

(No. 33.)



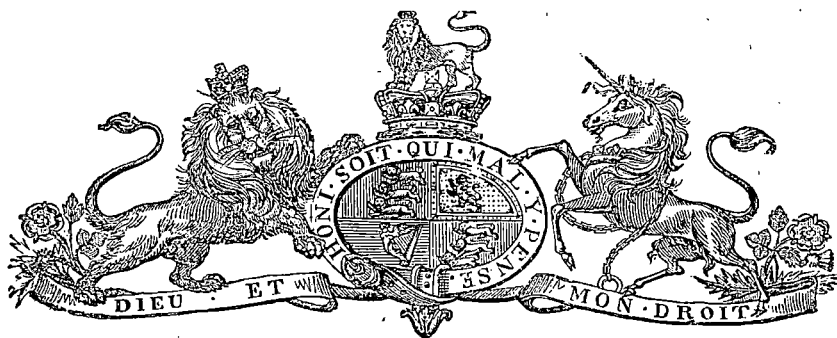
1861.

T A S M A N I A.

P E T I T I O N No. 30.

BILL No. 16. MUNICIPAL COUNCIL OF HOBART TOWN.

Presented by Mr. Davies, and ordered by the House to be printed, 3 September,
1861.



To the Honourable the House of Assembly of Tasmania, in Parliament assembled.

The humble Petition of the Municipal Council of Hobart Town, in Tasmania, in Council assembled.

SHOWETH :

THAT a Bill has been introduced into your Honourable House, intituled "A Bill to confer additional Powers of making Bye-laws upon the Municipal Councils of the City of Hobart Town and of the Town of Launceston, and to appoint the Mayors of such City and Town, respectively, Coroners."

That the Municipal Council of Hobart Town are satisfied with the present Act, which on their election they respectively solemnly declared themselves willing to execute; and while they consider themselves bound to administer it, they do not consider themselves similarly obliged to perform any other Act offered to them in addition to or in derogation of it, and that without their request or assent.

That Municipal Councils are generally the parties who apply to the Legislature for alterations in or enlargement of their powers, and that it is very inconvenient for others to originate measures affecting them without their sanction, or even previous notice.

That the Council are not aware of any necessity for the introduction of the proposed measure.

That, by the present Corporation Act, the Bye-laws which the Municipal Council may make are specified,—relating chiefly to the mode of conducting their proceedings, and the regulation of a few incidental minor matters, that practice and experience may render necessary, or may prompt them to modify or alter.

That the proposed Bill treats the very important subject-matter of it as a Bye-law, to be altered or repealed at the pleasure of the Council; but the Council respectfully submit, that a law like the proposed one—

For the Establishment, Maintenance, and Regulations of Hospitals :

For the Care of the destitute Poor and Sick :

For the Establishment, Maintenance, and Regulation of Asylums for the Protection, Support, and Instruction of destitute or deserted Children; and

For providing for the destitute and infirm Poor :

is of too serious and important a nature to be passed by the mere Resolution of the Council as a Bye-law, though such a measure is provided for by "The Rural Municipalities Act," so far as regards the comparatively small and divided Districts thereby created into Municipalities.

That if such an Act be necessary, it ought not, in the opinion of the Council, to be delegated by the Parliament to the Council to pass, but should receive the usual sanction of the Governor and Houses of Legislature to all its enactments.

That the object aimed at is clearly the establishment of a Colonial Poor Law in Hobart Town and Launceston, with all its requisite buildings, appliances, and officers,—a measure not asked for or required by the Citizens of either place.

That it will occupy a comparatively long time to prepare and mature a plan befitting such an Establishment; and, as appears to the Council, will require the serious and profound consideration of the Legislature before its adoption.

That the passing of the Bill will have the effect of staying the activity and exertions of the Citizens in originating plans or the promotion of measures for alleviating distress, sickness, and indigence, and will assuredly lead to very many applications for relief from parties unworthy of it.

That should the Bill pass, it will, in the opinion of the Council, be imperative on it to endeavour to carry it out, and, if it be not compulsory, it will become a useless and fanciful dead letter, and be disregarded.

That as to the raising of the large funds required to initiate and carry on such a measure, the Bill appears to provide that the Council shall have unlimited powers of taxation; which is so directly contrary to their present power and authority, as to have called forth a decided expression of alarm among the Citizens, —the Council being bound at present not to tax the Inhabitants at more than One Shilling and Sixpence in the Pound for all the purposes of Municipal Expenditure; and even this sum was not granted without the long deliberation of Parliament.

That the Council do not see that Parliament can delegate the power of passing such an Act to the Municipal Council on the pretence and assumption that it is merely a Bye-law.

That the introduction into such a Bill of the appointment of Coroners appears contrary to the Royal Instructions to His Excellency, to see "That each different matter be provided for by a different Law, without intermixing in one and the same Act such things as have no proper relation to each other."

That the Council therefore trust, that some reason may be given why such a Bill is introduced, and that, like every other Act of Parliament, it may be discussed and dealt with by the three Estates of Legislation, as circumstances demand and the public good requires.

HENRY COOK, *Mayor.*