Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 3 SEPTEMBER 1889

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Tuesday, 3 *September*, 1889.

Question.—Diseases in Sheep Act Amendment Bill—second reading.—Local Government Acts Amendment Bill—second reading.—Messages from the Legislative Assembly—Brisbane Temperance Hall Bill.—Rockhampton Gas and Coke Company, Limited, Bill.—Brisbane Water Supply Bill—committee.

The PRESIDENT took the chair at 4 o'clock.

QUESTION.

The HON. B. B. MORETON asked the Minister of Justice—

If the Government have received any communication from the Premier of Victoria in regard to the alleged proposed annexation of New Hebrides by the French Government? If so, will the Government lay a copy of it on the table of this House?

The MINISTER OF JUSTICE (Hon. A. J. Thynne) replied—

No.

DISEASES IN SHEEP ACT AMENDMENT BILL.

SECOND READING.

The MINISTER OF JUSTICE said: Hon. gentlemen,—This Bill is the outcome of the conference which recently took place in Sydney between the stock inspectors of the different colonies. It has been recommended that power should be taken, in the different colonies, to curtail the period of quarantine required for sheep introduced or imported into this colony from other colonies where the disease known as scab does not exist. This course has been recommended by the conference to which I referred. The 3rd clause of the Bill gives the Governor in Council power, by proclamation, to prohibit, for any time not exceeding six months, the importation or introduction into this colony of sheep from colonies in which disease exists, and power is given to renew that prohibition for any similar or shorter term; but the term "diseases" in this Bill covers, not only scab, but any other infectious disease which may be so proclaimed under the principal Act. The 6th clause provides for the making of regulations, and the 7th for a penalty. Clauses 4 and 5 are not the outcome of the conference already referred to, but have been suggested by many of the graziers interested in the subject. The 4th clause is adapted from similar legislation which is in force in New South Wales, requiring that travelling sheep shall be accompanied by a permit containing the numbers of the sheep, and defining the route they are travelling. It is hoped that the adoption of this legislation will relieve graziers in this colony from what has been a very serious evil to many of them, especially in the Western parts. Roving sheep, from New South Wales, owned by men who probably pay no rent to the Crown at all, who have no station or run, and who depend upon grass which they steal from other people for the maintenance of their stock, come freely into this colony, and there is no restriction as to the routes by which they may travel. Instances are known, I am sure, to many hon. members in which large flocks of sheep have described circles in their journeys from place to place eating up all the available herbage, and rendering the proprietors of the stations in the district unable to travel their sheep to market. The 5th clause is somewhat similar to a provision in the Brands Act. Under that Act drovers are required to have a way-bill describing the number of the cattle that they have in their charge, and they are called upon to produce this at any time at the request of any authorised person. That clause in the Brands Act has been described as one of the most useful in it for the prevention of cattle stealing, and, as it is now, sheep are travelling through the country without any supervision as regards numbers, and there is practically very little check upon the drover as to whether or not he has any stolen sheep in his flock. It might appear that this 5th clause requires further addition, and I will ask the House to consider whether it would not be advisable to extend the operation of the clause in the direction of giving power to police officers and other persons to detain flocks of sheep which are being travelled when they do not correspond with the way-bill which is held by the drover. A provision of that kind is contained in the Brands Act, and no doubt it is one which tends to make it a very serious matter for a drover to travel with cattle which he is not authorised by the way-bill in his possession to travel. There is very little further for me to say in respect to this Bill. I think it will be a very useful measure, and one which I can commend to the consideration of the House. I beg to move that the Bill be now read a second time.

The HON. B. B. MORETON said: Hon. gentlemen,—The Minister of Justice is quite right in saying that the Bill before us is the outcome of the conference of stock inspectors, held in Sydney some time ago. Shortly after that a series of regulations were passed regarding the importation of stock into the colonies from countries outside of Australia, but the Diseases in Sheep Acts have never allowed any regulations to be made, so that we could bring any sheep from the adjacent colonies, and therefore, as the hon. gentleman said, it has been found necessary to bring in a Bill of this character. I have nothing more to say, except that I will move the insertion of a new clause in the Bill, making it necessary for a drover to give notice to all runs—cattle runs as well as sheep runs.

The HON. W. GRAHAM said: Hon. gentlemen,—The first three clauses of this Bill, I think, we may take for granted as being the outcome of the conference, and clauses 4 and 5 I thoroughly approve of myself. I know a good deal about droving, perhaps more about that than anything else. I think the 4th clause has been

in force in New South Wales for a long time. That clause is to the effect that when a man starts stock on the road he has to name their destination, and the inspector then tells him the route he has to travel, giving him choice if there are more than two roads. But he is supposed to stick to the route selected, and sometimes that works very hardly. It might be found that the road selected, as very often happens, is almost impassable, and following it almost insures the destruction of the sheep, from want of water. However, with the communication we have now, in all probability anyone in Queensland can communicate with an inspector and obtain a change of route, if he can give sufficient grounds. Under these circumstances, I think the Bill ought to answer very well. The 4th clause says that the permit to travel should contain particulars as to the numbers, description, and "marks" of the sheep; but I think that the word "brands" should be used instead of the word "marks." "Marks" might mean "ear-marks," and no inspector would be able to go through all the sheep and inspect them. The sheep might be branded with the first letter of the individual's name, the brand of the colony, and the brand "T" for "travelling," and that ought to be enough. The Minister of Justice, in the 5th clause, proposes to make some change by giving power to detain sheep. I know many cases where a man would only be too glad to be detained, if he were on good grass, but the owner of the grass might object. The driver would be willing to pay a reasonable fine, if he could be detained on land where there was good grass. I think, on the whole, the Bill is a good one, and very necessary, and I shall support it.

The HON. J. SCOTT said: Hon. gentlemen,—I think some alteration will be necessary in the 4th clause. Under the principal Act travelled sheep must always proceed so many miles a day in the same direction. A drover might not be able to travel along that road with safety to his stock, as there might be no water on it. He cannot go back, because it is against the provisions of the principal Act, and he cannot go to one side or another, because it is contrary to the route laid down for him. There might not be an inspector of sheep within 100 miles, and what would become of the sheep, supposing the drover has even to go fifty miles? It would take him a couple of days each way if the country was bad, and, even if he did find an inspector, the inspector might not allow him to go along another road, because there might have been a large number of stock along that road a short time previously.

Question—That the Bill be now read a second time—put and passed.

On the motion of the MINISTER OF JUSTICE, the committal of the Bill was made an Order of the Day for Thursday next.

LOCAL GOVERNMENT ACTS AMENDMENT BILL.

SECOND READING.

The MINISTER OF JUSTICE said: Hon. gentlemen,—In moving the second reading of this Bill, which is a very short one, I wish to refer hon. gentlemen to the Local Government Act of 1878 Amendment Act of 1887, which contains an amendment in clause 6, which, I think, did not receive full consideration at the time it was passed. Clause 6 of that Act, which it is proposed to repeal, reads:—

> "So much of the two hundred and twenty-third section of the Local Government Act of 1878, as is contained in the words—
>
> And the council shall be forbidden to proceed further with such loan, if the number of votes recorded against the loan forms one-third of the total number of votes for which votes are recorded on the voters' roll of the municipality—
>
> is hereby repealed, and the following enactment is substituted therefor, that is to say:—
>
> If the number of votes given against the loan is greater than the number of votes given in favour of the loan, the council shall be forbidden to proceed further with the loan."

Now, that amendment was introduced and passed without careful reference to the principal Act. The whole of part 17 of the principal Act provides for the mode in which local authorities are to obtain loans, and it also provides for the giving of notice of intention to apply for a loan; and it gives the ratepayers of a municipality certain powers of objecting to and prohibiting the application for a loan. In the original Act the question as to whether the loan shall be obtained or not is decided by taking a poll of the ratepayers who are opposed to the loan. No provision was made, or contemplated to be made, for taking the votes of the ratepayers in favour of any particular loan. Section 221 of the principal Act provides for the mode in which the votes of ratepayers are to be taken:—

> "And on such day a poll shall be taken, in the manner hereinbefore described for holding elections, of all ratepayers who desire to forbid the council from proceeding further with such loan. At the taking of such poll papers in the form of the twelfth schedule hereto shall be used instead of ballot papers."

The 12th schedule is in the following words—

> "This is to forbid the Council of —— from proceeding further with the loan, notice of which has been published in the *Queensland Government Gazette*."

The amendment which I read just now in the Act of 1887, provides that if the number of votes given against the loan is greater than the number of votes in favour of the loan, the Council shall be forbidden to proceed further with the loan, and the result is that the amendment passed in 1887 renders the whole of the machinery for the taking of polls upon questions of loan unworkable; and the Government have been obliged, unwillingly, to decline to make advances by way of loan to municipalities, where a poll has been demanded, because there is no machinery now in existence by which the wishes of the ratepayers may be made known. The provisions of the 2nd section of the Bill are intended to provide a simple method of taking votes for and against, and a schedule was inserted in place of the 12th schedule of the principal Act, the law being left in the same position as at present as regards the principle by which the result of a poll is to be decided, that is, if the number of votes is greater against the loan than in favour of it, the council is to be forbidden to proceed with it. There is another slight amendment, which the Government have been requested to make, and which is contained in clause 3. Its object is to exclude ordinary galvanised iron from the list of incombustible materials, and substitute "cement." The clause applies to the walls of buildings to be erected on first-class blocks. The 4th clause contains a small matter which has escaped notice. Divisional boards have power to impose a fine or charge in respect to the registration of dogs and goats, but no such power is given to municipalities. There is a method of registering dogs under the Towns Police Act, but there are many municipalities in which the Towns Police Act is not in force, and it is very much better that the local authority should have the regulation of these matters. These are the objects of the Bill, which will remove some slight difficulties; and I beg to move that it be now read a second time.

The HON. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I have not much to say on this Bill, and as I see other hon. gentlemen are looking up the subject I may in the meantime give expression to my views. It strikes me very forcibly that in this colony, as well as in others, we go too much on the borrowing system, both in our public and private affairs; and when the Divisional Boards Bill was under consideration in this House I opposed as much as possible those provisions which empowered boards to borrow money, because I thought it would be far better for the boards to work upon the means at their command rather than to incur liabilities by borrowing, especially at the commencement of their history. In former days, before the Government were able to borrow money, and electors could, by log-rolling and other means, obtain loans from the Government, we managed somehow or other to cross creeks and make roads to bring our produce to market; but now it appears that every small farmer or selector thinks he has a right to have roads made up to his very door. I was very glad to hear the Minister of Justice say that a good deal of borrowing had been prevented by the law as it at present stands. Clause 2 in this Bill, however, will give greater facilities to local authorities for borrowing money. Among other things it provides that—

"If the number of votes given against the loan is greater than the number of votes given in favour of the loan, the council shall be forbidden to proceed further with the loan."

I should like to see that paragraph amended so as to read: "If the number of votes given against the loan is one-third of the number of votes given in favour of the loan, the council shall be forbidden to proceed further with the loan," as there can be very little difference of opinion as to how the poll will result if the question is to be determined by a simple majority. I hope hon. gentlemen will give this matter very careful attention.

The HON. T. MACDONALD-PATERSON said: Hon. gentlemen,—I would have been glad if the Minister of Justice had explained why the Government propose to repeal the words "iron or other combustible material" in section 258 of the principal Act, and substitute therefor the words "or concrete;" because that does not give any extra safety to buildings. If the roofs were to be of concrete, that certainly would make buildings more safe in case of fire.

The MINISTER OF JUSTICE: Section 258 only applies to the walls of buildings.

The HON. T. MACDONALD-PATERSON: Yes, it provides that—

"It shall not be lawful to construct the external walls of any building, or any part of the framework of such walls of any material other than brick, stone, iron, or other incombustible material."

It is proposed to repeal the words "or other incombustible material," and to substitute for them the words "or concrete." I have paid some attention to the causes of fires for a number of years, and I remember in 1865, when I was agent for an insurance company, reading a book called "Shaw's Fire Surveys." In that work it is clearly and emphatically laid down that the most dangerous material for staircases and walls is stone, and that the safest staircases and the safest pillars are those which are made of hardwood, and subsequent experience has shown the correctness of that opinion. Some years ago an hotel in Roma or Charleville, the former, I believe, caught fire. The building was constructed of hardwood, and roofed with shingles. Beyond the hotel, at a distance of twenty or thirty yards, there was a smaller building roofed with galvanised iron, and strange to say, although the tongues of the flames only touched that building occasionally, it was entirely burnt, and another wooden building further away, upon which the flames were constantly playing, was saved. I am afraid that the amendment proposed in this Bill does not go quite far enough. If the law were amended so that the roofs of buildings in first-class sections should be constructed of concrete, it would do a great deal of good in the city of Brisbane and suburbs. So long as the roofs of the various buildings in the thickly populated parts of the city and suburbs are covered with galvanised iron, so long will the danger which now exists continue and expand. The danger of fire spreading from one house to another is always in the roof. I think it is a mistake to repeal the words "iron or other incombustible material," but at the same time I should like to see the section so amended as to read as if the word "concrete" had been originally inserted after the word "stone." This proposal is simply an attack on the use in wooden framework of what is called 24 or 26 gauge iron. Iron buildings are a necessity, and will be built from time to time, and there is just as little danger from them as there is from a brick wall. I should like to see the word concrete made applicable to the roofs of buildings.

The HON. W. GRAHAM: Have you ever seen a concrete roof?

The HON. T. MACDONALD-PATERSON: Yes; I know the floors of the *Courier* building are concrete, and there might be a concrete roof. Concrete roofs are not common in Australia yet, but there are a great many of them elsewhere, and they are becoming more common every day. However, I merely call attention to the matter now, as it may be possible to make an amendment in this direction in committee.

Question—That the Bill be now read a second time—put and passed.

On the motion of the MINISTER OF JUSTICE, the committal of the Bill was made an Order of the Day for Thursday next.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

BRISBANE TEMPERANCE HALL BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, intimating that the Assembly agreed to the amendments made by the Legislative Council in the Brisbane Temperance Hall Bill.

ROCKHAMPTON GAS AND COKE COMPANY, LIMITED, 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 Rockhampton Gas and Coke Company, Limited, Act of 1874, to enable the company to light with gas the borough of North Rockhampton and the Fitzroy Bridge, and to authorise the company to supply electricity for public or private purposes within the area comprised in the municipality of Rockhampton, the Fitzroy Bridge, and the borough of North Rockhampton, and for other purposes; and, at the same time, transmitting a printed copy of the proceedings of the select committee to which the Bill was referred.

On the motion of the HON. T. MACDONALD-PATERSON, the Bill was read a first time, ordered to be printed, and the second reading 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 resolved itself into Committee of the Whole to further consider the Bill in detail.

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."

on which it had been moved, by way of amendment, 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 amendment was one which it was really not worth making. As he had pointed out on a previous occasion, the clause would only operate till such time as the board framed their own by-laws. It was not wise to over-regulate the management of a board such as the Water Supply Board would be. He asked hon. gentlemen to retain the words "half an hour" in the clause, and leave it to the board afterwards, if they wished to be extra punctual, to make their own arrangements with respect to the time at which a meeting should be adjourned for want of a quorum.

The HON. T. MACDONALD-PATERSON said the amendment related to the working of the board, and the question they had to consider was that of saving the time of the men who would compose the board. It was a question whether a quarter of an hour to-day was not of equal importance to a public man in this colony as half an hour was thirty or forty years ago. He had found in his experience that it was a positive nuisance, and an aggravating circumstance, when some member of a local authority came in at twenty-five, twenty-eight, or twenty-nine minutes after the time appointed for the meeting. He would take the sense of the Committee upon the amendment. He was curious to know what the division would be, because he knew that he was not alone in the idea that fifteen minutes' grace was a fair and reasonable time to allow for the attendance of business men at a meeting of a public board, and because he had in view other matters which would come before the Committee in the years which were to come, and in which he hoped to see a similar provision made. He still repeated what he said a few days ago, that no by-law of the board could override a clause of the Act. The by-laws were entirely subordinate, and could not exceed the limit fixed by the Act. He thought the Minister of Justice would coincide in that opinion.

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

CONTENTS, 10.

The Hons. Sir A. H. Palmer, A. J. Thynne, J. T. Smith, C. F. Marks, P. Macpherson, A. C. Gregory, W. Aplin, J. Scott, W. G. Power, and F. H. Hart.

NOT-CONTENTS, 7.

The Hons. T. Macdonald-Paterson, B. B. Moreton, J. Swan, E. B. Forrest, F. H. Holberton, J. Cowlishaw, and F. T. Brentnall.

Question resolved in the affirmative, and clause put and passed.

The remaining clauses of the Bill and the first three schedules were passed as printed.

Schedules 4 and 5 passed with consequential amendments.

On postponed 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 did not intend to detain the Committee long. The amendment he wished to move was that the words, "whether the same are," in the 2nd line, be omitted.

The MINISTER OF JUSTICE said he would content himself with saying that the object of the amendment was really to exclude from all liability of contribution to the expense of the management of the water supply all unoccupied property, and it was an amendment which the Government could not accept. The principle of the Bill was to establish a joint local authority for the carrying on of business on the same lines as joint local authorities for other purposes, and give it the same powers of recouping itself for its outlay. The amendment would limit the joint local authority to the mere buying and selling of water, which would put it in a very unsatisfactory position in regard to its finances, and would practically render its work almost impossible to be carried on with safety or security.

The HON. T. MACDONALD-PATERSON said the Bill made a very serious alteration in the existing law, and it was very desirable that that portion should not be included in it. He would give one strong and simple reason for it. The people of Brisbane and its suburbs had not had an opportunity of reading the Bill. It had never been sought by them. All they sought was a good supply of water, even of such a character as that they were at present supplied with. The Government had brought in the Bill upon their own motion, spontaneously, with the exception of a few persons outside the actual Cabinet. Such a serious change was of very great moment to the people, especially the poorer classes of the community who might hold small allotments worth from £10 up to £50, and he thought it was extremely unwise to force upon them a water tax when they would not be likely to use one pint of water in respect to that land in a year. He did not care whether the Committee accepted or rejected the amendment; but he knew that if they rejected it a serious agitation would immediately follow. Such a power had never existed before—a power to draw revenue from properties upon which no water was used at all; and he should leave it to the people to try and roll from their backs that unjust tax which was sought to be inflicted upon them.

The MINISTER OF JUSTICE said he understood some time ago that the hon. gentleman was interested in that Water Bill, or took an interest in it, because some heavy payments might be chargeable against properties in the city upon which there might be a large prospective value; but now he had changed his view and advocated an alteration, on account of certain scattered vacant allotments. In regard to the question as to whether the Bill had been called for or not, the hon. gentleman said that it had never been asked for, or had been only asked for by a few people outside the Cabinet. During

the recent general elections, when he did not anticipate having any very great personal interest in the result, he took part in the meetings of many candidates from both sides, who had invited him to preside for them in one or two electorates, and at all those meetings the question was asked, "Are you in favour of providing for an elective board of waterworks?" The present Bill provided for an elective board of waterworks. So much for the objection, that people knew nothing about it. The Bill had been wished for for the last two or three years.

The HON T. MACDONALD-PATERSON: They ask for bread, and you give them a stone.

The MINISTER OF JUSTICE said the people would be able to judge better than the hon. gentleman as to whether the Bill was acceptable or not. He was sure the Government felt quite content that the Bill now before the Committee was one that was constitutionally adapted to the system of local government they had in the colony, and it was one which would provide for the removal of any abuses which might crop up in the course of administration. If such abuses did occur, it would be in the hands of the people themselves to remedy them. The people in the district to which the Bill was to apply had found no fault with the Government for giving them a measure whereby they would have the power to remedy mistakes in their own hands.

The HON. T. MACDONALD-PATERSON said the Bill did not contain any remedy. The hon. gentleman had already pointed out that the Governor in Council would make the change, and they might do it in ten years or or in ten months. The people could not call upon the Governor in Council to establish an elective local authority at once.

The HON. W. F. TAYLOR said when the Bill was being read a second time he certainly was under the impression that it was the usual thing that unoccupied lands should be treated in a certain manner in regard to water rates. He had an opportunity of discovering his mistake soon afterwards when Mr. Petrie, who was one of the oldest members of the Board of Waterworks, said it was not, and the present board could not recover rates on unoccupied premises. Such being the case he failed to see why the proposed innovation should take place. No reason had been given why such a very great departure should be made from the established custom. The present waterworks were constructed upon a very similar plan or course of procedure to that which was intended to be followed in the construction of the works in connection with the proposed supply from the Brisbane River, and he saw no extreme circumstances that should warrant such a grave departure from the established custom—a departure which would press very unfairly and very heavily upon many individuals. He expected the hon. gentleman in charge of the Bill would give specific reasons why the clause had been introduced; but none had been given, and it appeared to him that the Government were putting into the hands of a board, whether elective or otherwise, very great powers that he did not think the people would submit to. He did not think it was at all fair; it was against all principles of common equity, and the amendment should certainly receive every consideration from the Committee. As the clause stood, there was no limit to the extent or distance at which rates might be charged. The clause seemed not only to apply to new mains which might be laid down; but it also appeared to be to a certain extent retrospective, inasmuch as it made all lands in the vicinity of mains already laid down liable to be rated. People who had the misfortune to have mains laid down near their properties would find that they had to pay very severely for what was to them no privilege, and of not the slightest value, nor likely to be.

The HON. W. G. POWER said he quite agreed with what the Hon. Dr. Taylor had said, that the clause would be very unjust. If the water was to be charged for upon the meter system he could understand it; but the assessment was to be made upon a different principle altogether, and it would fall very heavily upon some proprietors. He did not think houses or land not occupied should have to pay.

The HON. F. T. BRENTNALL said his objections to the clause had been partly expressed before, but he also objected upon one or two grounds that he had not mentioned previously. As the clause stood lands within short distances of water mains might be assessed for water rates; but an amendment was to be proposed which would modify that, and while it did not remove the objection altogether, certain vacant allotments would be taxed, while allotments just behind, they might be only twenty feet off, would be exempted. His principal objection to the clause was that it enabled the board to make charges for nothing; to impose a tax where no benefit was received. They might impose a burden upon people who might have made very considerable sacrifices in the pursuit of thrift, in order to secure for themselves little pieces of land here and there, and in which they might have invested their savings in the hope that by-and-by they might be a little better off than when they started in life. All over the city, and especially in the suburbs, those vacant allotments were to be found, which were frequently the investments of working men, of industrious classes, who, by thrift and by saving their money from month to month, or from quarter to quarter, had been able to meet the payments upon those pieces of land they had bought. They were now proposing to put a tax on those savings, to put a burden upon the thrift of a class of people who really could not afford it. If the tax were to fall only on persons who owned valuable unoccupied properties, who were simply holding them for the sake of securing a heavy unearned increment, and who had more money than they knew what to do with, and had invested it in land because they could get a higher rate of interest in that way than they could expect to get from fixed deposits in the banks, then he would say tax the land by all means. But as he had said, the tax would fall on those who were not able to bear it, and who would get no benefit whatever from the water, as far as consumption went. It was enough for people at the present time to pay a tax upon what they actually consumed; that was burden enough without calling upon them to pay taxes on a commodity which they were not in a position to use. That was his objection to the clause.

The HON. A. C. GREGORY said that under the existing law, a person who had got a house had to pay water rates, whether he chose to occupy it or not. Unoccupied land was not rated. The water was only charged for where water was actually used, or where it could be used if people were in occupation of the premises erected on the land. There was no doubt that it would be a very great hardship to impose a heavy rate on the holders of unoccupied land, and if they merely took the Bill as it stood, the owner of an unoccupied allotment would have to pay three or four times as much rates as if he had a house upon it and used the water. That would be an absurdly heavy tax, and a hardship which should not be inflicted upon the owners of such properties. He thought the amendment now

before the Committee went a little too far, because they must consider that the laying down of water mains—although unoccupied lands were not immediately supplied with water from them—improved the value of the land to some extent, and it was therefore but reasonable and fair that a small rate should be charged on all lands fronting the street in which the main was laid, such rate being sufficient to pay for the cost of laying the mains, and also for the general advantage in having a supply of water for the suppression of fires. Some mean between what was proposed in the clause as it now stood and what was suggested by the amendment was what they ought to arrive at. He believed that the original intention was to impose a small charge on all holders of unoccupied land that would be benefited by the mains laid down, and then to charge a rate for the water supplied, where the water was actually consumed. That would have been an excellent principle to adopt, but in drafting the Bill that principle seemed to have been lost sight of. The object, therefore, of hon. gentlemen, should be to insert, if possible, some provision to effect what he believed was the real intention of the Government. He thought the better course would be to allow that part of the clause to stand as it was. Hon. gentlemen had before them the printed amendment which he intended to propose in that clause, limiting the distance from a main at which properties should be liable to be rated. He had also an amendment to propose in the following clause, providing that the owner or occupier of any land or premises should, if he chose, pay for the water he consumed according to measure, but subject to the condition that the minimum charge for the supply should be £2 per annum. Those amendments would, he thought, meet the difficulty. The question at what distance from a main properties should be liable to be rated was one that required consideration, and should be dealt with by the Committee. But he would not say anything further on that subject until after the amendment now under consideration had been disposed of. He thought the particular words proposed to be omitted should be retained, and that the latter part of the clause should be amended in the way he had indicated.

The HON. J. THORNELOE SMITH said he was in favour of differential rates. When any municipality proposed to go to the expense of introducing water into the township for the purpose of supplying householders with water, protecting the town against fire, and watering the streets, the whole community was, to a certain extent, responsible for the expenditure incurred, and that being so the persons who used the water should pay for it, and those who did not use it, but received benefit from the water being laid on, should also pay for the benefits they received, whether they were immediately within the scope of the pipes or outside. What he meant was that persons living outside the pipe system should be required to pay something towards the expense, seeing that the water was introduced for the public benefit generally. Inside the water system there were two distinct sets of persons, one of whom owned vacant allotments and the other improved and occupied lands. The vacant allotments received considerable benefit from the mains passing along the street, inasmuch as their value was enhanced, and the proprietors should, therefore, pay some differential rate. The occupied premises received the full benefit of the water, and should pay for the water actually consumed by the occupier. If that condition of things was recognised a differential rate could be established, by which owners of lands outside the water system should pay quarter rate, owners of unoccupied lands inside the water system half rate, and persons who used the water full rate. Where premises were unoccupied they might be unoccupied for some time, and as the object of imposing a water rate was to make the persons who consumed the water pay for it, it was not fair that the proprietor of the premises should be compelled to pay the whole rate during the time the house was untenanted. That was very inequitable; consequently he did not like that aspect of the question. Nor did he quite approve of the amendment now before the Committee, because it was opposed to the differential system of rating which he should like to see adopted. All persons owning property in any district where water was supplied derived some benefit from the water being introduced, and should, therefore, bear some portion of the expense. If a town was destroyed by fire the people outside the water system suffered severely; if there was plenty of water available, and the town was thereby saved, they received a considerable benefit, and it was therefore only reasonable that they should bear a portion of the cost of introducing and maintaining the water supply. He would like to know whether there was any provision in the Bill which would empower the board to introduce differential rates.

The MINISTER OF JUSTICE said express provision was made for that in clause 52. It provided that the principle of rating was to be arranged by the board, and that the rating might be "upon one basis with respect to some lands, and upon another basis with respect to other lands," so that there was full provision for making equitable arrangements with regard to both occupied and unoccupied lands.

The HON. J. THORNELOE SMITH said the two clauses seemed to carry out what he desired, and he could not, therefore, support the amendment proposed by the Hon. T. Macdonald Paterson.

The HON. SIR A. H. PALMER said he still had the same objection to that clause which he stated on the previous occasion. There was a want of finality about it. It said that water rates should be leviable in respect of all lands or premises "abutting upon or having access to or from any road or district" in which a main pipe had been laid down. He thoroughly objected to that, because there was no finality about it. In some of the districts around Brisbane a person might be five miles away from the road in which the main was laid, and he would be liable to be rated if he had access to that road. There should be some limit. There was a great deal of country five miles away from the road on both sides of the pipes from Enoggera, where the people could never get the water, and if they were able to get the water they would have to pay the whole expense of having it laid on. He knew that, because he had to do it himself. He had paid £70 for having the water laid on to the house in which he was now living. He believed the amendment which was to be proposed by the Hon. A. C. Gregory, fixing 300 feet as the distance from a main at which property should be liable to be rated, would meet the difficulty. That was a fair thing, as if the water was brought within that distance it could be laid on at a small expense. With regard to rating unoccupied land, there was a difficulty about that matter. Where speculators held large quantities of land for purely speculative purposes, it was fair enough to rate them if the water pipes were laid down close to property. But it would be a great pity to charge the thousands of poor people who had laid out all their earnings in

buying small allotments in the hope that they would increase in value, and form a nest egg for the future. Probably in ten years' time the water rates would be double or triple the value of the property. The matter was an exceedingly difficult one to deal with satisfactorily.

The MINISTER OF JUSTICE said he would defer his remarks on the question which the Hon. Sir A. H. Palmer had raised until they came to the amendment dealing with it. He thought it would be convenient first to dispose of the question as to whether unoccupied property should be exempt from assessment or not. That amendment had been thoroughly discussed, and he thought they might now take a vote upon it.

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

CONTENTS, 8.

The Hons. Sir A. H. Palmer, A. J. Thynne, W. Aplin, A. C. Gregory, C. F. Marks, J. T. Smith, J. Scott, and F. H. Hart.

NOT-CONTENTS, 6.

The Hons. T. Macdonald-Paterson, B. B. Moreton, J. Swan, F. T. Brentnall, W. F. Taylor, and E. B. Forrest.

Question resolved in the affirmative.

The HON. A. C. GREGORY said he had an amendment to propose in that clause—namely, that after the word "down" on the 5th line of the 1st paragraph, there be inserted the words "and being within 300 feet of such main pipe." The Bill did not define at what distance from a main pipe premises on either side should be liable to be rated. Although he thought 200 feet would be enough to allow in ordinary cases, still there were some instances in which it would be preferable to increase the distance. He might point out that there were certain cases to which the amendment would not be applicable; if it were, it would be a most objectionable amendment to make. He referred to the case where a main was running down a street, which was less than 300 feet from another street. If the amendment applied to such a case the allotments in the next street would be liable to be rated, but, in another part of the Bill, it was provided that the premises must be such as the water board could supply water to, and that precluded a rate being levied on properties in the adjacent street, because the board could not supply those properties with water unless they took the main round by another street. There were many streets in the city which were not 300 feet apart, and it would be sufficient to fix the distance there at 200 feet, but, in outside places, 300 feet was a reasonable limit to fix. Unless some distance was fixed the Bill would be unworkable. He now formally moved the amendment he had just read.

The MINISTER OF JUSTICE said the amendment had, he believed, arisen from a doubt as to the limit which was imposed by the clause, in respect of the property liable to be rated. If hon. gentlemen would read the clause carefully, they would see that lands and premises, whether occupied or not, were liable to be rated, if they were abutting upon, or had access to or from any road in the district in which a pipe was laid down. The ordinary and reasonable construction of that was that property fronting the road in which the pipe was laid would be liable to be rated. That, undoubtedly, was the intention in framing the clause, and it was the only construction that could be put upon it. He did not think that the difficulty which had been referred to by the Hon. Sir A. H. Palmer was likely to arise. The more one tried to remove the difficulty with regard to the limit at which property should be liable to be rated, the greater the new difficulties became. The Hon. A. C. Gregory had very fairly pointed out what would be a very serious difficulty in the amendment which he had proposed—namely, that allotments which were separated from the road in which the pipe was laid down, by other allotments less than 300 feet in width, would be liable to be rated. That would, he (the Minister of Justice) was afraid, rather complicate the difficulty in ascertaining what would be ratable properties. A great deal of doubt and difficulty might arise from the adoption of the amendment, and it should, therefore, be given very serious consideration. He was quite agreeable to accept any amendment which would tend to remove the difficulty, but he was afraid that the one now proposed would increase rather than diminish it.

The HON. A. C. GREGORY said if there was any objection to making the distance 300 feet, he was quite prepared to amend his proposition and make it 200 feet. He thought that, in some part of the Bill, it was provided that the water board should not charge a rate on properties where they could not supply the water, and he did not think that any difficulty would arise from defining the distance at which properties should be liable to be rated. With the permission of the Committee he would temporarily withdraw the amendment, as he understood the Minister of Justice wished to propose an amendment earlier in the clause, which would be a great improvement.

Amendment, by leave, withdrawn.

The HON. T. MACDONALD-PATERSON called attention to the state of the Committee.

The CHAIRMAN said there not being a quorum present, it was his duty to report the matter to the House.

The House resumed, and the CHAIRMAN reported that there was no quorum present.

The PRESIDENT: There being no quorum present, the House stands adjourned until the usual hour to-morrow.

The House counted out at a quarter-past 7 o'clock.