

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 4 DECEMBER 1902

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LEGISLATIVE COUNCIL.

THURSDAY, 4 DECEMBER, 1902.

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

REDBANK TO BUNDAMBA LOOP LINE AND McQUEEN'S BRANCH LINE.

REPORT FROM SELECT COMMITTEE.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL (Hon. J. Murray), as chairman, presented the report of the Select Committee appointed to inquire into this proposed railway, together with the minutes of evidence and the proceedings of the committee.

Ordered to be printed.

DEVIATION, NORTH COAST LINE, GLADSTONE TO ROCKHAMPTON.

REPORT FROM SELECT COMMITTEE.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL, as chairman, presented the report of the Select Committee appointed to inquire into this proposed railway, together with the minutes of evidence, the proceedings of the committee, and an appendix.

Ordered to be printed.

ADDITIONAL SITTING DAY.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved—

That, unless otherwise ordered, the Council will meet for the despatch of business at 3 o'clock p.m. on Friday in each week, in addition to the days already provided for by Sessional Order; and that Government business do take precedence of all other business on that day.

Question put and passed.

LOCAL AUTHORITIES BILL.

RESUMPTION OF COMMITTEE.

Postponed clause 74—"Alignment of roads in towns"—put and negatived.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved the insertion of a new clause, to follow clause 73, providing for the alignment of roads and the declaration of encroachments.

HON. A. H. BARLOW: Referring to subsection (7), were encroaching buildings to be taken down compulsorily? The general rule was that buildings which encroached must not be repaired. The provision might have very serious effects in the city of Brisbane.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: The clause gave local authorities power to remove a building that had fallen into decay, and compensation was provided for.

HON. A. H. BARLOW: Supposing the Queensland National Bank encroached 2 feet, it would be no comfort to get compensation for having to pull down the building. The clause appeared to open up very serious difficulties.

HON. J. DEANE: The municipal councils had always been called upon to supply the alignment before such important buildings as the Queensland National Bank were started, and once having given the alignment it could not be altered.

HON. A. H. BARLOW: Subsection (6) referred to existing structures, and if they were found to be encroaching they could be pulled down under

subsection (7). Apparently a local authority could make an alignment, and then shear down all the encroaching buildings.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: The clause merely referred to objectionable structures which it was in the interests of the public to remove.

HON. A. C. GREGORY did not see anything particularly objectionable in the clause, except that they would have to pass a special Act to cover many difficulties which would arise. It would require a whole Act to deal with the matter with anything like safety.

HON. A. J. THYNNE: The clause proposed to give power to decide upon the alignment of the streets, and then followed a subsection

providing that no new buildings [4 p.m.] would be allowed. The clause gave the Minister power to deal with property of very great value and raise questions which might involve unlimited litigation. The ownership of 1 or 2 feet might involve the main wall of some of the principal buildings in the city. He did not know that anyone could say whether the Queensland National Bank really encroached on the street or not, and in that respect the city was in a lamentable state of confusion. There was scarcely one of the city blocks that contained the quantity of land laid down on the maps. If a very important building was found to encroach, what would happen? According to the Bill, no new building was to be allowed, but there was nothing to say that such buildings as encroached were not liable to be removed. The statement by the Minister that one of the buildings in a block was out of alignment would injure the value of the whole of the buildings in the block. The clause originally in the Bill said that the building should remain until rebuilt, and then placed at the proper alignment. Some provision of that sort should be inserted.

HON. G. W. GRAY would be very glad if some finality were carried out in reference to surveys in the city. They had been very loosely carried out. After employing one of the best architects and two surveyors he and others had had to pay £300 as compensation for encroachment in a certain case. He ventured to say that if any three surveyors were employed to survey a Queen street corner they would all disagree. He thought the Bill should be put in such a shape as to prevent any such occurrences as he had mentioned.

HON. A. J. THYNNE said that clause 77 of the Bill contained a provision that "no building or structure which at the commencement of this Act is erected so as to encroach wholly or in part upon such road shall be rebuilt, added to, or altered to the extent of one-half thereof measured in superficial feet above the then level of the roadway, except in conformity with this Act;" and in the new clause submitted by the special committee the same thing appeared. That provision for the protection of existing buildings seemed to have been dropped out of the amendment.

HON. A. H. BARLOW said that under that clause if a person proved his title to his land he could be hunted off, but by clause 76 he could get a license to encroach. The old law in Sydney was that an encroaching building must not be repaired, but when it fell down they must go back to the alignment.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said it might meet the difficulty to add to clause 77, when they came to it, the provision quoted from the original Bill by the Hon. Mr. Thynne.

HON. E. J. STEVENS said the clause appeared to offer compensation to owners of land declared to be an encroachment, but it was so worded that it would probably be no compensation at all. A man had to establish his title to his encroachment, and perhaps not one in a thousand would be able to do that.

HON. F. T. BRETNALL said the intention of the clause was not to destroy any existing building, but to prevent any new building being erected with an encroachment after the alignment had been fixed. The difficulty in Brisbane was owing to the imperfect surveys when the place was originally laid out, especially in regard to allotments encroaching upon one another. For years past no large and expensive building had been erected without a special survey being made, so that the owner might be certain that he was building on his own land. There were very few buildings in Brisbane that encroached on the street alignment. There was no danger in allowing the clause to pass as proposed.

HON. W. V. BROWN said the clause might remain without doing very much harm, and he saw no occasion to amend it.

HON. A. C. GREGORY said the real cause of the trouble in Brisbane was that the surveyors, though instructed to lay out the streets in blocks of 10 chains, actually laid it out in blocks of 10 chains 1 link, or one-tenth per cent. too much. That difficulty could not be got over by a clause dealing with it as a general question in a Local Authorities Bill. The biggest encroachment in the city was in the case of the town hall, and the local authority knew it at the time. Existing buildings should be protected so long as it was provided that in future no encroachment should be permitted.

New clause put and passed.

Postponed clause 75—"Plans of subdivisions with new roads to be approved before deposit"—put and negatived.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL proposed the insertion of a new clause to follow new clause 74, "Providing that if at any time before the due alignment of a road any person desires to erect or alter any existing building abutting on such road he shall, on giving thirty days' notice and payment of a fee, receive a certificate of alignment of the road."

Clause put and passed.

Clause 76—"As to building before alignment duly effected"—put and negatived.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved the insertion of a new clause preventing the encroachment [4:30 p.m.] of buildings on roads after the alignment had been fixed, and that in the case of buildings which at present encroached wholly or in part, they should not be rebuilt, added to, or altered to the extent of one-half thereof, measured in superficial feet above the then level of the roadway, except in conformity with the Act.

HON. A. J. THYNNE moved the addition to the amendment of the following words—"and no such building or structure as lastmentioned shall be required to be removed until such rebuilding, addition, or alteration shall take place."

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

Clause 77—"Regulating the distance from the street at which houses shall be built"—put and negatived.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL moved a new clause dealing with new roads on the subdivision of land.

HON. E. J. STEVENS said it might be desirable to have a property cut up, and roads marked off and dedicated, and one of those roads

might not be required for three or four years. The laying out of the road was necessary for the cutting up of the property, and the owner should be allowed to pay a sum of money to the local authority, in order that he might get his plans passed. He moved that after the word "road" the words "on payment of a sum of money" be inserted.

HON. A. C. GREGORY said that if the amendment was inserted they would have to provide what the local authority was to do with the money.

HON. F. CLEWETT said the clause seemed to provide for every emergency which might occur. The owner, under the proposed amendment, would pay a sum of money for the construction of the road; but when the time arrived for its construction the money might not be there. It would be necessary to provide that the money be paid into a trust fund to be used when required.

HON. J. DEANE said the clause made it the duty of the owner to clear, grade, and open up the road, and it was much better that he should do that than pay money to the local authority to lie in their hands for years before it was required.

HON. A. J. THYNNE pointed out that there was nothing in the clause to prevent an owner making an arrangement with a local authority to do that particular work themselves.

Amendment negatived; and new clause put and passed.

Postponed clause 132—"Penalty for rescue"—

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said the clause dealt with impounding, and he approved of it as it stood. It had formed a part of the Impounding Act for many years, and had answered its purpose very well.

HON. A. J. THYNNE said the difficulty over the clause arose from the fact that while it provided for rescue it did not provide for unsuccessful attempts at rescue.

HON. E. J. STEVENS moved the insertion of the words "or attempts to rescue" in the 1st line of the clause.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said he had no objection to accept an amendment of that kind.

Amendment agreed to; and clause, after a further verbal amendment, put and passed.

Postponed clause 150—"Existing gas companies"—

HON. A. J. THYNNE said he had had the clause reprinted in order to show how it would read with the amendments which he intended to propose. The principle of the clause was that it preserved the rights of companies who had gone in for the supply of gas, and made other provision for taking up those companies which had got no Acts of their own, limiting the operation of their concession. By the last paragraph of the clause there was a principle established that a local authority should not enter into competition with a gas company without first buying it out. The amendments he proposed to move would make the clause applicable to all those undertakings provided for in clause 14—electric lighting, hydraulic, and other power. He would first move the omission of the word "special," with a view of inserting the words "or order." That would cover electric lighting and hydraulic power companies. If the principle of excluding local authorities from entering into competition with gas companies without buying them out was a good principle, then there was no reason why it should not be made applicable all round.

HON. P. MACPHERSON presumed that the hon. gentleman, in proposing his amendment, did not intend to interfere with existing rights.

The clause was proposed to be amended in the interests of the Brisbane Electric Supply Company. That was the only company with which a local authority came into competition in the same area. The Brisbane Municipal Council had a subsisting order, and the clause coolly stated that it should not be allowable for the local authority to enter upon the business for which it had got an Order in Council, unless it bought out the other company. That was to say the Brisbane Municipal Council could not use its Order in Council, and Parliament was now asked, by a side wind, to set aside the Council's order. If they did that they would be doing a very great injustice.

HON. A. J. THYNNE: His motive was very much wider than the hon. gentleman gave him credit for. He wanted to see established a sound general principle. In these days there was a disposition to rush into municipalisation, and all he wished to provide for was that that should not be carried out by the sacrifice or confiscation of industries already established.

HON. F. CLEWETT thought it scarcely fair to introduce questions of private interest into that Chamber, nor was it desirable that personal motives should be implied. The hon. gentleman's motive in introducing the amendments seemed to him to be perfectly justifiable. The amendments would have the effect of protecting interests already in existence. He would be no party to prejudicing existing interests.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL was inclined to think that the Electric Light and Power Act of 1896 in a great measure covered the objects the hon. gentleman had in view. Clause 10, subsection (3), said that the granting of an order to an electric authority should not in any way hinder the granting of an order to another electric authority within the same area. No authority could have a monopoly. He understood that the Brisbane Municipal Council had an order to supply light; but they did not put it into execution. Whatever rights it had must be preserved and maintained.

HON. E. J. STEVENS: The Minister seemed to think that the amendment would prevent electric lighting being taken up by a new company. It simply provided that the local authority should not enter into competition with a private company until it had exercised the powers conferred by the clause. He could not imagine that any rights had been given to a person or company by which they would have the sole privilege of supplying electric light.

HON. A. J. THYNNE: With regard to the application of the argument which the Vice-President of the Executive Council had used, he would point out that, on the face of it, the section quoted dealt with the matter; but under the clause there was a modification of the powers given to local authorities prohibiting them from infringing the privileges of the companies that were working under special Acts.

Amendment agreed to.

HON. A. J. THYNNE moved to omit, in the 41st line, the words "gas for lighting purposes;" with the view of inserting the words "light or hydraulic or other power."

HON. A. H. BARLOW asked whether the Brisbane Municipal Council got their order first?

HON. P. MACPHERSON: They got it afterwards, covering the same area and more.

Amendment agreed to.

HON. A. J. THYNNE moved that before "purchase," in line 44, the word "compulsory" be inserted.

Amendment agreed to.

Two consequential amendments were agreed to.

HON. F. CLEWETT said there was no provision in the clause for the payment for goodwill in the event of a local authority purchasing an existing gas company. That was a tangible asset that ought to be paid for. It would be unfair to deprive any company of a business which they had at much trouble and expense worked up into a profitable concern without compensation for the value of the goodwill. He moved to insert after "company" the words "its undertaking with the goodwill of its business as a going concern, and also."

HON. G. W. GRAY said the amendment would apply throughout the whole colony, and it was well known that a large amount of funds belonging to widows and others were invested in the security of gas shares. They therefore ought to be very guarded in dealing with the matter, and dismiss from their minds the fact that the acquirement of such properties as gasworks was simply the acquirement of the property of the gas company itself. He strongly approved of the goodwill of such companies being taken into consideration, because the value of the gas shares, in the majority of cases, arose through the value of the goodwill. If such companies were taken over it was highly desirable to protect the interests of those who had invested money in them, some of whom were dependent almost upon what they drew from the companies.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: The Act did not contemplate anything else but giving full value for the properties. He was quite sure the goodwill would be considered when valuing such properties. He did not think there was any objection to the insertion of the amendment.

HON. A. H. BARLOW: Although the shares of a gas company might be at a premium, that premium really represented a monopoly which, if it were in the hands of the municipality, would mean a reduced price to the consumer.

Amendment agreed to.

HON. P. MACPHERSON moved, on page 48, line 1, after the word "authority," the insertion of the words "other than a local authority which is an electrical authority at the commencement of this Act under a subsisting order." The Brisbane Municipal Council had got an order which covered the area of the Brisbane Electrical Supply Company, and unless the rights of the Council were protected it could not use the order at all. He thought a most impudent attempt had been made to mislead the Legislature. The Brisbane council had their rights, and the Legislature had no business to interfere with them. Their order remained in force until revoked by the Governor in Council, and it was at the very foundation of all legislation that existing rights should be preserved. He felt satisfied that the Council would agree to the amendment he had proposed, which was only right and just. Why should the municipal council be deprived of its rights? Of course, if the order was not subsisting the amendment did not do any harm, but if it was subsisting the council was entitled to the benefit of it. Surely they were not to be deprived of it in the interests of a new company? There was only one case in Queensland where a local authority had come into contact with a private company in the supply of electric light, and that was in Brisbane. The clause seemed to have been specially inserted in the interests of the Brisbane Electric Supply Company.

HON. A. J. THYNNE thought his hon. friend had better be a little more candid and speak out plainly. The hon. gentleman accused him of an impudent attempt to mislead the Legislature. He could tell the hon. gentleman that he utterly disregarded rash and foolish expressions of that sort. He was sorry the hon. gentleman had

spoken in that way. It was not the first time he had said such things, and there was no man in the House who kicked himself more for having made use of such remarks. He regretted, for the hon. gentleman's own sake, that he had made such statements. The hon. Mr. Barlow had asked whether the municipal council got their Order in Council before the Electric Supply Company, and the Hon. Mr. Macpherson corrected the Minister when he said the municipal council had got the order first. He (Mr. Thynne) was interested, and it is well known that he was interested, as the legal adviser of the Brisbane Electric Supply Company for the last couple of years, but he did not see that because he occupied that position, and the Hon. Mr. Macpherson was solicitor for the municipal council, they might not both give the Council the benefit of their experience and knowledge. He saw no reason why they should not deal with the general principle. The hon. gentleman had not stated the date at which the order of the Brisbane Municipal Council had been made, and the time within which the Council was required to put it into operation. [The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL: The order was made in 1899.] And it was to be put into operation within two years, but not one pennyworth of work had been done yet. Not only that, but the ratepayers had forbidden the council to go on with the matter. The company commenced its operations in 1890, and for the last twelve years had been supplying electricity to the city of Brisbane. In 1893 the concern was submerged by the flood, and interfered with so much that the then owners were in financial difficulties, and in the following year became insolvent. In 1895 the men employed by the old concern combined together, took up the work, carried it on—very often on short rations—and had made by their hard work and perseverance a fair and moderate success of their undertaking. In 1895 the Electric Light and Power Act was passed. In 1897 the company took advantage of the privileges given by that Act to legalise under it the undertaking then existing, and they applied for and obtained an Order in Council authorising them to carry on the supply of electricity within the area which they were then supplying. On the strength of that order they extended their works and incurred considerable responsibilities and liabilities. In 1898 the municipal council obtained an Order in Council covering not only the company's area, but the whole of the municipality. He did not know how that was done, but he ventured to say there was a good deal of log-rolling in connection with it. That was an absolutely impracticable order, and the company, knowing that, said nothing about it. The council went on for two years, not having done a stroke of work in the shape of supplying electricity. The period they were to commence to lay down their works was two years, but they had let that pass. They had deprived the city of Brisbane of a fair and proper supply of electric light and power. When Messrs. Wright and Reason came here to take up the question of electric supply in an effective way, with big capital behind them, and were negotiating to take up the work of that little company, they found themselves unable to face the probable competition of the municipal council, with its Order in Council, backed up by the municipal rates. What he wanted to put to the Committee was this: Was it right that the municipal council of Brisbane should be allowed by their irresponsible competition to crush those men out—men who had spent their lives in developing an industry carried on under the authority of an Act of Parliament? He had no objection to municipal enterprise, except when it was accompanied by injustice or

wrong. On that question the municipal council had acted the part of the "dog in the manger." The company had made an offer to the municipal council; they were prepared to clear out at any time during the currency of their order, on payment of a valuation of their business, to be settled by arbitration. But the municipal council were not in a position to purchase; the ratepayers had forbidden it, and yet they wanted to prevent the company from carrying out their order within their own area, which was a portion of Queen street and a portion of George street. He left it to the Committee to say whether the terms were not reasonable, fair, and generous. The company offered to sell out in five, ten, or twelve years, whenever the municipal council desired, but the council were not to have the right to start in opposition to them, and then buy out on arbitration. That was the difference. The municipal council had never done anything towards a serious consideration of the electric lighting question. If they had done anything practical, let his hon. friend say so. He asked the Committee whether it was a fair and reasonable thing that the Brisbane Municipal Council should seek to acquire a perpetual block, and exercise a perpetual dog-in-the-manger policy such as they had exercised for the past three or four years? He did not think any member of the Committee would say, after dispassionate consideration, that that was a fair thing, and yet his hon. friend asked for an amendment which would exempt the municipal council for all time from the provision which it was proposed to insert in the Bill. Although the municipal council had not accepted the company's proposition, the company were ready to carry the arrangement out at any time. There was no desire whatever to put the municipal council in a corner. A principle was asserted in the clause, and it was only fair that the same principle should apply all round. If the hon. gentleman would amend his proposition to make it apply to any local authority that was now supplying electricity, then there could be no objection, but he did not see why Parliament should give protection to a local authority that had neglected its duties and had done injury to its own city by its inaction, and had certainly done a great deal of harm and injury to men who deserved the sympathy, encouragement, and support of Parliament.

HON. P. MACPHERSON was very much surprised at the hon. gentleman's speech. The Committee was asked to constitute itself a jury, and to decide upon matters of fact. He would point out that an Order in Council could be revoked at any time by the Governor when he was satisfied that the terms were not being complied with, but until that Order in Council was revoked, the municipal council had rights under it. It would be a monstrous thing for Parliament to step in and exercise the functions of the Governor in Council upon a question that depended entirely upon the facts of the case. He did not know whether the House would decide whether he or his hon. friend was telling the truth, but he would read a statement of the facts of the case, so far as the Brisbane Municipal Council were concerned. [The hon. gentleman here read a letter addressed by the Town Clerk of Brisbane to the Home Secretary, recapitulating the facts in connection with the municipal council's application for an electric lighting order, its application for an enlargement of that order, and the opposition of the Brisbane Electric Supply Company to the enlargement of the order.] He did not care whether there had been action or inaction on the part of the municipal council. The council had got certain rights. Whether they could enforce them or not was a matter for themselves, but the Legislature ought not to

interfere with those rights. Until the Governor in Council stepped in the order existed, but the Governor in Council could at any time call upon them to show cause why the order should not be cancelled. Why the Legislature should be asked to do it in that underhand fashion he could not conceive, and he trusted that, as a matter of justice, the Committee would save the council's rights, whatever they might be worth.

HON. A. J. THYNNE said the letter read by the hon. gentleman showed that the order was an unworkable one.

HON. A. H. BARLOW: If the Order in Council was such an unworkable thing, what had the existing company to be afraid of?

HON. A. J. THYNNE said that if the words of the amendment were inserted the municipal council would be able to prevent competition for all time. If the hon. gentleman had added a reservation to take action within twelve months, it would have been all right, but even if the Governor in Council rescinded the order the day after this Act was passed, the council would still control the situation.

HON. E. J. STEVENS: If the order was unworkable why should it be allowed to exist? Its only effect was to prevent the formation of companies which would advance the city very materially. In Brisbane there had always been a strong objection to the introduction of anything new. Every opportunity should be given to companies to establish new industries in our midst, and from that point of view the Hon. Mr. Thynne's amendment would be a great benefit to the community.

HON. G. W. GRAY: If the electric lighting of the city had depended on the municipal council there would have been no electric light in Brisbane to-day. It had been established by some working men, who, after years of labour, had at length achieved, in their small way, a fair amount of success, and it would be most unfair now to attempt to deprive them of their rights. If the corporation wanted to absorb the company, let them buy them out at the fair valuation—by arbitration that had been offered. If they were dependent upon the corporation to give them electric lighting, they would never get it. If they wished to acquire the sole right of supplying electric light, then their duty was to buy out that small company.

HON. P. MACPHERSON could not understand upon what principle the House was going to deprive a municipal body of its rights which had been given to it by law. It was a fundamental principle of legislation that vested rights should not be interfered with. He understood that a principle like that was the very foundation of all society. A House was not worth belonging to that would pass such legislation as was proposed.

HON. J. T. ANNEAR very much regretted that he had on that occasion to vote against the amendment of the Hon. Mr. Macpherson, who was held in the highest esteem on both sides of the Chamber, but the hon. gentleman must allow them to adopt those views which they considered most beneficial to the people of the city, and not the views of the Brisbane Municipal Council. The hon. gentleman had referred to the legal rights of the Brisbane Municipal Council, but it had been shown that they had possessed those legal rights for two whole years, and had done nothing whatever under them. As a matter of fact, the ratepayers had forbidden them to go on with the electric-lighting scheme, because they considered they were not competent to manage it. He was acquainted with a good many municipal bodies, but of all the municipal

bodies in Queensland he did not think there was one more incompetent than that of the city of Brisbane. In the matter of electric lighting at least they had done nothing whatever, and would not allow a private company, possessed of all the necessary capital and energy, to light the city and suburbs. Hon. gentlemen were now asked to give a vote to enable the municipal council of Brisbane to continue the same line of policy which they had continued for two years past. Speaking for himself, he would give no such vote. One had only to read the daily Press to see the way in which the Brisbane Municipal Council conducted its business; and he was surprised to see the Press in this city reporting from day to day the rubbishy evidence taken by the council in their endeavour to persecute one man, who had been proved to have more brains than the whole lot of them. The company of working men who at present held an Order in Council permitting them to light a portion of the city, had, by their energy and ability, worked up their business in spite of opposition offered by the municipal council. He had no personal interest whatever in the company; indeed, he only knew one member of it, Mr. Barton, but there was no doubt that the company had been thwarted by the municipal council in every possible way. He had it on the best authority that the company and their friends were prepared to spend £100,000 in lighting Brisbane with electricity. What scheme could the Brisbane Municipal Council bring forward which would induce the public to find £100,000 to be expended by them on a similar object? Private enterprise always succeeded where public bodies such as municipal councils failed, and his advice was that the municipal council should confine itself to improving the streets of the city and cleansing Brisbane, a work they were more suited to than the work of electric lighting. In the interests of the people of the city he would vote against the amendment.

HON. B. D. MOREHEAD was surprised at a remark made by the Hon. Mr. Macpherson in reference to not interfering with vested rights and interests. It appeared to him that many of their reforms in the past had interfered with vested rights, and it was a very good thing that they should do so.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL feared that they were drifting away from the proper business, the discussion having dropped down almost to the level of a private quarrel between the municipal council and the Brisbane Electric Supply Company. It appeared to him if there was an Order in Council in existence, until it was revoked it ought to be respected. If the ratepayers or the Brisbane Electric Supply Company were dissatisfied, they could appeal for the purpose of having the order revoked. If the order was of any value it should be protected, and if it was of no value then the amendment could do no harm.

HON. F. HOLBERTON: He was a gas man, and he objected to selling the property of the gas company in which he was interested to a corporation except on proper terms. He objected to a corporation coming down and saying, "We will give you so much," without the matter being referred to arbitration. For twenty-five or thirty years he had worked the concern in Toowoomba, and paid 10 per cent. all the time.

HON. E. J. STEVENS: Reference had been made to interfering with vested interests. He would point out that there were numerous instances in which that was done. For instance, there were the pre-emptive rights of pastoralists which were interfered with when it was considered that the provision in the law was doing a wrong to the country, and members were

returned who did away with that vested right. In the same way those opposed to the amendment proposed to revoke the Order in Council held by the Brisbane Municipal Council.

HON. P. MACPHERSON again protested against the Council interfering with a private dispute. It was unworthy of the Council to do so.

Question—That the words proposed to be inserted be so inserted—put; and the Committee divided:—

CONTENTS, 6.

Hon. A. H. Barlow	Hon. A. J. Carter
„ F. T. Brentnall	„ P. Macpherson
„ W. V. Brown	„ J. Murray

Teller: Hon. A. J. Carter.

NOT-CONTENTS, 11.

Hon. J. T. Annear	Hon. B. B. Moreton
„ F. Clewett	Sir H. M. Nelson
„ J. Deane	Hon. E. J. Stevens
„ F. H. Holberton	„ W. F. Taylor
„ E. D. Miles	„ A. J. Thynne
„ B. D. Morehead	

Teller: Hon. J. Deane.

Resolved in the negative.

On the motion of the HON. A. J. THYNNE, two further consequential amendments were made, and the words added at the end of the clause, "or has otherwise required the undertaking of the company."

Clause, as amended, put and passed.

Postponed clause 176—"Repair of cellars under roads"—

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said the clause was postponed to hear what the Hon. Mr. Gregory had to say upon it. From inquiries he had made he found that it was the common practice in every town to provide for those cellars, and it would be very awkward if any attempt was made to do away with them.

Clause put and passed.

Postponed clause 197—"Valuation of tramways"—two verbal amendments made.

HON. A. J. THYNNE moved the omission of the words, "one pound ten shillings per centum of the gross earnings of the vehicles of the company running upon such lines," with the view of inserting—

A percentage of the gross earnings during the preceding year of the vehicles of the company according to the following scale, that is to say:—

- When such gross earnings exceed £100,000, at the rate of £1 per centum;
- When such gross earnings exceed £50,000 but do not exceed £100,000, at the rate of 15s. per centum;
- When such gross earnings do not exceed £50,000, at the rate of 10s. per centum.

At the present time the question of tramway facilities in our cities was one of very great importance. Nothing had done so much good in Brisbane as the establishment of tramways. They ought to be established at places like Toowoomba, Gympie, Ipswich, Maryborough, Rockhampton, Townsville, and Charters Towers. But with a rate of taxation of £1 10s. per cent. on the gross earnings tramway extension was impossible. In any one of those towns £25,000 would be a considerable gross earning. Supposing they make £4,000 over the expenses; 1½ per cent. on the gross earnings would be £375, so that practically 10 per cent. of the profits would go to the local authority. In addition to that there would be another 5 per cent. to pay as dividend duty or income tax, or altogether 15 per cent. He did not know of any undertaking which could submit to an impost of that kind and be expected to succeed. The Brisbane Tramways

Company, by an agreement with the corporation, paid 15s. per cent. on their gross earnings of £112,000, which would come to about £800. Under his amendment they would have to pay £1,200 a year.

The VICE-PRESIDENT OF THE EXECUTIVE COUNCIL said he considered the amount stated in the clause a very moderate contribution on the part of tramway companies.

HON. A. H. BARLOW: What the Hon. Mr. Thynne had said might be very true about a small company, but it was not true of an institution like the Brisbane Tramway Company, Limited. To nothing was he more opposed than to letting the means of communication get into private hands. Hon. gentlemen might have noticed that a deputation waited upon the company the other day about cheap trams for girls and men going to and from their work, but although the deputation was influential it did not produce very much effect. He thought the amendment very much in the interests of the company. Why not say "not exceeding one pound ten," and then the municipalities and tramway companies could settle it among themselves.

HON. F. CLEWETT voted in the committee in support of the amendment, and it was his intention to do so again. Of all the developments that had taken place in the city during the past few years the tramways had supplied the greatest improvements and conveniences to the public, and had done more than anything else to improve the value of property. If the city had been dependent upon the Brisbane Municipal Council, conveniences of that description might not yet have existed. The Tramways Company was entitled to every possible encouragement that could be offered to it.

HON. J. T. ANNEAR asked what would be the effect if the tramways belonged to the municipality? He was sure they would never have had the same up-to-date management, and the municipality would have been inundated with applications for billets. The same thing would happen if the trams were in the hands of the Government. Visitors to the city marvelled at the conveniences supplied by the Tramways Company, which were superior to those supplied in many other parts of the world. He had seen many of the tramway systems of America, some conducted by cable, others by electricity, and others by mules. In Denver in 1889, with a population of 85,000, they had a tramway system in which the cars were all drawn by mules. He had never seen a system better conducted than that of the city of Brisbane. The Bill provided that the company should pay £1 10s. per cent. on its gross proceeds to the local authorities. Brisbane was not the only place where trams were required. There were the large cities of Charters Towers (with its 30,000 inhabitants), Townsville, Rockhampton, and Toowoomba, and if they imposed a tax of that kind it would have the effect of stopping further construction of tramways in Queensland. He would have great pleasure in voting for the amendment.

HON. A. H. BARLOW expressed the opinion that the tramway conductors and motormen would be a great deal better off if [9 p.m.] the trams were under municipal or Government control than under the present administration. When he heard the Hon. Mr. Annear speak in such a distrustful way of elective bodies he could not believe it was the same gentleman with whom he sat in the Legislative Assembly in 1888.

HON. J. T. ANNEAR: The Hon. Mr. Barlow, in speaking on a previous occasion, referred to the company refusing to give facilities to poor working girls who were obliged to come into the city, the objection to the present system being

that the girls would have to sit alongside of working men. He would consider himself honoured as a working man by sitting alongside a working girl. He could assure the hon. gentleman that he was the same man whom he knew in 1888, and he had not changed his principles in any way. Could the hon. gentleman say the same? Could he say which of the two had made the greater change in their principles?

HON. A. H. BARLOW said he had repented of his sins and gone back to the liberal principles he formerly held.

HON. A. J. THYNNE pointed out that the Brisbane Tramway Company's fares were the cheapest in the world—they were 40 per cent. lower than in America or any other part of Australia. If the company were heavily taxed it would simply mean that they would pass the taxation on to the people.

HON. E. J. STEVENS asked what was the motive for increasing the charge upon the company? The Government did not intend to endow local authorities to so large an extent in future as they had done in the past, if they did at all, and the increased taxation upon the company might be intended as a means of enabling the local authorities round Brisbane to make up some of the deficiency. He did not think it a fair thing at all. Such taxation would defer, if it did not entirely prevent, contemplated extensions to other suburbs.

HON. J. DEANE: Had great pleasure in supporting the amendment proposed by the Hon. Mr. Thynne. The rate proposed by the amendment would be ample, when it was considered that the trams were the means of taking other traffic off the roads and thus economising expenditure in maintenance. Another reason against the rate proposed in the clause was that it would prevent the extension of tramways. From all points of view he thought the amendment was fair and reasonable.

Amendment agreed to.

On the motion of the VICE-PRESIDENT OF THE EXECUTIVE COUNCIL the clause was further amended, by providing that all sums payable under that section should be recoverable in like manner as rates were recoverable, and agreed to.

First Schedule passed with a verbal amendment.

To the Second Schedule the Navigation Act of 1876, the Criminal Code, and several private railway and wharf Acts were added.

Third Schedule—

Clause 12 was amended, on the motion of the HON. A. H. BARLOW, by the substitution of "ninety-six hours before the hour of commencing the poll" for "four clear days before the polling-day."

Clause 15 verbally amended.

On clause 29—

HON. A. J. THYNNE moved the omission of the question, "Are you now truly entitled to vote as such owner or occupier?" That was a question which anybody could answer any way he liked without committing himself. It might humbug people who did not understand what they were doing, but it would never prevent anybody replying, "I am," because when his name was on the roll he was entitled to vote.

Amendment agreed to.

Clauses 46 and 52 were amended by the omission of the references therein to the free postage of ballot-papers.

Schedule Four agreed to with verbal amendments.

The Council resumed. The CHAIRMAN reported progress, and leave was given to the Committee to sit again to-morrow.

The Council adjourned at twenty-one minutes to 10 o'clock.