEE STEERE.”

MESSAGES FROM HIS EXCELLENCY
THE GOVERNOR.

QUINQUENNIAL CENSUS ACT OF 1875 AMENDMENT
BILL.

The PRESIDENT announced the receipt of a message from His Excellency the Governor, intimating that His Excellency had, on behalf of Her Majesty, assented to this Bill.

HEALTH ACT AMENDMENT BILL.

The PRESIDENT announced the receipt of a message from His Excellency the Governor, intimating that His Excellency had, on behalf of Her Majesty, assented to this Bill.

MINES REGULATION BILL.

The PRESIDENT announced the receipt of a message from His Excellency the Governor, intimating that His Excellency had, on behalf of Her Majesty, assented to this Bill.

MESSAGES FROM THE LEGISLATIVE
ASSEMBLY.

RABBIT ACT AMENDMENT BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to amend the Rabbit Act of 1875.

FIRST READING.

The MINISTER OF JUSTICE (Hon. A. J. Thynne) moved that the Bill be now read a first time.

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

CIVIL SERVICE BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to provide for the better regulation of the Civil Service.

FIRST READING.

The MINISTER OF JUSTICE moved that the Bill be read a first time.

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

BRISBANE WATER SUPPLY BILL.

COMMITTEE.

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

On clause 23, as follows:—

“The board may turn or cut off the water supply from any lands or premises when they are unoccupied, or when any water rates or any charges for pipes or fittings have remained unpaid for seven days after they have become due.

“When any such lands or premises are again occupied, or all the rates and charges for pipes and fittings have been paid, the water supply shall, on demand made in writing by the owner or occupier of the lands or premises, be restored, upon payment of the cost of such cutting off and restoration.

“Turning or cutting off the water shall be a cumulative remedy for enforcing payment of water rates or charges for pipes or fittings, and shall not relieve the owner or occupier from liability in respect thereof.”

The HON. T. MACDONALD-PATERSON said there were several clauses which he would like the Hon. the Minister of Justice to postpone, in order that hon. gentlemen who took an interest in the measure might have a little more time to make up their minds in what way they would treat it. He knew it was

incorrect to deal with a matter which was not contained in the clause under discussion; but there were several hon. gentlemen who wished to consider three points, and, with the permission of the Committee, he would state them, as they would give a clue to the nature of the clauses, which he trusted the Minister of Justice would see his way to postpone. In the first place, he thought there was an inherent weakness, or error, or evil in the Bill, in regard to the charging water rates in respect of vacant land. That charge did not exist before, and he was at a loss to understand why vacant land should be put on the same basis as improved and occupied property. From what he had gathered from many of the public who took an interest in the matter, he thought that rates might very properly be chargeable on vacant land, in respect of water used for general public purposes, such as for watering the streets, or putting out fires, or when used in connection with reserves for recreation; but he did not think it would be just that vacant land should be called upon to contribute as much as improved property, where water was being consumed every minute. He was willing to concede that vacant land should pay something, but it should not pay as much as occupied land. The second point was in regard to the sale of land in respect to which the water rates were in arrears. He did not think that power ought to be given to the water board. Power was given to local authorities to lease land, under certain circumstances, but they certainly should not give the water board a greater right, in that respect, than divisional boards or municipalities enjoyed. They could easily conceive that when two local authorities were looking after rates in arrears, it would be a case of “devil take the hindmost,” each one being anxious to get hold of the land and sell or lease it first. The third point was in respect to water rates being paid on vacant premises. Premises generally became vacant through bad times, and yet the landlord, in addition to the loss of rent, would have to continue to pay rates for water that was not used. He thought when water was not used it ought not to be paid for, as unoccupied premises ought to be regarded in the same light as vacant land. In other parts of the world, when the landlord knew his premises were to be vacated, he gave notice to the water authority, and on that day the water authorities sent a man to cut the water off. He was unable to say just then whether the entire rate was suspended, or whether it was only reduced. He called the attention of hon. members to those three points, and hoped that the Minister of Justice would accede to his request. He trusted hon. gentlemen would excuse him dealing with those matters when they were not contained in the clause, but he wished to explain the object he had in view, and the present clause was one to which his objections would apply.

The MINISTER OF JUSTICE said the hon. gentleman had referred to three subjects which appeared to be entirely unconnected with the clause under consideration, which he admitted himself. His speech would really have been more appropriate on the second reading of the Bill in pointing out its defects. The hon. gentleman had not indicated which clauses he wanted to postpone, and he did not think, from his knowledge of the Bill, that there were, in regard to the first and third points the hon. gentleman had raised, any clauses which would really be affected, or could be affected, by the question he raised, and if the principle the hon. gentleman contended for was to be adopted he would have to frame and introduce a clause specially drafted for it. In regard to the sale of land, clause 78—

The HON. SIR A. H. PALMER said he would call attention to the fact that the discussion was utterly irregular. The speeches they had just heard ought to have been made on the second reading. He did not like to interrupt the Hon. Mr. Macdonald-Paterson when he was speaking, but when the leader of the Government went on to refer to clauses which were not before the Committee, he must say that the whole thing was irregular. He submitted the point to the Chairman whether hon. gentlemen should not confine themselves to the clause before the Committee.

The CHAIRMAN: There can be no doubt that the discussion is irregular.

The MINISTER OF JUSTICE said the Hon. Mr. Macdonald-Paterson had pointed out that the clause before them was one of the clauses which he wished to postpone, and he (the Minister of Justice) thought that justified him in replying to that hon. gentleman's remarks. It would be time enough to consider the objection the hon. gentleman raised when the clause came before them. Clause 23 would not be affected at all. If the hon. gentleman wished to provide for a reduction on unoccupied land, he was at liberty to introduce a clause to that effect in the Bill; but the present clause must stand, so as to authorise the board to cut off the water. If the hon. gentleman succeeded in pressing his views on the Committee, the clause would be a necessary adjunct to the object he had in view. It was a clause that was necessary in any Water Supply Bill to prevent waste, and to see that water was not used by strangers who had not paid for it. He did not think the postponement of the clause would assist the hon. gentleman in any way.

The Hon. T. MACDONALD-PATERSON said it occurred to him that it would be necessary to insert a proviso at the end of the clause, to the effect that when the water was cut off the water rate should remain in abeyance either wholly or partly. It would be as well to remind hon. gentlemen that the Bill had been very hurriedly constructed. He did not say so for the purpose of depreciating the work; but, it was well known that the Bill was very hurriedly dealt with elsewhere, and discussed by very few people indeed. His own object was to make the Bill a just and fair measure, and that could only be done by taking time over it, and by hon. gentlemen understanding the working of each clause properly.

Clause put and passed.

Clauses 24 to 50, inclusive, passed as printed.

On clause 51, as follows:—

"Water rates may be made and shall be leviable in respect of all lands and premises, whether the same are actually occupied or not, abutting upon or having access to or from any road in the district in which, before the passing of this Act, a main pipe has been laid down, from which pipe the lands and premises could be supplied with water if the owners or occupiers requested the board to supply it.

"When a main pipe is laid down in a road after the passing of this Act, the board shall publish in some newspaper generally circulating in the neighbourhood, a notice that such main pipe has been so laid down, and that the board is prepared to supply water to the lands and premises abutting upon or having access to or from such road; and after the expiration of seven days from such publication rates may be made and shall be leviable in respect of such lands and premises according to the scale then in force.

"Rates may be made and shall be leviable in respect of all such lands and premises as aforesaid, whether the land is ratable land under the Local Government Acts or not."

The Hon. T. MACDONALD-PATERSON said he hoped the Minister of Justice would see the wisdom of acceding to his request to postpone that clause, and also clause 52. The 1st

paragraph of clause 51 stated that "Water rates may be made and shall be leviable in respect of all lands and premises, whether the same are actually occupied or not," and the 3rd paragraph provided that "Rates may be made and shall be leviable in respect of all such lands and premises aforesaid," while the marginal note to the 3rd paragraph was "rates leviable on all occupied property." That marginal note showed clearly what was in the minds of the framers of the measure, and what they considered should be the principle that should govern the making of by-laws in regard to water rates. It was quite right that rates should be levied on all occupied property, and that was done under the existing law. That question did not require discussion. But he thought they should seriously consider whether some modification of the rates should not be established by the board in respect of unoccupied property, and he believed that they would make very good progress with the Bill by-and-by if they postponed clauses 51 and 52 for further consideration. If he was the only hon. member who held the views which he had expressed he would willingly waive his objection, as he did not wish to delay the progress of the Bill; but he did not think that was the case, and would therefore suggest that it would be an advantage to postpone those clauses until after the other provisions had been passed by the Committee.

The HON. SIR A. H. PALMER said he concurred in a great measure with the objection taken to clause 51 by the Hon. T. Macdonald-Paterson. There was no limit as to the distance from a main at which the owner of property might be liable to be rated by the water board. A person might be charged for water rates if his land was ten, twenty, fifty, or even a hundred miles off the main, as it was provided that water rates should be leviable in respect of all lands and premises "abutting upon, or having access to or from any road in the district in which, before the passing of this Act, a main pipe has been laid down," and after the passing of the Bill, if the board laid down a main in any road they would be entitled to charge water rates on all premises having access to or from that road. Surely that was not fair. The hon. gentleman might not be aware of it, but the present board levied rates on unoccupied lands that were not within half a mile of a main. There should be some limit as to the distance from a main at which persons should be liable to be rated, and he thought the Hon. T. Macdonald-Paterson deserved credit for having called attention to the matter.

The MINISTER OF JUSTICE said he had no objection to the clause being postponed for further consideration; but he thought that if hon. gentlemen looked into it closely they would see that it was not capable of the very wide meaning which the Hon. Sir A. H. Palmer seemed to think it bore. The clause only applied to those lands or premises to which the board were prepared to supply water from the main in the street—to lands which abutted on the street, or had access to or from the street. It had been found that under the present law, lands which might be supplied with water from the main going through the street, were exempt from water rates unless they had a frontage to the street in which the pipe was laid. It was known that the liability of properties which were something like forty or fifty feet off the road to pay water rates had been disputed, and it was to avoid any question of that kind arising that that clause had been framed as it now stood. But the question they had to consider was that of giving the local authority power to impose upon the ratepayers such rates as the people in

the district might think proper to impose. Should they, by amendments on that clause, further restrict and hamper the local authority elected by the ratepayers of the district in the levying of rates? He submitted that that was not a judicious thing to do. All those questions as to the payment of half or quarter rates on vacant or unoccupied property were questions which ought to be left to the local authority which would be constituted under that Bill for dealing with the subject. He had, however, no objection to postponing the clause, so that the Hon. T. Macdonald-Paterson might have an opportunity to move an amendment if he thought proper to do so. Still, he must say that it was now nearly a fortnight since the Bill first came before the Committee, and the hon. gentleman might, during that time, have framed an amendment if he wished to do so. He moved that the clause be postponed.

The Hon. Sir A. H. PALMER said that if the water rate was only charged on properties within forty or fifty feet off the street, he did not suppose anybody would make any objection, but he might inform hon. gentlemen that he was astonished the other day to find that his agent, without his knowledge, had not only received notice of assessment for water rates, but had actually paid rates on property which was half a mile away from a main, and on which not a drop of water had ever been used from the main, with which there had not even been any connection made.

The Hon. T. MACDONALD-PATERSON said he should like to inform hon. gentlemen who were residents in the city of Brisbane or the suburbs what would be the effect of that clause. He would give a case which, though it might be thought hypothetical, was not far from the truth, and which might happen under that clause. There might be three or four residents in a suburb, perhaps half a mile or more from the outermost pipe, and they might petition the water board to get the water laid on to their doors. If that clause were passed, the water board would consider how much vacant land they would reach by putting down that half-mile of pipes, in order to meet the convenience of the three or four persons petitioning, who should have the pipes put down at their own expense. The main would possibly pass five hundred properties, and the clause would really be a temptation to the board to comply with the request of the petitioners, knowing that they would be able to assess vacant lands, and make what rate they pleased. It would be a temptation to them to do more work than was actually necessary, and make ducks and drakes of the money at their disposal. He quite agreed with the Minister of Justice that they should foster local public institutions, and provide machinery to popularise those institutions, but they should bear in mind that the local institutions of this colony were, comparatively, in a state of youth and inexperience, and it was the duty of Parliament to see that no such abuse was made possible as could happen under a clause like that now before the Committee. He therefore thought the hon. gentleman would do wisely to postpone that clause, and also clause 52.

Clause postponed.

Clause 52 postponed.

Clauses 53 to 58, inclusive, passed as printed.

On clause 59, as follows:—

“The board may, instead of making and levying rates for water supplied for domestic purposes, sell and supply water to consumers, who in such case shall pay according to the quantity of water consumed, such

quantity being ascertained by a meter fixed on the lands or premises of the consumer; and the board shall by by-law fix the scale of charges to be paid and the conditions upon which the water shall be supplied.”

The Hon. T. MACDONALD-PATERSON said there was a matter in connection with that clause which had been referred to on the second reading of the Bill, and he thought it well to direct attention to it now. That was, as to whether it should be within the power of the board to refuse to supply water by meter. The Victorian Act made it imperative that the water authority should supply water by meter, if the consumer desired it; but in that clause it was optional on the part of the board to supply water by meter or not, as they chose. Perhaps it would be well to postpone that clause for further consideration. He contended that the consumer of water should have the right to say: “I will pay for all I consume by meter.” That system worked very well in Victoria. Instead of it being optional on the part of the board, it should be optional with the consumer whether he would have the water sold to him by meter or not. It was possible, though perhaps not very probable, that a man might be charged £60 for water when he did not consume £5 worth. He trusted, therefore, that his suggestion to postpone the clause would be accepted by the Minister of Justice.

The MINISTER OF JUSTICE said he would point out that making it compulsory on the board to introduce the system of sale of water by meter would so hamper them that they could not conduct their business for some time. Had the hon. gentleman contemplated the number of tenements supplied in Brisbane? If the owners or occupiers of all those tenements demanded to be supplied with water by meter, it would be impossible for the board to carry out their duties for some considerable time, because there were not sufficient meters available, and the board would not have time to procure an adequate supply. Let them proceed by steps in that matter. If after the water board had been established, and they had endeavoured, or not endeavoured, as the case might be, to meet the requirements of the community with respect to the sale of water by meter, a system which he believed would have to come into force, then Parliament might step in and make some such provision as the hon. gentleman suggested. But to hamper the board at starting by such a provision would render their work impossible. That was a very strong objection to the proposal to make it compulsory on the board to supply water by meter at the present time.

The Hon. T. MACDONALD-PATERSON said the hon. gentleman misunderstood his remarks to some extent. In suggesting that the board should supply water by meter, he did not propose that every person who consumed water should have it by meter, because they knew that in the old country, and in Australia where that system was adopted, a very small proportion of the consumers desired meters. Most of them would get the worst of it if the water was supplied to them in that way. But there were some cases, such as warehouses, where the owners or occupiers might have to pay £100 a year for water when they would not use, perhaps, more than two bucketsful a day. The owners of tanneries, breweries, and livery stables should have the power to insist upon being supplied with water by meter, and why should not the general consumer have the opportunity of protecting himself in the same way against a monstrous charge? The law should be reciprocal, and the owner or occupier of premises should have the right to insist upon the meter system. The board were given the power by that clause to say, “You shall take your

water by meter." The consumer should also have the option of saying that he would have his water supplied by meter, if he so desired, instead of under the present system. As to the objection that there were not sufficient meters available to meet the demands that might arise, he would point out that, even if 33 per cent. of the consumers did require meters, they could be supplied in six months by cabling to England. They could get them out at the rate of 10,000 meters per ship; and a provision could be inserted to the effect that six months' notice should be given of the wish of the consumer to have the water supplied by meter.

The MINISTER OF JUSTICE said the system of water supply in the old country was inapplicable to the conditions they had to deal with in this colony. In Great Britain, so far as he was acquainted with the systems of water supply, they were for the most part carried out by water companies, and when they got concessions from Parliament for their own private profit, it might be quite reasonable and proper to impose upon them such conditions as would prevent them taking any advantage of the people who were within the radius of supply. But here they were dealing with a different matter altogether, and were giving power to the people themselves, by their representatives, to make what arrangements they chose, as to how the water should be supplied and at what rate. Should they then tie the local authority hand and foot, and hamper them at the very commencement of their operations? He did not misunderstand the contention of the hon. gentleman, but he (the Minister of Justice) said that a large proportion of the people might claim to have their water supplied by meter. He for one might desire it, and if everybody else did the same thing, it would be impossible for the board to supply the meters within a reasonable time, and if they had the meters it would take some time to fix them. The Committee would do well to leave it to the local authority to manage their affairs to their own satisfaction.

Clause put and passed.

Clauses 60 to 63, inclusive, passed as printed.

On clause 64, as follows:—

"The owner shall be liable to pay all water rates in respect of unoccupied and vacant land, and in respect of all occupied land or premises of which the annual value does not exceed twenty pounds; and the occupier or person receiving the supply of water on occupied lands shall pay all other water rates, but this provision shall not invalidate or affect any contract under which other provision is made for payment of water rates by an owner or occupier."

The HON. T. MACDONALD-PATERSON said he thought that clause should be postponed along with the others, as it dealt with rates on unoccupied lands.

The MINISTER OF JUSTICE said he understood that what the hon. gentleman wished to consider was the question as to whether any reduction of rates should be made in regard to vacant or unoccupied premises, and not as to whether they should be exempted from rates altogether.

The HON. T. MACDONALD-PATERSON: I raised the question whether they should be rated in the same ratio.

The MINISTER OF JUSTICE said the hon. gentleman did not go the length of advocating that unoccupied premises should be free from rates altogether, but had acknowledged in his previous remarks that they should pay a certain portion of rates levied for public purposes, such as those for extinguishing fires and the like. The hon. gentleman might have something to say in support of the contention that unoccupied premises should not be rated as highly as occu-

ped premises, because of the supposed difference in the consumption of water, and other hon. gentlemen might concur in that view; but he (the Minister of Justice) did not think that the principle which the hon. gentleman proposed to establish, that unoccupied premises should be exempted from rates altogether, would meet with favour in that Committee, or elsewhere. It would be absurd to establish a local authority with jurisdiction over a certain district, and exempt from their jurisdiction all property in that district which was not occupied. If a public work was undertaken by the ratepayers of a district which was beneficial to the district generally, why should the owners of property, which was increased in value by that work, be exempted from contributing their share of the expense of that work? That was a proposal to which he could not assent. If any rates were to be payable in respect of unoccupied land, that clause would be necessary, as it simply provided that where the annual value of the land did not exceed £20, the owner should be liable. He had, however, no objection to give hon. gentlemen a further opportunity to discuss the question which had been raised.

The HON. T. MACDONALD-PATERSON said he stated distinctly in the earlier part of the evening that he was in favour of vacant lands contributing rates for water used in respect of public parks and such like. At present vacant lands were assessed for water rates for public purposes, but those rates were levied by the municipal council; but if that clause were passed as it now stood, the owners of such land would have to pay double. The municipal rates were arranged under different heads, among them being the general rate and the water rate.

The MINISTER OF JUSTICE: That is the rate for street watering.

The HON. T. MACDONALD-PATERSON said that if the municipal authorities watered parks they would make a rate for that purpose, and he held that the rate levied by the municipal council was quite sufficient for all water that was used for public purposes without giving the water board power to levy an additional rate on unoccupied land. The water authority would have the power of seizing vacant lands, simply because they put a pipe along a road. And it was very easy for a certain section of the community to combine together for the purpose of levying blackmail, because it would be nothing else, where the population was very sparse. The only thing the landlords could do was to fight every election and put in men who would carry out their own views. He thought the clause should be postponed.

The MINISTER OF JUSTICE said a great deal would depend upon what was done in regard to clause 52.

Clause put and passed.

Clauses 65 to 73, inclusive, passed as printed.

Clause 74 passed, with verbal amendments.

Clauses 75 to 80, inclusive, passed as printed.

On clause 8, as follows:—

"(1.) When water rates in respect of any land are in arrear for the space of two years, the board may cause to be published three times in the *Gazette*, and in some newspaper generally circulating in the district, a notice in the form in the fifth schedule to this Act or to the like effect; and if, after six months from the last publication of the notice, any part of the water rates due at the time of the first publication thereof is still unpaid, the board may, notwithstanding any Act to the contrary, take possession of such land and let the same from year to year, and may receive the rents and apply the same towards the payment of the water rates and other costs and expenses, and shall hold any surplus for the owners of the land.

"(2) If the land is unoccupied and unimproved, the board, instead of letting the land as aforesaid, may, by petition to the Supreme Court, apply for a sale of the land described in the notice, or of so much thereof as may be necessary; and the court, on being satisfied by affidavit or otherwise that the arrears are lawfully due, and that all acts required by this section to be done by the board have been done, shall order the sale of the land by public auction (or so much thereof as is sufficient to pay all arrears due up to time of sale, with interest at five per centum per annum from the time of the first publication of the notice on such arrears as were then due, together with all costs attending the notice, the application, and the sale), and the proceeds shall be paid into court; and the court may order that payment of the said water rates, interest, costs, and expenses be made in preference to any sum secured on the land by mortgage or otherwise; and the conveyance shall be executed by the registrar, or other officer of the court, to the purchaser, in such form as is approved by the court; and such conveyance shall vest the legal estate (according to its nature) in the land sold in the purchaser free from all encumbrances; and the balance arising from the proceeds of such sale shall remain and be subject to any orders of the court for the benefit of the party or parties interested therein."

The MINISTER OF JUSTICE said he had some amendments to propose in the clause, to the effect that the rates in respect to water measured by meter could be recovered in the same way as ordinary rates. He begged to move that the words "or any other moneys payable under this Act for water supplied to the occupier of any land," be inserted after the word "land," in the 1st line.

The HON. B. B. MORETON said that was one of the clauses which the Hon. Mr. Macdonald-Paterson wished to have postponed.

The HON. F. T. BRENTNALL said it would appear after they had postponed clause 52, that the clause before them should be postponed also. It was already provided in the Divisional Boards Act that land upon which rates had not been paid for a certain time might be taken possession of by the local authority and leased. It was proposed by the clause before them to give another authority power to seize land and lease it, and it was almost certain that the two authorities would come into collision, and there would be a race as to which authority should first seize the land which might be liable for arrears. He confessed to having a considerable amount of sympathy with the objection which had been taken to the principle of rating unoccupied lands, and without discussing the main question it seemed to him that the arguments used in favour of imposing an arbitrary rate upon all properties, in the case of a great public work like the one they were considering, might be also used in reference to one or two other matters which were regarded more as private business concerns; but which, nevertheless, were provided for the convenience of occupiers of property along the roads through which the mains were taken. There was gas, for instance, which was only paid for by the persons who used it. Water is provided for consumption; consumers should pay for it. The arguments used in regard to the partial liability of persons for street watering, and for watering trees in reserves, applied only to those who lived in the immediate vicinity, along the route of the streets that were watered. In a great public work like that before them the mains would have to be taken over a very large area of country, where not one-fourth, or one-third, or even, perhaps, one-tenth of the allotments were at present occupied, and to charge a uniform rate for water to the people who used it and to persons who did not use it, seemed to be too arbitrary. The great objection he had to this Bill was that from beginning to end it was placing a tremendous power in the hands of the water board; clause after clause had been passed giving power to the board to exercise functions which would sooner or later become very objectionable. It

would be found that they had constituted an authority with great power to enforce heavy financial penalties. They were hurrying along with legislation of a kind which would become very irksome, and perhaps dangerous before long, and they should have time to consider the clause which gave the water board a right to seize unoccupied lands, the rates in respect of which might be in arrears for two years, and put them to some use or sell them. The clause should follow the clauses which had already been postponed for further consideration.

The MINISTER OF JUSTICE said he thought the hon. gentleman who had last spoken had quite misapprehended the effect of the power to enforce the payment of rates by seizure or sale. He anticipated that there would be a race between the local authority and the water authority to see who should first get hold of the premises. His idea was the very opposite—that the local authority would wait as long as it could, until the water authority had stepped in, or *vice versa*, because as soon as one stepped in the other would immediately recover the arrears due to it without any trouble whatever. As soon as there was any person residing upon such seized land, that person would have to pay both rates. So that, instead of that unseemly haste and competition between the divisional board or municipal council on the one hand, and the water authority on the other hand, one of them perhaps more heavily handicapped than the other, there would be no race whatever. In fact, they would have a kind of race in which the prize went to the slowest. So that he thought the argument that there would be an unseemly haste, completely fell to the ground. The hon. gentleman had also drawn a comparison between the powers given to the suppliers of gas and those proposed to be given to the water authority by the Bill. But there was one radical difference between the two. People could do without gas; but they could not do without water. It was the duty of the Government to supply water for the health and support of the people, and he contended that it was the duty of every person having property in a district, as well as those living in it, to contribute more or less for that purpose. He did not think there was anything in the Bill which hon. gentlemen could construe into an advocacy of the establishment of a uniform rate. On the contrary, every latitude was given to the water authority as to the principle upon which it could levy rates. The Bill was intended to give them a free hand in such matters, and he had no fear that legislation in that direction would be irksome or dangerous. It might be irksome to some. Nearly all legislation was irksome to some. Relieving owners of unoccupied property from the payment of any rates at all practically amounted to this: That the resident ratepayers in a district had to provide for everything in it, and the absentee proprietors got off scot-free. Were the absentee owners of property to evade the payment of any contribution towards the public works carried on by the local authority of the district for the general benefit and health of that district? That was the question; it was not a question of one isolated vacant allotment. Were they to exempt absentee owners from all contribution for rates? He felt confident that the Committee would not support that contention; but that was the only principle upon which the proposed change in the Bill could be supported.

The HON. T. MACDONALD-PATERSON said absentee owners were not mentioned at all.

The MINISTER OF JUSTICE said they did not profess in the Bill to legislate for absentee owners; but the hon. gentleman was advocating

an amendment that practically amounted to the protection of absentee owners. The hon. gentleman wished to exempt properties which were owned by persons absent from home. He proposed to carry through the amendments he had suggested, and if the hon. gentleman wished it, he would have no objection to re-commit the clause. It would depend upon the decision of the Committee in regard to clause 52.

The HON. J. SCOTT said the clause went further than had been stated; it went so far as to say that, if the rates were not paid within two years, the land should be sold. That appeared to him to be likely to lead to great injustice. In a country like this, where people travelled about so much from one colony to another, or home to England, the owner of property in Brisbane might not know that the rates were not paid in respect of that property, and he might come back and find it sold for one-tenth of its value—rushed into the market with a lot of other properties in a similar position, and sold for what it would fetch. That was going too far altogether. If unoccupied properties were to be forfeited, he did not see why more time should not be given to the owners to pay the rates—something like twenty years. That would not be a bit too long. The water authorities could let the land in building leases if they liked, and if it were valuable property, it would bring in a great deal more than the water rates. He did not see why a man should part with his property because a few shillings in water rates had not been paid upon it.

The MINISTER OF JUSTICE said the suggestion of the hon. gentleman who had last spoken had come quite freshly to him; but on looking at the clause, he did not see that owners of unoccupied property would have any cause for complaint. In the first place, they must have neglected the property for fully two years, and in the next the water authority must give six months' notice. They must advertise in the *Gazette* three times, and also in some newspaper generally circulating in the district; and, thirdly, no step could be taken until after six months from the last publication. Then they might let the property from year to year. After that the authority might apply to the Supreme Court for permission to sell to recover the arrears. They could not do anything for two years and a-half, and then the Supreme Court could give power to sell for the recovery of the debt. That clause provided a simple and ready way of carrying it out. At the present time there was nothing to prevent the Supreme Court from directing that a property should be sold to pay the charges imposed upon it, where those charges were fixed by statute or otherwise. A similar power to that proposed to be given by the clause was conferred on corporations by the Local Government Act.

The HON. F. T. BRETNALL: No; they have only power to lease land.

The MINISTER OF JUSTICE said as hon. members seemed desirous of discussing the whole of the clause, he would move that it be postponed.

The HON. T. MACDONALD-PATERSON said he would make a few observations which might assist hon. members in their consideration of that clause. The Minister of Justice stated just now that the clause provided a simple and efficient remedy by which rates might be promptly collected. It was so extremely simple that there was no remedy whatever for the owner of the property. On the mere affidavit of the board of waterworks the court might make an order for the sale of unoccupied property, if the rates due in respect thereof were two years in arrears, and there was no provision allowing

the owner to step in after the petition was before the court. The whole thing might be done behind his back, or the owner and his attorney might be away and unaware of the proceedings. With respect to absentee owners he would point out that because a piece of land was vacant or unoccupied that did not necessarily imply that the owner was an absentee in the ordinary meaning of the word, that was a person living out of the country. They knew that the great business of the middle classes and wage earners of this colony, outside their own particular work, was that of land investment. The savings of the wage earners were invested in land to an enormous extent, and money so invested was more profitably employed than it would be if spent in drink or even tobacco. He did not believe that one half-acre allotment out of every hundred was owned by persons living outside the colony. Now, what did that clause propose to do? It proposed to give the water board power to sell land on which the rates were two years in arrears. Let hon. members contrast that proposal with the proposal that had been made in Australian Parliaments and elsewhere to abolish the power of distraint for rent. Such a proposal was before the Parliament of Victoria last year, and he was not sure whether it had not since been adopted there. Yet, forsooth, the Government of this colony desired to place the board of waterworks in a much higher position than a landlord occupied in respect to his tenant. Let hon. members put the two matters in juxtaposition. In the one case other legislatures were advancing in a matter of great importance to landowners, while in the other a petty, miserable attempt was made to gain a power for a water board which was not only undesirable but most reprehensible. No such proposition should be made to Parliament; it was altogether unreasonable, and totally inconsistent with the tendency of legislation in different parts of the world. Some of the most active and intelligent minds in the legislatures of different countries were trying to abolish distraint for rent, leaving the landlord the common law remedy of suing for any rent that might be due to him. Why should the water board be put in a better position? Why should they not sue the owner of land for arrears of rates? A pipe, which the board had underground, was a contemptibly small interest compared with the interest of the owner of the land. Yet, because the board had put a few yards of piping down, perhaps half a mile away, they would have the right of selling land which might represent the savings invested by a man for the benefit of his wife and family. Why should the board have power to put that property up by public auction when the water rates on it were in arrears for two years? He felt confident that the Committee would excise the whole of the section. It was a most despotic attempt to give a power which was totally inconsistent with modern civilisation. Then, again, it was said that public institutions should be encouraged; but what would be the effect of giving them encouragement in the way proposed by that clause? They knew very well that they would get members of the board some day who would say, "Oh! we won't bother about distraint. This man has only got a few chattels. We will go to the Supreme Court at once, and apply for authority to sell the land." By that clause they might move the court at once. Why should the board not be compelled to exhaust the common law remedy before they were allowed to make any such application? But supposing it was the correct thing to give them that power, the clause was wrong in its foundation. There was a great injustice attempted to be perpetrated by

it. It was not the production of a calm and cool mind at all; it was unjust all through. Again, while they were considering the claims of the water board they had altogether overlooked another person—namely, the mortgagee. The clause provided that “the court may order that payment of the said water rates, interest, costs, and expenses be made in preference to any sum secured on the land by mortgage or otherwise.” If that clause was passed, the law in respect to the claims of mortgagees would be altered, and water rates would be paid in preference to their claims. That was an absurdity, because the board might ask for power to sell land to pay for something which they had never supplied, and their claim would be preferential to that of the mortgagee, who had handed over hard cash. There should not be any possibility of owners of vacant land being subjected to such proceedings, not even if the rates were in arrears for twenty years. He was rather amused at the observations of the Minister of Justice, when he said that the local authorities were somnolent authorities, and would keep quiet and allow the rates to accumulate; that they would be in no hurry to collect them, as they would get interest on the rates. If they had the assurance that the local authorities would not step in for perhaps ten or fifteen years, they might not be so particular in their objection to the powers that were proposed to be given under that clause. But they must deal with the language of the clause as it stood, and the possible action that might be taken by the water authority under it. He had just noted down hurriedly those two or three points, which he thought were *apropos* to the question, and worthy of the consideration of the Committee. He was thankful to the Minister of Justice for postponing the clause, and sincerely trusted that hon. gentlemen would look into it carefully, and be prepared to deal with it as it should be dealt with when it came under their consideration again.

Clause postponed.

The MINISTER OF JUSTICE moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

The House resumed, and the Committee obtained leave to sit again on Tuesday next.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

EIGHT HOURS BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly, forwarding, for the concurrence of the Council, “a Bill to define the proper duration of a day’s labour.”

On the motion of the Hon. B. B. MORETON, the Bill was read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday next.

ADJOURNMENT.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I move that the House do now adjourn. I shall be very glad if some hon. member will propose that the motion be amended by the addition of the words “till Tuesday next.”

The Hon. T. MACDONALD-PATERSON said: Hon. gentlemen,—I beg to move that the motion be amended by the addition of the words “till Tuesday next.”

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

The House adjourned at ten minutes to 6 o’clock.