Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 4 SEPTEMBER 1900

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LEGISLATIVE COUNCIL.

TUESDAY, 4 SEPTEMBER, 1900.

The PRESIDENT took the chair at half-past 3 o'clock.

PAPERS.

The following papers, laid on the table of the House, were ordered to be printed :—

(1) Report of the Official Trustee in Insolvency, Brisbane, for 1899.

(2) Report of the Government Resident at Thursday Island for 1899.

(3) Report on cost, circulation, etc., of the parliamentary debates.

(4) Proposed resumptions from runs in the unsettled district of Burke ; schedule of lands proposed to be resumed from runs in the unsettled district of Burke, in pursuance of the powers conferred on the Legislature by the 55th section of the Act 33 Vic. No. 10.

(5) Report on the properties of the Lawn Hills Silver Lead Company, Mended Hill, North Queensland.

(6) Report of the Agent-General for Queensland for 1899.

(7) Additional regulation under the Defence Acts, 1884 to 1896.

(8) Report of the Royal Commission appointed to inquire into and report upon certain proposed railway extensions.

PASTORAL LEASES ACT OF 1869 AMENDMENT BILL.

THIRD READING.

On the motion of the POSTMASTER-GENERAL (Hon. J. G. Drake), this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

MEDICAL BILL.

THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Assembly for their concurrence, by message in the usual form.

CENTRAL AND NORTHERN DISTRICTS BOUNDARIES BILL.

MESSAGE FROM ASSEMBLY.

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

LIFE ASSURANCE COMPANIES BILL.

SECOND READING.

The POSTMASTER-GENERAL: This is a Bill to make provision for regulating and controlling life assurance. It commences by repealing the Life Assurance Act of 1879, under which we have been up to the present time working; and it also repeals section 14 of the Married Women's Property Act of 1890. I may explain at once that that section of the Married Women's Property Act repealed the corresponding section of the Life Assurance Act of 1879, and re-enacted the substance of it in another form. It is not necessary now, seeing that the same clause is re-enacted in this Bill, with an alteration to which I shall particularly draw the attention of the Council. The Bill itself is founded mainly upon an English Act, 33 and 34 Vic. c. 61. The second part of the Bill contains provisions for securing the assured. I think there can hardly be two opinions as to the desirability of some provision existing for ensuring that those companies that carry on the business of life assurance shall be in a solvent condition, so that there shall be no fear that the money which should be payable on the death of a person is not forthcoming in consequence of the failure of the company. It is not necessary, I think, to refer to any particular instances. I suppose every hon. member of the Council knows, historically at all events, that there have been cases in which companies have failed, and there can be hardly anything more pitiable or deplorable than the position of the wife and children who find, on the death of their breadwinner, that all the sacrifices that have been made in the past to make provision in case of death have been made in vain. In some countries, as hon. gentlemen are aware, this business of life assurance has been taken over by the State. In others, no provision whatever, as in Queensland up to the present time, has been made for ensuring the stability of the offices. Under this measure it is proposed that the State shall step into the extent of requiring certain provisions being complied with which will show that the company carrying on the business is in a solvent condition. With that exception the whole business of life assurance is left, as it has been previously, to the enterprise of private companies—mutual and proprietary companies. Part II. provides that every company carrying on business in Queensland as a life assurance company shall deposit £10,000 as security. The £10,000 may be paid in cash, or may take the form of securities in the shape of mortgages of freehold land; title deeds of or certificates of title to freehold land in Queensland; or bonds, debentures, Treasury bills, etc.; and there is a proviso that if the security takes the form of a mortgage, it shall only be given to the extent of two-thirds of the value of the land mortgaged. There is also the further provision in the case of companies trading in Queensland where the receipts are more than the expenditure, that of the excess an amount equal to 25 per cent. shall also be paid in as additional security up to the total amount of £15,000. The part goes on to provide for certain returns to be made from time to time by the company, in order to show the character of the business they are carrying on, and the solvency of the company. A statement has to be made at the expiration of each financial year of the revenue account, and of the balance-sheet, and also every year there is to be a statement in the form contained in the sixth schedule—that is, giving particulars of the new policies that have been issued, policies that have been discontinued, the policies existing, and the progress of the business; and once in every five years there must be an actuarial investigation of the affairs of the company, and an abstract of the report of that investigation must be furnished. These statements have to be filed within a certain time with the registrar, so as to ensure that, in the case of these companies carrying on business, the nature of the business they are carrying on shall be known so far as it is necessary that it should be known to the public and those interested. The next clause to which I will draw attention is the 18th clause. That practically re-enacts the similar provision in our present Life Assurance Act, but with a difference. The object of it is to protect the interest of the assured person. The law at the present time provides that the interest of the assured in the policy shall not be liable to be made available for or towards the payment of his debts by any judgment, order, or process of any court, or in any other manner whatsoever. It has been held, however, by the Supreme Court that the expression, "in any other manner whatsoever," does not include a testamentary disposition, and therefore where a man in his will makes provision for the payment of all his just debts, as he usually does, it is considered that under that disposition the interest in his life policy becomes liable for the payment of his debts. The new portion of this clause, therefore, is the 2nd paragraph of subsection 2—

> And no charge for the payment of debts contained in any testamentary instrument executed by the assured, whether before or after the passing of this Act, shall be construed to make the interest of his personal representatives in such policy or the moneys payable under or in respect of such policy available for or towards the payment of such debts.

But there is this proviso that qualifies it—

> Provided that in case of the death of the assured within three years from the date of the policy a sum equal to all sums which have been paid by way of premium on such policy, with simple interest thereon at the rate of five pounds per centum per annum, shall be set apart from the moneys payable under the policy, and shall be available for the payment of the debts of the assured.

The 19th section is the re-enactment of the 14th section of the Married Women's Property Act of 1890. It is practically similar; but it contains also in the 2nd paragraph a provision extending the protection given in clause 18 to a policy *bonâ fide* effected by a married woman upon her own life. Hon. gentlemen will notice also another clause that I believe is quite new—clause 20—which allows a minor of the full age of fourteen years to effect a policy upon his own life, making the minor in that case as competent in all respects as if he had been an adult person. Then there is provision in clause 21 that a policy shall not be declared void on account of the age of the assured having been understated; and it provides also that, supposing the age has been understated, the policy may be rectified so as to make it what it would have been if the age had been correctly stated. Then there are provisions, to which, I think, I need not refer in detail now, dealing with the amalgamation of companies, or transfer of life assurance business from one company to another. There is provision in clause 26 that when an amalgamation of companies takes place, or the business of one company is transferred to another company, every policy holder shall receive the following documents: Certified copies of the statements of the assets and liabilities of the companies concerned in such amalgamation or transfer; a statement of the nature and terms of the amalgamation or transfer; a certified copy of the agreement or deed under which such amalgamation or transfer is effected; and certified copies of the actuarial or other reports upon which such agreement or deed is founded. In the case of the transfer of the business from one company to another that

information is to be sent to every policy-holder in the company which is being transferred to the other; and in the case of an amalgamation, the notice of these particulars is to be forwarded to the policy-holders in each of the companies. That is, of course, to ensure that when it is proposed to transfer to another company the business of a company in which a man has assured his life, the policy-holder shall have every possible means of knowing the conditions under which the business in which he is so much interested is being transferred. In clause 34, it will be noticed that there is a change. Previously, probate or administration might be dispensed with in cases where the amount assured did not exceed £100. That has been the law in Queensland up to the present time. I believe there are very few policies the amount of which is so low as £100, and it is considered that, in view of the expense and difficulty —the expense rather than the difficulty—of taking out probate or letters of administration, it should not be necessary in cases where the amount of the policy does not exceed £300. In that case, the company may make the payment to any person who is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the deceased person, or to any person who proves to the satisfaction of the company that he is entitled to the property of the deceased person under his will. The company may, before making the

[4 p.m.] payment, require the person to give sufficient security, by bond or otherwise, that the money so paid will be applied in due course of administration; and the company, if they like, may pay the money into court in case there should be any dispute as to who are the true beneficiaries. There is a provision in clause 37 in regard to the method of assigning a policy by way of mortgage. The assignment is to be not upon the policy itself, but by a separate instrument, the form of which is given in the 11th schedule; and no notice of any mortgage or trust is to be entered on the memorandum of transfer, or endorsed on the policy, except as regards the column in that schedule headed "Consideration for transfer," so far as it may be necessary to show what is payable as stamp duty. There is another provision that is new; that is, the provision with regard to a lost policy. It is very simple. In case a policy is lost or destroyed a special policy may be issued containing a copy of the policy that has been lost; and before issuing the policy the company is to give at least one month's notice of its intention to do so in at least one newspaper circulating in Brisbane, and in at least one newspaper circulating in the neighbourhood where the policy-holder resides. I think there is nothing more in the Bill in regard to which it is necessary for me to draw attention. It is provided that statements are to be laid before Parliament, and provision is made for the inspection of documents. Then there are penalties for non-compliance with the provisions of the Act. The last clause, which makes the Act apply to all companies and all policies, is the same as one of the clauses of our present Life Assurance Act. The Bill deals with many important matters; and it is fairly compact in form, I think, considering the important subject, and the many matters with which it deals. I think it is a measure which would work well, and would be an improvement on the existing law. I beg to move that the Bill be now read a second time.

HON. A. C. GREGORY: The Bill before us is so exceedingly wide in the scope of its application that it is scarcely possible for us to deal properly with it on the second reading; therefore, it is only possible just to mention certain matters which apply to life assurance generally. It is well known to those who understand actuarial work that it is very different from what is called commercial work; and there is not one insurance company that can bear actuarial examination as to what would be the result if it were wound up at once. In almost every instance they are compelled to work so exceedingly close that the only way in which their accounts show any security for the assured is that the income from new insurances and from a certain class of insurance that never culminates enables them to carry on with the nominal balance at their bankers. As investments go on, they are supposed to carry interest, and in the books they do; but the investments are very often found to be so faulty that they would scarcely produce anything like the amount shown upon the company's books. I am not speaking in regard to any particular company; I am speaking in regard to what has been established, and is well known to actuaries not only in Queensland but in Great Britain, a place where you will find men who thoroughly understand their business, if you know where to look for them. It is under these conditions that I really see no hope of dealing with the Bill in the ordinary course, and I would suggest to the Postmaster-General that it would be much the best course for us to submit it to a select committee, so that we can obtain information from those parties who would be able to explain to us the details of the Bill. Unfortunately, I don't think there is in this House one individual who has had sufficient experience to be able to pronounce definitely upon a Bill of this nature; and if we pass it through in the ordinary course I think we shall be committing a very grave error. Had the Bill been introduced into the other House, where there is a greater number of men who are in active commercial business, it would have been perhaps better dealt with in the first instance; but here I think our only course is to submit it to a select committee. I do not suggest this in opposition to the Bill, but simply as a safeguard.

HON. A. H. BARLOW: There are three things in this—practical matters—which I would suggest to my hon. friend. Fire insurance is only dealt with incidentally in this Bill; and fire insurance wants just as much attention as life insurance.

The POSTMASTER-GENERAL: That is another subject.

HON. A. H. BARLOW: People get hold of a great policy with a lot of engravings, and think they are safe in their houses, when in fact they would be very unsafe. Next I would recommend a *pro rata* deposit according to the amount of the policies issued. For instance, £10,000 would be nothing at all to the Australian Mutual Provident Society. I do not say that the Australian Mutual Provident Society requires any bolstering up by placing a deposit in the hands of the Government, but it would be far better to have the deposit in proportion to the policies issued. Clause 18 seems to give absolute protection to the policy against the sheriff and magistrates, and so on; under the present law there are certain limitations. Those are the only things I wished to suggest to the hon. gentleman.

HON. W. D. BOX: I think the questions involved in this Bill are so far-reaching that it behoves this Chamber to treat the measure most carefully; and I think it should be referred to a select committee so that we might obtain from professional men interested in life assurance and fire assurance—more especially life assurance—information on the subject which we do not possess; and I think the wisest course for us to pursue will be to adopt the suggestion made by the Hon. Mr. Gregory. There is one part of this Bill to which I object. Years ago in this House we have been asked to grant charters to

trustee companies, and when those companies were granted the privileges for which they asked they were told that they must deposit £20,000 in the Treasury in the name of the Treasurer to be held as security for their *bona fides*. I think that was a wise provision. In this Bill it is provided that securities shall be deposited with the Treasurer. The companies can either pay £10,000 into the Treasury, or they can deposit mortgages of freehold land, or title deeds to freehold lands in Queensland, or bonds, debentures, or Treasury bills; and it is provided that in the case of a deposit of a mortgage credit shall not be given to the company for more than two-thirds of the value of the land mortgaged. That will mean the creation of another public office. Skilled officers of the Government will have to be appointed to ascertain the value of those properties as they are brought into or taken out of the Treasury by the various insurance companies. Hon. gentlemen will see that companies trading in Queensland can go to the Treasury with £10,000 worth of mortgages. Who is to arrive at the value? And, bear in mind, this land so mortgaged will be not in Brisbane and its suburbs, but over the whole of Queensland. It will mean the creation of a new and important public office. And those securities will be ever changing. One security may be taken out and another substituted for it, yet each and all must go to the Treasury for inspection. They will not be the same two months together, and the work of examining them must be very great. Under the Trustees Companies Act we require them to deposit £20,000 in Treasury bills, and leave them there. Why should we not make the same request under this Bill for companies trading here, instead of requiring them to deposit mortgages? That is a portion of the Bill I object to. I think we should follow the practice adopted by Parliament with regard to the trustee companies. That, it appears to me, would be much wiser than the system proposed—namely, placing securities in the hands of the Government as a certificate of the *bona fides* of the companies. There are many questions in the Bill which, to my mind, cannot be discussed on the second reading—questions that can only be dealt with by men specially qualified to answer them; and I cannot help thinking that the wiser course for the Postmaster-General to take would be to accept the Hon. Mr. Gregory's suggestion, and submit the Bill to a select committee.

The POSTMASTER-GENERAL (in reply): If no other hon. gentleman desires to speak on the second reading, I wish to say that I have no objection whatever to adopting the suggestion of the Hon. Mr. Gregory and the Hon. Mr. Box, and having this Bill referred to a select committee. My only desire is that it shall leave the Council in the very best possible shape. I would suggest that the Bill, unless there is any serious objection to it—and I infer there is none—be allowed to pass the second reading, and be committed *pro formâ* for to-morrow, and then it can be referred to a select committee; according to the Standing Orders that can be done at any stage before the third reading. In the meantime I will confer with the Hon. Mr. Gregory and the Hon. Mr. Box, and decide upon the composition of the committee.

Question—That the Bill be now read a second time—put and passed; and the committal of the Bill made an Order of the Day for to-morrow.

BUILDING BILL.

Second Reading.

The POSTMASTER-GENERAL: This is a measure the desirability of which has been, for a long time, generally conceded. When a place has not emerged from the village condition it may be safe to allow each owner to do exactly what he likes with his own land, building his house and his outhouses anywhere he pleases, without doing much harm to his neighbours. But as space becomes more restricted, and the character of buildings larger and more pretentious, it becomes necessary that there should be some rule to regulate the class of buildings to be put up in certain localities. The object, of course, is to ensure that some attention is given to health and safety and the convenience of neighbours. Some attempt at regulating the character of buildings has been made under our Local Government Act, but in a great many cases those provisions, I think, have been evaded, and where they have not been evaded they have not been worked so entirely satisfactorily as might be desired. The guiding principle in legislation of this character is that every man shall be allowed to enjoy his own to the fullest extent, so long as he does not infringe the rights of others, or do what is detrimental to the interests of the community generally. The endeavour is to apply that principle to the erection of buildings in certain places. Brisbane is now becoming an important city, and as a great many new buildings are now going up, it seems a desirable time when the law upon this subject should be put on a satisfactory footing. The Bill applies in the first place to the municipalities of North Brisbane and South Brisbane, with a provision that the Governor in Council may at any time proclaim any other municipality, or division or subdivision of a municipality, as under the operation of the Act; and when that is done the local authority may make a by-law declaring a certain portion of their area to be a first-class section, and all buildings there, of a certain character, within that section, must comply with the requirements of this Act. There is also a provision which I should like to make clearly understood; that is, that although the remainder of the division would be a second-class section, any person who desires to put up a building in that second-class section of a certain character must comply with the requirements of the Act. That is to say, though it is outside the first-class section and in the second-class section, if it possesses a certain distinctive character—if the external walls are built of brick or some incombustible material—it must comply with the provisions of the Act. Practically, I think, the operation of the measure will be confined to buildings of the warehouse class, public buildings, and large buildings for residential purposes, such as hotels. The way in which the law will be enforced in this: The local authority is required to appoint a surveyor and a number of persons under him, called here clerks, to assist him in the performance of his duties. When a builder is about to start a new building, or when, having suspended operations, he is going to start afresh, he is, within two days, to give a notice to the surveyor of his intention. The surveyor then makes an inspection to see whether there is anything in his plans that contravenes the Act. The surveyor has also to see, supposing a building is in progress, whether there is anything that is going on that contravenes the Act. If he sees that it is the intention of the builder, according to the plan—which is to be deposited—to do something in contravention of the Act, he serves upon him a notice to that effect. If he finds out that something is being done in contravention of the Act, he serves a notice of the irregularity upon him, and the builder is then compelled to comply with the requirements of the law. If he does not do so within seven days a police magistrate may make an order for him to comply with the provisions of the Act, and if he

refuses to do so, then the local authorities, with a sufficient number of workmen for the purpose, may slip in and do all such things as may be necessary for bringing the building into conformity with the provisions of the Act. I have stated that first in order that hon. gentlemen may understand the method under which it is proposed that the provisions of the Act shall be applied. I would like now to draw attention to the interpretation clause. That gives, in every case, the definition of the expressions which are used throughout the Bill, with the exception of under the heading of "fire-resisting material." Hon. gentlemen will see that the definition of fire-resisting material is given in the second schedule of the Bill. It is so voluminous, and of such a technical character, that it was not desirable to include it in the interpretation clause. It is placed, therefore, in a schedule by itself. I would like hon. gentlemen to look particularly at two of those definitions, because it will have some bearing on my remarks further on. I want hon. gentlemen to see that this measure is not to apply indiscriminately to all sorts of buildings. It only applies to buildings of a certain class. The first is that of a "building of the warehouse class," which is defined to be—

A warehouse, factory, manufactory, brewery, or distillery, or any other building exceeding in cubical extent 150,000 cubic feet, which is neither a public building nor a domestic building.

Then further on, on page 5, we have the following definition of "public building":—

A building used, or constructed or adapted to be used, as a church, chapel, or other place of public worship, or as a school, college, or place of instruction, not being merely a dwelling-house so used, or as a hospital, public theatre, public hall, public concert-room, public ball-room, public lecture-room, public library, or public exhibition-room, or as a public place of assembly, or used, or constructed or adapted to be used, for any other public purpose; also a building used, or constructed or adapted to be used, as an hotel, lodging-house, home, refuge, or shelter where such building extends to more than 250,000 cubic feet, or has sleeping accommodation for more than 100 persons.

I will now refer to the exceptions—the buildings that will not come under the operation of the Act even in a first class section. They will be found in clause 6. They are: Bridges, railway buildings, gasworks, stock buildings, and

Buildings not exceeding in area thirty square feet and not exceeding in height five feet in any part measured from the level of the ground to the under side of the eaves or roof-plate and distant at least five feet from any other building and from any street and not having therein any stove, flue, fireplace, hot air pipe, hot water pipe, or other apparatus for warming or ventilating the same, provided that no portion of the building extends beyond the general line of buildings in any street.

Subsections 6 and 7 make exceptions of—

All buildings and structures not exceeding in height thirty feet, as measured from the footings of the walls, and not exceeding in extent one hundred and twenty-five thousand cubic feet and not being public buildings, wholly in one occupation, and distant at the least eight feet from the nearest street or way and at the least thirty feet from the nearest buildings and from the land of any adjoining owner.

All buildings not exceeding in extent two hundred and fifty thousand cubic feet and not being public buildings and distant at the least thirty feet from the nearest street or way and at the least sixty feet from the nearest buildings and from the land of an adjoining owner.

And there are one or two other exemptions, such as party fence walls, greenhouses, and cases for keeping window plants. The next clauses exempt buildings used for the carrying on of the business of any department of Her Majesty's Government, and buildings for the supply of electricity; and I would particularly direct attention to clause 11, which provides that—

A building, structure, or work erected or constructed before the commencement of this Act to which no objection could have been taken under any law then in force, shall, subject to the provisions of this Act as to new buildings or the alteration of buildings, be deemed to be erected or constructed in compliance with the provisions of this Act.

It will be seen, therefore, that there are a great many exemptions from the operation of this law, and it comes practically to this: that the buildings which will come under the operation of the Act will be large warehouses, large public buildings that are used for factories and purposes of that kind, and large buildings for the purposes of hotels. It will be generally considered, I think, that it is desirable, in the case of those large buildings, that there should be some provision to ensure their stability, and also that they will not be erected in such a way as to interfere with the rights of adjoining owners. We now come to Part IV. of the Bill, which regulates the construction of those buildings to which the Act is specially applicable; but it is hardly necessary nor desirable that I should go through all the clauses relating to that subject. I have already referred to the powers that are to be given to the surveyor appointed by the local authorities, and I now come to clause 32, which provides that—

Subject to the by-laws, walls shall be constructed of the substances, and in the manner, and of not less than the thickness prescribed by this Act, or mentioned in the 1st schedule to this Act.

The 1st schedule is a very long document, and necessarily so, because it deals with [4·30 p.m.] the whole subject of the construction of walls. If a building comes under this Act, it becomes the duty of the surveyor appointed by the local authority to see that the walls of that building comply with the requirements laid down in this 1st schedule. The 1st schedule is divided into three parts. There is the preliminary part, dealing entirely with walls; then there is Part I., dealing with buildings not public, and not of the warehouse class; and there is Part II., dealing with buildings of the warehouse class; then there are a few clauses dealing with a few miscellaneous matters, such as crosswalls. That is a very important part of the Bill, dealing, as it does, with the thickness of the structure of the walls of those buildings. Clause 34 deals with rules as to timber in external walls; and there are other details throughout this part. It deals also not only with the height of party walls and the construction of roofs, but also the means of escape in case of fire. Clause 43 deals with chimneys; and we have provisions dealing with the ventilation of staircases in buildings. Clause 49 deals with the subject of habitable rooms. If rooms are constructed in a building for the purpose of accommodating human beings, they have to conform to certain conditions. There are rules as to party arches over public ways. Then there are provisions with regard to projections over footways; also shopfronts, which are allowed to project a few inches, but not very far; also the projection of bay windows. Then there is the separation of buildings. In cases where buildings are divided into separate portions, the wall separating the building is to be constructed of fire-resisting materials. It deals also with the cubical extent of buildings, and makes provision for the maximum size of any one building. No building is to exceed in extent 250,000 cubic feet. If a building required for any particular purpose exceeds that size it must be divided into separate divisions by party walls; but by the next clause there is provision that on a report of the surveyor and the superintendent of the fire brigade the maximum may be extended to 450,000 cubic feet. Clause 57 refers more particularly to theatres; and I think it is a matter of regret, not only in connection with them, perhaps, but also in connection with other

buildings here, that some measure of this kind has not been in operation hitherto. The clause provides that public buildings are to be provided with floors and staircases, and so on, so as to ensure the safety of the persons who frequent those buildings. The height of buildings is provided for in clauses 62 and from there on. The height of a building, not being a church or a chapel, is not to exceed 100 feet; and there is also a provision here, in order to secure fair play to persons who are owners of land in a block, that where buildings have been raised to a certain height in a block, the owner of land who desires to erect a building in that block may erect his building to the same height as the buildings already erected. The height of new buildings that are put up is to be regulated in this way, no building being put up—except, of course, in the case of a block where buildings are already of a greater height—no building is to be put up of a greater height than the distance from the front wall to the other side of the street upon which the building abuts; and in the case of a corner where one street is wider than the other, the building may be raised to a height equal to the distance from the wall to the other side of the wider street. Part V. contains provisions which may be said to mitigate any harshness that might be considered to exist under the operation of the Act. It provides for special and temporary buildings and wooden structures. In certain cases, where it is considered that Part IV. of the Act is inapplicable, or is inappropriate in the opinion of the local authority, permission may be given to erect buildings for temporary purposes of a special character, without enforcing compliance with the provisions of Part IV. of the Act. Now we come to Part VI., which deals with the rights of building and adjoining owners. According to the interpretation clause, the building owner is the owner of land who is building upon it, the adjoining owner, of course, being the owner of the adjoining land. It must, of course, occur to hon. gentlemen that there will be a great many cases in which a man desires to make the best use of his own land, but cannot do it without encroaching to a certain extent upon the land of the adjoining owner. Take, for instance, the case of a party wall. In that case, if the building owner desires to build a party wall on the line of junction, he has to give notice to the adjoining owner. Supposing he desires to build this party wall entirely on his own land, it will then be necessary for him to take the foundation of the wall—I think it is called the footing of the wall—on to the land of the adjoining owner, in order to put his party wall upon his own land; and provision is made in that case giving the building owner authority to go on the property of the adjoining owner to that extent to put down the footing of his wall. Afterwards, supposing the owner upon whose land the footing of his wall encroaches—if I may use the expression—if he desires to build a party wall he may use the footing wall already erected. Cases also arise in which it is necessary when a man is building upon his own land, for him to take some action to secure the walls that are built upon the adjoining property. For instance, he may wish to start from a lower level than the building already erected; and provision is made in every case to enable the owners of the two properties each to make the best use of his own property, and if necessary to give compensation to the owner of the land whose building he to a certain extent avails himself of. There are elaborate provisions from clause 75 onward for arbitration in case of any dispute between owners and adjoining owners, and as to the amount which should be paid by way of compensation. Of course there are full provisions also in that part in regard to notices that have to be given. Part VII. deals with dangerous and neglected structures. In these cases, where it becomes known to the local authority that any structure is in a dangerous state, the local authority is to require a survey of the structure to be made by the surveyor or some other competent person; and when the local authority has obtained a report stating that any such structure is dangerous or neglected, the owner may be called upon to remove it; and if he refuses, then the local authority may proceed to do so, and may charge the owner with any expenses that may be incurred. Part VIII. deals with dwelling-houses on low-lying land. A person is not allowed to put up dwelling-houses upon land which is so low that it cannot be drained by gravitation into an existing sewer. It is provided, however, that under certain circumstances permission may be given. Then there is provision to enable the local authority to make by-laws for carrying out the provisions of the Act and prescribing penalties. Hon. gentlemen will see that clause 102 deals with the subject of by-laws, which, of course, must be in conformity with, and not repugnant to, the provisions of the Act. There is provision for the imposition of a penalty not exceeding £5 for every offence against the by-laws under the Act, and a daily penalty not exceeding £2 for every day during which the offence continues after conviction; and such penalties are to be recovered by summary proceedings. Part X. deals with the forms of legal proceedings under the Act, and provides how the proceeds of penalties shall be dealt with. Part XI. contains several miscellaneous provisions, such as giving power of entry to the owner to execute work, also with regard to the storing of wood and timber in a first-class section. I think none of the other provisions are of such a nature as to require special comment. The Bill has been considered for a long time to be a desirable one. As hon. gentlemen have seen in glancing through while I have been speaking, it is a Bill that is full of technical details, with regard to many of which I do not profess to have thoroughly mastered them. I trust that the Bill will meet with the fullest criticism in this Chamber, and that when it leaves the Council it will be a measure under the operation of which Brisbane may become a city of which the people of Queensland will have reason to be proud. I beg to move that the Bill be now read a second time.

HONOURABLE MEMBERS: Hear, hear!

HON. A. C. GREGORY: This is another Bill that has got such a vast scope that really I don't see how it can be fairly dealt with at any one sitting or even half-a-dozen sittings of the House; at the same time, I am not going to propose that it should be referred to a select committee. As far as my limited knowledge of these subjects is concerned, I am sorry to say that I cannot agree with the Bill, because it is not by any means adapted to a city of the character of Brisbane, and far less to anything outside to which it may be proposed to extend it. Many of the provisions are altogether impracticable. There are many things that it would be very desirable to adopt; but unless they were worked better than some of the by-laws on some of these points have been worked in Brisbane, I don't think much good would be done. I know a case in which the trustee of a property wanted to put up a small stable. What did they say? "No, you must not put up wood; you must put up brick." He wanted to put up a closet. "No, it must not be made of wood; it must be made of brick." Just outside the fence somebody who is supposed to have influence with the municipal council, put up a large wooden building, and there it is now. There are half-a-dozen more large wooden buildings there. There have been wooden buildings

there for the last twenty years, and they are gradually increasing. That is the way things are conducted. It is the administration that wants a little more attention rather than new laws. This Bill, as far as I can judge, is very well suited for a large English town or one of those large American cities, where it is necessary to define every inch of what a man may do, but when we come to apply it to a place like the municipality of Brisbane, some part of which is still in a wild state, and others built upon with large buildings, the attempt to carry out all the conditions stated in this Bill would prove an utter failure. I have no doubt that about half the provisions contained in this Bill would make an excellent law if the rest were thrown aside. No doubt the intention is good, but how has it been carried out? If you read the Bill and compare it with some of the Acts in force in London, you will find that it contains a lot of transcripts of what is totally unsuited to the conditions here.

The POSTMASTER-GENERAL: A great deal of the English Act has been omitted.

HON. A. C. GREGORY: And unfortunately the remainder appears here in a state of confusion.

The POSTMASTER-GENERAL: I don't think so.

HON. A. C. GREGORY: If the Bill passes its second reading in its present shape it certainly will only be beneficial to the class of persons whose business it is to endeavour to have as many differences as possible between the various parties who may be at issue, while the parties themselves will be likely to suffer. It is hopeless to deal with such a Bill in a second reading debate, though in committee we may find a great deal to do in that direction. Under those circumstances, although I think it may be as well to go into committee, because there we can talk more freely on the different parts of it, I must say I cannot express my approval of the Bill—certainly not as it stands.

Question—That the Bill be now read a second time—put and passed; and the committal of the Bill made an Order of the Day for to-morrow.

The Council adjourned at seven minutes to 5 o'clock.