Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 4 SEPTEMBER 1889

LEGISLATIVE COUNCIL.

Wednesday, 4 *September*, 1889.

Petition—Companies Act of 1863 Amendment Bill.—Western Australian Constitution.—Brisbane Water Supply Bill—committee.—Rabbit Act Amendment Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

PETITION.

COMPANIES ACT OF 1863 AMENDMENT BILL.

The HON. B. B. MORETON presented a petition from societies and companies engaged, *inter alia*, in the business of receiving deposits, either at call or for fixed periods, praying that the whole of section 25 of the Companies Act, now before the Council, might be deleted; and moved that the petition be read.

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

On the motion of the HON. B. B. MORETON, the petition was received.

WESTERN AUSTRALIAN CONSTITUTION.

The PRESIDENT announced that he had received the following communication from the Speaker of the Legislative Council of Western Australia :—

"Western Australia,
"Legislative Council,
"Perth, 14th August, 1889.

"SIR,

"I have the honour to transmit to you the accompanying resolution, unanimously adopted by the Legislative Council of this colony, on the 13th instant.

"I have the honour to be, Sir,
"Your obedient servant,
"JAS. G. LEE STEERE,
"Speaker.

"The Legislative Council of Western Australia, in Council assembled, desires to express to the Governments and Parliaments of New South Wales, Victoria, South Australia, Queensland, Tasmania, and New Zealand, its hearty appreciation of and grateful thanks for the sympathy exhibited towards this colony in its efforts to obtain from the Imperial Parliament responsible government, with the full rights and privileges attaching to that form of constitution enjoyed by all the other colonies of Australasia. This Council believes that these able and well directed efforts will prove of the greatest possible assistance to Western Australia; will tend to hasten the introduction of responsible government to this the last remaining portion of Australasia not possessing the full benefits of autonomous institutions; and will expedite the advent of that period so ardently hoped for—which cannot be much longer delayed—when all these colonies shall be united in one great, free, and prosperous federation."

BRISBANE WATER SUPPLY BILL.

COMMITTEE.

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

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 Local Government Acts or not."

The CHAIRMAN said that when the Committee was counted out last evening he was about to put the question as to whether the amendment proposed by the Hon. Mr. Gregory should be delayed for the present. Was it the wish of the Committee that the amendment should be withdrawn ?

Amendment, by leave, withdrawn.

The MINISTER OF JUSTICE (Hon. A. J. Thynne) moved that the word "direct" be inserted after the word "having" in the 26th line.

The HON. T. MACDONALD-PATERSON said he did not hear the explanation of the Minister of Justice last evening, as to the reason for inserting this word. He could not see much difference between "access" and "direct access," so far as the clause was concerned, but doubtless there was some reason for it. But it seemed that if a road leading to the main was straight for only a part of its length, the property accessible by that road should be excluded. The amendment to be proposed by the Hon. Mr. Gregory limited the distance to 300 feet, and it seemed to him that it would not matter whether the access to the property to be rated was direct or indirect. He did not see that there was any necessity for the insertion of the word.

The MINISTER OF JUSTICE said the hon. gentleman could explain the meaning of the word "direct" as well as any other hon. member in the Committee, if he chose, and if the hon. gentleman had followed the discussion which had taken place, he would have understood the reason for the insertion of the word. The word "direct" was very plain and simple. Any premises having access direct into a street, whether separated from it by any other allotment or not, would be liable. That was the practical meaning of the term, and he proposed that properties having such access should be liable to be rated.

The HON. T. MACDONALD-PATERSON said that, after the explanation of the hon. gentleman, he approved of the amendment. He was not in the Committee last evening when the matter cropped up. The two bells rang together, and two or three hon. members were not aware that the Committee had met, and the remarks of the hon. gentleman were not in print until this morning.

Amendment agreed to.

The HON. A. C. GREGORY moved that after the word "drain" in the 29th line the words "and being within three hundred feet of such main pipe" be inserted. The amendment they had just passed would prevent the difficulties that might have arisen in cases where the distance of 300 feet might have reached allotments in another street. All that was necessary to be said on the subject had been said, and he would not detain the Committee any longer.

The HON. B. B. MORETON said there was one thing he wished to point out to the hon. gentleman who moved the amendment. There was, for instance, a property on the Enoggera road which had a frontage to the main. Would the amendment affect the whole of that block of land, which contained a great many acres ? It was a very large area indeed, and it would be very hard if the back portion of that area should be assessed and have to pay rates.

The HON. A. C. GREGORY said his view of the operation of the amendment would be that rates could only be charged upon what was within 300 feet.

The MINISTER OF JUSTICE said he thought where the owner or occupier of premises was not actually receiving water from the water supply, rates would only be chargeable to the 300 feet limit, and that, if either the resident or owner were receiving water, then he would be liable to pay the ordinary rate. He had no objection to the amendment, and was of opinion that it would remove a doubt as regarded the incidence of rates upon properties which were unoccupied, and which were removed some little distance from the road.

Amendment agreed to.

The HON. A. C. GREGORY moved that after the words "such road," in the 15th line, the words "and being within three hundred feet of such main pipe" be inserted. The necessity for inserting those words in that part of the clause was exactly the same as on the previous occasion when he moved that amendment, and it was unnecessary for him to give any further explanation.

Question put.

The HON. B. B. MORETON asked whether it would not be necessary to insert the word "direct" in the previous line also, after the word "having" as well as in the previous portion of the clause?

The MINISTER OF JUSTICE said that part of the clause simply referred to the notice that was to be given by the board, and he did not think the insertion of the word "direct" was necessary.

The HON. T. MACDONALD-PATERSON said that the water rates might be levied upon properties having access to any road in which a main pipe had been laid down, before the passing of the Act, and the next part of the clause said the rates should be leviable as soon as the main was laid down, and notice had been given. To make the two parts harmonious, he thought the word "direct" should have been inserted. Precisely the same words were used as in the former portion of the clause, and he thought that amendment should be made. If it was requisite in the first part, it was requisite in the second. Possibly the Minister of Justice had not paid that attention to the debate which he had accused him of omitting to pay. However, he merely pointed out that he thought the word should be inserted.

The MINISTER OF JUSTICE: We are past that part of the clause now.

The HON. T. MACDONALD-PATERSON said the Hon. Mr. Moreton was about to inform the Chairman that he had an amendment to propose, before the Hon. Mr. Gregory moved his amendment; but that amendment was avoided.

The HON. A. C. GREGORY said that as the hon. gentleman wished to propose an amendment earlier in the clause than his came in, he would, with the permission of the Committee, withdraw his amendment for the present.

The CHAIRMAN: Is it the pleasure of the Committee that the amendment be withdrawn?

The MINISTER OF JUSTICE said it was unnecessary to make the amendment. He had considered the matter carefully, and found that the second part of the clause referred to the board's giving notice of its having laid a main pipe. Therefore the clause as it stood would be quite sufficient. It was suggested that the amendment now before the Committee should be withdrawn so that another amendment, which he considered quite unnecessary, should be proposed in a previous part of the clause.

The HON. B. B. MORETON said the clause would read better if the word "direct" were inserted before the word "access," as it was in a former part of the clause; at anyrate there would then be uniformity in its provisions. The Hon. A. C. Gregory had intimated that he was willing to withdraw his amendment, if the Committee consented, so as to allow the other amendment to be made. There was not much in the amendment, perhaps, but it would be as well to make it, because the lines in which it was proposed to be inserted were a repetition of what appeared in the 1st paragraph.

The HON. F. T. BRENTNALL said he differed from the Hon. B. B. Moreton. The question was not simply one of phraseology; it was a question of principle. They had already laid down the principle that it was not fair to levy water rates on property which had not direct access, within 300 feet, to the main. The part of the clause in which that amendment was made applied to mains that had already been laid down and in use, and he took it that precisely the same principle should apply to mains which had yet to be and would be laid down. The same power was proposed to be given to the water board in the second part of the clause, with regard to future mains, as was given them by the first part of the clause before it was amended, with regard to mains already in existence. Why should they give the board power to do with regard to new mains a thing which they had prohibited them from doing by the recent decision of the Committee with regard to old mains already in existence? The power to levy rates was precisely the same in both cases, only seven days' notice was necessary in the second instance before the board could levy rates on properties "abutting upon or having access to" the road in which a new main was laid. They should not give definite powers in one case and indefinite powers in the other, simply because in one case the mains already existed, and in the other the mains were to be laid down under the powers conferred by that Bill. He thought the inclusion of the word "direct" in the second part of the clause with regard to new mains was necessary, as it was in the first part of the clause with respect to old mains.

Amendment, by leave, withdrawn.

The HON. B. B. MORETON moved that the word "direct" be inserted before the word "access" in the 5th line of the 2nd paragraph.

The MINISTER OF JUSTICE said some hon. members seemed to have set their hearts upon that little word "direct." It was like the chip in the porridge; it was not of the slightest advantage or disadvantage, and he would not oppose the gratification of the desire of those hon. members who wished to have the word "direct" inserted in the clause.

Amendment put and passed.

The HON. A. C. GREGORY moved that the words "within three hundred feet of such main pipe" be inserted after the word "road" in the 5th line of the 2nd paragraph.

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

On clause 52 as follows:—

"The board shall define by by-laws the principle upon which the amount of rates shall be assessed, which principle may be in proportion to the annual value of the land rated as determined by the last preceding valuation made by the local authority within whose district the land is situated, for which purpose the local authorities shall furnish to the board copies of the valuation lists then in use in their districts, or in proportion to the superficial area of the floors in the buildings upon it, or upon any other basis, and may be upon one basis with respect to some lands, and upon another basis with respect to other lands:

"Provided that when rates are made in respect of land which is not ratable under the Local Government Acts, they shall be assessed in proportion to such superficial area, which need not be the same as in the case of other buildings."

The HON. T. MACDONALD-PATERSON said he had an amendment, which was purely a formal matter, to propose in that clause, in order to make it correspond with other parts of the Bill. Whenever ratable properties were spoken of, the words "lands and premises" were used. The clause now under consideration related entirely to the principle of rating, and dealt, of course, with lands and premises which were to be rated, some on one principle and some on another principle. Clause 51 stated that rates should be "leviable in respect of all lands and premises," and the same phraseology was used throughout the clause. He apprehended, therefore, that the omission of the word "premises" from the 52nd clause was a clerical error, and moved that the words "and premises" be inserted after the word "lands," in the last line but one of the 1st paragraph.

The MINISTER OF JUSTICE said if the amendment were necessary at all, it would have been necessary right through the clause, and the very fact that it was not proposed to make the same amendment after the word "land" in the 3rd line showed how inapplicable it was. In dealing with the rating of land by the local authorities land was the term used, and, as a matter of course, it included the premises erected on the land. It was quite possible, if the amendment were adopted, that a different interpretation might be put upon the words from that which was intended; it might be supposed that because the words "lands and premises" were used the provision applied only to lands upon which some premises were erected. That was a construction which, after the decision of the Committee the previous day, could not be sustained. The amendment, the hon. gentleman had said, was only a verbal one, and he (the Minister of Justice) thought it would not be wise to adopt it, as it might lead to confusion between two classes of valuation, one under the local authorities, and the other under the water board.

The HON. T. MACDONALD-PATERSON said hon. members would see that it would not do to insert the words "lands and premises" after the word "land" in the 3rd line, because it referred to the matter of obtaining information as to the valuation by the local authorities in respect of land only. The object of rating under that Bill for the water supply was primarily and principally to secure a revenue from the consumers of water, and he thought the words "and premises" should be inserted because it was those who held occupied lands who consumed the most water, and because they would give the board power to vary the principle of rating in respect of those lands and premises. The board might or might not exercise the power given them, but they should have that power. In another part of the Bill reference was made to breweries, tanneries, stables, and so forth, and if the words "and premises" were inserted in that clause, as he had suggested, it would then be in the discretion of the board to vary the principle of rating according to the particular business carried on. There was no doubt that they had that power under the Bill, but the verbal amendment which he had proposed would make it a little clearer—a little more definite.

The MINISTER OF JUSTICE said the amendment would have the very opposite effect to that stated by the hon. gentleman. It would restrict the power of the board to make differential rates for different classes of property. The word "land" was very much better than the words "lands and premises." The hon. gentleman had to a certain extent admitted that the object of the amendment was that the rates might be made differential in the case of those lands on which premises were erected; but that was entirely opposed to the conclusion which the Committee came to the previous day, that all classes of land should be subject to that method of rating.

The HON. T. MACDONALD-PATERSON said of course the hon. gentleman was quite right in stating that the word land included premises. Technically it comprised everything on the land, whether it was a brewery, a coal mine, a chimney, a fence, or anything else; but he had in view the fact that the working of the Bill would ultimately be in the hands of laymen, as it was intended that the board should be a popular institution, the members of which should be elected by the local authorities, and if the words proposed to be inserted were left out, the clause was very apt to be misunderstood. The adoption of the amendment would not in any way diminish the power of the board, or diminish the revenue; it could not have the restricting effect mentioned by the Minister of Justice.

The HON. SIR A. H. PALMER said he could not see any necessity for inserting the word "premises." If a person bought a piece of land, he bought everything on it; the term land included everything. If a man bought a hundred feet of land in Queen street, and it had a castle or cottage on it, he bought that too. What was the use of making more amendments in the Bill than was absolutely necessary?

The HON. T. MACDONALD-PATERSON said that in other parts of the Bill the word "premises" was inserted after the word "land." The Hon. Sir A. H. Palmer was quite right in stating that the word "land" included everything, and the only object he (Hon. T. Macdonald-Paterson) had in proposing the amendment was to make that clause harmonise with other provisions in the Bill.

Amendment put and negatived.

The HON. A. C. GREGORY said he would now move that the following proviso be added at the end of the clause, namely:—

> Provided also that the owner or occupier of any land or premises may elect to pay according to measure for water supplied for domestic purposes, but subject to the condition that the minimum charge for such supply shall be one pound per annum.

At the present time land which had a considerable frontage far away from a municipality, say, fifteen miles, would not be liable to be rated at such a high rate as might be charged under the 1st paragraph of the clause, because unimproved land, upon the basis adopted in the Valuation Act, would pay 10 per cent. upon the capital value of the land, partly improved land 5 per cent., and land upon which houses or premises were erected two-thirds of the rental, which, in most cases, was less than 5 per cent. on the capital value. It was, therefore, necessary that there should be some way in which parties who had land at a considerable distance from any main, and did not use the water, should, while paying a reasonable contribution for the general advantage of having a water supply brought into the district, be protected from the separate charges for what they did not get or did not require. Assessments by the water board were a totally different thing from assessments by local authorities for making roads, because although a road might not pass the frontage of a piece of land, yet it might improve the value of that land, and it was only reasonable that the owner should pay something for that benefit. But in the case of laying down water mains it was different. If they were passing that Bill for a private company they would laugh at the idea of assessing anybody who did not actually take the water. It was but reasonable that those persons should be chiefly charged who used the water, and, therefore, he proposed that they should get their water by meter. The advantage of that plan would be felt much more in the future than it was at present. At the present time a certain quantity of water was supplied by a gravitation scheme, and it was not very material whether that water was used or not, so long as it was not wasted. As long as the supply was sufficient it cost no more to supply the city than it would if only one-tenth of the water now used was consumed. But when they went into the new scheme and brought the water from the Upper Brisbane the cost would be considerable, and the cost would not be simply the cost on the construction of the works, but the cost of the coal used, of the wear and tear of the pumping machinery, and the wages of the men engaged in working the pumps. Under the present system the waste of water only caused serious consideration in

seasons of drought, but when the supply was obtained by pumping greater precautions would have to be taken to prevent waste. The absurd and careless waste, not extravagant use, of water which went on now would have to be stopped. That waste did not arise from the carelessness of the owner or occupier of the land himself, but of his servants who left taps open and hose running all night, and allowed baths to overflow. Therefore, it was absolutely necessary that a provision of the kind he now proposed should be added to the clause.

The HON. SIR A. H. PALMER said he would like to know why the supply of water in the cases with which the amendment dealt should be confined to domestic purposes. Many persons had horses, and he supposed that a supply of water for those horses would not be considered a supply for domestic purposes.

The HON. A. C. GREGORY: Yes.

The HON. SIR A. H. PALMER said supposing a man had a factory on his ground, why should he be confined to water for domestic purposes if he paid for the water?

The HON. A. C. GREGORY: An earlier clause in the Bill provides that in such a case a man should be supplied with water, and pay for it by measure.

The HON. SIR A. H. PALMER said he did not think the word "domestic" was required at all.

The MINISTER OF JUSTICE said clause 52 gave power to the board to define upon what principle the water rate should be levied. It was a very general power, and the amendment now proposed would in a great measure restrict that power in the wrong direction, because no matter what minimum charge was now fixed for the supply of water for domestic purposes, it might hereafter be found to be excessive. The minimum rate charged by local authorities was 2s. 6d. per annum, and by the amendment it was proposed to charge eight times that amount for water rates upon an allotment which might only be worth 2s. 6d. a year. The amendment dealt with what was really a matter of detail, which should be decided by the board from year to year according to circumstances. It was to be hoped that after a time the rates for water supply would be made very light indeed; and they should leave it to the ratepayers, by their representatives, to deal with the matter referred to in the amendment. The ratepayers would have an interest in the administration of the Bill, and they might safely be trusted to prevent, by their agitation, any injustice being done under the Bill. The amendment was also objectionable, in that it was limited to a supply for domestic purposes, and was likely to lead to considerable confusion, as in assessing the rates the board would have to adopt one principle with regard to water for domestic purposes, and another with regard to water for non-domestic purposes; or they might be bound to supply the water for domestic purposes on the same basis as it would be supplied for non-domestic purposes under clause 25. The insertion of the proposed proviso would not tend to improve the Bill.

The HON. T. MACDONALD-PATERSON said he would support the amendment very heartily, and he hoped it would be passed by the Committee. Clause 25 gave the board power to supply water for other than domestic purposes by measure. Those who wished to have a meter for domestic purposes could obtain one, but there was this difference between what the Minister of Justice said and what the Hon. Mr. Gregory meant by his clause: that the amendment applied to any person who wished to have a meter, and that the minimum charge in respect of those premises should be £1. The amendment said the minimum charge for water supplied by meter should be £1 per annum. Persons who did not use meters would be assessed in the ordinary way by the board. The hon. gentleman did not mean that the minimum charge on either basis of payment would be £1, as suggested by the Minister of Justice. He apprehended that the amendment meant that £1 should be the minimum charge upon property supplied by meter. There were several little allotments, the assessment upon which might be only 2s. 6d. or 5s.; but he agreed that £1 was a fair minimum charge for water supplied by meter. The minimum charge in Victoria was 10s. He thought it would make the amendment clearer if the words "by meter" were inserted after the word "supply" in the 5th line.

The MINISTER OF JUSTICE said he was very glad the hon. gentleman had arisen to discuss the subject, because it had caused a new idea to strike him as to the effect the amendment would have upon a very important subject. The board was to be given power, under the clause, of defining the principle upon which land might be assessed. If the amendment were passed, a ratepayer might go to the board and say, "I have paid the minimum sum of £1, and although all the other property owners in the street have to pay on the annual value of the property, I escape with my £1 per annum." That would be the effect of the amendment, and he must oppose it altogether.

The HON. W. G. POWER said there was another way of looking at it. He thought the Hon. Mr. Gregory meant that if a man did not use £1 worth of water he would still have to pay £1; but if he used more than £1 worth he would have to pay more.

The HON. J. COWLISHAW said instead of a man being limited to £1, that limit should be raised Persons who elected to have the supply by meter were not likely to be small consumers, and it would be a very small consumer whose account would not amount to £1 by meter. He thought the amount should be raised to £3. Persons who occupied large premises were at present rated according to floor area, and they would be the first to ask for a meter. There were cases in which they paid as much as £20 on the floor area basis, and such being the case, he thought it would not be unjust if the minimum in the case of meters were £3, or even £5.

The HON. E. B. FORREST said he did not think many people were likely to take meters into use, because there was the cost of the meter itself to be considered. When people had to pay as much as £12 or £14 for a meter, he thought that would alone settle effectually the question, so far as meters were concerned. He agreed with the Hon. Mr. Cowlishaw, in reference to the minimum. If meters were used, the minimum should be higher. However, very few people did use meters; they were only used in large factories, and on wharves where steamers were supplied with water.

The HON. J. COWLISHAW said one reason why meters were not used, was that the board refused them to the use of private persons. He had asked for a meter, as he could not obtain a sufficient supply of water, his house being on the top of a hill; but the board refused him one, and there was no power to compel them to grant his request.

The HON. W. D. BOX said he could inform the Committee that meters were almost universally used in Victoria, by people who desired to pay for only the water they used, and the minimum rate was 10s. People there found that

system effected a very considerable saving on paying by assessment, and they ought to be allowed the privilege of using them in Brisbane. In regard to meters, he did not think the words "for domestic purposes" applied, as any person paying upon that system paid for all the water he actually used, and if there were a minimum price it would be sufficient.

The HON. W. F. TAYLOR said he thought the amendment would have a very beneficial effect, and they had found that in places where water was more scarce than in Brisbane the system was in almost general use. The water companies found that by using meters they saved a large amount of water, and the consumers found they were not called upon to pay for what they did not consume. The addition to the clause was very necessary for another reason, and that was that by clause 35, water to be used for domestic purposes could not be used for watering cattle or cleaning vehicles. That provision was quite an innovation. In Great Britain it was almost universally held that the term "domestic purposes" included the water used for horses and for cleaning vehicles, and that decision had been upheld by the courts. Still, for some reason he could not fathom, the framers of the Bill before them had excluded those uses from the term "domestic purposes." Those who kept a horse and carriage should have the right to use the water for the horse and carriage. He did not see what difficulty there could be in regard to meters. The water meter was a much simpler contrivance than a gas meter, and the gas companies were ready to supply them at £1 each. The amendment would remove a great cause of complaint against the Bill.

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

On postponed clause 81—"Lands may be let when rates are in arrear"—

The MINISTER OF JUSTICE said he had two consequential amendments to propose in the clause to make it apply to payments by meter. He moved that after the word "land," in the 1st line, the words "or any other moneys payable under this Act for water supplied to the occupier of any land," be inserted.

Amendment agreed to.

The MINISTER OF JUSTICE said he had a further amendment to the same effect, in line 12.

The HON. F. T. BRENTNALL said before they came to that amendment he thought the Committee should take into their serious consideration the question as to whether the term "two years," mentioned in the clause on the 8th line, was a long enough period, after which the board would be able to take possession of the land. That part of the clause referred only to leasing land for arrears of rates. Why should they give the board power to seize lands or premises that might be in arrears for two years, when they gave power to municipalities and divisional boards to seize land only after four years rates remained unpaid? He did not see why they should give the water board more extensive powers, than they had given to other authorities. They had heard a great deal said during the series of debates upon the Bill about popular institutions, meaning local authorities, but those local authorities were not permitted by statute to exercise such powers as were proposed to be given to the water board, in connection with the seizure of land and premises for arrears of rates. In one case the period of unpaid rates was four years, and in the clause before them the period was proposed to be two years. In order to bring the question before the Committee he would move that the word "two" in the 8th line be omitted with the view of inserting the word "four."

The MINISTER OF JUSTICE said he had no objection to offer.

Amendment agreed to.

The MINISTER OF JUSTICE moved that the words "or such other moneys" be inserted after the word "rates" in the 12th line.

Amendment agreed to.

The MINISTER OF JUSTICE said he had another amendment to move, which had not been included in the printed list he had given notice of. In the 1st paragraph power was given to the board to take possession of the land, and let the same from year to year. That was the only definite power that had been given to the board, and he proposed to add after the words "year to year," on the 15th line, the words "or for any term not exceeding seven years." That was practically the term at present in vogue in connection with local authorities generally, and it would, to a certain extent, assimilate the different practices.

The HON. T. MACDONALD-PATERSON said the amendment was somewhat of a surprise to hon. members. They had become used to that power being proposed to be given to the water authority to let from year to year, but if the amendment just proposed by the Minister of Justice had been in the Bill originally, it would have met with very serious consideration on the debate on the second reading. There were a great many people who were not in favour of leasing land for so many years, under the authority given in the different Local Government Acts. There were some very paradoxical things that might occur if the amendment were agreed to. One local authority might omit to pay a local rate. A separate authority might take possession of and lease lands for a term of years because the rates were in arrears, and the tenant might omit to pay the rates. The water authority would then step in and sell out the tenant of the municipality, or *vice versâ*. He did not think it was ever intended that persons who never had a gallon of water from the land in respect of which the rate was unpaid, should lose their property for a term of seven years for arrears of rates. Water supply should be a very different thing from any other public service for which rates might be imposed. Land was directly benefited by the making of roads, bridges, and other improvements, which facilitated transit to and from the properties. Time was saved by the extension of good roads, and many accidents were avoided; so that the power given to local authorities to lease land on which the rates were unpaid was a very proper one. But the present amendment was harking back to the point they had practically disposed of, and he trusted the Committee would not agree to the amendment. The water authority ought to remain perfectly satisfied with the power of leasing land from year to year.

The HON. W. F. TAYLOR said it was quite possible that the owner of a piece of land might wish to step in and pay the rates, but a gentleman who had been absent from the colony, and whose agent had neglected to pay his rates, might find, on his return, that his land was locked up for seven years. At the utmost the land should only be locked up for twelve months.

The MINISTER OF JUSTICE said the water authority could not take any action for practically five years, and any man who had neglected his property for so long as five years must expect that some steps would be taken to

make that property contribute to the expenses of the management of the water supply. In regard to the difference which the Hon. Mr. Macdonald-Paterson found between the two sets of local authorities, he pointed out that, instead of two authorities competing to see who should first secure the property, they were more likely to postpone any interference with it as long as possible, because the moment one local authority took possession of and leased the property, there was a person who was answerable to both authorities for the payment of rates due. Whichever first secured a tenant provided the other local authority with a person who would have to pay the rates. Considering that a man was allowed to be five years in arrears for water supply, it was a very reasonable thing to give the board power to let that land on a seven year's lease—a power which was justified by its existence in connection with other local authorities. It must be borne in mind that by limiting their power to lease from year to year a great many properties would be absolutely worthless; people would not take them, as such a lease would not be worth the expense of enclosing the properties with a fence, much less making any other improvements upon them. It was, therefore, necessary to give the board power to lease for such a period as would make it worth the while of persons to pay whatever rent or rates might be payable in respect of the properties leased.

Amendment put and passed.

The MINISTER OF JUSTICE moved that the words "or such other moneys" be inserted after the word "rates" in the last line but one of the 1st paragraph.

Amendment put and passed.

The MINISTER OF JUSTICE said he understood that the Hon. T. Macdonald-Paterson intended to move the omission of the 2nd paragraph of the clause. If hon. gentlemen thought the omission of that clause would be a benefit or advantage, he was quite ready to omit it, but, before any proposal of that kind was made, he thought it was his duty to point out that the clause, instead of being oppressive against the persons who were in default, was really of great assistance and advantage to them, because, if it was not passed, the board could in another way sell the property, upon which arrears of rates were due, in order to obtain those rates. The owner was liable to be sued for the rates, and a judgment might be obtained against him, and the property sold by the sheriff in execution of that judgment. Was it not better for the person whose property was sold that a less expensive method should be made available than that of instituting an action against him?

The HON. J. COWLISHAW: In the case of absentees you would have to serve a summons before you could obtain judgment for the sale of the land.

The MINISTER OF JUSTICE said that could be provided for quite readily. The hon. gentleman had touched the one point in which that clause might be useful. There might be some difficulty in ascertaining who the absentee owner was, or in serving him with a summons; so that, practically, the absentee was the only person who would be brought within the operation of that clause, and he did not think they should study much the interests of absentees.

The HON. F. T. BRENTNALL: What about the mortgagee's interest, if the property is mortgaged?

The MINISTER OF JUSTICE said the hon. gentleman would find that, under that Bill, whether a property was mortgaged or not, it was chargeable with the rates, and he certainly thought that where a mortgagee refused to pay the rates, after a lapse of four years, he deserved to lose the property. That was perhaps an extreme doctrine to put forward in the view of some people, but where such gross neglect, or systematic evasion of the liabilities of ownership in regard to land occurred, Parliament was not called upon to make special provision for the protection of the owner. However, if hon. gentlemen did not like the clause, he was quite prepared to let it go, at the same time warning them that by omitting the clause they would probably be inflicting a greater hardship upon some few ratepayers than would be caused by retaining the clause.

The HON. T. MACDONALD-PATERSON said he was sure it afforded every hon. gentleman present great pleasure to hear the Minister of Justice say that he was prepared to agree to the omission of subsection 2 of clause 81, as he (Hon. T. Macdonald-Paterson) had proposed in his amendment. He felt perfectly confident that the Committee would never pass it in its present form, notwithstanding what the hon. gentleman had stated with regard to the alleged benefits that would accrue to the ratepayer in the saving of expense by passing the clause. The hon. gentleman came back to the remedy that he (Hon. T. Macdonald-Paterson) mentioned in a short speech on a previous occasion—that was, the common law remedy. The board had that remedy now, and if the 2nd paragraph of that clause were omitted, they would still have the additional remedy of leasing the land for any term not exceeding seven years, or from year to year. The hon. gentleman had not dealt with the arguments used on a previous occasion with respect to the position of the mortgagee—namely, that if the property were sold, and the proceeds deposited in court, the judge might order that the whole of the rates, with interest, and the expenses of selling the property, should be paid before the debt of the mortgagee. That was a very serious matter. However, it was not worth while debating the question, after what had fallen from the Minister of Justice. Had the clause been carried, he (Hon. T. Macdonald-Paterson) would have felt it his duty to endeavour to prevent the Bill, by all fair and legitimate means, being read a third time. He moved that paragraph 2 be omitted.

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

Preamble passed as printed.

The MINISTER OF JUSTICE moved that the Chairman leave the chair, and report the Bill to the House with amendments.

Question put and passed.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

On the motion of the MINISTER OF JUSTICE, the President left the chair, and the House resolved itself into Committee of the Whole, for the purpose of considering a new clause to follow clause 29.

The HON. A. C. GREGORY said the object of the new clause he had to propose was to supply a defect which existed in the Bill. Clauses 24 and 25 provided for the supply of water for other than domestic purposes outside the limit of 300 feet from a main; but, by an oversight, no provision had been made for the supply of water for domestic purposes outside that limit. The new clause was intended to supply that defect. He moved that the following new clause be inserted after clause 29:—

> The owner or occupier of lands or premises situate within the district, but more than three hundred feet from any main pipe, the property of the board, may in writing request the board to supply water for domestic purposes to such lands and premises.

In any such case the board may comply or refuse to comply with the request, and if it complies may authorise some competent person to construct all the works necessary for supplying to such lands and premises water for domestic purposes.

Provided that all lands and premises to which the board supply water under this section, and the owners and occupiers thereof, shall be thenceforth subject to the provisions of this Act in the same manner as if they were within three hundred feet of a main pipe.

New clause put and passed.

The MINISTER OF JUSTICE moved that the Chairman leave the chair, and report the Bill with a further amendment.

Question put and passed.

The House resumed; the report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

RABBIT ACT AMENDMENT BILL.

COMMITTEE.

On the motion of the MINISTER OF JUSTICE, the President left the chair, and the House resolved itself into Committee of the Whole to consider this Bill in detail.

The several clauses of the Bill and the preamble were agreed to without amendment.

The House resumed; and the CHAIRMAN reported the Bill without amendment.

On the motion of the MINISTER OF JUSTICE, the third reading of the Bill was made an Order of the Day for to-morrow.

ADJOURNMENT.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I beg to move that this House do now adjourn. In doing so, I may state that there are two rather important matters on the paper for to-morrow, the Civil Service Bill, and the amendments of the Legislative Assembly in the Companies Act Amendment Bill. I trust we shall make substantial progress with them, and for that reason I hope we shall have a sufficient number of hon. members present to continue the business somewhat later than usual.

Question put and passed.

The House adjourned at six minutes to 6 o'clock.