Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 29 JULY 1886

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LEGISLATIVE COUNCIL.

Thursday, 29 *July*, 1886.

Pacific Island Labourers Bill.—Pearl-shell and Bêche-de-mer Fishery Act Amendment Bill.—Absence of Members—question of privilege.—Suspension of Standing Orders.—Appropriation Bill No. 1—second reading.—Settled Land Bill—committee.—Patents, Designs, and Trade Marks (Amendment) Bill—second reading.—Labourers from British India Acts Repeal Bill—second reading.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

PACIFIC ISLAND LABOURERS BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to further amend the Pacific Island Labourers Act of 1880.

On the motion of the POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson), the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

PEARL-SHELL AND BECHE-DE-MER FISHERY ACT AMENDMENT BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to amend the Pearl-shell and Bêche-de-mer Fishery Act of 1881.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

ABSENCE OF MEMBERS—QUESTION OF PRIVILEGE.

The POSTMASTER-GENERAL moved—

That the message of His Excellency the Administrator of the Government, bearing date 28th July, respecting the seats of the Honourable Charles Sydney Dick Melbourne and the Honourable Gordon Sandeman, be referred to a Select Committee consisting of the following members, viz.:—The Honourable A. C. Gregory, the Honourable A. J. Thynne, the Honourable F. T. Brentnall, the Honourable W. Horatio Wilson, and the mover.

Question put and passed.

SUSPENSION OF STANDING ORDERS.

The POSTMASTER-GENERAL moved—

That so much of the Standing Orders be suspended as will admit of the passing of an Appropriation Bill through all its stages in one day.

Question put and passed.

APPROPRIATION BILL No. 1—SECOND READING.

The POSTMASTER-GENERAL said: I beg to move that the Bill be now read a second time.

Question put and passed.

The Bill was passed through its remaining stages without discussion, and ordered to be returned to the Legislative Assembly by message in the usual form.

SETTLED LAND BILL—COMMITTEE.

On the Order of the Day being read, the Presiding Chairman left the Chair, and the House went into Committee to further consider the Bill in detail.

On clause 13, which it was proposed to further amend by substituting the word "thirty" for the word "sixty" in subsection (*b*)—

Question—That the word proposed to be omitted stand part of the clause—put.

The POSTMASTER-GENERAL said he would accept the amendment.

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

On clause 14—"Regulations respecting leases generally"—

The HON. A. J. THYNNE said that yesterday he could not find the provision for dealing with the fine received on the grant of a lease, but he had since discovered that it was contained in section 9.

Clause put and passed.

Clauses 15 to 20, inclusive, passed as printed.

On clause 21—"Restriction as to mansion-house, park, &c."—

The HON. F. T. GREGORY said he had no intention of opposing the clause, but, seeing that a manor house had no existence in fact in this part of the world, he would ask the Postmaster-General what was its meaning in law?

The POSTMASTER-GENERAL said the ordinary legal meaning attached to the mansion-house and demesne referred to the main building of the primary owner, occupied by him and his retinue, together with the land adjacent thereto and surrounding the same, and which lands were not let out to tenants or otherwise used or utilised than by the particular owner. That was the common definition of mansion-house and demesne or park. As some hon. members thought the clause unnecessary in a colony like Queensland, he had made inquiries into the matter, which had been well thought out, and it was not only believed, but affirmed by those who ought to know well, that the clause would give the power to save the main building on an estate with a limited area of land round that building. Many cases would happen in time to come where an owner would desire that the old home should not be disturbed, and a certain area of land round the building or mansion should be conserved, as had been done in other countries.

The HON. A. C. GREGORY said that since he referred to the clause on the second reading he had consulted a high legal authority on the meaning of various parts of the Bill. The Bill now before the Committee did away with some of the difficulties he thought would have arisen under the old form in which it was placed before them, and he did not see any objection to the clause being retained.

Clause put and passed.

Clauses 22 to 30, inclusive, passed as printed.

On clause 31, as follows:—

"Capital money arising under this Act, subject to payment of claims properly payable thereout, and to application thereof for any special authorised object for which the same was raised, shall, when received, be invested or otherwise applied wholly in one, or partly in one and partly in another or others, of the following modes, namely:—

(*a*) In investment on Government securities of the United Kingdom or any one of the Australasian Colonies, or on mortgage of unencumbered freehold property in Queensland, or on other securities on which the trustees of the settlement are by the settlement or by law authorised to invest trust money of the settlement, with power to vary the investment into or for any other such securities;

(*b*) In discharge, purchase, or redemption of incumbrances affecting the inheritance of the settled land, or other the whole estate the subject of the settlement;

(*c*) In payment for any improvement authorised by this Act;

(*d*) In payment for equality of exchange or partition of settled land;

(*e*) In purchase of the reversion of freehold in fee of any part of the settled land, being leasehold land held for years, or life, or years determinable on life;

(*f*) In purchase of land in fee-simple, or of leasehold land held for sixty years or more unexpired at the time of purchase, subject or not to any exception or reservation of or in respect of mines or minerals therein, or of or in respect of rights or powers relative to the working of mines or minerals therein, or in other land;

(*g*) In purchase, either in fee-simple, or for a term of sixty years or more, of mines and minerals convenient to be held or worked with the settled land, or of any easement, right, or privilege convenient to be held with the settled land for mining or other purposes;

(*h*) In payment to any person becoming absolutely entitled or empowered to give an absolute discharge;

(*i*) In payment of costs, charges, and expenses of or incidental to the exercise of any of the powers, or the execution of any of the provisions, of this Act;

(*j*) In any other mode in which money produced by the exercise of a power of sale in the settlement is applicable thereunder."

The HON. J. COWLISHAW said he thought an alteration should be made in subsections (*f*) and (*g*), as the words "sixty years" were used there, and they had already reduced the term of lease to thirty years in clause 13.

The POSTMASTER-GENERAL said the hon. gentleman was under a misapprehension; the clause referred to the investment of moneys, the product of sales of settled lands, and it would be much more beneficial to obtain a lease for sixty years than for thirty years. The clause did not refer in any way to leasing by the trustees or tenant for life.

The HON. J. COWLISHAW asked could the Postmaster-General inform him why sixty years was mentioned at all? It had no reference to

any previous part of the Bill, and it appeared to him tnat the clause was for the purpose of enabling tenants for life to buy back a lease or any unexpired portion of it.

The POSTMASTER-GENERAL said the hon. gentleman would observe that that section of the Bill was defining the character of investments that trustees and tenants for life might acquire from the proceeds of settled lands or otherwise. To use the words of the Act, the proceeds might be invested in the discharge, purchase, or redemption of encumbrances; in payment for improvements; in payment for equality of exchange; in purchase of the reversion or freehold in fee of any part of the settled land; in purchase of land in fee-simple, and so forth. If the tenant for life could not obtain land in fee-simple, it was certainly desirable he should be able to obtain leasehold. A tenant for life could not invest in leasehold property where the term of the lease was below sixty years. That was all the clause provided.

The HON. W. FORREST said the Postmaster-General was correct with regard to the difference between that clause and clause 13. The one was a question of investing money that had been realised, and the other was a question of leasing, but there was something in the contention of the Hon. Mr. Cowlishaw. When the Act was framed it provided for the granting of ninety-nine years' leasing, and therefore there was a consistency in buying a lease for sixty years; but he did not feel quite clear that there would be any sixty years' leases to invest in unless it should happen that a man wished to dispose of a sixty years' lease to-day, and another man, who had money to invest, invested it to-morrow.

The POSTMASTER-GENERAL said sixty years referred to the maximum term of any leasehold property in which capital money arising under the provisions of the Act might be invested. The sixty years had no reference to the leases given under the Act itself. Trustees and tenants for life might invest the capital money arising from sales in leases, the unexpired term of which was for sixty years.

The HON. W. FORREST said, notwithstanding the Postmaster-General's explanation, he thought the clause wanted a little more consideration, because it was reasonable to infer that the framers of the Bill would naturally have investments in their minds of the class of property they were dealing with, and the Bill was framed originally to grant leases for ninety-nine years. Now they had reduced that term to sixty years, and if they limited investments to sixty years they might actually prevent trustees from dealing with the very class of property that the Bill was framed to deal with. Subsection (*f*) said:—

"In purchase of land in fee-simple, or of leasehold land held for sixty years or more, unexpired at the time of purchase, subject or not to any exception or reservation of or in respect of mines or minerals therein, or of or in respect of rights or powers relative to the working of mines or minerals therein, or in other land."

While under the Bill there could not be a lease granted for more than sixty years. That was the maximum, and that was the point he wished to draw attention to; they deprived investors from dealing with the very land they were framing the Bill to meet.

The HON. J. COWLISHAW said subsection (*d*) said:—

"In payment for equality of exchange or partition of settled land."

And then, if hon. members looked at subsection (*b*) they would see it was very evident that the reference there was to settled land and not to something outside of it. Then go to clause (*c*). It referred to settled land and not to outside matters, therefore the lease of sixty years referred to land other than settled land—at least he should say so, although he was not a lawyer.

The HON. A. J. THYNNE said there was a great deal in what the Postmaster-General and the Hon. Mr. Cowlishaw said, but they were looking at the clause from different standpoints. The objection taken by the Hon. Mr. Cowlishaw and the Hon. Mr. Forrest might be looked at in this way—they had altered the spirit of the leases which were to be granted under the Bill by reducing the terms, the reduced term being more proper and more likely to be commonly availed of in this country than in older countries. Taking that as a correct view of the case, then he thought it would follow that leases for sixty years would be very uncommon and scarcely to be obtained. They must also look forward a little. In Queensland now they had, by recent legislation, to a great extent curtailed the quantity of freehold estate that would be available for investment in the future; and they lost sight of this point: that under our Land Act the longest lease that could be granted, as he had said last night, for agricultural farms was fifty years, and for grazing farms thirty years. By the clause, if they allowed it to stand as it was, they would publish to the world their opinion that Government leases would not be proper investments for trustees to put trust money into. Now, that was a very serious and far-reaching view of the matter, and he was very glad the Hon. Mr. Cowlishaw had called attention to the clause. He would call the Postmaster-General's attention to this: Whether it would not be right to reduce the number of years, firstly, in view of its being a more proper thing to provide for shorter terms of leases; and, secondly, because of the very short terms for which the lands of this colony were leased.

The POSTMASTER-GENERAL said the hon. gentleman's opinion had thrown a different light upon the matter, he having looked at it from a different point of view altogether; but he (the Postmaster-General) contended that there was no connection whatever between the antecedent term as to the granting of leases and the purchasing of leases. There was not even a collateral connection. The matter under consideration was one of investment—what trustees should do in regard to properties that were entirely outside the Act. The Hon. Mr. Forrest evidently thought that those who had capital moneys to invest would be seeking for the class of investment that the trustees themselves held, but that was not so. The class of investments sought would not be investments in leasehold lands leased under the provisions of the Bill—that was to say, not necessarily. If the Committee desired to give trustees and tenants for life an opportunity of investing in leases to be granted under the provisions of the Bill, then of course the term must be reduced. It would have to be reduced and a minimum stated, for of course leases would not go beyond sixty years. That was a distinction which he wished to point out, and which hon. members would have to bear in mind.

The HON. J. COWLISHAW said the clause said "for the purpose of investing or applying." He took it that the investment of money was dealt with in subsection (*a*), and the applying in the subsequent subsection; but the money was applied by buying back the different things mentioned in the clause, so that the settled land became more valuable to the trustees or tenant for life. He might be wrong in his understanding of the clause, and was open to correction.

The POSTMASTER-GENERAL said if the hon. gentleman would look at the end of subsection (*a*) he would find it said:—

"Or on other securities on which the trustees of the settlement are by the settlement or by law authorised to invest trust money of the settlement, with power to vary the investment into or for any other such securities; in discharge, purchase, or redemption of encumbrances affecting the inheritance of the settled land, or other the whole estate the subject of the settlement."

The HON. J. COWLISHAW said the subsequent clause showed the way in which the money was to be applied.

The HON. W. FORREST said the Postmaster-General did not understand what he intended to convey, and he would repeat it again; but before doing that he must say that he could not quite agree with the Hon. Mr. Cowlishaw, that subsection (*e*) governed subsection (*f*).

The HON. J. COWLISHAW: I did not say so. I quoted clause (*e*) as an explanation of the meaning of clause (*f*).

The HON. W. FORREST said subsection (*e*) said that money might be invested—

"In purchase of the reversion or freehold in fee of any part of the settled land, being leasehold land held for years, or life, or years determinable on life."

But subsection (*f*) stood on its own bottom altogether. With regard to the point which he explained before, he said that in dealing with settled lands that were referred to in subsection (*e*) it was a reasonable inference that the framers of the measure had in mind the very class of land that they were legislating for, and if the clause was passed as it stood investors would be deprived of the very investment which the framers had in mind, for how could one invest in a sixty years' lease if there was no such thing? One could not invest in what did not exist, and as they had already struck out ninety-nine years and put in sixty years, it was necessary to alter the clause so as to make it harmonise with the amendment they had made in clause 13.

The HON. A. J. THYNNE said the Committee ought not to do anything which would tend to reduce the value of the leases created under the Act. If they did, the effect would be a loss to the people interested in estates. It was a small thing that sometimes affected the value of property, and if they passed the measure in such a form as to exclude all the leases under the Act from being available as securities under the Act they would put a serious mark against them as marketable securities. It was almost essential that the term should be reduced.

The HON. F. T. GREGORY said he thought the Committee ought to reduce the limit provided in clause 31 so as to bring it into harmony with the previous part of the Bill.

The POSTMASTER-GENERAL said the discussion had brought out just what he had hoped it would bring out—namely, that the Hon. W. Forrest was not correct in stating that the subsection referred only to lands within the scope of the Bill.

The HON. W. FORREST said the Postmaster-General was in error. He stated the thing twice over, so as to make the hon. gentleman understand. He knew very well that trustees were not limited to lands referred to in the Bill. So far from saying they were limited to them, he tried to point out to the Hon. Mr. Cowlishaw that he was wrong in taking that view.

The POSTMASTER-GENERAL said that the matter of the term was one of opinion, and he was glad to have the opinion of hon. members on the subject. He believed it would be more in harmony with the provisions of the former part of the Bill to reduce the term, and he therefore moved that the word "sixty" be omitted with the view of inserting the word "forty."

The HON. W. FORREST said the Committee ought to see that no lease or security which might be granted would be excluded by the clause.

The HON. A. C. GREGORY said that, though he was quite in accord with the amendment, he thought it would be better to look back a little and see the real position of the question. The amendments made in clauses 13 and 31 only reduced the power of the tenant for life. The Committee had not touched clause 17, which permitted leases for any period up to perpetuity, but the tenant for life would not be able to grant such leases without obtaining the consent of the court. He thought it better to pass the amendment, because it would harmonise with previous amendments without doing any harm to the general provisions of the Bill.

The HON. A. J. THYNNE said that in clause 13 the power of the tenant for life was limited. The opinion of the Hon. W. Forrest was that the Bill ought not to exclude any lease coming under its provisions from being available as a security; but considering that the tenant for life might give a lease for a very short term, he was sure that the hon. gentleman did not desire that those short leases should be available as securities for trust moneys. They were not the proper investments for trust moneys. A reasonable length of time might be fixed as the minimum term of lease which trustees should take as security. He was inclined to think the number of years proposed by the Postmaster-General rather too high, because for really eligible securities the term of sixty years would be very rarely fixed. The common term was not much more than twenty-one years; and comparing the value of a twenty-one years' lease with that of a sixty years' lease he did not see very much difference between the two as a security. Actuaries would assure anyone, and the Hon. Mr. Gregory had pointed out that the difference between a fourteen years' lease and a sixty years' lease in point of security was very trifling. Instead of forty years he would like to see twenty-one years substituted, because that was a term more within the reach of ordinary business transactions at the present time.

The POSTMASTER-GENERAL said that no doubt a twenty-one years' lease was very common in the colony, but he knew of a large number of thirty-three years' leases and one of fifty years. The reason was that when a long lease was given the lessors required that the buildings should be of a much better character. As a city got older the buildings required to be of a more substantial type, and as they cost much more money a twenty-one years' lease was too short altogether. It was very well in one's private capacity to take a twenty-one years' lease and put up a nondescript building which would last merely for a lifetime, but that would not do when dealing with trust moneys. Having that in view, they went pretty low in fixing the term at forty years. In Sydney and Melbourne sixty years' leases were as common as eggs, and buildings were put up of a character just as good as if the owners of the land were putting them up, without any stint of money whatever. He knew of some buildings in Brisbane put up on land leased for twenty-one years, and he was ashamed of their construction, and the materials used. In the case of one or two

apparently substantial buildings the bricks were so bad that they appeared ready to become disintegrated, even by exposure to the weather. Those buildings were not a credit either to the architect or to the man who had the lease. It was no credit to anyone to put up such rubbishy buildings with such rubbishy material. The matter was one for the intelligent judgment of hon. members. It rested with them, as men of the world with experience in life, to say whether they should give facilities to trustees and life-tenants to invest on what would be termed less valuable securities than they would otherwise invest in if they did not limit the minimum term under which capital money should be invested under the Act.

The HON. A. J. THYNNE said he thought the Postmaster-General had mistaken the tendency as regarded the value of leases compared with the progress of the place in which they were granted. If they compared the cost of the buildings with the cost of the lands as a city grew, the cost of the buildings decreased while that of the land increased very much. If a tenant agreed to put up a building of a specified value on property of extremely great value, it would pay to lease that for a short time better than a property outside the city. In Sydney a good many excellent buildings were put up in the main streets on twenty-one years' leases. Some of the handsomest buildings there were put up by insurance companies and others on very short leases. He wished to point out now that fixing the term at forty years would have the effect of excluding one of the classes of Government leases from investment —namely, grazing farm properties. He did not know whether the Government were prepared to take the responsibility which was implied in refusing to allow those lands to be regarded as special investments.

The POSTMASTER-GENERAL said he would take the responsibility with pleasure.

The HON. F. T. GREGORY said the Hon. Mr. Thynne need be under no apprehension in regard to trustees venturing to invest trust moneys on any Government leases. They would only invest them in buildings and permanent improvements from which rents could be derived, and not on holdings of an uncertain character obtained from the Crown. Very few trustees would venture to invest in them, especially as they were subject to varying rents.

Amendment put and passed.

The HON. F. T. GREGORY pointed out that a consequential amendment was necessary in subsection (*g*).

The POSTMASTER-GENERAL moved that the word "sixty" in subsection (*g*) be omitted with a view of inserting the word "forty."

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

Clauses from 32 to 39, inclusive, passed as printed.

On clause 40, as follows:—

"When the tenant for life is the sole trustee of the settlement, or the tenants for life, being two or more, are the sole trustees of the settlement, the powers conferred by this Act on a tenant for life shall not be exercised without the sanction of the court."

The HON. A. J. THYNNE said he had an amendment to propose which was intended to meet what might be a numerous class of cases under the peculiar provisions of the Real Property Act. It was intended to provide that where property was held under the Real Property Act, not in the name of a trustee, it should be necessary for the party endeavouring to exercise the powers under the Act that he should have the sanction of the court before he could do so. He considered that a most important amendment, as it would give a large amount of protection to people interested in lands held under the Real Property Act, which were really the bulk of the freehold estate in the colony. He would propose some further amendments in Part IX. in furtherance of the scheme. Under that part he would propose that where one person was the registered proprietor of the whole of an estate he alone should be treated as the trustee of the settlement. Under the Real Property Act there was a position capable of being taken up which under the English law of real property could not exist. One person might be registered as a proprietor in one estate for a term of years or for life, and another person could also be registered as a trustee in remainder. If the Bill were left as it stood now under clause 70, subsection 1, both would be regarded as trustees of the settlement. What he wished to propose would have this effect: Where persons were registered for the whole of the fee-simple they would be treated as trustees, but the registered owner would not be treated as a trustee if he was only registered as the owner of part of the estate vested in him; so that if two persons held property for two distinct interests, it would be necessary for one person who wished to exercise the powers of a trustee to obtain the sanction of the court. Otherwise serious trouble might arise. He might mention that he had communicated with the hon. gentleman who had the credit of having had most to do with drafting the Bill, and he quite approved of the amendment, which he considered would be a considerable improvement to the measure. He moved that after the word "settlement," on line 50, the words "or there is no trustee of the settlement" be inserted.

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

Clauses 41 to 48, inclusive, passed as printed.

Clause 49—"Protection of each trustee individually"— passed with a verbal amendment.

Clauses 50 to 69, inclusive, passed as printed.

On clause 70, as follows:—

"In the application of this Act to settled land held under the provisions of the Real Property Act of 1861 the following provisions shall have effect:—

(1) The registered proprietor, or the registered proprietors, if more than one, shall be deemed to be the trustee or trustees of the settlement;

(2) Where under this Act any power or authority is conferred upon a tenant for life, then upon the written request of the tenant for life, and upon the performance by the tenant for life of the conditions imposed by this Act upon the exercise of such a power or authority by a tenant for life, the registered proprietor or registered proprietors shall have and shall and may exercise that power or authority;

(3) Where under this Act any instrument is to be executed by a tenant for life in order to the exercise of any such power or authority, that instrument shall be executed by the registered proprietor or registered proprietors, and such execution shall have the same operation as the execution of such an instrument by a tenant for life is declared to have under this Act;

(4) A registered proprietor or registered proprietors executing a power or authority in accordance with the provisions of this Act upon the written request of the tenant for life, or with the sanction of the court if, being the tenant or the tenants for life, he is himself or they are themselves the sole trustee or trustees of the settlement, shall not by reason thereof incur any personal liability to his or their beneficiaries or to any other person, and no such registered

proprietor or registered proprietors shall, for the purpose of executing any such power or authority or complying with any such request, be bound to enter into any personal covenant or contract;

(5) Where under this Act it is provided that land shall be conveyed to any uses or trusts, that expression shall be taken to mean that the land shall be transferred to trustees, and shall be held by them as trustees upon such uses or trusts;

(6) Where under this Act it is provided that a contract made by a tenant for life shall be binding on the settled land, that expression shall be taken also to mean that the contract shall be binding on the registered proprietor, and that he shall be bound to give effect thereto in the same manner as if he had made it himself, subject, however, to the provisions of this Act;

(7) In this section the term 'registered proprietor' includes any person possessed of or entitled to any charge upon land;

(8) The term 'deed' shall include any instrument executed in pursuance of the provisions of the Real Property Act of 1861."

The HON. A. J. THYNNE moved that subsection 1 be omitted with a view of inserting the following new subsection:—

If any person or persons is or are the registered proprietors of land forming an estate in fee-simple in possession, such person or persons shall be deemed to be the trustee or trustees of the settlement.

Amendment agreed to.

The HON. A. J. THYNNE moved as a further amendment that subsection 7 be omitted.

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

Clause 71 and preamble passed as printed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair and reported the Bill to the House with amendments.

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

PATENTS, DESIGNS, AND TRADE MARKS (AMENDMENT) BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—At this late hour, and as it is not intended to sit after tea, I think a few words will be sufficient from me in reference to the subject-matter contained in this Bill—a Bill to amend the Patents, Designs, and Trade Marks Act of 1884. That Act, as is well known, is a copy of the law as it existed in England when the Bill was introduced in 1884, but since then it has been found in practice that doubts have arisen from time to time in the old country in regard to several features in the Act—not many, but still the doubts have arisen, and it has been found wise to remove them, and legislate on the subject. This colony is now following suit, as it is believed that difficulties will arise if the Act is not amended. Already there are difficulties or misinterpretations alleged by patentees and others with respect to the working of our law, and also with respect to the interpretation of various clauses in the Act of 1884. I do not think it is worth my while to call your attention to any specific matter in this Bill, as the matters dealt with in it are exceedingly plain. There is one clause—No. 4—which is in the new Imperial Act, and which protects the patentees from any appropriation of their inventions in case the patent may be abandoned or deferred through any cause whatever after it has been brought up for registration. I think that is a very wise provision indeed, because the general public should not have access to the evidence of the brains or skill of the intended patentee. Then clause 6 sufficiently and copiously deals with a matter in regard to which doubts have arisen here, and it is felt that when it becomes law there will be no further difficulty or trouble; in fact these amendments will make the Act so plain that he who runs may read. I will say nothing more on the subject at this moment, but will content myself with moving the second reading of the Bill.

The HON. A. C. GREGORY said: Hon. gentlemen,—I have had some little experience in the working of the Act of 1884, and I fully concur with the remarks of the Postmaster-General that this Bill should be passed in order to amend certain details which are necessary to render the existing law more effective. There are, however, one or two points which I think in committee it may be desirable that we should take into consideration, one of which is contained in clause 4, to which the Postmaster-General has alluded. Cases occur where a provisional specification is lodged by one individual, and subsequently a complete specification by another, and a doubt has arisen whether the person who lodged the provisional specification or the person who lodged the complete specification should have a right to the invention. That doubt has now on good authority been set at rest under the existing Act, which gives applications for patents procedure irrespective of the kind of specification, and I think the settlement is satisfactory. Again, in clause 5 I think some amendment should be introduced, which would put an end to a very anomalous state of affairs. A person in the colony gets information from someone in England that he has discovered something new, and in order to patent it in this colony the person to whom it is communicated has to make a declaration that the invention has been communicated to him from abroad, and that he is the true and sole inventor. Well, that of course is an anomaly that we ought to clear up, but as the Bill stands there would be considerable difficulty in patenting that invention in this colony at all. I think it is desirable that no obstruction should be put in the way of persons who, perhaps, may have entered into partnership with the original inventor. Another point which should be looked to is with regard to the fees paid for the lodging of provisional and complete specifications. At present when a provisional specification is lodged £2 is paid upon it, and if a complete specification is lodged £5 is paid upon it; but having lodged the provisional specification and paid £2 upon it a person may lodge the complete specification by paying £3 more. So far that is reasonable enough, but the effect of that is to fully if not more than double the work in the office. The books have to be kept open for nine months, and references have to be continually made backwards and forwards, thus increasing the work to a very great extent. I think the fee for lodging a provisional specification might well be raised to £3, or for lodging a complete specification to £4. Even then no profit would be made in the office, but I think it would be desirable to make that amendment in order to encourage persons to lodge complete specifications at once. I do not think there is anything more at present that I need refer to, as in all other respects the Bill is one that will be exceedingly useful.

Question put and passed, and the committal of the Bill made an Order of the Day for Wednesday next.

LABOURERS FROM BRITISH INDIA ACTS REPEAL BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—To say that the country has looked forward for some considerable time to the repeal of the Acts relating to the introduction of labourers from British India, as provided in the measure now before you, is to understate the question. The matter is one that has occupied the minds of the great bulk of the population of this country for many years, and more especially at the last general election, when previous opinions and the result of anterior elections were fully confirmed by the verdict of the country in regard to this question. The history of the law as it exists is pretty well known to everybody—at any rate, to all old colonists. I remember when the law of 1862 was passed and placed on the Statute-book, and I know it was a question seriously debated as to whether it was a measure suited to the hopes and aspirations of this young country. Those who held that opinion were in a great minority at the time, and their efforts to prevent this Act of 1862 passing were fruitless. However, luckily for the colony, its provisions have never been availed of as far as I remember. I do not think it worth while to take up the time of the House with any lengthy remarks. It seems to be regarded as a foregone conclusion that there will be no opposition to wiping these laws off the Statute-book; but I may refer to what the Indian Government requires in case it is desired by anybody in this country to introduce coolies. We should have to pass regulations to be approved by that Government, and there are other matters to which I might refer, but I think I have said sufficient to enable me with confidence to move the second reading of the Bill, feeling sure that it will meet with no serious opposition. I beg to move that the Bill be now read a second time.

The HON. F. T. GREGORY said: Hon. gentlemen,—I do not rise with the intention of opposing the second reading of the Bill, but I shall possibly have a few words to say upon it when we are in Committee; not because it is a Bill with clauses to be amended, but because I wish to speak in reference to the action I took some years ago when the question of the repeal of these Acts was brought before this Chamber. I then took a prominent part in helping to reject the repeal, my reason being that I could not see any benefit to be derived from wiping the Acts off the Statute-book. They made provision for the employment of coolies in the colony under certain conditions, without which grave irregularities might arise. The altered circumstances of the colony, however, do away, to a great extent, with the objections I then raised. It seems now to be generally accepted that in the present condition of the colony coolie labour, particularly in the southern parts of Queensland, is inapplicable to its requirements, and consequently the Acts may just as well be repealed. Even if at any future time fresh light is thrown on the subject, and it is found absolutely necessary for a certain class of agriculture in the northern parts of Queensland that coolie labour should be introduced, it will be far better to have a fresh enactment drawn upon lines more suited to the then requirements of the colony.

The POSTMASTER-GENERAL: Hear, hear!

Question—That the Bill be now read a second time—put and passed.

Committal of the Bill made an Order of the Day for Wednesday next.

The House adjourned at eight minutes past 6 o'clock.