

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**THURSDAY, 3 OCTOBER 1889**

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## LEGISLATIVE COUNCIL.

*Thursday, 3 October, 1889.*

Message from the Legislative Assembly—Defamation Bill.—Drew Pension Bill—committee.—Crown Lands Acts, 1884 to 1886, Amendment Bill—committee.—Rockhampton Gas and Coke Company, Limited, Bill—committee.—Warwick Gas, Light, Power, and Coal Company Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

### MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

#### DEFAMATION BILL.

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

#### DREW PENSION BILL.

##### COMMITTEE.

On the motion of the MINISTER OF JUSTICE (Hon. A. J. Thynne), the President left the chair, and the House went into committee to consider this Bill.

Preamble postponed.

On clause 1, as follows :—

“ In the event of William Leworthy Good Drew, Esquire, at present Auditor-General of Queensland, being appointed to the office of chairman of the Civil Service Board, it shall be lawful for the said William Leworthy Good Drew to claim and receive in every year, in addition to his salary as such chairman, a portion not exceeding two hundred and fifty pounds of the retiring allowance which he is now entitled to claim under the Auditor-General's Pension Act of 1877 on retirement from the Civil Service.

“ For the purpose of claiming such portion of his retiring allowance, the said William Leworthy Good Drew shall be deemed to have retired from the Civil Service, but for all other purposes he shall have and be entitled to the same rights and privileges in all respects as if he had been appointed to the office of chairman of the Civil Service Board without so retiring.”

The HON. B. B. MORETON said the clause proposed that certain things should be done, in the event of Mr. Drew being appointed chairman of the Civil Service Board. He wished to know whether the arrangement had been made with the consent of Mr. Drew?

The MINISTER OF JUSTICE: Certainly.

Clause put and passed.

On the preamble,

The HON. W. FORREST said he thought the Committee ought to hear from the Minister of Justice the names of the other two members of the board.

The MINISTER OF JUSTICE said he was unable to give the information, because the other members of the board had not yet been selected.

The HON. T. MACDONALD-PATERSON said he was a little in doubt as to the object of the Bill with regard to a portion of the retiring allowance. He apprehended that Mr. Drew, if appointed, would receive a portion of the retiring allowance to which he would be entitled if he were now to retire from the service. He would draw that allowance as long as he was a member of the Civil Service Board, and on ceasing to hold that position he would be entitled to the full pension to which he would be entitled if he were at once to withdraw from the Civil Service. He understood that to be the intention of the Bill.

The MINISTER OF JUSTICE said that two constructions might be put on the question the hon. gentleman had asked. One was whether Mr. Drew would be entitled to his full pension from the date of his retirement from the Civil Service Board. The answer to that would be “ Yes.” If the hon. gentleman meant to ask whether there would be arrears—the difference between £250 which would be paid to Mr. Drew, in the event of his being appointed chairman of the Civil Service Board, and £560 to which he would be entitled if he were to retire from the Civil Service at once—there would be no such arrears allowed. Mr. Drew would be drawing £250 a year in addition to his salary of £1,000 a year as chairman of the Civil Service Board, and when he retired he would commence to draw his full pension allowance of £560 a year, to which he would be entitled if he were to retire at once. In the meantime, the difference between £250 and £560 did not exist.

The HON. T. MACDONALD-PATERSON said he wished to know whether Mr. Drew's acceptance of the position of chairman of the Civil Service Board would entitle him to something further under the Civil Service Act, when he ceased to be a member of the board, in addition to the £560 a year, which he would be entitled to if he were to retire at once?

The MINISTER OF JUSTICE said that Mr. Drew would be entitled to nothing additional in that respect. The members of the board did not come under the operation of the Civil Service Act.

Preamble put and passed.

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

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

CROWN LANDS ACTS, 1884 TO 1886,  
AMENDMENT BILL.

COMMITTEE.

On this Order of the Day being read, the President left the chair, and the House resolved itself into a Committee of the Whole to further consider this Bill.

On postponed clause 6 — "Opening roads through agricultural areas, and compensation therefor" —

The HON. T. MACDONALD-PATERSON said that when the clause was postponed, it was contemplated that a new clause might be advisable, but, after consulting with the Minister of Justice on the subject, he had decided to take no action in the matter.

Clause passed as printed.

Preamble put and passed.

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

The report was adopted, and the third reading made an Order of the Day for Tuesday next.

ROCKHAMPTON GAS AND COKE  
COMPANY, LIMITED, BILL.

COMMITTEE.

On the motion of the HON. T. MACDONALD-PATERSON, the President left the chair, and the House resolved itself into Committee of the Whole to consider this Bill.

Preamble postponed.

Clause 1—"Construction and short title"—passed as printed.

On clause 2—"Interpretation"—

The HON. T. MACDONALD-PATERSON said that on the second reading it was pointed out that provision required to be made to exclude the company from erecting wires for the transmission of telephonic messages, and that some modification of the clause would be requisite to retain the monopoly in the hands of the Government, in accordance with the present law. The omission of certain words, at the end of page 2, would effect that object, and he therefore moved the omission of the following words:—

"except the transmission of any telegraphic message; "Telegraphic message"—a telegraphic message, as defined by the Telegraphic Messages Act of 1872."

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

Clause 3—"Principal Act to apply"—passed as printed.

The HON. T. MACDONALD-PATERSON said it would be found in the evidence given before the select committee by the town clerk of Rockhampton, that a stipulation was made that in the event of the company not supplying the town with the electric light within five years, the right to do so should lapse, and that the municipality should have the

right to supply the electric light. There was also a further stipulation that the company should not erect their gas mains and electric wires on any other part of the road than that between the watertables. Provisions to give effect to those stipulations were not included in the Bill, but it was intended that they should be included in the Bill, and two new clauses had accordingly been prepared to give effect to those stipulations. The proper place to insert the first new clause was after clause 3, and he therefore moved the following new clause, to follow clause 3 of the Bill:—

No pipes or lines, except service pipes or lines, shall hereafter be laid in any street except in that part thereof which is situated between the watertables on either side of the street.

The MINISTER OF JUSTICE said it had occurred to him that the clause might lead to a little difficulty. On looking at the evidence taken by the select committee he found the following, question 30:—

"Do you know what took place at that conference? The Bill was read, a discussion took place upon the clauses of it, and the aldermen were of opinion that, if the company undertook to arrange that in future no pipes should be laid on the pathways, but always in the roadways, they would offer no objection to the Bill."

It was quite evident that the clause referred to the laying down of pipes along the street inside the footpath, and so far as that was concerned there could be no objection. As the Bill was at present, no pipes or lines, except service pipes or lines, were to be laid in any part of the street except between the watertables. In the first clause they had the word "pipe," meaning an "electric line," and he would ask the hon. gentleman to consider whether it might not be a great inconvenience if the company, in putting up electric poles, were obliged to fix the poles outside the footpath in the street. The word "pipe" meant "electric lines" so far as electricity was concerned, and the usual place to erect the poles was just on the inside edge of the watertable. If the company proposed to construct electric lines on poles similar to telegraph poles, it would be a great inconvenience. The hon. gentleman should consider that point before he proceeded with the clause.

The HON. T. MACDONALD-PATERSON said he had given the matter some consideration. There would be a provision inserted in the Bill that, in crossing roads or waterways, the wire should be at least eighteen feet above the level of such road. In respect to the erection of poles inside the watertables, it had been found very inconvenient and very expensive. In Rockhampton and in most Northern towns, there were verandas in front of the buildings, and in practice, it had been found better to erect the telegraph poles in a bed of concrete outside the footpaths proper. That system did not necessitate the disturbance of the verandas, and there was no leakage through them to annoy any foot passengers, and damage the footpaths where there was no asphalt. There were no new telegraph poles likely to be erected in Rockhampton inside the footpath. The drainage would pass round them quite easily and the verandas need not be disturbed. The gentleman who had had charge of the Bill in another place had informed him that it was intended to do away with poles altogether and adopt the underground service. The Hon. Mr. Gregory had suggested that, to make the clause more distinct the words, "underneath the surface" should be inserted after the word "street" in the 2nd line of the clause, and he begged to move that amendment.

The HON. J. SCOTT said he would like to ask the hon. gentleman in charge of the Bill the meaning of the word "lines," in the new

clause? In the 1st clause a "line" was to mean a "pipe"; but the new clause used the words "pipes" and "lines." If there was any difference in the meaning of the terms he should like to have it explained. He had understood that there was no difference; but the two words were used in the new clause, so that there seemed to be a difference. He should like to know what it was?

The HON. T. MACDONALD-PATERSON said it was essential that the word "pipe" should be taken to have the same meaning as "electric line." It was merely to extend the powers already possessed by the company to lay pipes, to the erection of telegraph wires.

The HON. SIR A. H. PALMER said he confessed he could not understand the clause. It meant that posts must be put up outside the water tables. If they put up posts in the street they would be a frightful obstruction to traffic. How could a carriage get to the side of a footpath with a post fifteen inches away from it? They had better leave the clause alone, and let the corporation settle the matter. The posts would be a source of serious danger, and ought to be put as they were in Brisbane—on the edge of the footpath. They would then be in nobody's way; but if they were put outside the water-tables they would be an obstruction to traffic of all kinds.

The HON. T. MACDONALD-PATERSON said the streets in Rockhampton were far wider than those in Brisbane; but he knew that if the posts had to be re-erected in Brisbane they would not be put inside the watertables again, where they had been the cause of a great deal of expense. Every time a post was taken down the verandas had to be repaired and plumbers hired, and the business of the people was greatly disturbed. He did not suppose, either, that there would be more than six of those posts in the whole of Rockhampton. They would be two and a-half chains apart, and would not take up any more room than a couple of bricks lying in the roadway. There would be only two posts to each block, and therefore they could not be a serious obstacle.

The HON. SIR A. H. PALMER said the clause said the posts could be anywhere between the two watertables. They might be out in the middle of the street.

The HON. T. MACDONALD-PATERSON said the amendment which had been suggested would do away with the posts altogether. The lines would be under the surface of the road.

The HON. A. C. GREGORY said the amendment would limit the question entirely to what was beneath the surface; but the clause had really nothing to do with telegraph posts. They would have to be considered separately and distinctly. As the clause was originally worded there was some uncertainty as to what it precisely meant; but by inserting the words "beneath the surface" all doubts would be cleared away. He thought they might safely pass the clause, provided that they made a subsequent condition in regard to telegraph poles. He quite agreed with what had fallen from the President, that it would be highly inconvenient to have posts outside the line of the kerb, because there would be no end of accidents from vehicles running against them.

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

Clauses 4, 5 and 6 passed, as printed.

The HON. T. MACDONALD-PATERSON said he had to propose a new clause which was

to comply with a condition, mentioned before, under which the council of Rockhampton agreed to the draft Bill presented to them. It was as follows:—

If the company does not, within five years from the passing of this Act, make arrangements to the satisfaction of the council of the municipality of Rockhampton, for supplying electricity for public purposes within the area of that local authority, the powers conferred by the last preceding sections shall cease and determine.

The HON. SIR A. H. PALMER said he would like to know whether it was proposed to give that gas and coke company the exclusive right to supply electricity to the town of Rockhampton? If that new clause were passed the company would have some reason to think that they had that exclusive right. Considering the gigantic strides that electricity was making at the present day, it appeared to him it did not seem wise to give a company five years to decide whether they would go in for the electric light or not. He objected to giving a company a right to keep such a go-ahead town as Rockhampton in the darkness for five years; it was too much of a good thing.

The HON. T. MACDONALD-PATERSON said the clause was inserted to comply with the conditions mentioned in the evidence. Whether the clause were inserted or not, the Bill would not give one iota of a monopoly to the company for the supply of electricity. If the company had not made satisfactory arrangements with the council, at the end of five years their powers would cease. There was nothing to prevent twenty or thirty other companies from starting.

The MINISTER OF JUSTICE said he thought there was a phrase in the clause which would have an effect which the hon. gentleman in charge of the Bill did not wish. It appeared that if the company had not within five years made an arrangement with the Municipal Council of Rockhampton, the powers conferred upon the company by the three preceding sections would cease. So that practically the clause would give power to that municipal council over the municipality of North Rockhampton. One municipality might, by expressing its dissatisfaction with the arrangements of the company for supplying electricity, deprive the company of its rights within the other municipality. He did not know whether the hon. gentleman had considered that bearing of the question.

The HON. T. MACDONALD-PATERSON said he had considered that matter very fully. The council desired that the powers proposed to be given to the company should cease if they had not made satisfactory arrangements within five years. But that only applied to the municipality of Rockhampton. The company might go on in regard to North Rockhampton.

The MINISTER OF JUSTICE said the clause practically repealed the two preceding sections.

The HON. T. MACDONALD-PATERSON said if the clause bore that interpretation he would strike it out; but he did not think it did.

The HON. SIR A. H. PALMER said it was very unfair that the company should have five years to consider whether it should accept the conditions. It was giving the company a pre-emptive right for five years to lay down gas or electricity in Rockhampton. That was only done by insinuation; but still it was done, and it should be shown clearly that the corporation had a perfect right to allow any other company or companies to lay down gas or electricity.

The HON. T. MACDONALD-PATERSON said that was the law at present. The Bill created no monopoly, and gave no rights to the company that might not be immediately granted to any other company.

The MINISTER OF JUSTICE said he agreed that no monopoly was created by the Bill with regard to the supply of electricity; but the hon. gentleman had not touched the difficulty that presented itself to his mind. Why should they give one municipality a right to take such action as would deprive the company of their powers in another municipality? He thought that would be a mistake, and he would suggest that the new clause should be so worded, that "the powers conferred by the last two preceding sections shall cease and determine so far as the same extend to the area of that local authority." That would limit the powers contained in those sections to the area of the municipality of Rockhampton.

The HON. SIR A. H. PALMER said the Bill would be far better without the clause. Power was given to lay pipes and wires, not only along the streets of the two municipalities, but also over the Fitzroy Bridge. That bridge, he believed, was partly under the control of the Gogango Divisional Board who had to contribute towards its maintenance. He did not see why the municipality of Rockhampton should have power to prevent other companies coming forward.

The MINISTER OF JUSTICE said he thought the Hon. Sir A. H. Palmer slightly misunderstood the arrangement in connection with the Gogango Divisional Board. At one time the Gogango Division was approached direct by the bridge, but lately the borough of North Rockhampton had been constituted, and the joint local authority of North and South Rockhampton had charge of the bridge. The joint local authority had endeavoured to make Gogango contribute towards the maintenance of the bridge, but the Gogango board had refused to do so.

The HON. T. MACDONALD-PATERSON said he would amend the proposed new clause by striking out the words "within the area of the local authority," and adding to the end of the clause the words "so far as regards the area of that local authority." He thought that would meet the suggestion made by the Minister of Justice.

The HON. A. C. GREGORY said the clause involved the condition that if the company could persuade the municipality of Rockhampton to prolong the time, the period of erecting the electric wires might be postponed indefinitely. He did not say that they would do so, but he pointed it out before the clause passed, because it was very different from what was customary in England—namely, that the company must within the number of years specified erect suitable machinery and be prepared to supply electric light to the public.

The HON. T. MACDONALD-PATERSON said he hoped hon. gentlemen would not assume that the insertion of the provision with respect to a period of five years was intended to make the company inactive in the matter of supplying electricity to Rockhampton. It was put in as a provision which the Rockhampton municipality desired. They wished the right of the company to lapse if they did not supply the light within five years. If the clause were omitted, the right to supply electricity would remain with the company, and they might not supply it for ten or fifteen years. The municipality of Rockhampton

made a stipulation to the effect that they acceded to the request of the company to be allowed to supply light to the Fitzroy Bridge, the municipality of Rockhampton, and the borough of North Rockhampton, but so far as they were concerned they wished that the right should lapse if the company did not complete the works to the satisfaction of the municipality within five years. If the clause were omitted the company might retain the right for ever, but the Rockhampton Municipal Council had taken the precaution to stipulate that if the company did not supply the public with electricity within five years the right of the company should lapse, so that the municipality could make arrangements with a fresh company. As a field for such an enterprise as that for which the Bill provided, Rockhampton was a limited one, comparatively speaking, and it was not desirable that two companies should start at once. The company should have a reasonable time to inquire as to the best means and methods to be adopted, because, as the Hon. Sir A. H. Palmer had pointed out, great strides were being made from week to week in connection with the use of electricity, and it might be desirable to pause a year or two before ordering machinery and plant to supply the town. He thought the period of three years would probably be too short, but he considered that five years would be a reasonable limit. It was not the company that wanted the limit fixed, but the principal party concerned—namely, the municipality of South Rockhampton, which contained the largest population.

The HON. SIR A. H. PALMER said the Bill had come to the Council from another place, and if the municipality of Rockhampton were so anxious about the matter, he wondered why they did not have the clause inserted before. So far as he could judge, to provide a limit of five years was equal to saying that any other company must stand off the ground, because the old company held the position.

The MINISTER OF JUSTICE said he did not think it would be fair to the municipality of Rockhampton to pass the Bill without the stipulations on which their consent to the Bill being introduced had been obtained. He had already read part of the answer to question 30, asked by the select committee, and he would now read the remainder:—

"They further stipulated that, in the event of the company not introducing the electric light within five years after the passing of the Bill, they should have the right themselves to supply the light."

That had been interpreted to mean that if the company did not make satisfactory arrangements within five years their statutory power would disappear altogether. That furnished a strong incentive to the company to supply the light before the period of five years elapsed, otherwise they would not be able to take the necessary steps for supplying the light in that locality without a fresh Bill, and if they afterwards found it necessary to seek further the power they would not be so well received.

The HON. T. MACDONALD-PATERSON said he thought it would be well to inform those who were not present when he moved the second reading of the Bill, that he pointed out those omissions to the gentleman who had charge of the Bill in another place, and that gentleman requested him to prepare the necessary clauses and have them inserted. At the same time that gentleman expressed his surprise that the provisions in respect to those two points had been omitted. If that interview had not taken place, he (Hon. T. Macdonald-Paterson) would not have taken any trouble in the matter; but having

taken charge of the Bill, and having discovered that those omissions had been made, he felt it his duty to introduce clauses which would give effect to the stipulations made by the municipality of Rockhampton.

New clause passed as follows :—

If the company does not, within five years from the passing of this Act, make arrangements to the satisfaction of the council of the municipality of Rockhampton for supplying electricity for public purposes, the powers conferred by the two last preceding sections shall cease and determine so far as regards the area of that local authority.

On the motion of the HON. T. MACDONALD-PATERSON, the following new clause was inserted to follow the clause last passed :—

Every wire or cord across any road or water above the surface shall be at least eighteen feet from such surface, and the free use of any such road or water shall not be obstructed more than is absolutely necessary.

The remaining clauses, and the preamble, were passed as printed.

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

The report was adopted, and the third reading made an Order of the Day for Tuesday next.

#### WARWICK GAS, LIGHT, POWER, AND COAL COMPANY BILL.

##### COMMITTEE.

On the motion of the HON. B. B. MORETON, the President left the chair, and the House resolved itself into Committee of the Whole, to consider this Bill.

Preamble postponed.

Clauses 1 to 12, inclusive, passed as printed.

On clause 13—"Power to the company to contract for lighting streets and houses"—

The HON. W. F. TAYLOR said the clause gave the company power to declare dividends up to 20 per cent. per annum, before any rebate was allowed. He thought 20 per cent. was a very large dividend, more especially when that 20 per cent. would be to a certain extent retrospective, inasmuch as if the company declared only 5 per cent. the first year, 10 per cent. the second year, 15 per cent. the third year, and 20 per cent. the fourth year, they might go on paying 25 per cent. and 30 per cent. until an average of 20 per cent. from the inception of the company had been declared, and no rebate upon the charges need be allowed until that average had been attained. That was a very heavy interest to exact from the consumers, and he thought 10 per cent. would be quite sufficient; no company had any right to expect more than that.

The HON. W. D. BOX said one object of the Bill was to confer a benefit upon the inhabitants of the town of Warwick, and, of course, the other object was that the company should make money. Twenty per cent. was rather a heavy dividend; but he believed that was the amount allowed in other such Bills. The part he did not like was the proviso at the end of the clause to the effect that the company could increase its dividends until an average of 20 per cent. had been paid. The profits would depend upon the consumption. The first 10,000 feet cost a great deal more than the last 10,000 feet; so that the more the company extended its business the better. He objected to that last proviso.

The HON. B. B. MORETON said he was told, when he took the Bill in hand, that the clause was in the same terms as that in the

South Brisbane Gas Company's Act. In the Maryborough Gas Company's Act the limit was 30 per cent., and in the Rockhampton Gas Company's Act 20 per cent., with similar provisos.

Clause put and passed.

Clause 14 passed as printed.

On clause 15—"Notice to be given of breaking up pavements, roads, etc."—

The HON. W. D. BOX said he wished to know if it would not be necessary to insert a clause similar to that they had inserted in the Rockhampton Gas Company's Bill, requiring the company to lay their pipes between the water tables, so that the pavements would not be cut up.

The HON. B. B. MORETON said they could deal with that when they came to clause 34 of the Bill which applied to electricity; the portion of the Bill they were dealing with applied to gas.

The MINISTER OF JUSTICE said the difference between the two Bills was, that no such stipulations were insisted upon in regard to the Warwick Bill as were insisted upon in the other case. The Committee had insisted upon it in the latter case because it was promised to the Rockhampton Municipal Council.

The HON. W. D. BOX said, was he to understand that the Warwick Company would have the power to lay gas pipes along the footpaths?

The HON. B. B. MORETON said he presumed the corporation would have a word to say in the matter.

Clause put and passed.

Clauses 16 to 34, inclusive, passed as printed.

The HON. B. B. MORETON moved the insertion of the following new clause :—

Every wire or cord across any road or water above the surface shall be at least eighteen feet from such surface. Other free use of any such road or water shall not be obstructed more than is absolutely necessary.

New clause agreed to.

Clauses 35 to 40, inclusive, passed as printed.

On clause 41—"Interpretation clause"—

The HON. B. B. MORETON said he wished to amend the following paragraph in the same manner as they had amended a similar one in the Rockhampton Gas Company's Bill :—

"The words 'private purposes, shall mean and include any purpose whatsoever to which gas or electricity may for the time being be applicable, not being public purposes, except the transmission of any telegraphic message as defined by the Telegraphic Messages Act of 1872."

He moved the omission of all the words after the word "purposes," in the 4th line.

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

Clause 42 and the preamble were passed as printed.

On the motion of the HON. B. B. MORETON, the House resumed; and the CHAIRMAN reported the Bill with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

#### ADJOURNMENT.

The MINISTER OF JUSTICE: Hon. gentlemen,—I move that this House do now adjourn.

Question put and passed.

The House adjourned at 6 o'clock.