Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 28 AUGUST 1889

LEGISLATIVE COUNCIL.

Wednesday, 28 *August*, 1889.

Local Government Acts of 1878 to 1887 Amendment Bill—first reading.—Eight Hours Bill—second reading.—Brisbane Water Supply Bill—committee. —Adjournment.

The PRESIDENT took the chair at 4 o'clock.

LOCAL GOVERNMENT ACTS OF 1878 TO 1887 AMENDMENT BILL.

FIRST READING.

The MINISTER OF JUSTICE (Hon. A. J. Thynne) presented a Bill to amend the Local Government Acts of 1878 to 1887; and moved that it be read a first time.

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

EIGHT HOURS BILL.

SECOND READING.

The HON. B. B. MORETON said: Hon. gentlemen,—In rising to move the second reading of this Bill, I feel a certain amount of trepidation that I may not be able to do the measure the justice I could wish. I certainly shall not take up the time of the House very long, and will be as brief as possible. I therefore hope hon. members will bear patiently with me while I am speaking. I am sure every hon. member in this House is perfectly well aware that the object of the Bill is a question which has been before the world for a great many years. It is one that has agitated a large section of the community, both here and elsewhere. There have been several enactments passed in England to confine labour to certain periods of the day, but in nearly all cases those enactments have referred only to women and children. Whatever other enactments have been passed have invariably been in favour of the employer. However, shortly after the American civil war, a great labour congress was held, I think, at Baltimore, in America, at which it was decided that eight hours should be considered a day's labour. That was the commencement of what has been termed the eight hours' movement throughout the world. This movement had its origin and commencement in America, and it has now permeated that country and Canada, as well as other countries of the world. Not only has it done so, but it is a question which is being considered by employés in Europe, and therefore it is a subject that may well be taken into consideration in a young colony like this, where, possibly, by what is termed "crystallising the law of labour," and making eight hours the legal definition of a day's labour, we may prevent the serious difficulties that have occurred elsewhere, and which have also occurred here. Coming back to our own country, I may point out that in 1874 the member then for Rockhampton, Mr. Buzacott, moved the second reading of a measure in the Legislative Assembly, which was termed "A Statute Day for Labour Bill;" and, in supporting the second reading of that Bill, that gentleman used almost the same arguments which have been used in another place, in reference to the Bill now before us, and in addition to that he gave similar reasons to those given in the preamble of the present Bill—namely, that—

"It is desirable for the general welfare of the community that the hours of daily labour should be such that workmen may have a reasonable time at their own disposal for recreation, mental culture, and the performance of social and civil duties."

He also stated, when moving the second reading of the Bill, that he, as an old colonist, was of opinion that eight hours for six days, or forty-eight hours per week, was ample for any man to work in this country. In reading that debate I find, if I read the debate aright, that you, Mr. President, gave your opinion in support of the second reading of the Bill, on very much the same grounds, and you also stated that "the Bill might set at rest a great many disputes;" the latter being one of the reasons for bringing the present Bill before the legislature of this colony. There was another gentleman who also supported that measure, the Hon. J. M. Macrossan, who is now a Minister of the Crown, and I think he sat on the opposite side of the House to the Hon. the President at that time. He also supported the principle of the Bill, for almost the same reasons, because he considered that "eight hours was quite sufficient for anyone to work in this colony;" and besides that, he looked upon it "as a step in the right direction, and an attempt to prevent an evil, which had existed in England for many years, from arising in this colony." I think those opinions are well worthy the attention of hon. gentlemen in this House. Now, besides that, there are other reasons why this Bill should be passed. There is no doubt that working long hours is injurious and detrimental to the social condition of the labourer, and that the incessant drudgery of labour for a great number of hours, does not increase the efficiency of labour. It goes without saying that educated labour, if I may so term it, is much more valuable than the manual labour of an uneducated person who does not know how to use his strength, or when or how to exert it to its fullest power. Not only that, but he should have time to think and plan; because hon. gentlemen know that many of the greatest inventions have been made by working men, who had to steal every moment of spare time after working hours to perfect their inventions. Now, it has been said by a great many people that, practically, the eight hours' question is settled. That is an assertion that is always made, and always will be made. But how has that concession been gained? Has it not been gained by a struggle between the employers and employed, in many cases? I will not say that there are not some employers who have met the men fully in this matter, and acceded to their wishes at once without any further action; but still there are a number who have not done so. If hon. gentlemen will think over the matter, they will find but a very small number of persons enjoying the benefits of the eight hours' system, and, therefore, it is advisable that a measure of this sort should be passed to prevent any further struggle, with the object of obtaining this concession, by those who have it not at the present time. It is a measure which, I am sure, hon. gentlemen will see has a great deal of good in it. I have heard expressions outside of this House to the effect that there has been an attempt to intimidate hon. gentlemen into passing this measure, I am satisfied that nothing of the sort was intended. All that was done by the meeting held recently was to show how strongly the labourers felt upon the question, which they considered one of paramount importance to themselves. The measure itself is but a short one, and consists of only five clauses. The 2nd clause explains the meaning of the term "workman," so far as the Bill goes. The term includes everybody, except domestic servants and sailors who are working while the ship is under way. The term "domestic servant" means any person employed in or about a house doing the necessary day's work, and the term "employer"

means what it is always known to be. The 3rd clause is one which defines what is to be a day's labour, and it also states that such a day's labour shall be taken to be a period of eight hours, unless in cases where a shorter period than eight hours is by the usage or practice of the trade or business in connection with which the labour is performed the ordinary duration of a day's labour; so that there may be a shorter day's labour than eight hours, if such is the practice of the trade or business in connection with which the work is performed. Hon. gentlemen, I have no doubt, have followed the debate which took place in another place on this measure, and they will see that that part of the clause was brought forward on the re-committal of the Bill in the other Chamber, in consequence of the omission of a clause to the same effect as this Bill in the Mines Regulation Bill, which was under discussion in this House, and which clause was taken out of that measure here, one of the reasons given by hon. gentlemen who opposed it being that a Bill of this sort would probably become law in this colony shortly.

The HON. W. GRAHAM: No; we said a Bill would probably come before us, not "would probably become law."

The HON. B. B. MORETON: I accept the hon. gentleman's correction, but the idea entered my mind that hon. gentlemen were going to pass this Bill, because they said they would rather have such a clause in this Bill than in the Mines Regulation Bill. The 4th clause of the present Bill is one that enables workmen to contract themselves out of the eight hours' system, if they choose to do so. Although this Bill makes eight hours a day's labour, it does not prevent anyone who wishes to work longer from doing so if he wishes to get extra pay. The 5th clause is one which, I believe, may be objected to by hon. gentlemen. I have heard some hon. gentlemen outside the Chamber make remarks about it. The clause concludes:—

"And except as aforesaid no employer shall dismiss a workman by reason of his refusal to work for a longer period than eight hours in any one day.

"Any employer who offends against the provisions of this section shall be liable to a penalty of five pounds."

I know some hon. gentlemen have taken exception to the clause; but the clause is one that is essential to the Bill, as, if it is not inserted, an employer would simply say to a man who refused to work more than eight hours: "You must work longer than that, or you must go." I know that hon. gentlemen have perused the Bill themselves, and that nothing that I can say will make it clearer to them, and, in leaving the measure for their consideration, I do so with a perfect confidence that they will give it all the deliberation which is necessary. In the other Chamber there are representatives of the working classes, but here they are unrepresented, so we must strive to do the best we can, and I am sure that hon. gentlemen will carefully and quietly discuss this measure, and they will see that it is necessary and advisable that this measure should become law. I beg to move that the Bill be now read a second time.

The HON. A. C. GREGORY said: Hon. gentlemen,—The Bill before us is said to be an attempt to settle the proper duration of a day's labour, but when we come to go through it we find that it is the most incomplete measure that could possibly have been framed, for while it sets forth that certain things are to be, it points out that there may be any exceptions made, and it also provides a penalty for those exceptions. How these things are to be reconciled with one another it is difficult to understand. Clause 2 is the first operative part. It says that a working man means any person employed in manual labour or clerical labour; but we know that the eight-hour principle here has always been intended to apply to physical labour, and I will concede that eight hours is quite long enough to work at manual labour in this climate. But clerical labour does not impose any severe strain upon the individual, and it is really not a very important question whether a person works eight hours or nine hours at labour of that sort. It is a mistake to include clerical labour in the Bill. Then, again, going on a little further we find that as soon as the anchor of a ship is weighed, the sailors are no longer under the operation of the Bill, and if the men decline to weigh the anchor, the ship and the passengers will have to wait until the conditions of the Bill have been complied with. The captain will have to ask his crew to be kind enough to weigh the anchor before he can bring them under the general conditions governing the crews of vessels at sea. Many of the hon. members in another place have put their own hands to the plough, and I myself worked a good many years on a farm, and that has given me an insight into what manual labour is. The clause goes on to say that persons employed in attending to horses, cows, or other animals kept for the purposes of the household, or a coachman driving an hon. member's buggy, are not included in the Bill. The coachman has to stop and wait for his employer at different times, amounting to sixteen hours a day very often. Certainly the duties of a coachman are much more severe than those of a clerk in an office, but still he is not to be protected. Then we come to the part of the Bill which says that a day's labour shall be taken to mean labour for eight hours. We are informed that there are cases in which labour is required for a shorter period than eight hours. That is in regard to another enactment which we had before us, and I am glad to see that those cases are provided for here; but still that renders the clause to a great extent ineffective. Then in clause 4 we find it is provided that—

"Whenever in any contract of hiring provision is intended to be made for the work of any workman being continued for more than eight hours in any one day, it shall be necessary that a special stipulation be made with regard thereto."

If the Bill had been restricted to that clause, it would have been harmless, but it goes further and states, that—

"Except in the case of a contract, made as prescribed by the last preceding section, and then only in accordance with its provisions, it shall not be lawful for any employer to require any workman to work, without his own consent, for more than eight hours in any one day. And except as aforesaid, no employer shall dismiss a workman by reason of his refusal to work for a longer period than eight hours in any one day.

"Any employer who offends against the provisions of this section, shall be liable to a penalty of five pounds."

What does that mean? A master says to his workman, "I say, Jack, we have an extra job to finish to-morrow; will you stop for another hour?" "No," replies Jack; "I don't want to; I won't." "Well, Jack," the master says, "if you won't stop, I must put on another man in your place." Jack answers, "All right," and the next day the master is summoned before the court and fined £5. Is that a reasonable provision to insert in the Bill? I do not think it is. The hon. gentleman who moved the second reading of the measure argued that it is very desirable that something should be done to regulate the hours of labour in various occupations in which the eight hours' system does not prevail. Had it not been that in recent years we have legalised trade unions, and thereby provided the proper machinery for the regulation of labour, there might have been some reason in asking the

legislature to step in and define what shall be a day's labour in certain cases, but under existing circumstances such legislation is unnecessary. This Bill proposes to go beyond the legalising of those bodies, which are able to regulate a day's labour, and the distribution of the work during the various days of the week, so that in some cases men work eight and a-half hours five days a week, and a shorter time on Saturday, an arrangement which is very convenient to the workman, and gives him much more time at his disposal on the Saturday than he would have if he worked the same number of hours every day in the week. Under this Bill, if it becomes law, a man would have to work eight hours on Saturday as well as any other day in the week, so that when it came to Saturday, if he knocked off at one o'clock he would be liable to be prosecuted before a police magistrate for having violated the provisions of the Bill. There is no doubt that any enactment that we might pass on this subject would not be sufficiently comprehensive to deal with all the special circumstances and variations that must occur in the different trades and occupations. In some occupations six hours a day are a suitable and reasonable time to labour, and in others seven, eight, or nine hours are a reasonable day's labour. If it were considered indispensable to the health of the community that the hours of labour should be restricted, and it were satisfactorily proved that it was desirable to pass a law that no person should work longer than was suitable for his health, there would not be so much objection to a measure of the character of the one before the House. But this Bill does not propose to do anything of the kind. It proposes still to leave it to the discretion of the parties concerned to extend the time as they please. I think it is an inconclusive and useless measure, and that if passed it will induce a greater amount of conflict between employers and employés than takes place at the present time, because it so ill defines what is a day's labour, and proposes to impose a penalty for that which is practically no crime at all on the part of the master. The whole Bill is an unwise attempt to give effect to a demand which really does not come from the labouring classes, but from those who act as secretaries to trade unions, and are instrumental in getting up strikes and keeping them going, and who live on the working men.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I cannot agree with the view which the hon. gentleman who has spoken has taken of this measure. In the history of all social and economical questions, we find that every attempt at improvement in the relations of labourers towards their employers has been met with opposition of the character indicated by the remarks of the Hon. A. C. Gregory. The time has come, or if it has not yet come it has very nearly come, when a Bill of this nature must necessarily become the law of the colony, and I do not concur in the views of those hon. gentlemen who may feel inclined to oppose the passing of this Bill. I look upon the measure as in effect providing that where there is no contract made as to the period for which a man has to work in each day, eight hours are to be taken as the length of the day's labour. That is the sum and substance of the measure. The Hon. A. C. Gregory arguing from his point of view, stated that if this Bill were passed labourers would be disappointed in having to work eight hours on Saturdays instead of a shorter period as at present, but the Bill provides fully for that. A workman will not be required to work for eight hours on Saturday if it is the custom of the trade in connection with which he is employed to work a shorter time on that particular day, as clause 3 distinctly states that "unless in any case a shorter period than eight hours is, by the usage or practice of the trade or business in connection with which the labour is performed, the ordinary duration of a day's labour," eight hours shall be taken to be the duration of a day's labour. I cannot see that any hardship or injury can be inflicted by the passing of this Bill, as it is competent for persons employing labour to make engagements with their men to work such a number of hours each day as will suit the circumstances of their business. If they cannot pay the present full rate of wages for the time for which they engage their men, the natural economical conclusion would be that the wages paid would be according to the profitable nature of the work to be performed. The only defect I see in the Bill is that it does not make provision for preserving existing contracts between masters and servants, and I think an amendment should be introduced to the effect that existing contracts should not be affected by the Bill. Possibly, this matter might be met by fixing a date from which the measure should come into force, so that employers who have entered into contracts on the strength of a present duration of a day's labour in some trades or localities being more than eight hours, should not be damnified by the change. There might, perhaps, be some modification made in regard to the penalty fixed by the 5th clause, but in other respects I think the Bill is one which the House will do well to carefully and favourably consider. With respect to the penalty, it may be looked at from two points of view. In the first place, assuming that the clause is passed in its present form, unless an employer were in some way to declare that he dismissed a workman for the special reason that he refused to work longer than eight hours a day, it would be impossible for any person to prove what was the reason in his mind for dismissing the man; and from that point of view the proposed penalty would be very ineffectual. On the other hand, let us look at the position of a servant at the present time. If a servant dismisses his master, and refuses to continue his work, he is liable under the Masters and Servants Act to be fined and sent to gaol for it. There should be some equality in an arrangement of this kind. I would point out to hon. gentlemen that though at first sight it may appear that the Bill applies only to men who are engaged by the day, yet it really applies to other cases, as in clause 4 it is provided that—

> "Whenever in any contract of hiring provision is intended to be made for the work of any workman being continued for more than eight hours in any one day, it shall be necessary that a special stipulation be made with regard thereto."

"Any contract of hiring" of course includes any contract for work by the day or for a longer period. It is in view of that clause that I have suggested that existing engagements should be preserved, and I trust the hon. gentleman in charge of the Bill will take that suggestion into consideration, and see his way to introduce the necessary amendment. I hope the House will pass the Bill, as I am sure it is one that will do a great deal of good, and will not inflict any injury on the people who appear to be so much afraid of it. An hon. gentleman shakes his head very ominously at that remark, and that reminds me that the same hon. gentleman opposed very strongly another Bill dealing with workmen, though it was not, I admit, of an exactly similar character—I mean the Employers' Liability Bill. I do not think the hon. gentleman is now so strongly opposed to that measure as he was at the time of its passing, and I think I can safely predict that if this Bill passes, the opposition which he may now feel inclined to offer to it, will be even less than his present opposition to the Employers' Liability Act.

The Hon. W. GRAHAM said: Hon. gentlemen,—If this question goes to a vote, I intend to vote against the second reading of the Bill. I am not going to say very much, but I should not like to vote against the Bill without saying a few words in explanation of the position I take up. I oppose the measure on the ground that it is not only uncalled for, but that it is also unnecessary, and that it is so badly framed, and so unworkable, that it will be a burden on the statute book. I do not see why we should be called upon to pass Bills of that description. It is argued sometimes, and I daresay hon. members may argue in that way on the present occasion, that, while the Bill will do no good, it will do no harm. I do not believe that; I think that it is positively calculated to do harm. The hon. gentleman who moved the second reading said the Bill was calculated to prevent disputes. I think it is more calculated to create disputes and complications between masters and servants, and I am quite in accord with what the Hon. A. C. Gregory has said in this respect. As to occupations in which the work is continuous, and sometimes very arduous, eight hours is long enough to work, but the trades unions have protected the workmen in such cases, and I believe every sensible man will agree that they were right in so doing. But this Bill is a sort of feeble unsatisfactory way of dealing with a large section of labourers in the colony whose hours of labour it is almost impossible to define. Evidently that difficulty met the framer of the Bill at the outset, because, in the 2nd clause, he commences to make exceptions as to the persons who will be affected by the Bill. Sailors, domestic servants, and some others, are excluded from its provisions. I do not see why these people are not as much entitled to have the privilege of the eight hours' system as well as others. Then, the Bill is very indefinite. In the 2nd paragraph of the 2nd clause it is stated that—

"The term 'domestic servant' means any person employed in or about a house, in doing the necessary daily work of the household, or in attending to horses, cows, or other animals, kept for the purposes of the household."

I suppose sheep may be called "other animals." Would a boundary-rider come under the definition "domestic servant"? It may be said that sheep are not kept for the benefit of the household, and that the people of the household could not consume a whole paddock full of sheep; but that depends a great deal upon the size of the paddock and the size of the household. The Hon. B. B. Moreton also spoke of crystallising public opinion upon the subject of eight hours, an expression which, I think, I have heard used before. But to really crystallise public opinion, it ought to be enacted that no man should work more than eight hours at all; that if he works eight hours with his hands, he should not work with his head, or invent or do anything after his day's work is finished. If public opinion were crystallised in that way, the world would lose, and would have lost in the past, some of its greatest workers and most valuable men. I look upon this argument of crystallising public opinion as a piece of sentimental bosh, and I am tolerably certain that the majority of the members of this Chamber are not in favour of passing the Bill. I hope they will express their opinions, and give their votes accordingly, and that they will not walk out, or vote for the Bill simply because they think it will do no harm, if it does no good.

The Hon. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I intend to vote against this Bill, because, the more I study it, the more harm I see it is likely to do. I think it is especially the duty of this Chamber to prevent the passage of any measure which is calculated to do harm, and that, if possible, we should throw out this Bill. There are many different kinds of employment the labourers in which might be excluded, just as well as coachmen or anyone else. For instance, persons employed by dairy farmers, who work early and late, might be excluded, but, as the Bill at present stands, if their employer wished them to work more than eight hours he would have to make an agreement with them, and it would require a lawyer to make the different agreements that would be necessary under this Bill. It is a measure which, I believe, will lead to endless disputes between masters and men, and I am quite sure there are enough disagreements between them at the present time. I have not very much to say on the Bill. It is so bad that I can only come to the conclusion that whoever framed it brought it forward for the purpose of gaining a little popularity at the next election, and that he had not the slightest idea that it would be passed into law. It was really intended, I think, as a try-on. I hope, however, it will not be made a try-on in this Chamber, but that every member who thinks that the Bill will do harm will conscientiously vote against it.

The Hon. W. PETTIGREW said: Hon. gentlemen,—I have been an employer of labour for a great many years, and I think I should say a little on this subject. Many years ago a number of the men employed by me asked that they might be allowed to work eight hours a day for five days in the week and four hours on Saturday, which comes to forty-four hours for a week's work. I was opposed to it all along, but as it was a matter of no very great consequence to me, I agreed to it. The men I refer to were carpenters and joiners. With regard to the men who work in the mill, I took a firm stand and opposed the introduction of the system so far as they were concerned. But as a matter of fact, they themselves never asked for it. They work fifty hours a week, and that has been the time the mill has worked for many years. We work a little longer if we have plenty of work to do, and I consider, notwithstanding all that has been said to the contrary, that the men working in that mill are quite capable of working nine hours a day for five days in the week, and five hours on Saturday. I have never heard a single complaint from any of them about the time they have to work either in summer or winter. I consider that this measure will be an endless source of annoyance and a cause of quarrels between masters and men; it will be a grand thing for benefiting the lawyers. I will just give an instance of how its provisions would work. Suppose I have a vessel going away to-night, and I have some work I wish to finish in order to send away timber by that vessel, but it cannot be finished until after five o'clock. The eight hours will then have expired, and as the work will take twenty minutes longer, I should have to ask the foreman to get the men to stay and finish the work, and get the timber on board the vessel. I should, in fact, have to talk to every man about the place before I could get the mill to work another twenty minutes for the purpose of turning out that timber. That is an unreasonable and outrageous proposition. Then by clause 5 it is provided that:—

"Except in the case of a contract made as prescribed by the last preceding section, and then only in accordance with its provisions, it shall not be lawful for any employer to require any workman to work, without his own consent, for more than eight hours in any one day. And except as aforesaid no employer shall dismiss a workman by reason of his refusal to work for a longer period than eight hours in any one day.

"Any employer who offends against the provisions of this section shall be liable to a penalty of five pounds."

If that is not making provision for quarrelling between workmen and masters I do not know what it means. At any rate, that is the way in which I view it, and I shall certainly vote against the Bill.

Question—That the Bill be now read a second time—put, and the House divided:—

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Question resolved in the negative.

BRISBANE WATER SUPPLY BILL.

COMMITTEE.

On the Order of the Day being called the President left the chair, and the House went into committee to further consider the Bill.

Clause 82 was amended, on the motion of the MINISTER OF JUSTICE, by the insertion of the word "first" before the word "proviso," in the last line; and, as amended, put and passed.

Clause 83 passed as printed.

On clause 84—"By-laws"—

The HON. A. C. GREGORY said subsection 8 of the clause read as follows:—

"Fixing the level beyond which water supplied from the works may not be allowed to rise at any particular place within the district."

He did not think that subsection would have any effect whatever, although its presence would not do any harm. The water could only rise as far as the waterworks would send it. The clause seemed to have been taken from some Act in force in a place where the conditions were different from what they were in Brisbane. He moved that subsection 8 be omitted.

The MINISTER OF JUSTICE said he confessed he could not defend the clause, as he could not understand under what circumstances it would be applicable. He had no doubt that it had been found useful in some similar measure in force in a place where it was necessary. It seemed that the object of the by-law was to prevent the supply of water above a certain level; but he could hardly see what use it would be in the Bill before them. If it had any practical advantage no doubt some hon. member would be able to show what it was.

The HON. B. B. MORETON said the only reason that he could see for keeping it in was that it would justify the board refusing to supply water to people who built above a certain level.

The HON. J. THORNELOE SMITH said it might have been inserted to secure a continuity in the supply of water to lower levels for some definite public purpose, and to protect the board if they wished to cut off the water at the higher levels. Supposing the lower part of the town was on fire and there was a tremendous conflagration, the supply of water to the upper levels could be instantly cut off, in order to give a greater pressure at the lower levels, where public exigencies required it.

The HON. A. C. GREGORY said it was not a very important matter, but it might be very applicable to some places where the water supply was drawn from a very high level, and where allowing the water to rise high might cause an undue pressure upon the pipes. But the condition of affairs was different in Brisbane, and in the case of fires the board would require no by-law to regulate its action in such matters. It simply amounted to this, that there would be a number of words in the Bill which would be inoperative. They would do no harm; but they would do no good.

Amendment put and negatived; and clause, as printed, put and passed.

Clauses 85 to 88, inclusive, passed as printed.

On clause 89, as follows:—

"A by-law or part of a by-law may be repealed by the Governor in Council by Order in Council."

The HON. B. B. MORETON said he presumed a repeal would not take effect without the advice of the board. Would the Governor in Council be able to step in and repeal any by-law at any time contrary to the wishes of the board?

The MINISTER OF JUSTICE said that in all Local Government Acts the Governor in Council was able to step in without the concurrence of the authority, and rescind any by-law which might be unjust or improper.

Clause put and passed.

Clauses 90 to 103, inclusive, passed as printed.

On clause 104, as follows:—

"A joint local authority may be constituted for the purpose of exercising or performing the powers, duties, and authorities conferred by this Act on the Brisbane Board of Waterworks."

The HON. B. B. MORETON said he wished to know why the word "may" was used instead of the word "shall." The Bill stated definitely that there should be a board, and he thought the word "shall" should be used in that clause also.

The MINISTER OF JUSTICE said it was probable that the joint local authority would not be immediately appointed. Power was given to have a joint authority appointed when circumstances were suitable; but it was probable that the water supply would be left in the hands of the present board at first, and the joint authority would be appointed as soon as convenient. It was not usual in Acts of Parliament to define a power to be exercised by the Governor in Council by the word "shall." The power was given, but it was not compulsory.

The HON. B. B. MORETON said hon. members were asked to discuss a Bill, the basis of which was that there should be a new system of managing the water supply of the town of Brisbane, instead of retaining the present nominee board. The supply was to be carried out by the local authorities in and around Brisbane; but, from what the Minister of Justice said, it might be an indefinite period before the elective board would be called in to exercise any power at all. No time was stated; the board might not be elected for two years hence.

The MINISTER OF JUSTICE said it was never in Local Government Acts made compulsory upon the Governor in Council to proclaim or define any one of the divisions of any local authority, either joint or otherwise, and what was the almost universal phraseology had been adopted. He had informed hon. gentlemen what would be the probable action of the Government in the matter, and he could not enlighten them any further in that respect. Any other information in his power he would be glad to give them.

The HON. T. MACDONALD-PATERSON said the Government, by the Bill, sought the authority of Parliament to obtain a water supply for the city of Brisbane and suburbs, from a certain point on the Brisbane River, and to place the control of that water supply in the hands of a new authority. He thought it was a happy circumstance that the Hon. B. B. Moreton had called attention to the fact that the joint local authority was not to be constituted immediately, and must confess that it had entirely escaped his

notice, as it had that of many members of the Committee. He (Mr. Macdonald-Paterson) knew that every person who had spoken to him about the scheme contemplated to be inaugurated by that measure, was under the distinct impression that the present board would be wiped out, and a new one established on the basis indicated in the Bill. But, according to the explanation of the Minister of Justice, the Government might decide not to make any alteration in the constitution of the water authority for three, five, ten, or even fifteen years, as the clause simply provided that "a joint local authority may be constituted" for the purpose of exercising the powers conferred by the Bill, as the Brisbane Board of Waterworks. The Government might constitute that new authority when they pleased. That was a surprise to many, more especially when they heard from the Minister of Justice that the present board was to have power to initiate the waterworks proposed to be authorised by the Bill. From that they might infer that, immediately after the initiation of the works, there was to be an alteration in the constitution of the water authority, and if so that might be a satisfactory reply to the remarks of the Hon. B. B. Moreton. However, he (Mr. Macdonald-Paterson) would like to hear what the views of other hon. members were on that point. He did not intend to take any specific action in the way of moving an amendment, but he must say that the population of the city and suburbs were undoubtedly under the impression that there was to be an alteration in the management of the waterworks, and that that alteration would be compulsory.

The HON. A. C. GREGORY said the existing board had initiated very large works, and it would cause a considerable amount of extra expense and, possibly confusion, if the works were transferred in an incomplete state to the new authority. As far as he understood the matter, the Government intended, as soon as the works were completed, to vest the management and distribution of water in a new board, or joint local authority. But they desired to see the works already inaugurated carried out under those who had commenced them, otherwise the same thing might happen as occurred in Sydney, where merely through transferring works from one authority to another, the very first day the new authority met, they cost the country £6,000 through a mistake which was made, and which would not have been made by men who had the work previously in hand. Therefore he thought it highly desirable that they should not disturb the work of bringing the water down from the Brisbane River. But, as soon as it was finished, that would be a convenient time for the local authority to be constituted to undertake the management and distribution of the water. He did not see how the clause could be amended as suggested, because it would be an absurdity to say "that the Governor in Council 'shall,' with the advice of the Executive Council, constitute a joint local authority." The whole of the clause would have to be recast, and many other amendments would be necessary in order to carry out the suggestion which had been made.

The HON. B. B. MORETON said he had listened to the remarks which had fallen from the Hon. A. C. Gregory and the Minister of Justice, and he concluded that it would be an indefinite time before the waterworks were placed under the management of a joint local authority. He certainly must say that came as a surprise to him. The time when the proposed alteration would come was just as uncertain as the end of the world. He was sure the inhabitants of Brisbane thought that they were going to have the control of the waterworks, after a certain period. However, he had drawn attention to the matter, and did not propose to say anything further with respect to it.

Clause put and passed.

Clauses 105 and 106 passed as printed.

On clause 107—"Representative to be rate payer"—

The HON. T. MACDONALD-PATERSON said he would like to know whether the Minister of Justice was of the same opinion as himself, that, under that clause, a representative on the Metropolitan and Suburban Water Board, to be constituted and authorised under the Bill, need not necessarily be a member of a divisional board or municipal corporation?

The MINISTER OF JUSTICE said that was the intention. Every male person was liable to be rated, and that qualified him to be a member of the joint local authority, whether he was a member of a divisional board or municipal council or not.

Clause put and passed.

The MINISTER OF JUSTICE said he had a new clause to propose, to follow clause 107. It dealt with disputed elections, and was as follows:—

When any person declared elected to the office of a member of the board under this Act has been elected unduly or contrary to this Act, or any person who is incapable under the provisions of this Act of holding or continuing to hold such office has been elected to or holds or exercises such office the Supreme Court, or a judge thereof, may, upon the application of any ratepayer, grant a rule or order calling upon such person to show cause why he should not be ousted from such office.

Provided that the applicant shall before making the application pay into court the sum of twenty pounds as security for costs, to abide the event of the application.

If, upon the return of the rule or order, it appears to the court or judge that the person so elected, or holding or exercising such office, was elected unduly or contrary to this Act, or was at the time of his election, or while holding or exercising such office, incapable under the provisions of this Act of holding or continuing to hold the same, the court or judge may make the rule or order absolute, or, if the matter does not so appear, may discharge the rule or order, and in either case with or without costs.

The person against whom any such rule or order is made absolute shall be deemed thereby to be ousted from such office accordingly:

Provided that no such rule or order for ousting any person as having been elected unduly or contrary to this Act shall be granted unless the application is made before the expiration of four months from the declaration of the result of the election at which such person was elected.

That was taken from a similar provision in the Divisional Boards Act. The object of the clause was to render unnecessary the extremely cumbrous and expensive process which would otherwise have to be gone through, to test the validity of the elections of a member of the board—to decide the question of qualification or disqualification. The provision in the Divisonal Boards Act, from which the new clause was taken, had been in operation for some time, and it had proved a very useful and effective one. He moved that the new clause be inserted after clause 107.

Clause put and passed.

Clauses 108 to 116, inclusive, passed as printed.

On clause 117, as follows:—

"The members present at a meeting may, from time to time, adjourn the meeting.

"If a quorum is not present within half an hour after the time appointed for a meeting of the board, the members present, or the majority of them, or any one member, if only one is present, or the clerk, if no member is present, may adjourn such meeting to any time not later than seven days from the date of such adjournment."

The HON. T. MACDONALD-PATERSON said he thought half an hour was too long a time to require members to wait before a meeting could be adjourned because there was no quorum, and that fifteen minutes would be quite sufficient. Half an hour was the rule under the old Municipal Institutions Act of 1864, of the working of which he had considerable experience, and he was of opinion that it was a tax on a man's time which should not be tolerated in these days. He did not say that he found it a very great inconvenience or loss a quarter of a century ago, to have to wait that long, but it was a serious inroad into a man's time in these days, and if busy business men were kept waiting half an hour for a quorum, it would give them a distaste for the discharge of public duties such as those which would have to be performed by the water board. He would suggest, therefore, that the time be reduced to a quarter of an hour. Any member who could not toe the line in fifteen minutes ought not to be waited for.

The HON. SIR A. H. PALMER said the members of the board would follow the example of members of that House and of members of the Legislative Assembly and would not attend until the time had expired, whether it was a quarter of an hour or half an hour.

The HON. A. C. GREGORY said he had had practical experience for several years of the working of a local government board, and he could say that no difficulty had arisen through half an hour being allowed. It had sometimes been very convenient to have half an hour, especially when committees had to sit before the meeting, and the members could not be present to form a quorum without interrupting their business. The case of a board was very different from that of the Legislative Council, inasmuch as the former met and commenced business at any time before the half-hour expired when there was a quorum present, whereas the latter did not commence business before the end of the half-hour.

The MINISTER OF JUSTICE said the board would have power by their own by-laws to regulate the time of holding and adjourning their meetings, and that was quite sufficient without amending the clause as proposed.

The HON. W. PETTIGREW said half an hour was far too long, and even a quarter of an hour was too long. He was connected with a board on which five minutes only was allowed, and it was wonderful how very few members came after the time. There was a fee attached to their attendance the same as there would be to the attendance of members of the water board, and those members who were not present within five minutes of the hour of meeting did not receive any fee. He moved that the words "half an hour" in the 1st line of the 2nd paragraph be omitted, with the view of inserting the words "fifteen minutes."

The MINISTER OF JUSTICE said the clause did not make it necessary for the board to wait half an hour. It merely gave power to the clerk or a member of the board present within half an hour after the time appointed for a meeting to adjourn the meeting if there was not a quorum present. That would not deprive the board of the power to regulate the time of waiting by their by-laws in whatever way they thought proper. Clause 84 provided that—

"The board may, subject to the provisions of this Act, make by-laws with respect to the following matters, that is to say,—

(1) The times for holding meetings, the summoning and adjournment of meetings, the proceedings and preservation of order in meetings, the transaction and management of business, and the duties of the officers and servants of the board."

That provision gave the board full power to regulate by by-law the hours of meeting, and the clause under discussion would only be in operation until such time as the board made their own by-laws.

The HON. T. MACDONALD-PATERSON said no by-law could override the specific language of the Bill in relation to a quorum. The hon. gentleman might as well tell them that the board could alter the time to one hour, as to say that they could reduce it to fifteen minutes. The board could neither increase nor diminish the time specified by the Bill. He should support the amendment, as he believed it was a very good one. It was not creditable, in these days of rapid transit and high pressure, that business men should be kept waiting for half an hour in order to see whether there would be a quorum present, and they would be doing a very wise thing if they abolished the practice of waiting half an hour, and established a precedent, which might be followed in future measures.

The MINISTER OF JUSTICE said he wished to know whether he was to understand the hon. gentleman who had last spoken as expressing the opinion that the board would not be able to fix, by their by-laws, the period at which a meeting should be adjourned if there was not a quorum present.

The HON. T. MACDONALD-PATERSON: Certainly.

The MINISTER OF JUSTICE said then he could not follow the hon. gentleman. But he would ask whether it was worth while to make the change in a Bill which had come from the Legislative Assembly when the amendment would, perhaps, only affect the holding of two or three meetings of the board.

The HON. T. MACDONALD-PATERSON said the adoption of the amendment would not jeopardise the passing of the Bill, in which they had already made several alterations. The Minister of Justice had ignored the question of the quorum. The clause distinctly stated that:—

"If a quorum is not present within half an hour after the time appointed for a meeting of the board, the members present, or the majority of them, or any one member, if only one is present, or the clerk, if no member is present, may adjourn such meeting to any time not later than seven days from the date of such adjournment."

If the amendment were adopted, then supposing there was no member of the board present within fifteen minutes after the time appointed for holding the meeting, the clerk might adjourn the meeting to any time not later than seven days. That was the whole effect of the amendment, and he did not see any objection to it, as it would not prevent the members present from waiting half an hour, if they chose, before adjourning the meeting.

The MINISTER OF JUSTICE said he thought they had better allow hon. gentlemen, who had suggested the amendment, a little time to think

it over, and he would therefore move 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 to-morrow.

ADJOURNMENT.

The MINISTER OF JUSTICE moved that the House do now adjourn.

Question put and passed.

The House adjourned at two minutes past 6 o'clock.