
A BILL

For determining the portions of the Public Debt of New South Wales to be borne by the Colony of Queensland.

[MR. WEEKES ;—7 November, 1861.]

WHEREAS certain portions of the Public Debt of this Colony as Preamble.
subsisting at and up to the period of the constitution of the
Colony of Queensland are to be borne and discharged by that Colony
and it is expedient to determine as soon as conveniently may be the
5 nature and amount of such portions Be it therefore enacted by the
Queen's Most Excellent Majesty by and with the advice and consent
of the Legislative Council and Legislative Assembly of New South
Wales in Parliament assembled and by the authority of the same as
follows :—

10 1. For the purposes of this Act the term "Public Debt" shall Construction.
mean the whole Public Debt of the Colony of New South Wales as
subsisting at and up to the date of the constitution of the Colony of
Queensland.

15 2. The Governor with the advice of the Executive Council shall Appointment of
appoint a Commissioner or Commissioners not exceeding three in Arbitrators.
number on behalf of this Colony to meet any Commissioner or Com-
missioners of like number to be duly appointed on behalf of the Colony
of Queensland for the purpose of determining by arbitration the
several portions of the Public Debt which shall be borne and discharged
20 by the said Colony of Queensland.

3. Before the Commissioners commence such arbitration a Appointment of
person shall be agreed upon and appointed by and under the joint Umpire.
hands of the Governor of this Colony and the Governor of Queensland
to be Umpire as to all questions arising under this Act upon which
25 the Commissioners so appointed on behalf of the respective Colonies
shall be unable to agree.

Powers and duties
of Commissioners
and Umpire.

4. The Commissioners shall hold their meetings at such place in Sydney and at such times as shall be agreed upon between them and they and the said Umpire shall have all such usual powers and authorities of arbitrators as to summoning and examining witnesses upon oath if they think fit the production of documentary evidence and otherwise in all respects as they may deem necessary for the full investigation of the matters referred to them by this Act And the award of the said Commissioners or of such Umpire in writing under their hand shall for all purposes be final and binding upon the respective Colonies.

Award to be final.

Provision for death
&c. of Arbitrator or
Umpire.

5. If any Commissioner appointed for this Colony or if the said Umpire shall die or become incapacitated or shall decline or neglect to act or further act in the matter of the said arbitration before the same shall be completed another Commissioner or Umpire may be appointed in like manner as such original Commissioner or Umpire and so on from time to time *toties quoties*.

Principles of inquiry
and award.

6. The following shall be the principles by which the said Commissioners and Umpire shall be governed in investigating and determining the portions of the Public Debt to be borne and discharged by the said Colony of Queensland that is to say—

Sydney Sewerage
and Water to be a
charge only on New
South Wales.

A. So much of the Public Debt as was incurred and created for the purpose of the works connected with or relating to the Sewerage of the City of Sydney and the suburbs thereof and the supply of Water to the said city and suburbs shall be wholly borne by and shall continue to be primarily a charge upon the Consolidated Revenue Fund of New South Wales.

Public Works
according to actual
expenditure in each
Colony.

B. So much of the Public Debt as was incurred and created for or in relation to any Public Works other than as aforesaid shall be borne and discharged by the respective Colonies of New South Wales and Queensland in the proportions in which public money was actually expended in and about such Public Works within the territorial limits of the said Colonies respectively as fixed at the time of the constitution of the Colony of Queensland Provided that every preliminary survey with a view to the construction of any Railway and all costs charges and expenses of and incidental thereto shall be deemed a Public Work within this paragraph.

C.

C. So much of the Public Debt as was incurred and created How Immigration Debt to be apportioned.
 by or on account of Immigration into the Colony of
 New South Wales shall be apportioned as follows that
 is to say An Account shall be taken shewing on the
 5 Debit side the total number of Immigrants of both sexes
 and of all ages introduced within the territorial limits of
 Queensland at the public expense and the total costs
 (all charges whatsoever being included) of the intro-
 10 duction of such Immigrants And shewing on the
 Credit side the total amount of one clear moiety of
 all moneys which after deducting the cost of survey
 management and sale of Crown Lands within the
 same territorial limits accrued from every such sale
 15 And the balance shewn in such Account if upon the
 Debit side shall be the portion of the Public Debt incurred
 for Immigration which shall be borne and discharged
 by the Colony of Queensland and if on the Credit side
 shall be distributed rateably among and in reduction of
 20 the several portions of the Public Debt to be borne
 and discharged by the said Colony of Queensland
 according to their respective amounts.

D. So far as relates to the Current Revenue and Expenditure Debtor and Creditor Account of Current Revenue and Expenditure.
 of New South Wales and the proportion thereof to be
 borne by the Colony of Queensland the following
 25 Accounts shall be taken :—

First—An Account of all sums of money so far
 as these can be ascertained or computed
 accruing from what source soever as Revenue
 30 from the thirty-first day of December one
 thousand eight hundred and forty-one from the
 territory assigned to Queensland but exclusive
 of such moiety of land sales as aforesaid and of
 any sums arising from duties of Customs.

Secondly—An Account of all sums of public money
 35 not herein otherwise provided for which from
 the same date shall be found to have been
 specifically expended in or upon or on account
 of the inhabitants of the same territory.

Thirdly

Thirdly—An Account of the average numbers during each year from the same date of the population within the territory of Queensland and within the territory retained to the Colony of New South Wales respectively. 5

Fourthly—An Account Current from the same date between the Colony of Queensland and this Colony in which at the end of each such year there shall be debited to the Colony of Queensland such an amount of the expenditure for the 10 general Government of the then whole Colony of New South Wales during such year not herein otherwise provided for as shall be found to have been in proportion to the Queensland population as aforesaid during the same year 15 And in which Account also the Colony of Queensland shall be credited at the same times respectively with amounts of the general Revenue of the then whole Colony arising from duties of Customs during such years respect- 20 ively calculated in like proportion to population.

Fifthly—A Debtor and Creditor Account between the said Colonies in which the Colony of Queensland shall have credit for the total amount shewn by the first Account and shall be 25 debited with the total amount shewn by the second Account and shall be credited or debited as the case may be with the balance of the fourth Account And the balance appearing upon this fifth Account if against the Colony of 30 Queensland shall be distributed rateably among and in augmentation of the several portions of the Public Debt aforesaid to be borne and discharged by the said Colony according to their respective amounts and if in favour 35 of the said Colony shall be carried to the credit of such Colony in like manner as any like balance arising under the aforesaid paragraph marked with the letter C.

7. The said Commissioners and Umpire shall as the bases of ^{Bases of calculations.} their calculations be governed with respect to population by the Census as taken under authority of the Legislature wherever the same may be applicable and where not so then by the Annual Returns ⁵ made to the Colonial Secretary of this Colony and with respect to all other particulars by Reports or Accounts made up or certified by and under the hand of the Auditor General of New South Wales.

8. The several proportions of the Public Debt to be borne ^{How proportions charged and when to be paid.} by the Colony of Queensland according to the award of the said ¹⁰ Commissioners or Umpire together with the interest thereon shall be paid into the Consolidated Revenue Fund of New South Wales six months at the least previously to the respective times when the corresponding debts of which they are respectively portions shall become payable.

9. As security for such payments the Colonial Treasurer of ¹⁵ New South Wales shall receive from the Government of Queensland Debentures for the respective amounts aforesaid corresponding as nearly as may be with the New South Wales Debentures outstanding on account of the respective branches of the Public Debt as afore- ²⁰ said and bearing the same rate of interest made payable at the same periods as the interest on the New South Wales Debentures And the Debentures so to be received shall be payable six months at least previously to the times when such New South Wales Debentures shall be payable.

10. Nothing herein contained shall in any manner prejudice or ²⁵ affect the security of any Debentures issued by the Government of ^{New South Wales Debentures not affected.} New South Wales before the separation therefrom of the Colony of Queensland or the absolute right and claim of any holders of such Debentures to demand and receive payment of the amounts thereby ³⁰ respectively purporting to be secured as well out of the Revenue of the Colony of Queensland as out of the Consolidated Revenue Fund of New South Wales Provided that all such Debentures shall be held to be primarily payable by the Government of New South Wales and payment thereof shall first be demanded therefrom.

11. This Act shall be styled and may be cited as “The Queens- ³⁵ land Debt Act of 1861.” ^{Short Title.}

