Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

### WEDNESDAY, 27 JULY 1887

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# LEGISLATIVE ASSEMBLY.

*Wednesday*, 27 *July*, 1887.

Message from His Excellency the Governor.—Vote on Account.—Formal Motion.—Suspension of Standing Orders—Ways and Means.—Audit Act Amendment Bill—first reading.—Supply.—Ways and Means.—Appropriation Bill No. 1.—Copyright Registration Bill—committee.—Criminal Law Amendment Bill—committee.—Valuation Bill—committee.—Adjournment.

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

## MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

### Vote on Account.

The SPEAKER announced the receipt of a message from His Excellency the Governor, recommending that provision be made out of the Consolidated Revenue Fund for the sum of £250,000 towards defraying the expenses of the various departments for the year ending 30th June, 1888.

On the motion of the COLONIAL TREASURER (Hon. J. R. Dickson), the message was referred to the Committee of Supply.

## FORMAL MOTION.

The following formal motion was agreed to :—

By Mr. BAILEY—

That there be laid upon the table of the House,—

1. Copy of all reports of Crown lands rangers on the cutting and removal of timber from Crown and selected lands in the Gympie and Maryborough districts, and in the Isis and Gregory portion of the Bundaberg district, from May, 1886, to May, 1887.

2. Copy of all correspondence between the parties concerned and the respective commissioners.

3. Copy of instructions given by the said commissioners to the Crown lands rangers in reference to dealing with timber-getters or selectors having timber on their selections.

## SUSPENSION OF STANDING ORDERS.

### Ways and Means.

The COLONIAL TREASURER, in moving—

That so much of the Standing Orders be suspended as will admit of the immediate constitution of the Committee of Ways and Means, and of reporting resolutions of the Committees of Supply and of Ways and Means on the same day on which they shall have passed in such committees; also of the passing of a Bill through all its stages in one day—

said : Mr. Speaker,—I believe this motion was called "not formal," and I suppose it was so called with the desire to get some expression from the Government as to the extent of the vote this resolution is to cover. It is intended, as I have already intimated to the leader of the Opposition, to ask for a vote on account, seeing that we are at the end of the first month of the financial year, and that vote will be to the extent accorded the Government during the last two or three years—namely, £250,000. I may assure hon. members that the expenditure under that vote will not exceed the basis of appropriations which have been voted upon the Estimates of last year. I take this opportunity of saying that early after the end of this month, as early as practicable in August, I trust to have the Financial Statement delivered. I desire to see the month of July concluded before delivering that Statement.

Mr. MOREHEAD said : Mr. Speaker,—The Colonial Treasurer knows that there is no intention on this side of the House to do anything that may interfere with the proper transaction of Government business. Although regretting very much myself that this practice, adopted almost solely by the present Government, of coming down year after year to ask for a vote on account before the Financial Statement is delivered, is to be continued this session, I do not propose to offer any serious objection to it, but I think we should have some more definite information as to when the hon. gentleman will deliver the Financial Statement. He speaks of some time in August, as soon as he is ready. We know very well according to the Governor's Speech that the Estimates are already framed, and therefore I cannot see why there should be such a prolonged delay in making the Financial Statement, which is so much looked forward to by every member of the House. I think the hon. gentleman could now tell us almost to a day when he will be prepared to make that Statement to the House. This is really a very bad system we have drifted into, and the hon. gentleman tells us that for the last two or three years this course has been adopted. Well, we know it; and we know, as I think the hon. gentleman also knows, that it is a bad one. But there is no reason why, because we have done what was, to my mind, a wrong thing during the last two or three years, we should continue in the same course. I know there are exceptional circumstances which led to the House meeting later this year than was probably otherwise intended, but I think that should have been an additional incentive to the Colonial Treasurer to be ready with his Financial Statement as early as possible after the House met. The delay in the return of the Premier, and the consequent delay in the meeting of Parliament, is no real excuse for the Treasurer not being prepared with his Financial Statement. The absence of the Premier should not have interfered with the preparation of the Statement, except perhaps as regards some fiscal arrangements necessitated by the exigencies of the Government on finding themselves in a bigger hole than they thought they were in, which may have made the presence of that astute statesman necessary before the Government could determine as to how they should make both ends meet. I hope the Colonial Treasurer will see his way not to leave the position so vague as it is at present—that is, giving himself a whole month for the delivery of his Statement. I think that if he tells us he will make it in the first or second week in August, that will be more satisfactory to the House, and certainly more satisfactory to the country, than the statement he has just made.

Mr. NORTON said : Mr. Speaker,—I should like to say a few words with regard to this question, not with the view of putting any obstruction in the way of the hon. gentleman getting the vote he wants, but because I think it is most important in a proceeding like this, which is a most unusual one, to point out the difference between the circumstances we are now placed in and those in which a vote on account has been given before. Never before this year, so far as I am aware, has a vote on account been asked when the Treasury showed a deficit. Last year there was a balance to credit—a slight surplus or an apparent surplus. I believe that on no occasion before has a vote on account been asked for after the end of the financial year when there has been a deficit. If there has been it must have occurred a very long time ago ; and I do not remember the circumstances. This year we have met later than on any previous occasion. Of course, when the McIlwraith Government called the House together as late as July, we were very much condemned by hon. gentlemen who now sit on the Government benches, and it was said to be an iniquitous thing to delay the meeting of Parliament so long. But by some

extraordinary set of circumstances the present Government have never called the House together sooner in any one year during the time they have been in office. Last year we met later than on any previous occasion, and this year we have met later still. I would point out the necessity for the Colonial Treasurer making his Financial Statement as early as possible, because we are now asked to vote this sum of money for two months' supply without knowing how the deficit is to be made up. It is very important that we should know that, as, if fresh taxation is to be imposed to make up the deficit, it is desirable that an explanation should be given to the House before the money is voted, because hon. members may be very much more inclined to cut down the Estimates if they know that fresh taxation is to be imposed. At the present time we know that there was a deficit, according to the hon. gentleman's own showing, of £410,000 on the 30th June. We know, too, that about £28,000 of the money borrowed was used to pay interest on the last issue of debentures. The hon. gentleman may defend that on the ground that it was part of the cost of floating the loan; but I would point out that when another loan is introduced this £28,000 will have to be included in that loan to make up the present deficiency. These are unusual circumstances, and I think that the House is bound to press the Treasurer to make his Financial Statement at as early a date as possible, in order that we may know what we are doing before we commit ourselves to expenditure which we may find ourselves bound to cut down.

The COLONIAL TREASURER said: Mr. Speaker,—I will just remark, with reference to what has fallen from the hon. member for Port Curtis, that if he refers back to "Votes and Proceedings" for 1879 he will find there that when a large deficiency was represented in the Treasury by the *Gazette* returns of 30th June, the Government of the day—a Government composed of members from his own side of the House—at the end of July asked for an Appropriation Bill on account; so that we are not wanting in precedents in asking for a vote on account when there is a deficiency. However, I am not going into the Financial Statement at present. I quite recognise the desirability at the present time of the Financial Statement being delivered as early as possible. Hon. members will see, on reference to the records of the House, that the Financial Statement last year was made on the 18th August. I think I can safely promise that before that date the Financial Statement of this year will be made. I hope to make it in the second week of August, but I hardly like to tie myself to a day. There is no intention on the part of the Government to delay the matter, and I trust that before the time I have mentioned the Statement will be delivered.

The HON. J. M. MACROSSAN said: Mr. Speaker,—Before you put the motion I must say I am not satisfied with the explanation the hon. gentleman has given to the House. I called "not formal" to this motion so as to give the hon. gentleman an opportunity of making an explanation why the Financial Statement was delayed, and why he deferred fixing a day on which it should be delivered. The hon. gentleman has quoted a precedent which occurred in 1879. Unfortunately we have too many bad precedents in this House already, and we have them aggravated by the present Government. There is no precedent, however, that the hon. gentleman can hunt up in the records of this House to equal the one now set this year—that is, calling the House together on the 19th day of the financial year. My own opinion is that we should go back to our old custom and throw bad precedents to one side. I expected a statement from the Treasurer that it was the intention of the Government to do so in future. We can just as well meet in the beginning of June as in the beginning of July, and it is far better for the business of the country that we should do so. The hon. gentleman well knows that we cannot, or, at least, we do not, intend to obstruct the passing of a vote on account, because the public service must be carried on no matter what errors the Government may be guilty of. I think it would have been better for the hon. gentleman to have made a statement that they no longer intended to continue in the erroneous course which they have been carrying on under the pretence of precedents set them by former Governments, and also that he should have mentioned a definite day for reading the Financial Statement. There is no Financial Statement, except, perhaps, that of 1879, which has been looked forward to so much as the present one, and I hope the Treasurer will make it as soon as he possibly can.

Mr. NELSON said: Mr. Speaker,—I would like to enter my protest also. The Treasurer asks us to give him a cheque for £250,000, and draw on a fund which is already overdrawn to the extent of half-a-million, before we know where the means are to come from by which this money is to be paid. We have already overdrawn to the extent of about half-a-million independent of another half-a-million, I suppose, of outstanding liabilities; and under the circumstances, I think nothing can justify the course which the Government now propose to take. Anyway, it is bad principle, and I am sorry to see the Treasurer trying to justify it by something which took place in 1879. People have believed, and had a right to believe, from the statements made by hon. members opposite, that the present Government was to be an improvement on the last and all previous Governments; but now it appears that anything the previous Government did is to be taken as an excuse, or a principle, on which they themselves are justified in acting. It amounts to this: whatever Archer, Macrossan, or Norton did, and McIlwraith approved, cannot be wrong; and as long as the present Government find that a thing was done by the previous Government they think that is a perfect justification for doing the same; though at the time I suppose—I have not had time to look up the records—the present Treasurer condemned most thoroughly what was then done. Another thing is that the practice is becoming established; the disease is getting chronic as it goes on from year to year; and it is a very serious matter, because succeeding Governments will argue that they have a sort of prescriptive right to this practice of demanding a vote on account, without going through the forms and securities which have been established. It is a matter for the whole House to consider whether we are not giving up our rights by allowing this thing to go on year after year, and I think some protest should be entered against it. The calling of Parliament together at this time of the year is very inconvenient, and seriously interferes with the interests of the country—in the present instance especially so. In common with other hon. members and the community at large, I deeply deplore the difficulty we have got into with regard to the finances of the colony; but I think the Treasurer must have known—not to go farther back than the 1st of April——

Mr. MOREHEAD: A very appropriate day.

Mr. NELSON: If he examined the quarterly statement then, he must have known that a heavy deficit at the end of the financial year was inevitable. Under those circumstances, and consider-

ing that the ways and means would not be realised, I think it was his duty to have called Parliament together then. Of course, a great deal of the delay is to be attributed to the fact that the Premier was absent from the colony; at the same time, this is a matter in which the Premier is not particularly concerned, but one in which the Treasurer himself is particularly concerned. The Premier does not very much interfere with questions of finance; and even if the Treasurer had called Parliament together in April or May, and submitted some proposals to provide a remedy to arrest this downward course in the Exchequer, he would only have been doing his duty, even if we had sat only for a month or so and then adjourned till the usual time.

The COLONIAL TREASURER: We should have been legislating in a state of panic.

Mr. NELSON: The hon. gentleman is always afraid of a panic; he tries to put a gloss over things, and conceal the real state of affairs. I am of the contrary opinion; I think that if he had laid all the facts before his countrymen, his fellow-colonists, and before the House—no matter how ugly they were—we should not have been in the position we are in now; but it is simply from his endeavouring to make things look better than they really are that this deplorable state of things has arisen. Having entered my protest, I would be inclined—only I submit to what the leader of the Opposition has done—in order to make the protest effectual, to move an amendment when in committee. I think that if the House would carry an amendment, though it were only a formal one, it would serve to break the continuity of this bad practice and conserve the rights of the House, and establish the principle that the representatives of the people are to have charge of the expenditure of public money. As it is we now have no check. The Treasurer has told us that he intends to spend the money on the basis of last year's Estimates; but we do not know what that means. We hear rumours that there is to be a raid on the Civil Service—that that is to be made the scapegoat. I have heard outside that endowments are going to be stopped. Some people are under the apprehension that there is to be extra taxation. Well, the Treasurer must see that the doubt and mistrust which exist throughout the community are most prejudicial to the interests of the country. They stop people from investing money or carrying on enterprises they have in view. People will wait now until they see what is to be the upshot; therefore it is imperative that we should have this Statement before us at the very earliest moment, and I do not see why we should not have had it at any rate before the end of this month. The worst feature of the whole matter is the levity with which the Government treat the position. They seem to look upon it in a gay and airy light as if there was no trouble at all. If they would acknowledge the serious position of affairs and tell us they are going to lay before us some proposals to remedy it, I think they would very much further not only their own interests but also the interests of the colony. I am sure it cannot be the intention or wish of any individual or party in this House at the present moment to embarrass the Government or the Treasurer; on the other hand, I think we are all inclined to give them the utmost assistance in our power to put in force any remedies that will tend to put us again in a sound position—of course, with the proviso that the Treasurer puts before us a full and complete statement of affairs. If he does that I think I may safely say that we will do everything in our power to assist him.

Question put and passed.

## AUDIT ACT AMENDMENT BILL.

On the motion of the COLONIAL TREASURER, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to amend the Audit Act of 1874, and for other purposes.

FIRST READING.

The COLONIAL TREASURER said: Mr. Speaker,—I move that this Bill be now read a first time.

Question put and passed, and second reading made an Order of the Day for to-morrow.

## SUPPLY.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into a Committee of Supply.

The COLONIAL TREASURER moved—

That there be granted to Her Majesty, on account, for the service of the year 1887-8, a sum not exceeding £250,000 towards defraying the expenses of the various departments of the service of the colony.

Mr. MOREHEAD said that if they were to pass that very large vote they ought at any rate to have a *quid pro quo* in a definite statement from the Treasurer as to when he would make his Financial Statement. In the ordinary course of things that was the most important business of the year, and on the present occasion it was almost exceptional in its importance. He thought the Treasurer should fix the date when he would make his Financial Statement.

The COLONIAL TREASURER said he had no objection to stating when the Financial Statement would be made. He trusted hon. members would not imagine that he had been endeavouring to mislead them or delay the delivery of that Statement. He had already explained that there was some delay owing to the desire to see the state of the revenue during the present month, with a view to finally arriving at an opinion based on experience as to the probable state of ways and means. He had no hesitation, however, in informing the hon. gentleman that the Financial Statement would be made during the second week in August—the week after next.

The HON. J. M. MACROSSAN: On the Tuesday of the second week in August?

The COLONIAL TREASURER said he was not prepared to say the exact day, but it would be on one of the days that Parliament would sit in that week

Mr. NORTON said the hon. the Colonial Treasurer had pointed out that it was not unprecedented for a Government to ask for Supply before making the Financial Statement while there was a deficit. That was true; it had occurred on a previous occasion—in 1879; but then the deficit had been created, not by the Government still in power, but by the Government which had just gone out of power, and of that Government the hon. gentleman himself was Treasurer. The new Government had come into power at the end of 1878; they had only been six months in office, and they had to go through the work which a new Government had to do under the most disadvantageous circumstances, when they had to start with a deficit. Perhaps it was an inexcusable thing then to ask Supply before the Financial Statement was made, no doubt it was an undesirable thing to do; but at the same time the hon. gentleman would admit that when the new Government came into office at the end of the year they had quite enough to do.

The COLONIAL TREASURER: You were in office eighteen months before that.

Mr. NORTON said the Opposition came into office in January, 1879. They commenced the session by asking the House to pass the Estimates for six months, that had not been passed

already. Six months' Supply only had been voted before the general election, and the money then voted was spent by the previous Government. When they were defeated the expenditure went on without an Appropriation Act having been passed, so that, at the end of the financial year, they had to ask the House to pass the Estimates which had already been considered by the House, but for the whole of which an Appropriation Act had not been passed. They got their money then, and later on the Colonial Treasurer of the day, Sir Thomas McIlwraith, asked for a vote on account, but the sum he asked for was not £250,000. He asked for £100,000 to carry him over two months, but the Government now required £250,000 to do what £100,000 did then. The Colonial Treasurer of the day moved—

"That there be granted to Her Majesty, on account, for the service of the year 1879-80, the sum of £100,000 for or towards the expenses of the various departments of the service of the colony."

Then an objection was taken by Mr. Miles. He protested against money being voted in that manner, and Sir Thomas McIlwraith replied :—

"The PREMIER said that this £100,000 was towards paying the salaries this month and next month, on the Estimates of last year, but no proposed increases, if there were any, would be acknowledged until they had passed the Committee. The amount proposed would be sufficient for two months."

Well, of course, he (Mr. Norton) was not saying that it was desirable then that a vote on account should be asked before the Financial Speech was made, but if it was not desirable then it was much more undesirable now, when they were asked for, not only double the amount, but half as much again.

The COLONIAL TREASURER said, in reply to the hon. member for Port Curtis, that he had already pointed out that in 1879 there was a vote on account when there was a deficit at the end of the financial year just terminated, and in anticipation of the Financial Statement, and the hon. gentleman while admitting that fact covered his position by saying that the deficit had been created by the preceding Government. He (the Colonial Treasurer) was not going into that vexed question, because he might retort that if the deficiency was created, the means of replenishing the Treasury had also been provided, and, moreover, was fully availed of by the succeeding Government. He would refer the hon. gentleman to the facts of the case, that when the Government had been eighteen months in office there was a large deficit on the 30th June, 1880, on the 14th July an Appropriation Bill for £100,000 was passed, and the Financial Statement was not made until the 12th August following. He thought the present Government had ample precedent for the course they were taking, but, as hon. members well knew, it was an absolute necessity that the services of the departments must be provided for, and it was more convenient that a sufficient sum should be asked for now than that two or three Appropriation Bills should be brought down during the session.

Mr. MOREHEAD said he was very glad the Colonial Treasurer had given hon. members some idea at any rate when he would make his Financial Statement, but the justification of perpetuating a bad precedent was no excuse for the present motion. His own impression with regard to the delay was that the Premier had found it difficult to assimilate the Duttonian and Dicksonian methods of taxation. When they got that hybrid Financial Statement which was to be a cross between the two methods of taxation they would be better able to judge of it, and he looked forward to the production of it with considerable interest.

Mr. NORTON said he must apologise to the Colonial Treasurer for having made a mistake. For two years there were precedents, but at the same time the colony was still suffering a recovery from the mismanagement that had taken place in preceding years.

Mr. NELSON said he did not wish to enter into the dispute between his hon. friend Mr. Norton and the Colonial Treasurer, but he would ask the Treasurer if it was part of his faith that everything done by the McIlwraith Government was right; because, if so, it was only necessary to prove that they did a certain thing to justify the conduct of the present Government. If that was not part of the Colonial Treasurer's faith, then he did not see where the argument came in.

Question put and passed.

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair, and reported the resolution to the House. The report was adopted, and the Committee obtained leave to sit again to-morrow.

## WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into a Committee of Ways and Means.

The COLONIAL TREASURER moved—

That towards making good the Supply granted to Her Majesty for the service of the year 1887-8, a sum not exceeding £250,000 be granted out of the Consolidated Revenue Fund of Queensland.

Question put and passed.

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair, and reported the resolution to the House. The report was adopted, and the Committee obtained leave to sit again to-morrow.

## APPROPRIATION BILL No. 1.

On the motion of the COLONIAL TREASURER, a Bill to give effect to the foregoing resolution was introduced, passed through all its stages, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

## COPYRIGHT REGISTRATION BILL.

COMMITTEE.

On the motion of the ATTORNEY-GENERAL (Hon. A. Rutledge), the House went into Committee of the Whole to consider this Bill in detail.

Preamble postponed.

Clauses 1 to 6 passed as printed.

On clause 7, as follows :—

"Within six months after the day on which any book first published in Queensland after the passing of this Act is first sold, published, or offered for sale within the colony, a printed copy of the whole of such book, together with all maps, prints, or other engravings, belonging thereto, finished and coloured in the same manner as the best copies of the same, and bound, sewed, or stitched together, and upon the best paper on which the same is printed, shall be delivered by the publisher at the Museum and at the Parliamentary Library in Brisbane.

"A like printed copy of any second or subsequent edition of any book, which edition is published in Queensland after the passing of this Act, whether the first edition was published before or after the passing of this Act, with any additions or alterations, whether the same are in the letter-press, or in the maps, prints, or other engravings belonging thereto, and whether the first or some preceding edition has been so delivered or not, shall, within the like period of six months after the day on which such second or subsequent edition is first sold, published, or offered for sale within the colony, be delivered by the publisher at the Museum and Parliamentary Library aforesaid."

Mr. NORTON said he would point out that if the clause were carried as it now stood they would have to make a large addition to both the Parliamentary Library and the Museum, because a copy of every fresh book brought to the colony and of every book published in the colony would have to be supplied to each. There was no room for those books in the Museum. That institution was at present hampered with the volumes of patents that had been sent out from home, which were stuffed away in a small room that was wanted for other purposes. There was no room for anything of the kind in the Museum unless additional accommodation was provided for the purpose. Of course it was desirable that copies of all books published in the colony, or brought into it, should be preserved, and he was not objecting to that in any way. His object was to point out the inconvenience which now existed in the Museum from want of room, and he thought it would be better to establish a free public library at once and have the books in question sent there. A large sum of money had been voted for a free public library, and he did not see why it should not be started at once.

The ATTORNEY-GENERAL said he did not think it was likely many books would be sent in to the Museum in pursuance of the provisions of the section, because the books that would have to be sent to the Parliamentary Library and to the Museum would be only those first produced in Queensland, not copies of all books registered in any part of the British dominions.

Mr. NORTON: I made a mistake.

The ATTORNEY-GENERAL said he did not think there was any danger of inconvenience arising from the number of such books for some time to come. The hon. member suggested that they should be sent to a free public library, but they had no such institution at present, although, no doubt, they would soon have; and in the meantime the books could be sent to the Museum and passed on to the public library when established.

Mr. S.W. BROOKS said he was somewhat in accord with the hon. member for Port Curtis in the matter. He thought one copy of each book would be sufficient to be given for presentation. Could not some amendment be made by which a copy should be furnished either to the Museum, the free public library, or to the university library, at the discretion of the Minister for the time being? When they had a free public library, that would be the most proper place for those books to be sent to. The Museum seemed altogether out of the running—an unnatural sort of place for such books to be sent to. The free public library or the university library would be a better place when they had those institutions. He did not know whether the Attorney-General could see his way to amend the clause in the way he had suggested, giving an alternative and making it one copy to be supplied instead of two.

Mr. MOREHEAD said the difficulty might be met by omitting "Museum" and inserting "the Parliamentary Library or such other public institution as may from time to time be prescribed by the Minister for the time being." Some amendment of that sort would prevent the necessity of bringing in an amending Bill, which would have to be done if the clause passed as it stood and a free public library was established, which he hoped to see before long.

Mr. FOXTON said he would point out, in reference to the remarks of the hon. member for Fortitude Valley to the effect that one copy would be enough to preserve, that in England a considerable number of copies were sent to the various libraries in order to preserve them in the event of any particular library being destroyed by fire. That was a very necessary provision. He thought some half-dozen libraries throughout England received copies.

Mr. S. W. BROOKS: The free public library and the university libraries.

Mr. NORTON said he had misread the section when he made his previous remarks, and thought it applied to all books brought into the colony instead of books first produced in it. He protested against an author being required to send a number of copies of his works to public libraries. Why should a man's brains be taxed to supply books to public libraries? Surely two copies would be sufficient to require from him. He did not see that they should be guided by what they did in England in such matters, any more than in some other things in which it was far better for them not to be guided by what was done there. He contended that it would be putting a tax upon a man for writing and publishing a book to compel him to send more than two copies, which would be quite sufficient. He should like to see in the library copies of all books published not only in Australia but on Australia. He would like to see a good collection of books on Australia, whether published here or not, kept in the Parliamentary Library, and when there was a public library he thought such volumes ought to be kept there too. He did not see that they were bound to compel the writers of such books to furnish a copy to each. There was no particular objection to two copies, but he objected to increasing the number to that suggested by the hon. member for Carnarvon. It would be desirable to omit the Museum. If they were going to have a public library, why not provide for it at once, and deposit the books in some place for safe keeping until the public library was built? With the Registrar, for instance.

The ATTORNEY-GENERAL said that was precisely the result which would be achieved if the clause stood as it was. There was not the slightest doubt that as soon as a public library was established all the works now in the Museum would be sent on to it.

Mr. NORTON: Indeed they will not.

The ATTORNEY-GENERAL said as far as literary works of that sort were concerned they would become part of the public library. People did not go to a museum to read books. They went to a public library for that, and there was nothing in the Bill to prevent the authorities of the Museum sending them on. It would not be sufficient to send a copy to the Parliamentary Library, which was a place to which the public had not access. Only members of Parliament had access to that, and until a free library was established the public would not have any means of knowing what sort of a book it was.

Mr. NORTON: Neither would they if a book were sent to the Museum.

The ATTORNEY-GENERAL said books would be deposited in the Museum when dealt with; but they would not be prevented from passing them on to a free public library afterwards.

Mr. CHUBB: Provide for that in the Bill. It can be done in about two words.

Mr. NORTON: There is no room in the Museum.

The ATTORNEY-GENERAL said he had no objection to make the clause apply to the Museum at the present time, and to a free public library afterwards.

Mr. SCOTT said he thought it was desirable that more than one copy of each book should be

preserved in Queensland. If there were only one copy, the place in which it was kept might be destroyed by fire.

Mr. MOREHEAD: Spontaneous combustion.

Mr. SCOTT said there was no doubt that the owner of a book obtained a certain privilege by having the copyright of his book preserved by law, and it was indeed a very small tax to pay—that of giving one or two copies to the libraries. He thought two was the very lowest number that ought to be kept.

Mr. FOXTON said, in reference to what fell from the hon. member for Port Curtis, he did not know whether it was that the clause was obscure and that the speeches of hon. members upon it were equally obscure, but the hon. gentleman commenced by misunderstanding the clause, and then misunderstood what he (Mr. Foxton) said in reference to it. He never for a moment advocated more than two copies being deposited anywhere, but merely said, as an argument for more than one being deposited, that in England some half-a-dozen copies were deposited.

Mr. NORTON: That was what you suggested.

Mr. FOXTON: Nothing of the sort. He said at once that he thought two was the proper number, but the number proposed by the hon. member for Fortitude Valley was one. As for its being inconvenient for the Museum to receive those books, he saw nothing in the Bill to prevent the authorities of the Museum from storing them anywhere they chose. He did not see that they were bound to be kept in the Museum until a public library was established. The gentleman who had charge of the Museum might very well put them away somewhere where they would be always accessible for the purposes of getting evidence, and that was what they were required for, in the event of any dispute arising as to whether a man had or had not the copyright of any book. They were not deposited for the purpose of reference and of depriving the author of the sale of so many books. As for its being a large tax to deposit half-a-dozen books, that was ridiculous, because if half-a-dozen copies of a book were too serious an item in the number that an author was going to sell, he was afraid that the whole undertaking would be of a very losing character.

Mr. MOREHEAD said that, speaking in regard to what had fallen from the hon. member for Carnarvon, he noticed that the number of places in England where a book must be deposited under the Copyright Act of 1842 was five, and not six. That was with a population of 35,000,000 or more, while in Queensland they had a population approaching only 350,000. Surely two copies of a book would be sufficient to deposit.

Mr. FOXTON: That was all I asked for.

Mr. MOREHEAD said that, so far as regarded the risk by fire which was raised by the hon. member for Leichhardt, he did not think that was a thing they need take very much into consideration. He certainly held that the Museum was not a proper place to put those books in, and the clause might be so amended now as to prevent the alteration of the statute which must necessarily come on at a future time—namely, when they had a free public library or some suitable place, such as a university. He should prefer a free public library, for the reason that a university library would be held just as sacred against the public as the Parliamentary Library, which was a position of affairs he had always protested against. He considered that the public, under certain restrictions, should have always a certain access to the Parliamentary Library until a free library was established, so far, at any rate, as books of reference were concerned. That was all. The majority of the Committee had always been opposed to that. He thought the word "Museum" conveyed an improper repository, and the clause should be modified in the direction he had indicated. He did not intend to attempt to alter the phraseology of the clause; but he had no doubt that the eminent legal ability of the Attorney-General would enable him to do so.

Mr. NORTON said he did not agree with the Attorney-General when he said that the books in the Museum would be passed on to the public library when there was one. A large number of the books in the Museum were most valuable, and they were either bought or presented for the purposes of reference in regard to matters especially connected with the Museum. The authorities of the Museum would not pass those books on to a library, and it would be difficult to draw the line between those which were wanted and those which were not; so that when the suggestion was made that the Museum should pass on all those books to a library when it was established, he could assure hon. gentlemen that nothing of the kind would be done. In fact many people gave books to the Museum because they wished the Museum to keep them as memorials of some events in history which they desired the Museum to keep a record of. As to the Museum storing books, as proposed, already the expenses of that institution were curtailed as much as the Government could curtail them. They absolutely cut off, as he had pointed out the previous night, the small pittance which was allowed them—he did not know whether it was altogether cut off, at any rate it was reduced—for the purpose of obtaining the books of reference which were necessary in the Museum, and how were they to provide for the storage of books under the Bill? They had no proper place for the storage of the volumes of patents they had at the Museum, and they had just to keep them where they could. The hon. member for Carnarvon had said that an author's speculation must be a very bad one when he could feel the loss of a book or two, but such might not be the case. Some books published were most valuable, and only a few volumes of them were published, because there was but a limited demand for them. There were some most valuable books in their own Library, the number of copies of which must be very limited as very few people were in a position to buy them, and it was in such cases that the presentation of copies would be felt as a tax. A man might spend a very great deal of time, labour, and expense in getting out a particular volume merely as a work of reference. He might publish a few hundred copies at a cost that would not be more than equal to the labour and expense devoted to the work, and if he had to provide a number of free copies he might rightly consider it a heavy tax. It would be advisable to alter the clause in such a way as to give the force of law to the proposal to send on books deposited for the present at the Museum to the authorities in charge of the public library when one was established.

The ATTORNEY-GENERAL said he did not think the trustees of the Museum would require any statutory authority to compel them to pass on books of that kind to the public library. It was perfectly true that in England a great many copies were required to be given, not only those given to the British Museum, but a copy had also to be sent to the Bodleian Library at Oxford, to the Cambridge Public Library, to the library of the University at Edinburgh, and to Trinity College, Dublin. They could not recognise

an institution that had not yet an actual existence, such as a free public library. They could not say in a statute, that would exist long after the public library was established, that copies of books were to be deposited in a library to be established.

Mr. NORTON : The library already exists in the statute.

The ATTORNEY-GENERAL said there was no free public library in existence here as a matter of fact. It would not do to make the clause alternative, and say that the author of a book must lodge a copy of it either at the Museum or at a public library to be established in Brisbane, because even in that case an author might choose to take his book to the Museum rather than to the library. He did not see that any real difficulty could arise which would render "tinkering" with the clause necessary.

Mr. CHUBB said the difficulty appeared to him to be that even after the establishment of a free public library, if the clause remained as it was, an author would still have to go through the form of going to the Museum to lodge a copy of his book, and the copy could be afterwards kept or sent on to the public library, as the trustees of the Museum might see fit. He would suggest this alteration of the clause :— Providing that, " one copy shall be delivered by the publisher at the Parliamentary Library in Brisbane, and one at such other place as shall be determined by the Governor in Council." An Executive minute might be made, ordering that the books should be deposited for the time being in the Museum, and subsequently they might be ordered to be conveyed to the public library. He had no objection to the clause as it stood, but he thought the difficulty might be got over by adopting that suggestion.

The ATTORNEY-GENERAL said that the suggestion involved the fact that the author would not have the whole law before him in the statute. If he wanted to know what he had to do it would not be sufficient for him to look at the statute : he would have to go over the files of the *Gazette* to find what Orders in Council existed describing some new places where it was necessary that he should send a copy of his book. What was wanted was that an author should only require to look at the statute for information on the subject, and should not have to look at the *Gazette* for Orders in Council.

Mr. FOXTON said that, speaking to the question of the tax it would be upon authors to give two copies of their works, as suggested by the hon. member for Port Curtis, he might say he thought the position was quite the reverse. The object of the Bill was to afford greater facilities of publication to authors, and the preservation of their rights. That could only be done by depositing a copy of their books for purposes of identification. It had been very properly pointed out that if only one copy was required to be deposited it might be destroyed, and the author might actually lose the benefits intended to be conferred by the Bill for want of means of identifying his work.

Mr. MOREHEAD said he would ask the Attorney-General a question as regarded the copyright laws in the adjoining colonies. They were really now instituting a comparison, as he had said before, between a very small population and a large one, and if the hon. gentleman could tell the Committee how the copyright law stood in Victoria and New South Wales he might help them along.

Mr. NORTON said that while the Attorney-General was looking up that information he might discuss a matter with the hon. member for Carnarvon. He would ask him to look in their own Library, and he would find some volumes there—one in particular — on New Zealand which he did not think could be bought under £40, and if the author had to give two or three copies of such a book it would be considered a heavy tax.

Mr. FOXTON : Two, not three, and the Bill confers a benefit.

Mr. NORTON said that two would be a heavy tax, or even one, and it must be remembered also that Acts of Parliament did not always confer the benefit intended to be conferred by them. They all knew that, and they were often called upon to amend them in order to make them convey the benefit they were intended to convey. That was what they had been doing lately when they were asked to amend some Acts that had been passed in the previous session. He would suggest to the Attorney-General that he might omit the word "Museum," with the view of substituting for it the words "Registrar-General." The Registrar-General could provide some room for the books, and when the public library was in existence there would be nothing to prevent him from sending them on to the library any more than to prevent the trustees of the Museum sending them on. If the object of the Bill was to protect the right of an author to a book, then the Registrar-General was, he thought, the proper person to have the custody of the book.

The ATTORNEY-GENERAL said the law in New South Wales required that copies of books published in that colony should be lodged at the University and in the Free Public Library at Sydney. The Free Public Library there was a long-established institution, and it was a very convenient place to which to send a book. So if they had a free public library here there could be no question but that it would be a more convenient place to send books to than to the Museum. But there was more than the one object of preserving a book from destruction by fire in providing that it should be sent to the Museum. The Museum was a public place, and the public had the right of access to its contents, so that if a book were lodged there it would be open to the public. But if it were sent to the Registrar-General the public would have no more access to the book than they would have to those in the Parliamentary Library. He thought the difficulty which had been raised was purely imaginary. There was nothing to prevent the trustees of the Museum, if burdened with books of that sort, from sending them on to the public library when it was established. The Museum was not likely to be burdened with the number of books published by native genius in Queensland, and he did not think its resources were quite so cramped that a shelf could not be found on which to place the books that might be received.

Mr. MOREHEAD said that, putting aside the sneer of the hon. gentleman with reference to the possible native genius in Queensland, he would point out that it was distinctly defined on the lines laid down by the hon. member for Carnarvon that it was for the advantage of persons having an interest in books published in the colony that copies of those works should be deposited at the places specified in the Bill. If the clause passed as it then stood, the Museum authorities would have no right to pass on the books to any other place. If they were to have that power the clause must be so amended as to set forth that the place at which books should be lodged may be altered by Executive action. The two places specified must remain as they were until altered by Act of Parliament. That was quite clear.

M. NORTON said he would suggest to the Attorney-General that he should go to the

Museum a little oftener than he did. He (Mr. Norton) did not think the hon. gentlemen could go there very often. He was constantly there himself, and knew that every addition to its contents gave additional trouble to find a place for its reception. There was not sufficient space for anything like the number of specimens they would have if the accommodation were increased. Then why should the institution be further burdened by being made the depository of copyright books? He had no desire to delay the passing of the Bill, but was simply speaking in the interest of the public when he suggested that some other place should be found for that purpose. It was desirable that all space available in the Museum should be devoted to the objects of interest usually contained in a museum, and he knew positively that at the present time there was not sufficient room there for general purposes. It would be only hampering the trustees if that further demand were made on their resources. If the production of a book were to be used as proof that a certain person was the author of it, then the Registrar-General was the right person to hold the book. He therefore moved that the words "at the Museum" in the last line of the 1st paragraph be omitted, with the view of inserting the words "to the Registrar-General." He did not see what objection the Government could have to that amendment.

Mr. MOREHEAD said the only objection he had to the amendment was that it did not meet the difficulty much better than it was now met by the clause. What he suggested in the first instance would, he thought, be an improvement—namely, that two copies of every book published should be deposited in the Parliamentary Library, one to be afterwards sent to such place as the Executive might determine. Then when a public library was erected the second book could be sent there.

Mr. SCOTT said the difficulty he saw with regard to the amendment was that whilst the Museum was a public place, open to the public, and the books could be seen there, the Registrar-General's office was not open to the public, and the books could not be seen if lodged in that office. If there was not sufficient accommodation in the Museum, a room might be hired by the trustees and that could be open to the public. But it would be otherwise if a room were hired for the purpose by the Registrar-General. Therefore, he thought the authorities of the Museum would be a better curator of the books than the Registrar-General.

Mr. NORTON said it would be all very well to hire a room if the trustees had funds, but they had not funds. If, as had been contended, the book was simply to be kept as a record, why should the general public have the run of it? If it was to be a record for use as proof of the authorship of the work, then the proper place to deposit it was with the Registrar-General.

The ATTORNEY-GENERAL said it was only one of the objects in sending a book to an institution of that kind that it might be preserved from destruction. There was another object in view—namely, that the public might have an opportunity of seeing what the book was; and they could not have access to it in the office of the Registrar-General, or in any place under the control of the Registrar-General, unless authority was specially given for that purpose. He did not wish to resist any suggestions made, but he thought the clause was better as it stood than it would be with the proposed amendment. As he had already pointed out, it would be very undesirable to make the section so read that another copy of a book in addition to the one lodged in the Parliamentary Library should be deposited in some place fixed by the Governor in Council. If that were done an author would have to search the *Government Gazette*—which was a very tedious process, and one which sometimes occasioned very great inconvenience—in order to find out where he must lodge a copy of his book. And there was the further objection that the Governor in Council might indefinitely extend the number of places to which copies should be sent. The objection to the clause as it stood seemed to be grounded on a purely imaginary difficulty. If the Museum was really short of funds at the present time that was no reason why it should always be short of funds, and he had not the slightest doubt that, if it were represented to the Government that there was no room in the Museum for the receipt of another book, the representation would meet with all needful attention. He thought that the clause would be better as it stood until they had a free public library.

Mr. MOREHEAD said it was stated by the Attorney-General that the clause was intended not only to protect the rights of the author, but also to render the book accessible to the public. The hon. member must know that under the Act to which he referred last night only one of the five places to which copies were sent—namely, the Library of the British Museum—was accessible to the public; the others—chiefly libraries of universities—being pretty close corporations. Therefore, he took it that the intention of that Act was to use those places as receptacles, with the idea of protecting the copyright, and not with the idea of rendering the books accessible to the public; and that being so, he thought the Registrar-General's office was the best place in which to keep the books in the meantime. He preferred that one copy should be deposited in the Parliamentary Library and the other dealt with by the Executive for the time being—that was to say, sent to the public library when it was established. That would be settled by one *Gazette* notice, so that the author would not be much troubled to find out where the second copy was sent.

Amendment put and negatived, and clause passed as printed.

On clause 8, as follows:—

"Every copy of any book which, under the provisions of this Act, ought to be delivered as aforesaid, shall be delivered at the Museum at any time during which the Museum is open to the public, on any day except Sunday, Good Friday, and Christmas Day, to one of the officers of the said Museum, or to some person authorised by the trustees of the said Museum to receive the same; and at the Parliamentary Library to the Parliamentary Librarian, at any time at which the Library is open, except on the days aforesaid; and such officer or other person receiving such copy is hereby required to give a receipt in writing for the same; and such delivery shall be deemed to be good and sufficient delivery under the provisions of this Act."

Mr. NORTON said that in addition to Sundays, Good Friday, and Christmas Day, public holidays should be made exceptions.

The ATTORNEY-GENERAL said he had no objection. Possibly the officer appointed to receive copies of books might not be in attendance at the Museum on public holidays.

Mr. CHUBB said there seemed to be no necessity for the amendment suggested by the hon. member for Port Curtis. There must be someone in charge of the Museum whenever it was open to the public; and the custodian was not likely to be rushed with authors bringing cartloads of books on public holidays.

Mr. MOREHEAD said one part of the clause seemed inconsistent with the other. The first part provided that one—that was, any—of the

officers of the Museum might receive the book; and the second part said that the book must be delivered to only one officer—the Parliamentary Librarian. He did not see why any other officer connected with the Parliamentary Library should not be allowed to receive it in the same way as officers of the Museum. Under the clause the caretaker or doorkeeper of the Museum could receive a book, and he did not see why the messenger at the door of the Library should not be placed in the same position with regard to receiving books. The Parliamentary Librarian might be away when a book was brought, and he thought it would be better to add the words "or other officer attached to the Parliamentary Library."

Mr. FOXTON said it would be better to add the words "or by some person authorised by him to receive the same." No doubt there would be a printed form of receipt, which could easily be signed and torn out of the receipt book, the butt forming a record that the book had been received.

Mr. NORTON moved the omission of the words "and Christmas Day," with the view of inserting the words "Christmas Day and public holidays." For all practical purposes one day a week or one day a month would be enough. They might just as well give the officials what rest they could.

The ATTORNEY-GENERAL said the hon. member's amendment would include all holidays that might on any occasion be proclaimed by the Governor in Council. There were holidays for races, exhibitions, and cricket matches; and on all those occasions the officials in the employment of the trustees of the Museum were there, and it would be a very little addition to their work to receive books. So with a public library, a large number of people would go to the public library on public holidays; and no doubt the Museum trustees would send on the books to the public library when it was established. If the Museum was open on a public holiday, where was the hardship of taking in a book on that day?

Mr. NORTON said the hardship was that a man might have to take the book when he was engaged on some particular work; and an interruption was sometimes more annoying than having to do a day's work. One day a week or one day a month would be really quite sufficient for every purpose of the Bill.

The ATTORNEY-GENERAL: A man might come down from Normanton to give his book in.

Mr. MOREHEAD said that though there was a good deal in the contention of the hon. member for Port Curtis in one way, he thought that perhaps the additional trouble to the officials would not be very great. Still, he believed the Patent Office was closed on public holidays, and the Bill in that respect put the owner of a copyright into a better position than the owner of an invention. But no doubt there was not going to be a very great rush of Queensland literature, and the trouble given would not materially add to the officials' not already too arduous duties.

Amendment put and negatived.

The ATTORNEY-GENERAL moved the insertion, after the words "Parliamentary Librarian," of the words "or other person for the time being in charge of such Library."

Mr. MOREHEAD said he thought the amendment ought to be sufficiently wide to embrace the messenger at the door, who would be quite competent to receive the books. The Librarian had no power to depute his authority to anyone, or leave the Library in charge of anyone. The word "officers," as used in the case of the Museum, might very well be applied to the House. It might be put, "or other officer of the said Library."

Mr. S. W. BROOKS said that precisely the same phraseology might be used as in the case of the Museum—"or to some person authorised by the Librarian to receive the same."

Mr. MOREHEAD said he denied the right of the Librarian to depute any of his duties. In the case of the Museum the words used were "authorised by the trustees of the said Museum." Why not say that any responsible officer of the House connected with the Library should, in the absence of the Librarian—or even if he were there—give a receipt for the book?

The ATTORNEY-GENERAL said he would withdraw his amendment and substitute that suggested by the hon. member.

Amendment, by leave, withdrawn.

The ATTORNEY-GENERAL moved the insertion of the following words after the words "Parliamentary Librarian"—"or to one of the officers of the said Library."

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

On clause 9, as follows:—

"If any publisher of any such book, or of any second or subsequent edition of any such book, shall neglect to deliver the same pursuant to this Act, he shall for every such default forfeit, besides the value of such copy of such book or edition which he ought to have delivered, a sum not exceeding five pounds, to be recovered in a summary way before any two justices, on the complaint of the Curator or other officer of the Museum, or of the Parliamentary Librarian, as the case may be."

Mr. NORTON said he did not altogether understand the effect of the clause. According to it the man who published a book must register it. He must protect himself, and if he did not and failed to deliver the volumes he must be fined five pounds, or rather he was liable to be fined. Surely they were not going to compel a man to register whether he wanted to or not, and then fine him for non-delivery of the books at the Museum and Parliamentary Library.

The ATTORNEY-GENERAL said an author could not register with the Registrar-General and omit to deliver copies of the book. He must do one thing or the other first. The entry with the Registrar might precede the delivery of the book, and if he made an entry and failed to deliver the books then he was liable to be fined.

Mr. NORTON said the object of the Bill was not to compel a man to register. The clause referred to the publisher of the book.

The ATTORNEY-GENERAL: The publisher of the book receives the advantage of the Bill.

Mr. NORTON: The clause does not say so.

The ATTORNEY-GENERAL: It means that.

Mr. NORTON said that was a very different thing. The clause said one thing and meant another, and it applied solely to the publisher of the book whether he registered or not. A man might not choose to register and therefore might not choose to deliver copies of his book, but according to the clause he must deliver copies of the book under certain pains and penalties.

The ATTORNEY-GENERAL said that no books ought to be delivered except those which were sought to be registered.

Mr. CHUBB said two states of things might exist. A man might write a book and wish to prevent it being plagiarised, and register it. Another might wish to become a public bene-

factor and might not register it, but the clause required that both parties should deliver two copies of their books at the specified places. There was no doubt about that.

Mr. MOREHEAD said he should like to have a distinct answer from the Attorney-General. Supposing, for the sake of argument, that his enemy should write a book and publish it in so far that he had it printed and put in circulation, but he did not wish to take advantage of the Copyright Act. Probably he would think his work so bad that nobody would buy it; but at any rate he published it and sold it in the open market but did not register it, and did not desire to make use of any of the provisions of the Act. Now, what he (Mr. Morehead) wanted to know was, would the 9th clause only apply to an author in the case of his registering the book and failing to carry out the other conditions set out in clauses 7 and 8?

The ATTORNEY-GENERAL said section 7 dealt with that matter. It said:—

"Within six months after the day on which any book first published in Queensland after the passing of this Act is first sold, published, or offered for sale within the colony, a printed copy of the whole of such book, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, and bound, sewed, or stitched together, and upon the best paper on which the same is printed, shall be delivered by the publisher at the Museum and at the Parliamentary Library in Brisbane."

The terms of that were certainly wide enough to cover the cases of all books published.

Mr. MOREHEAD said the Bill was evidently for the purpose of compelling everyone who wrote a book or published it to register it under certain pains and penalties whether he liked or not—whether he desired or not to preserve his copyright. That seemed to him to be a monstrous provision, more especially if the hon. member would read what the interpretation of a book was under the 2nd clause of the Bill—

"The term 'book' means and includes any volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published."

That was, if a pamphlet such as those that were constructed by the hon. Minister for Lands and others—defamatory pamphlets, as they were called—was not registered and copies delivered, the authors, if they could be found, were liable to those pains and penalties. Now, it appeared to him that that was going a little too far, and he was glad that attention had been called to clause 9, because it seemed that the Committee of the House had been misled with regard to the measure. He had thought that it was a protective measure intended to protect those who desired to preserve their right to works which had devolved out of their own brains, but he now found that it was not so, but that it took the form of a coercive measure. It seemed to him a monstrous interference with the liberty of the subject to compel an author to register a work whether he liked it or not, and to supply copies to two institutions under a £5 penalty. He thought hon. members would see that he was right, and that a new light had been thrown upon the position of affairs by the Attorney-General.

The ATTORNEY-GENERAL said the matter was dealt with by clause 5 of the Act of 1842, which was as follows:—

"And whereas it is expedient to provide against the suppression of books of importance to the public: Be it enacted that it shall be lawful for the judicial committee of Her Majesty's Privy Council, on complaint made to them that the proprietor of the copyright in any book after the death of its author has refused to re-publish or to allow the re-publication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a license to such complainant to publish such book, in such manner and subject to such conditions as they may think fit; and that it shall be lawful for such complainant to publish such book according to such license."

One object gained by compelling persons to register, was that the delivery of a copy of the book would afford an opportunity of knowing whether any book that was published subsequently would be likely to amount to an infringement of the copyright. Every man, by the law of England, had a right to the book which his brains had produced, and if any other person appropriated that book he did him an injury. In order that it might be known that such a person had that right, there could not be a better way of ascertaining the fact than by depositing the book as proposed.

Mr. MOREHEAD said the hon. gentleman, by reading that section of the Imperial Act, had shown clearly that his interpretation of the clause now before the Committee was incorrect. That was to say, he had shown that unless copyrights were infringed no penalty should be attached.

The ATTORNEY-GENERAL: Read the next clause.

Mr. MOREHEAD said the next clause provided that all books published after the passing of the Act, and all subsequent editions, should be sent to the British Museum. But the 5th clause must be taken in conjunction with the 6th, and it distinctly dealt with the infringement of copyright. If a man did not desire to take out a copyright, why should he be compelled to take it out, as the Attorney-General led them to believe he must under the 9th clause? A man might invent something for the benefit of the world, but he need not take out a patent for it unless he liked. The object of those clauses of the Act of 1842 was to protect an author in the fruits of his labour, but according to the hon. gentleman's contention he was to be absolutely fined if he did not give copies of his books in the way prescribed. There could be only two opinions on the question—that of the Attorney-General, and that of every sensible man.

Mr. W. BROOKES said he quite agreed with what had fallen from the leader of the Opposition. It was never intended to make it compulsory upon men to copyright all their published literary productions. There were millions of such productions sent forth by the English Press every year; they came into existence, did their work, and died. The most valuable pamphlets, from which historians derived the best part of their material, had been unearthed from private libraries; although it might be said that they were published before anything like copyright was dreamed of. According to the contention of the Attorney-General, it was to be made compulsory for a person to copyright every rubbishy production which he chose to have printed.

Mr. NORTON said his chief fear was that they would make some mistake by too hastily passing the Bill, as had been done in previous years. Several Bills had been passed one session, and were found to be so faulty that amending Bills had had to be brought in the next session. To compel a man to copyright all he published would be to make a very serious mistake. It ought to be open to any man, writing on any particular subject, to copyright his work or not as he chose. The term "book" was very misleading. According to the Imperial Act it included—

"Every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published."

It would never do to register all those things, and if they were not quite certain on the point it would be far better to lay the Bill aside until they were.

The ATTORNEY-GENERAL said the hon. member was arguing on the supposition that the Bill provided means for enabling a man to obtain copyright; but that was not so. By the law of England, as he had said, copyright was given to all published literary or artistic work ; it was a right ; and the object of the present clause was to prescribe the means whereby the evidence of copyright should be furnished. A man who inherited a homestead could not disclaim inheritance, and a man who published an original book could not disclaim copyright during the period fixed by the law for his enjoyment of it. He had the right. But there was a duty to the public as well as to the man himself. An author might not avail himself of his right to sell his book for his own benefit, but the public had a right to know what copyright existed, and the delivery of those books was a publication of the fact of the copyright. The fact that the books existed was not all that was wanted.

Mr. MOREHEAD said that if he issued an address to his constituents at Stanthorpe, and printed it separately on a sheet of paper, that would be a publication. Did the Attorney-General contend that he should have to send a copy of it to the Registrar? That was a *reductio ad absurdum*. It came under the definition of "book" in the Imperial statute. Was he bound to send a copy of it to the Museum ? No doubt that would be a very proper place to send it. It would be an interesting document in after years for the future statesmen of the colony to read, and might form a subject to preach sermons from. The hon. member (Mr. W. Brookes) spoke what was exactly the truth. Within the last few years there had been hundreds and thousands of publications issued in England on the vexed question of Home Rule—pamphlets on one side and the other—and he doubted very much whether the bulk of those were registered. They were here to-day and gone to-morrow. The hon. Attorney-General, from his own great experience, might be able to tell them whether the productions of the Society for Promoting Christian Knowledge, which they saw circulating about, were registered. Were all the tracts they saw sent round registered? In nine cases out of ten they were not. And the hon. gentleman knew perfectly well that "copyright" was frequently affixed to the bottom of a print or a book or a pamphlet, showing that advantage had been taken by the publisher or author of the work of art, or book, or pamphlet, of the Copyright Act, and therefore warning other people to beware. If it was necessary to use that word, surely it stood to reason that those who did not use it did not in any way connect themselves with the Copyright Act. That went almost without saying. Therefore he maintained that the hon. gentleman was wrong in his interpretation of the 9th clause.

Mr. S. W. BROOKS said it seemed to him that the clause provided a penalty, not for default of registering, but for default in delivery of the copies.

Mr. CHUBB : Whether he registers or not.

Mr. S. W. BROOKS said the 4th clause said "may cause the same to be registered." If an author wished to protect the productions of his own intelligence he must register, and if he did that, then delivery of the copies must follow, and anyone failing to deliver copies was rendered subject to a certain penalty. It seemed to him simple enough. Perhaps if the word "registered" were inserted after "such" it would make it clearer.

Mr. CHUBB said the hon. gentleman who had just sat down was quite wrong, as would be seen on reference to the English Act. The law as stated by the Attorney-General was quite correct to this extent : Naturally every man had a right to his publication. If he did not register, and brought an action against somebody who pirated his work, the defence which the person sued might set up was a very broad one. He could defend on almost any ground he liked. But if the publication was registered the defendant was tied down to certain specific defence, and he was bound, under the 16th clause of the English Copyright Act, to give the plaintiff notice of his specific defence. That was one advantage conferred upon the person who registered. Then the law went further and said, "Whether you register or not, you shall deliver to the British Museum and other libraries copies of your works," one object of that being to preserve valuable productions for the use of the people. If the author received certain privileges, on the other hand he was to extend to his fellow-subjects the benefit of his work by delivering one or more copies at those particular places, and those books enabled those who were anxious to see what was written on any particular subject to do so ; and, as the Attorney-General said, it afforded some evidence that he was the originator or author of the particular work ; and if there should be litigation proof would be made easier by the fact that those books had been delivered at those particular places. What he failed to see was that if a man did not wish to preserve his copyright—did not wish to rely on the authorship at all—why he should be compelled to deliver the books as prescribed, except for the one thing, that the work might be of particular benefit, and therefore it was right that it should be preserved. He thought the suggestion of the hon. member for Fortitude Valley, that "registered" be inserted after "such," would cover all the difficulty that had been raised. Then if a man did not choose to protect his copyright by registration, let him take up the position that he would occupy without availing himself of the privileges of the Act. Registration would show that a person attached value to his work, and if he registered he must deliver copies, and if he did not do so he should be liable to a fine.

Mr. JORDAN said it seemed to him that clause 7 made it imperative on a person who published a book, whether he sold it or not, to deliver copies. It said :—

> "Within six months after the day on which any book first published in Queensland after the passing of this Act is first sold, published, or offered for sale within the colony, a printed copy of the whole of such book, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, and bound, sewed, or stitched together, and upon the best paper on which the same is printed, shall be delivered by the publisher at the Museum, and at the Parliamentary Library in Brisbane."

The insertion of the word "registered" would not alter the 7th clause. Perhaps it would be desirable to omit the 9th clause imposing a penalty for default of delivering copies. He thought it would be very hard that any person who published a mere pamphlet, perhaps of no public importance, should be obliged, under a penalty of £5, to register it as a book. It was interfering with the liberty of the subject. He had been unfortunate enough to publish a pamphlet, and he might have to do so again, in opposition to the Government or some hon. member on the opposite side of the House, and

if he did so it would be very hard to compel him to register it as a book. Perhaps the hon. the Attorney-General would see his way to omit the clause.

Mr. NORTON said that they had got into a regular boggle over the matter. They had passed the 7th clause without realising what they were doing. They compelled the publisher of every book to deliver copies to the Museum and the Parliamentary Library, whether he registered or not. That was quite clear. There was no reference to registration in the 7th clause, and if the publisher did not deliver copies as therein prescribed he was liable to a penalty of £5. There was another difficulty. If those books were to be kept as records to prove something or another—he did not know what—there was nothing to bind the authorities of the Museum or the Parliamentary Library to keep them. They might say, "This is confounded rubbish; it is better to burn it than bother with it." And not only that, but the author was bound to supply, not simply an ordinary volume, but one of the best copies. If he got up a presentation copy for some friend in very elaborate style, he would have to send similar copies to the Museum and the Parliamentary Library. Fancy a man aspiring to the hand of some fair damsel publishing a book and getting up a copy for presentation to her in the best possible style, with hand-painting and so on: he would also have to give the same to the Museum and Parliamentary Library. That would be rather a hard case.

The ATTORNEY-GENERAL said that, though the provisions of that clause might appear to be oppressive, they were in the Act on the same subject in New South Wales. It was compulsory there, as section 5 provided:—

"A printed copy of the whole of every book which shall be first published in this colony after the passing of this Act, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be published; and also of any second or subsequent edition which shall be so published, with any additions or alterations, whether the same shall be in letter-press or in the maps, prints, or other engravings belonging thereto, and whether the first edition of such book shall have been published before or after the passing of this Act; and also of any second or subsequent edition of every such book of which the first or some preceding edition shall not have been delivered for the use of the Free Public Library and the Library of the University of Sydney, bound, sewed, or stitched together, and upon the best paper on which the same shall be printed, shall within two calendar months after the day on which any such book be first sold, published, or offered for sale within this colony, be delivered by or on behalf of the publisher thereof at the said Libraries."

Section 7 provided that—

"If any such publisher shall neglect to deliver such book as aforesaid, he shall, for every such default, forfeit, besides the value of such copy of such book or edition which he ought to have delivered, a sum not exceeding ten pounds, to be recovered by the Librarian of the said Library in a summary way before any two justices of the peace."

The provision here was the same as in England and in the neighbouring colony of New South Wales, although, of course, it was an open question whether they should make it penal not to lodge books when there was no intention of registering; but such a provision existed both in England and in New South Wales, so that it was not by any means an innovation.

Mr. MOREHEAD said that, as he understood the hon. gentleman, he admitted that it would be better to omit clause 9, and he thought they should also omit clause 7. He was sure the intention of the Government in introducing that Bill was in the direction of protecting the author. Legislation in the direction of registration of copyright had always been to protect those who were desirous to protect themselves. Now, if an author did not desire to protect himself, and did not care whether his work were pirated or not, surely they could not compel that man under a penalty to take copyright of his writings, whatever they might be, and give copies of them to the public library or to the Museum, as particularly provided in that Bill. He would draw attention to one of the Acts referred to in the repeal schedule of the Bill—that was 5 and 6 William IV.—which dealt more particularly with lectures which had been printed, and where the preamble distinctly pointed out that the intention was to prevent other people from republishing men's printed utterances. When they came to the Act of 1842, they found, and he thought hon. members of the Committee would agree with it, the spirit in which that Act was passed, no matter what the phraseology of the clause might be, in the preamble, which said:—

"Whereas it is expedient to amend the law relating to copyright, and to afford greater encouragement to the production of literary works of lasting benefit to the world."

He did not know whether that Act was printed there in its entirety, or whether that was only a portion of the preamble, but, at any rate, that was the intention of the Legislature of Great Britain when that became an Act of Parliament in 1842; and the exception which he took to clause 9, and which had been pointed out also in regard to clause 7, was that, if it remained in the Bill as it stood, every man who wrote a pamphlet or published a book, or any of that sort of ephemeral literature, would be bound to hand in a copy of it to the Museum, and another to the Parliamentary Library, which would cause an immense amount of trouble and discomfort to the men who published matter in that form, and would crowd up those institutions with worthless books. He admitted at once that if anyone wished to preserve the labour of his brain there were ample provisions in the Bill for so doing by registering his right so to do. He thought it was more than absurd that the Bill should include many of the things that had been pointed out—such as that a publisher should have to send copies of a book to the Museum or to the Parliamentary Library under a heavy penalty. He hoped the Premier would see that the real object of the Bill was perfectly gained with the omission of portion of the 7th and the whole of the 9th clauses.

The PREMIER (Hon. Sir S. W. Griffith) said the hon. gentleman must be aware that the clause was taken from the English law, which contained provisions not only for the benefit of the owner of the copyright, but also for the benefit of the public by securing that all publications should be registered. There was a great deal to be said in favour of that view. It would be wrong to allow a person who registered his copyright not to deliver a copy of the book. If a man registered his copyright he should be compelled to deliver copies of it, and if he did not he should not be entitled to the benefits. There was no use in registering the copyright of a book unless the public knew what it was. He thought there was a great deal to be said in favour of requiring every person who published a book to supply copies of it. He never heard of any hardship being complained of.

Mr. MOREHEAD: It is not done.

The PREMIER said it was like some of their laws which were observed only whenever it was worth while to do so. All laws of that kind, which might be called arbitrary laws, and not laws of morals, were disobeyed to a certain extent. No

man had a right to steal another man's copyright, but apart from that it was entirely a rule of convenience—simply a question of what was most convenient.

Mr. NORTON : It will be inconvenient as it stands now.

The PREMIER said he did not think so. Of course it was easy to alter the Bill. There was no time mentioned in which the registration must be made. A man might now publish a book in Queensland and register it in England. But it was very inconvenient to do it ; so inconvenient that it had not been done more than once or twice. If the Committee thought it was better not to make it compulsory to deliver copies of a book, undoubtedly the 7th clause would have to be altered ; and they must provide that if a book were not delivered pursuant to the Act, the author should not be entitled to the benefit of copyright. There should certainly be a compulsory provision in respect to books that were registered.

Mr. MOREHEAD : That has never been a point in dispute.

Mr. STEVENS said he did not think publishers should be compelled to lodge copies of books unless they were compelled to register them. There was a clause which said that if a publisher registered a book he was entitled to all rights. It was not compulsory to register, but if a publisher did not register he had no rights. A clause should be inserted to the effect that a publisher should not be compelled to lodge books unless he registered them. There were many books which it was not worth while to register, and it was hardly right that the publishers of them should be compelled to lodge copies of them.

Mr. CHUBB said he thought no great hardship would be inflicted by confining the delivery of books to those persons who wished to register their copyright. If a man had a book worth preserving he would register it and deliver it, and if it were not worth preserving he would not take the trouble. As the Premier said, it would only be enforced when necessary. There were thousands of those ephemeral effusions which lived like butterflies and died in the same way, and they did not require to be preserved ; but there were other compositions which were valuable to the public as well as profitable to the writer. There seemed to be an agreement of opinion on both sides of the Committee on the subject. It had been suggested that non-delivery of a book should involve total forfeiture of copyright, but a publisher had common-law rights as well as copyright under the Bill, and he doubted whether they should go to that extent. If a man did not register he would be deprived of any benefit conferred under the Bill, but he had other rights outside the Bill.

Mr. FOXTON said he did not quite agree with the hon. member for Bowen. If they struck out the 9th clause they ought certainly to deprive anyone who did not register of his common-law right to copyright, for the reason that a man might publish a book and might not register it, saying that he did not want a copyright, and the time might come when somebody else might publish a book closely resembling it, and the first man might then say, "That is copyright," and on the question arising as to whether the second book was a colourable imitation of the first deposited, copies would be of great value in determining whether or not the copyright was infringed. Consequently, if they left out the 9th clause they ought to deprive a man of any right to copyright who failed to take advantage of the provisions of the Act at the time he published his book.

Mr. MOREHEAD said the difficulty might be got over if hon. members referred to the 8th clause of the Act of 1842. That clearly showed that books might be written which might be found to be of great value and which might not be registered, but copies might be obtained, if the institutions named considered the book of sufficient value, by making a demand in writing. A clause of that kind, if inserted in the Bill, would meet the whole difficulty. They would not be compelling people to register, but if the authorities of the Parliamentary Library or the Museum thought that a certain book, though not registered, was of sufficient value to warrant them in obtaining a copy, they could demand a copy in writing, and the publisher was bound to supply it under a penalty. The 8th clause of the Act of 1842 provided for that, and he was surprised it had not been embodied in the Bill.

The PREMIER : It is embodied in the Bill.

Mr. MOREHEAD said that if the hon. member would read the clause he would see it was not embodied in the Bill in the way provided in the 8th clause of the Act of 1842.

The PREMIER said he was inclined to think that possibly the best way to meet the difficulty would be to amend the 7th clause by providing that within six months after the day on which any book first published in Queensland after the passing of this Act was first sold, published, or offered for sale within the colony, "and before the copyright therein is registered under this Act," a copy must be delivered as provided in the latter part of the clause. Then, in the 8th clause, they might require the receipt to be produced to the Registrar-General before the registration was made, and then the 9th section might provide that if any author neglected to comply with the previous sections he should not be entitled to copyright. He thought that was the most convenient way to deal with the matter.

Mr. MOREHEAD said that was the best way to deal with it. They could let the Bill go through, with the understanding that it would be recommitted for the purpose of amending it in the direction suggested by the Premier.

Question put and passed.

Clause 10—"Register to be open to inspection"; clause 11—"Making a false entry in register a misdemeanour"; and schedules 1 to 4, inclusive, passed as printed.

On schedule 5—

Mr. FOXTON said he would suggest the advisability of adding a further schedule, providing for a proper form of receipt.

The ATTORNEY-GENERAL said he did not think it would be necessary to provide a form of receipt. It would be quite sufficient for a person to get a receipt to the effect that he had delivered a book on a certain day.

Mr. FOXTON said his object was to prevent any question arising as to whether a person had delivered a book. As the Bill at present stood it was penal not to deliver at certain places books published in the colony, and the question of delivery therefore might arise. If there was a printed form of receipt that would be satisfactory evidence that the book had been deposited as required by the Bill. But if the form of receipt was to be left to the fancy of the person receiving the book the question might arise as to whether the book, had really been delivered or not. There would be very much more formality about the proceeding if a printed form were adopted.

The ATTORNEY-GENERAL said it would be necessary for the person to whom the book was delivered to give a receipt, and it might be more convenient to write it than to give one on a printed form. Even a receipt on a printed form might be questioned or mislaid.

Schedule put and passed.

Preamble passed as printed.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

On the motion of the ATTORNEY-GENERAL, the Speaker left the chair, and the House went into committee for the purpose of reconsidering clauses 7, 8, and 9.

On clause 7, as follows:—

"Within six months after the day on which any book first published in Queensland after the passing of this Act is first sold, published, or offered for sale within the colony, a printed copy of the whole of such book, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, and bound, sewed, or stitched together, and upon the best paper on which the same is printed, shall be delivered by the publisher at the Museum and at the Parliamentary Library in Brisbane.

"A like printed copy of any second or subsequent edition of any book, which edition is published in Queensland after the passing of this Act, whether the first edition was published before or after the passing of this Act, with any additions or alterations, whether the same are in the letter-press, or in the maps, prints, or other engravings belonging thereto, and whether the first or some preceding edition has been so delivered or not, shall, within the like period of six months after the day on which such second edition or subsequent edition is first sold, published, or offered for sale within the colony, be delivered by the publisher at the Museum and Parliamentary Library aforesaid."

The ATTORNEY-GENERAL said that hon. members had expressed a very general desire as the Bill was passing through that there should be an amendment of it to such an extent as to make it not penal on the part of a person publishing a book in Queensland if he did not lodge a copy thereof in the Parliamentary Library and the Museum. The matter had not forced itself on the attention of hon. gentlemen until they came to the clause making it penal not to do that. The object which hon. members had in view would be best effected by making a series of amendments, the first of which he would now propose. He moved that after the word "colony" in the 4th line of the 1st paragraph there be inserted the words, "and before the copyright therein is registered under this Act."

Amendment agreed to, and clause passed with a consequential amendment in the 2nd paragraph.

On clause 8—"Mode of delivering copies"—

The ATTORNEY-GENERAL moved the insertion of the word "every" after the word "and" on the 48th line, so as to read "and every such officer."

Amendment put and passed.

The ATTORNEY-GENERAL moved the addition of the following words at the end of the clause:—

The receipt so given shall be produced to the Registrar-General with the statement hereinbefore provided; and unless the same are so produced the Registrar-General shall not register the copyright in the book.

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

On clause 9—"Penalty for default in delivering copies for the use of the libraries"—

The ATTORNEY-GENERAL said he proposed to negative the clause, and substitute a new one.

Clause put and negatived.

The ATTORNEY-GENERAL moved that the following new clause be clause 9 of the Bill:—

If, in the case of any book or any second or subsequent edition of any book, copies whereof ought to be delivered pursuant to this Act, copies are not so delivered, the person who, if such delivery had been made, would have been entitled to the benefit of copyright therein shall not be entitled to any benefit of copyright in respect of such book.

Question put and passed.

The ATTORNEY-GENERAL moved that the Chairman leave the chair, and report the Bill to the House, with further amendments.

Mr. MOREHEAD said he had a few words to say. The Premier had on the previous night taken the opportunity of twitting him with ignorance with regard to the Bill. He left the House, the Committee, and the Press to decide, after what had passed that night, where the ignorance lay.

The PREMIER said the hon. member's observation would have had much more point if anything the hon. member had said on the previous evening had any reference to anything that had occurred that afternoon.

Question put and passed.

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

## CRIMINAL LAW AMENDMENT BILL—COMMITTEE.

The PREMIER said: Mr. Speaker,—It has been suggested to me that it might be convenient to allow some further time before going into committee on this Bill. I therefore move that this Order of the Day be postponed till after the consideration of the next Order of the Day.

Question put and passed.

## VALUATION BILL—COMMITTEE.

On the motion of the PREMIER, the Speaker left the chair, and the House resolved itself into Committee of the Whole to consider the Bill.

Preamble postponed.

Clause 1 passed as printed.

On clause 2—"Commencement"—

The PREMIER said he thought it would be convenient that a Bill of this kind should come into operation at the beginning of the year.

Question put and passed.

Clause 3 passed as printed.

On clause 4—"Repeal"—

The PREMIER said the parts proposed to be repealed were the valuation clauses in the existing Acts. They were not proposed to be repealed by any other Bill, and if through any misfortune the Bill before them should not become law, those valuation clauses would remain until Parliament altered them.

Clause put and passed.

On clause 5, as follows:—

"All land is rateable for the purposes of this Act, with the following exceptions only, that is to say:—

(1) Crown land which is unoccupied or is used for public purposes;

(2) Land in the occupation of the Crown, or of any person or corporation, which is used for public purposes;

(3) Land vested in, or in the occupation of, or held in trust for, the local authority;

(4) Commons;

(5) Land used exclusively for public worship or for public worship and educational purposes, or for mechanics' institutes, schools of arts, public schools, libraries, or cemeteries; and

(6) Land used exclusively for hospitals, lunatic asylums, benevolent asylums, or orphanages."

The PREMIER said the clause contained no substantial alteration of the existing law. There were some changes in phraseology that made it a little more clear. The word "mines," as he had pointed out on the second reading, was omitted, not because it was proposed that mines should be rateable to any greater extent than they were at present, but because they were already rateable to a certain extent. The anomaly of saying that they were not rateable except so far as they were rateable, was removed by omitting the word from this clause and dealing with it in the 7th clause, which dealt with the principles on which all property was to be rated, and defined distinctly the basis to be adopted in the case of mines. A question had been raised on the second reading as to the rating of property belonging to the local authority itself. In the case of land belonging to other local authorities, there could be no reason why it should not be rated. For instance, if a divisional board had its office within the district of another local authority, it was merely an occupier as far as the other local authority was concerned, and there was no reason why it should not be rated. The question was also raised whether land vested in a local authority itself should not be rateable. He did not see any reason why it should be. Why should a local authority levy rates on its own tenants? Of course the result would be that they would get precisely the same amount, only part in the form of rent and part in the form of rates, and on the part in the form of rates they would get endowment from the Crown. He did not see why they should get endowment from the Crown on their own property, and for that reason it was not proposed to alter the existing law. When property was let, free from rates, it fetched a higher rental than when it was liable to be rated.

Mr. McMASTER said he had called attention yesterday to one of the points mentioned by the Premier. He thought that the clause in its present form would work very arbitrarily against many local authorities. He disagreed entirely with the Chief Secretary that the local authorities ought not to levy rates upon their own tenants, and that they ought to get the rates by charging higher rents. Take for instance the municipality of Brisbane. They had been unable to collect rates, although they had leased property subject to the payment of rates. Further, they were prevented from collecting rates for sanitary purposes, for watering the streets, or for lighting. Now, he did not think it was fair that a man having a property leased alongside of another should be exempted from the payment of lighting, watering, and sanitary rates, whilst his neighbour had to pay the whole of them. He considered that if a local authority had a property and leased it to a private individual carrying on business, it ought to be able to collect rates in the ordinary way. The municipal wharves in Brisbane were leased to Howard Smith and Sons, with the understanding that they should pay the ordinary municipal rates, but finding there was no law to compel them to do so, they refused to pay, and the municipal council were unable to enforce payment. The consequence was that James Campbell and Son refused to pay, and Hart refused to pay, whilst Parbury, Lamb, and Company, D. L. Brown and Company, and the old A.S.N. Company had to pay taxes. The streets were watered and lighted for the municipal lessees as well as for the others he mentioned. If the property were leased for public purposes he could understand the exemption, but it must be remembered that the municipal council had bought a lot of property, and were unable to levy rates upon it. They paid £1,500 for an allotment adjoining Victoria Bridge, and if that clause passed they would be unable to levy rates upon it. They had paid for the Town Hall reserve, and if they should lease that they would be unable to collect rates upon it. He thought it a very great hardship that the majority of owners should be obliged to pay heavy rates, and that corporation lessees should go free; and he would suggest that in the 3rd paragraph of the clause, after the words "local authority," the words "for public purposes" be inserted. He would not move the amendment at present, but would wait until he heard the opinion of the Committee upon his suggestion.

Mr. MOREHEAD said it appeared to him that the great grievance the hon. member suffered under was that the corporation of Brisbane had made a stupid bargain with Howard Smith and Sons. The council, no doubt, thought that if their lessees paid rates they would get the endowment upon them, otherwise they would have so framed the lease as to have included the rates. The case appeared to him to be very much like that of the dog going over a bridge with a piece of liver in his mouth, and seeing the reflection of it in the water tried to grasp it, with the result that he lost both. The council had tried to grasp at the shadow as well as the substance, and lost both. He was sorry for the council, but he could only attribute it to their own ignorance.

Mr. McMASTER said the council had shown no ignorance whatever. They had let the wharves at a certain rent on the understanding that the rates would be paid. He should like the leader of the Opposition to point out why parties living on properties of that sort should be exempt from health rates, lighting rates, and water rates. The municipal council made no foolish bargain, but the bargain they did make they now found they had no means of enforcing. That was what he complained of.

Mr. MOREHEAD said he would again point out that that was a matter, as shown by the hon. member, where the municipal council had not fully considered the surrounding circumstances. The hon. member had admitted that in so many words, and he did not think he had any reason to make a complaint in regard to a matter with which the Committee had nothing whatever to do in an arrangement between the corporation of Brisbane and Howard Smith and Sons.

Mr. FOOTE said he thought the hon. member for Fortitude Valley had made out a very good case. It was quite clear that when the properties were let the municipal council were under the impression that the lessees would pay the various rates that were allotted to those properties. When they were let for private and not for public purposes he thought the council were entitled to the rates. Of course there was the other side of the question—namely, that an endowment would be payable upon the rates so collected; but he thought the council were quite entitled to that. The corporation of Brisbane at the present time needed all the money they could properly and reasonably get.

Mr. GRIMES said the amendment which the hon. member suggested appeared to him to be a very good one. There were other cases in which the corporation of Brisbane, as well as other local bodies, found the law as it was at present worked very awkwardly. For instance, in some of the streets of Brisbane the corporation had had to make very deep cuttings, and they had found it to their advantage to purchase properties rather than to pay the compensation that was demanded for the injury done to those properties. Those properties would, no doubt, be let to private indi-

viduals; there were already houses on them; and if the clause passed in its present form the corporation would be unable to levy rates upon its private tenants. It was very necessary that provision should be made to meet cases of that kind.

Mr. BUCKLAND said he quite agreed with the remarks of the hon. member for Fortitude Valley, and thought he had made out a very good case indeed. There was another local authority very near the city, the boundary of which on one side was the river Brisbane. The local authority had control of the river frontages, and it was their intention to lease those frontages to private individuals. If the clause was passed in its present form those lessees would not be subject to rates, whereas the freeholders on the opposite side of the road were subject to all the taxes that might be passed by the local authority. Without the amendment as suggested, the measure would be a very hard one indeed.

Mr. McMASTER said the leader of the Opposition remarked that the corporation had made a very bad bargain, and that they ought to have known what they were doing before they made it. What he was asking for now was to place local authorities in such a position that they would not make such a bargain again. That particular bargain was made in the belief that the corporation had the right to levy taxes on certain property, which they now found that they could not do. It was also correct, as stated by the hon. member for Oxley, that the corporation had purchased properties rather than pay the enormous amount of compensation asked, and they were now negotiating for the purchase of others. But when those properties were leased they would be unable to levy rates on them. There were, no doubt, many other municipalities in the same position in that respect as the municipality of Brisbane, and it was only fair that they should be enabled to collect rates from their own tenants as well as from other persons. He moved, by way of amendment, that the words "and which is used for public purposes" be added to the 3rd subsection of the clause.

The COLONIAL TREASURER said there seemed to be a delightful unanimity among hon. members who occupied the position of aldermen or members of local authorities in the matter of obtaining an increased basis of assessment on which they could obtain a larger endowment. Even supposing the hon. member for Fortitude Valley to have made out a good case, he (the Colonial Treasurer) must enter a preliminary objection to it if it was intended to lead to an additional claim being made on the Treasury. He had no objection to municipalities obtaining rates from their tenants, but if they did, it was no ground, so far as he could see, for increasing the endowment they obtained from the Treasury. He trusted that, if the amendment were carried, those hon. members who were in favour of it would not object to an alteration in the Divisional Boards Act, by which no endowment should be paid upon rates obtained from property belonging to local authorities.

Mr. KATES: You cannot draw the line there.

The PREMIER said the matter was of more importance than hon. members seemed to think, and it required very serious consideration. There was a good deal to be said in favour of rating the tenants of corporations for health and things of that sort, but he certainly thought it was the duty of the Government and of the Committee to resist any attempt to enable local authorities of any kind to receive endowments from the Treasury for what was in reality part of the income from their own property. It was not a contribution made by individuals to the revenue of the corporation, but part of the rent they received for their own property. The endowment already paid by the Treasury to corporations was quite large enough; in no other country, indeed, was it so liberal. If the amendment was carried it would be necessary to omit the clause from the Bill, and introduce it into the Divisional Boards Bill, which dealt with the question of endowment. That question could not be dealt with in the present Bill; if carried it would then become a question of money, and would have to be dealt with in another Bill. The clause, even as it stood, might have been omitted from this Bill, and it was only put in because it would be convenient to have the same rule for all local authorities without the necessity of bringing in other Bills to amend the Local Government Act and the Divisional Boards Act. The amendment certainly deserved more consideration than it had yet received.

Mr. CHUBB said he really thought the Government were going to accept the amendment of the hon. member for Fortitude Valley, otherwise he should have said something on the question before. He did not think hon. members thoroughly understood the full effect of the amendment. He would give an illustration which would show it clearly. A local authority was going to build a wharf, or establish a market or some other public institution. They obtained a loan from the Government to carry out that object, borrowing the money for twenty, thirty, or forty years. They leased the property as soon as they had completed it; they immediately rated the tenant; they got endowment from the Government to a considerable amount, and this enabled them to pay the instalments of the loan back into the Treasury. That was how it would work with regard to cases of the kind. The case mentioned by the hon. member for Fortitude Valley was on the same principle but different in degree. He was prepared to oppose the amendment.

The HON. J. M. MACROSSAN said the hon. member for Bowen might have put the case even stronger than he did. He might have instanced a case where the Government actually gave the land for nothing upon which the wharf was to be built.

The PREMIER: In all cases?

Mr. McMASTER: Not in all.

The HON. J. M. MACROSSAN: They gave it without any compensation whatever, and then the board or the municipality came down and looted the Treasury in the shape of endowment upon rates. The principle was unsound and unfair to the general taxpayers.

Mr. MORGAN said he thought the senior member for Fortitude Valley had put his finger on a weak spot in the Bill, and with all due respect to the Premier he believed that in justice to corporate bodies some such amendment as the hon. member had suggested ought to be agreed to by the Committee. The Premier in his remarks seemed to think that corporate bodies would use it as a means of making a raid on the Treasury, but he (Mr. Morgan) thought that a sort of compromise might be made which would meet with the approval of the senior member for Fortitude Valley. He thought that properties vested in local authorities, and not used for public purposes, should be subject to rates on which endowment was not paid by the Government — such as health rates, gas rates, and water rates. The Government, as the hon. member for Fortitude Valley had very properly pointed out, paid no endowments on those rates, but the corporate body gave the

tenant full value for the rates they demanded in return, and therefore there could be nothing in the nature of a hardship in making those people pay those special rates, and there would be no raid made on the Treasury such as the Chief Secretary seemed to anticipate. He thought that local bodies had a right to demand that, and he did not think the Committee ought to make any further exceptions than those included in the Bill against local bodies. The exceptions were sufficiently numerous already—too numerous, in fact; and if hon. members had had any practical experience in the administration of the Local Government Act they would be inclined to agree with him in that respect.

Mr. McMASTER said he did not wish to be unreasonable, and, therefore, he had no objection to accept the amendment in that form. He had intended to have made it understood that the rates he wished to collect would have no endowment upon them. It was hard upon the ratepayers of any local authority to have to pay the health, gas, and water rates, while the lessees of municipal property got off scot-free. There was no endowment upon any of those rates, as they were special, and, therefore, he considered it a very great hardship that others should have to bear those rates while the persons he referred to went free. He thought it was only fair that they should be able to collect rates from all parties alike; and if the Government thought they would be taking too much from the Treasury, he did not think so; but he had no objection to allow it to go that no endowment should be paid upon rateable property belonging to a corporate body. He was quite willing to allow it to go in that form; but it was manifestly unfair to allow the clause to pass as it stood. He would accept the proposed amendment.

The PREMIER said it did not make any difference to the Treasury in what form municipalities or local authorities got revenue from their own land—whether it was wholly in the form of rent or partly in the form of rent and partly as rates. That was a matter that did not concern the Treasury at all. If the amendment was carried it would be a declaration of the opinion of the Committee on the subject, and it would then be necessary, as he had pointed out, to deal with it in another form.

Question—That the words proposed to be added be so added—put, and the Committee divided:—

AYES, 10.

Messrs. Foote, Mellor, Isambert, White, Buckland, McMaster, Wakefield, Morgan, Grimes, and Macfarlane.

NOES, 21.

Sir S. W. Griffith, Messrs. Norton, W. Brookes, Chubb, Morehead, Dickson, Sheridan, Macrossan, Moreton, Bulcock, Rutledge, Nelson, Jordan, Pattison, Kates, Donaldson, Adams, Foxton, Dutton, S. W. Brooks, and Salkeld.

Question resolved in the negative.

Clause put and passed.

Clause 6 passed as printed.

On clause 7, as follows:—

"In the valuation of land the annual rateable value shall be computed as follows:—

"I. With respect to town land and suburban land—

"The annual value of the land shall be deemed to be a sum equal to two-thirds of the rent at which the same might reasonably be expected to let from year to year, on the assumption (if necessary to be made in any case) that such letting is allowed by law, and on the basis that all rates and taxes, except consumers' rates for water, gas, or other things actually supplied to the occupier, are payable by the owner.

"Provided as follows:—

(1.) The annual value of rateable land which is improved or occupied shall be taken to be not less than five pounds per centum upon the fair capital value of the fee-simple thereof.

But this proviso does not apply to any land which is fully improved—that is to say, upon which such improvements have been made as may reasonably be expected, having regard to the situation of the land and the nature of the improvements upon other lands in the same neighbourhood.

(2.) The annual value of rateable land which is unimproved and unoccupied shall be taken to be not less than eight nor more than ten pounds per centum upon the fair capital value of the fee-simple thereof.

"II. With respect to country land—

"The capital value of the land shall be estimated at the fair average value of unimproved land of the same quality in the same neighbourhood, and the annual value shall be taken to be not less than five nor more than eight pounds per centum upon the capital value.

"Provided as follows:—

(3.) The annual value of rateable land held under lease or license from the Crown for pastoral purposes only, or as a grazing farm under the Crown Lands Act of 1884, shall be taken to be equal to the annual rent payable under the lease or license.

"III. With respect to mines—

"In estimating the annual or capital value of mines the surface of the land and the buildings erected thereon shall alone be taken into consideration, and all minerals and other things beneath the surface of the land, and all machinery necessarily used for the purpose of working the mine, shall not be reckoned.

"IV. No rateable land shall, for the purposes of levying rates thereon, be valued at an annual value of less than two pounds ten shillings.

"V. All land which is town land or suburban land within the meaning of the Crown Lands Act of 1884 shall be town land or suburban land for the purposes of this section, and all other land shall be deemed to be country land.

"Provided that the Governor in Council, on the recommendation of the local authority, may by proclamation declare any suburban land to be country land, or any country land in the vicinity of a town to be suburban land. And such land shall thereupon be deemed, for the purposes of this Act, to be country land or suburban land, as the case may be."

The PREMIER said he did not propose to make many observations upon the clause, except to point out that it was substantially what was agreed to last year. It was the most important clause in the Bill; in fact, it really was the whole Bill, because the rest of it was only detail. He would point out, in respect to the first division—town land and suburban land—that it was exactly the same as they agreed to last year. He believed that no fairer rule than that could be adopted. In the first proviso, the words "in the opinion of the court of petty sessions" were left out, although the insertion of the words or their omission made no difference to the meaning of the clause; because whether a man's improvements were such as might reasonably be expected, was a question of fact which must be determined by the judges of that question of fact. The judge, in the first instance, was the board, subject to appeal to the justices, so that it did not make any difference whether the words were in or out. Some hon. members appeared to think there would be confusion caused by the retention of the words, and therefore they were omitted. The great fight which was raised in another place last year was in respect to country lands. He had already pointed out that they proposed to reduce the minimum from £8 to £5, and the maximum from £10 to £8. He thought, for country lands, £8 per cent. upon the capital value was sufficient. The question of the minimum was the most serious. As he said before, the clause was the most important one in the Bill.

Mr. NELSON said he would like to make a suggestion in respect to the part of the clause dealing with country lands. The point he wished to bring before the Committee was simply that the whole basis of local government was the

principle of government for the people and by the people. It was the very best form of democracy which had been established, and if they could trust the people to manage their own affairs they had better trust the boards. As the Premier had very well remarked, 8 per cent. for a maximum was a very good rate. A minimum rate of interest meant simply that some board or other might be desirous of making a farce of local government. He did not see any other case where the minimum came into operation. Even if there were a board so ill-disposed as that—and he did not believe there was one, or likely to be one—they could make a farce of the capital value to start with, or they could make that very low, and then go on the very lowest rate, 4d. in the £1, which he believed was retained in the Bill. Moreover, it would be no benefit; in many cases it would operate in a very uneven or unworkable way. There might be two selectors alongside of each other owning properties of exactly the same value, and one might have acquired his freehold and the other might be under the Act of 1884, both in an agricultural district. Say, for example, that the capital value was £1 per acre; in that case one man would have to pay the minimum annual value of 1s. in the £1, whereas the other would be rated at the minimum of 3d. One of them would have to pay four times as much as the other, although their properties were exactly similar. He thought the clause might very well be amended by simply leaving out four words in the 8th and 9th lines of page 3 of the Bill, "less than five nor." If there were no previous amendment he would move that.

Question—That the words proposed to be omitted stand part of the question—put.

Mr. WHITE said he did not like the proposed amendment, as he thought it might perhaps have a wrong influence in the rating. He did not like it. Of course where the land was alienated it was good land, and only the inferior land was leased. Where the country was not settled, they required the means to make good roads to induce settlement, and the power of rating should therefore not be lessened in any way. He hoped the amendment would not be carried.

Mr. SALKELD said he noticed that the 3rd subsection of the clause provided—

> "The annual value of rateable land held under lease or license from the Crown for pastoral purposes only, or as a grazing farm under the Crown Lands Act of 1884, shall be taken to be equal to the annual rent payable under the lease or license."

He wondered why agricultural farmers were left out of the clause. Why should they not be allowed to pay at the same rate? He could understand when under previous Acts the annual payment was a part of the purchase money the case was different, but he failed to see now why the holder of an agricultural farm should be put in a different position from the holder of a grazing farm.

The PREMIER said the rule for arriving at the capital value of agricultural land was a very fair one. The annual value of such land was just the same whatever the tenure might be. No charge was made in respect of improvements. With respect to land held under pastoral lease, probably the best reason that could be given for what he confessed was an anomaly—taking the actual rent, not the actual value or a percentage upon the capital value—was that it was the most convenient way of arriving at the annual value. In respect of grazing farms the rent put upon them was supposed to be its real value. It was perhaps not quite the same in the case of pastoral leases. He remembered, when the Act of 1879 was going through, he protested against that principle being adopted with respect to pastoral lands; but on further consideration he had found it very difficult to define a better rule, and it had been in force since that day. In the case of lands held under pastoral lease in the sparsely settled parts of the colony, the revenue raised on that basis had been found sufficient. There was another thing which might, perhaps, influence his opinion at the present time, and that was, that being a member of the Government he did not feel disposed to assist in framing any new mode of assessment that would be likely to increase the burdens upon the Treasury. Probably that might influence his opinion now.

Mr. PATTISON said he would support the clause as it stood, and he could not give his sympathy to the remarks of the hon. member for Northern Downs. If boards were to carry out the works in their divisions properly they must have the means to do it. To their credit be it said the people in the divisions around the centres of population, at all events for a year or two, resolved to submit to a rather higher taxation than they would otherwise have had to submit to. He knew that in the board of which he was a member an attempt was made to nullify the benefits of the Divisional Boards Act. If the amendment proposed by the hon. member for Northern Downs was accepted and no minimum fixed, there might at some future day be a board that would only raise just sufficient revenue as would simply nullify the working of the Act.

Mr. NELSON: No fear of that.

Mr. PATTISON said that an attempt of the kind had been made at one time in his district, and it would no doubt be attempted again if any apathy were shown on the part of the ratepayers. No doubt it would be more pleasing to the electors he represented if he agreed with the views of the hon. member for Northern Downs, but he was quite sure it was for the good working of the divisional boards that the Committee should fix a minimum, and not allow them to fix it themselves.

Mr. MELLOR said he was of opinion that it was better to leave the clause as it stood. The hon. member for Northern Downs had not the same difficulty in dealing with boards in his part of the country as they had in the coastal districts. The divisional boards in the country had always a remedy in taxing up to the amount allowed by the Divisional Boards Bill, and could go from 4d. to 6d. or 8d. in the £1, but hitherto in the coastal districts the divisional boards had always rated up to the full extent of 1s. in the £1. He was thoroughly in agreement with the provisions of the Bill, though it was somewhat of a departure from their previous law as it was now being applied to the whole of the local authorities in the colony. There might be some difficulty in dealing with the matter should a property tax be considered necessary at some future time. There was nothing mentioned in the Bill but the land. The land was the rateable property and no buildings were mentioned. It would be an easy matter to bring a land tax into force if one should ever be imposed, but it should apply to town as well as country, as it would not be fair for the country to bear the whole of the burden. That would be a more easy matter to deal with under the Bill, as the taxation in the Bill was more in the nature of a land tax than anything else.

Mr. MOREHEAD said he trusted the Premier would see his way to accept the amendment moved by the hon. member for Northern Downs. It could do no possible harm, and might do a considerable amount of good. It might surely

be left to the ratepayers and electors of a division to elect only those men who would properly conserve their interests. He thought it was absurd to absolutely compel a board to levy a rate of not less than 5 per cent. As the Treasurer knew, it would have the effect of making the demand on the Treasury heavier than it might be if no minimum was fixed. He was of opinion that if members of divisional boards were to mind their own affairs—and that Committee had decided that they were competent to do so—Parliament should not now step in and impose upon them the limitation contained in the clause under consideration. Surely if they thought 1, 2, or 3 per cent. was sufficient they should be allowed to fix that as the limit, and not be compelled to make it 5 per cent. He could see no objection whatever to the amendment proposed by the hon. member for Northern Downs. If the amendment were not accepted it would still be in the power of divisional boards, if they wished to lower the taxes, to bring down the capital value of the land. He (Mr. Morehead) was not aware of any reason why there should be that anomaly between leasehold land and freehold which existed in the Bill. As had been pointed out very strongly in another place, the existing system of taxation weighed very heavily on the owners of freehold land. No harm, as far as he could see, could possibly accrue to divisions by the acceptance of the amendment. If it could he should like it to be pointed out. He did not see any, but on the contrary he thought the amendment proposed by the hon. member was a fair one.

The PREMIER said he thought if they left out all reference to the minimum the Bill would be rather defective, because what they were doing with respect to the valuation of land was laying down a general rule for valuation. In the case of town and country lands they laid down a clear rule. But what rule would there be in the case of town and country lands if the clause simply stated that the annual value should not be more than 8 per cent.? It might then be fixed at 1s. per cent. That would be no rule at all, but would leave the matter entirely to the arbitrary judgment of divisional boards. They were laying down an arbitrary rule for ascertaining the annual value of lands, and it should be a rule complete in itself that anybody could apply. If the minimum was too high they could lower it; if too low it could be raised. But if, instead of taking the actual value of a property, its value was to be ascertained by taking the average value of improved land of the same quality in the same neighbourhood, what were they to do when that was found? The definition would be quite incomplete and would afford no guide at all. They said the valuation was to be at a percentage. But what was the percentage? Some limit must be fixed. If none was fixed, then a board might charge one piece of land 1s. per cent., and an unimproved property adjoining of the same value 8 per cent. There must be some limit, and, as he had already said, if 5 per cent. was too high or too low let it be altered. But in order that there might be a clear rule by which the board could ascertain what was supposed to be a fact—namely, the annual value of the land to be rated—there ought to be something laid down to enable them to arrive at that result. The annual value was not supposed to be an arbitrary amount. In the case of town and suburban lands, the annual value was two-thirds of the actual value of the property for the purposes of letting, exclusive of certain rates and taxes. Last year there was very considerable discussion on the subject, and they came to the conclusion that country land should be rated on the basis of unimproved land of the same quality in the same neighbourhood. That was one element in the consideration; and having arrived at that point the question arose, what was the percentage which must be charged on the annual value? They must say something—fix some amount. He thought that probably the arguments prevailed in favour of fixing a minimum. He did not insist that it should be 5 per cent. That might be too much, but he took it that freehold land was worth at least 5 per cent. on the capital value of unimproved land of the same quality in the same neighbourhood. He had no sympathy with the owners of freehold land who did not want to pay taxes. If people had large blocks of freehold land, he saw no reason why they should not pay rates on that land.

Mr. NORTON said he did not see why people having freehold country land should not be rated, but he thought the same principle should be adopted with regard to country land as was proposed with respect to town and suburban lands. He could see no reason why there should be any difference, because they provided, in respect of town and suburban lands, that the "annual value of the land shall be deemed to be a sum equal to two-thirds of the rent at which the same might reasonably be expected to let from year to year." Why should they not follow that system in regard to country lands? But in the case of country lands it was provided that the capital value of the land should be taken. What guide would they have as to the capital value of freehold country lands situated in places where there were no other freeholds? They would have to compare the land with leaseholds in the neighbourhood. They knew what the annual rent of those lands was worth, because all the land in the neighbourhood was rated, and rated in most cases—at any rate where the selections were taken up under the present Act—by the board, which was quite unprejudiced in the matter. The board valued the land at what they considered was a fair annual rent to pay. Therefore they had, in land taken up in that way, a guide as to the annual value of freehold land. He did not see why a man should be punished because he had a freehold. Of course there were some persons who had by unfair means acquired large estates, but at the same time they must not treat all freeholders as if they had acquired their lands in that way. They should treat them all equitably, and if they were to do that, he thought the same principle ought to be adopted with regard to country lands as was proposed in the cases of town and suburban lands. He might say that when the Bill was passed last session he did not see the full effect of the clause till it was afterwards pointed out by a gentleman not in that Chamber, and he thought the objection a very reasonable one—namely, that it did not treat freeholders on anything like the same terms as leaseholders.

Mr. WHITE said he was not surprised to hear the opinions of the hon. member for Port Curtis on the question.

Mr. NORTON: I daresay not.

Mr. WHITE said the hon. gentleman was not a country resident, and not interested in country lands further than, perhaps, the monopolists' view of the question. Those who were anxious to induce people to improve country land considered that the monopolist did not make the improvements he ought to make, but simply held miles and miles of country over which the actual improver of the country had to travel to reach a market with his produce. While the monopolist paid a mere nothing, the selector had to pay a good deal, and he felt desperately grieved at it.

That very year, in West Moreton, 1,000 tons of potatoes were lost because they could not, on account of the state of the roads, be brought to a railway station he could name. The road went through a lot of splendid land, and was rendered bottomless by the wet season. The poor selectors were paying 25s. a ton for the carriage of their potatoes to the station, but the drays were bogged five or six times, the potatoes had to be unloaded and loaded over and over again, and when they got to the station they were unsaleable, so that it would not have paid to send them to market. The 1,000 tons of potatoes were spoiled, whilst the monopolist was standing there, as it were, blocking the way of settlement and prosperity. The monopolist's land lay in the way of the settler; he would not improve it, nor would he let other people who would improve it have it. And that was the condition of things all over the country.

Mr. NORTON said that when the hon. member for Stanley spoke of what his (Mr. Norton's) opinions and interests were, he had better take the trouble to first ascertain them instead of assuming that they were what he supposed them to be. For an hon. member to assume, as he had done, that he knew what those interests and opinions were was a piece of downright impertinence. The hon. member knew nothing at all of his views or of his motives in forming those views. He (Mr. Norton) certainly was not aware that he was interested in any monopolies, or even that he sympathised with them; and he thought the hon. member would have to travel a long way before he met anyone who had made the discovery that he either sympathised with them or was interested in them. In his own district there was a large number of selectors who had taken up land—freehold land—and improved it; but that land was not such as the land of which the hon. member for Stanley spoke, where drays got bogged in wet weather owing to the richness of the soil; it was for the most part poor land, and those freeholders ought not to be charged a rate on the capital value, but should be rated according to what the land would produce if it were let.

Mr. GRIMES said he was opposed to the amendment of the hon. member for Northern Downs. He thought the minimum of 5 per cent. little enough, especially when they remembered that under the new Bill they had not the opportunity of making a differential rate. In some parts of the colony there was a class of ratepayers who were not anxious to see any improvements made to the roads. Their calling did not require them to use the roads much, and all they cared about was to keep down the amount of rates. It would be possible, if the minimum were removed, for a board to absolutely block any improvements to the roads of the division, and, seeing that the rate could be altered by a majority of one, it would be better to retain the safeguard afforded by fixing the minimum at 5 per cent.

Mr. MOREHEAD said he was somewhat astonished at one or two remarks that fell from the Premier. One remark was to the effect that he had very little sympathy with freeholders.

The PREMIER: Freeholders who wanted not to pay rates!

Mr. MOREHEAD said that freeholders were paying an annual rate to the Government very much in excess of any rent paid by the holders of grazing farms, by the interest on the sum of money they paid into the State Treasury, and that fact should receive some consideration. If a man paid £1 per acre for his land, it was a tax on him for ever, at the lowest computation, of 5 per cent.; so that he was actually saving the State an expenditure of 1s. a year for every acre of land he owned. Some consideration should be given to him on that account, if on no other. He did not see that it was a crime to be a freeholder in the colony. He was sure the leader of the Government was a criminal as well as he (Mr. Morehead), if such was the case; and he thought the same remark might be made of the hon. member for Stanley who, he was told, was a most grasping man. That hon. member had gone out of his way to make an unprovoked and cowardly attack on the hon. member for Port Curtis, and he would now like to say a word or two to the hon. member for Stanley. He was told that if there was a rack-renting landlord in Queensland it was the hon. member for Stanley, Mr. White. That was no doubt as to the reason why he was so anxious to get those 1,000 tons of potatoes—of which he appeared to have some in his mouth—down to that particular railway station—which was Laidley, no doubt. No doubt, his tenants not having stumped up as well as he would have liked was the cause of his complaint about the 1,000 tons of potatoes not coming to that station. Every hon. member knew that the hon. member for Stanley was not—to put it mildly—the most generous landlord in the colony. They all knew that the hon. member did not let down his tenants very lightly, and that whatever rates might be imposed by the divisional board, through which his unimproved neighbours might be taxed, they would not affect him in any way, because he would add them to the rent. The hon. member would be wiser than the hon. member for Fortitude Valley, who, in his capacity as municipal councillor, did not act so wisely as he should have done in the transaction with Messrs. Howard Smith and Sons. He did not think it became the hon. member for Stanley to go out of his way to make an attack on the hon. member for Port Curtis, who had done nothing to justify the attack of this hon. member with his 1,000 tons of potatoes. He trusted hon. members on the other side would see their way to accept the amendment of the hon. member for Northern Downs, which could have no possible evil effect. Of course, if the majority decided that the injustice should be done to those who held freehold land in the country, they must abide by it; but the injustice would remain the same. It appeared to him a very unjust thing that the freeholders in the country should be sandwiched between two different bodies of men—the suburban freeholders, and those who held grazing farms. In both those cases the assessment was based on the rent. Surely it must be patent that if two pieces of land—say 1,000 acres each—were lying side by side, one equally good with the other, one being freehold and the other leasehold, it was flagrantly unjust that the freehold should be rated 4 to 1 as against the leasehold. It was doubly unjust in respect to this: that the State had already received from the owner of the freehold what, at any rate, the State considered its market value in the shape of money, which had been paid into the public Treasury, and of which the State had received the benefit. There could be no logical argument brought forward for placing those people who were affected by the 2nd section of the 7th clause in a different position from those who were dealt with in the other portions of the clause. It seemed to him very unfair and manifestly unjust.

The PREMIER said there were two very sound arguments against adopting the same rule in the two cases. First of all, in dealing with town and suburban lands they were dealing with land which, in the circumstances of the colony, were ordinarily owned by landlords and let to tenants, therefore the rent which could be got for them was a fair and practicable test which could be applied. Now, with respect to large freeholds in the country, they knew as a matter of fact that

they were not ordinarily let, except to a very small extent, and in that case there was not the same easily applied and practicable test. Then he thought they were all agreed that in order to encourage improvements on country lands they ought not to burden the occupiers of them with any additional rates because of their improvements, and they therefore started on the basis of land unimproved. That might be a departure from the strict logical rule, but it was a principle that they had adopted for, he thought, a very sufficient reason—because it was desirable by all means in their power to encourage improvements. Well, what was the value of unimproved land? Surely it was not worth less than 5 per cent.

Mr. NELSON: Will you guarantee 5 per cent. on it?

The PREMIER: If it was not worth 5 per cent. the capital value was fixed too high. If the land would not bring in 5 per cent. of a given price, then it was not worth that price. If a man paid £1 per acre for land and it only brought in 2½ per cent., he had better reduce his valuation to 10s. He did not know whether the hon. member had in view one of the Railway Acts—introduced, he thought, by the hon. member for Townsville, Mr. Macrossan—by which when land was required for railway purposes the valuation in the books of the divisional board was to be taken as *primâ facie* the value of the land. Of course then it would be inconvenient to have the capital value fixed too low. But the value of land as represented in the divisional board book was convenient for reference for many purposes. He considered that they could not really say that unimproved land in the country was worth less than 5 per cent. If that were too much, then let them make it 3 or 4 per cent.; there might be reason for doing that. Of course 5 per cent. was an arbitrary figure, and it might be that it was too high. In the case of unimproved town and suburban land the limit was put very high indeed—from 8 to 10 per cent.—the object of course being that people, who in closely settled places profited by the enhanced value of their lands arising from the improvements made by their neighbours, should not escape taxation on that account. That did not apply to the same extent to country lands, therefore the limit ought to be lowered; but he thought it would be a great mistake to omit a minimum. Perhaps the hon. member would test the question whether there should be a minimum by dividing the amendment into two—first decide whether there should be a minimum, and if so, then whether 5 per cent. was the proper minimum.

Mr. NELSON said there might be a great deal in what the Premier had said the last time, but he strongly objected to what had been said by the hon. member before, and by some of his supporters. It was a very strange thing that no one could move an amendment without having nasty personal motives attributed to him: he thought that ought to be put down. He knew of no board which would try to reduce the value in the way which had been suggested. He thought the tendency of boards was in the other direction—to make it as high as they could; and very often when they financed their affairs on liberal principles and got into a deficit, they were compelled to put up the rates to 1s. in the £1. There were a number of boards in that position now. But there was a good deal in what the Premier last said that he concurred in. It was only in certain cases—probably exceptional cases—that country lands could not be fairly rated at 5 per cent. on the capital value; but then that was not a fixture. There was a lot of things to be taken into consideration in the valuation of property. They had to take into consideration the value of the produce, the seasons, and so on. During the last three or four seasons there were very few or no pastoral properties that had returned a net income of 5 per cent. Well, under exceptional circumstances why should a board not have the power to reduce their valuation in order to ease off taxation for the time being? To test the question he would beg leave to withdraw his amendment, and would propose that the word "three" be inserted in the 9th line, instead of the word "five."

Amendment withdrawn.

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

The PREMIER said at the present time the minimum was 5 per cent. of the capital value, improvements and all; 5 per cent. on the whole place.

Mr. NELSON: Half the value of the improvements.

The PREMIER said the minimum was 5 per cent. on the gross value; so that there was a very considerable concession to country lands as it stood. He confessed he had not sufficient personal knowledge to say whether 5 per cent. was not too much, but considering the value of land, if it was not worth 5 per cent. on the unimproved value, then the unimproved value was put at too high a rate.

Mr. DONALDSON: It is possible for the valuer to make it too high.

The PREMIER said if the capital value was too high it could be reduced; but would any hon. member say that in the present state of the money market any country land was worth more than twenty times its annual value—worth more than twenty years' purchase? He did not think so, and would be sorry to buy it at that price unless for the purpose of speculation. He believed himself that 5 per cent. was not too high, but it was a matter that must be determined arbitrarily. It was a very serious reduction upon the present minimum, and that must be borne in mind.

Mr. NELSON said if a board were desirous of lowering the taxation a new valuation was a very expensive matter. It cost a lot of money to make a special valuation, but if the valuation was put down at a low minimum the board could adjust the taxation without going to expense—it might be for only one or two years.

Mr. PATTISON said that supposing the rate was a 1s. one it could be reduced to 9d. or 6d., and by that means what the hon. member required would be done. It was a very simple matter.

The HON. J. M. MACROSSAN said that when the Divisional Boards Bill was introduced, of course there was a strong objection to the Bill at all; but the great objection and fight was over the rating clause. Now, he did not feel inclined at all to go with the hon. member for Northern Downs in reducing the minimum below 5 per cent., seeing that the system had worked so well. As there had been no complaints against the minimum, they should let well alone. He was quite satisfied with the 2nd subsection as it stood. He thought it was an improvement on the original, and he believed the Committee would do well to adopt it as it stood without any amendment at all.

Question—That the words proposed to be omitted stand part of the clause—put and passed.

Mr. ADAMS said he would like to ask the Premier whether it was his intention to abolish the rate on machinery. If he was going to do that there was no necessity for him to say anything more.

The PREMIER said they had adopted two rules for valuations—one with respect to town and suburban lands, and one with respect to country lands. With respect to country lands, they were valued irrespective of improvements, so that the question of machinery would not come in at all, and need only be considered with respect to town and suburban lands. They estimated the annual value of other town property as it actually stood, and why should they estimate it on a different basis because there was machinery on it? He did not see any reason. What was the annual value of a flour-mill? "What would it let for?" would be the question. What would be the value of it without the machinery? He was not prepared to move any amendment in the clause as it stood.

Mr. GRIMES said he was not aware of any division throughout the colony where machinery had been taxed. Perhaps the hon. member could tell the Committee what division he referred to.

Mr. ADAMS said he did not ask of the hon. member his opinion upon the matter. All he (Mr. Adams) knew was that by the Bill machinery could be taxed, and he wanted to deal out even-handed justice not only to the agriculturists but to miners as well. He thought that machinery used for agricultural and other purposes was equally beneficial with mining machinery to the colony. It had been contended that agricultural machinery cut up the roads throughout a division; but take the case of a cane-crusher through which the cane was passed, and the juice conveyed through pipes to its destination. No carts were used for the conveyance of that cane, and a great deal of money had been laid out in a machine that was the cause of doing much good to the district. A miller did not cut up the roads very much on account of the use of his machinery. All machinery brought into the colony enhanced the prosperity of the colony, and in particular the locality where it was erected. He would take the case of the Ipswich Woollen Factory, whose machinery, he supposed, was taxed. It was acknowledged that that woollen factory had been a boon to the colony, and would be a greater boon yet. Was it not advisable to encourage undertakings of that kind instead of heaping taxes upon them which they could not stand? Their buildings were taxed, and it was not just to tax in addition their machinery, which had been erected for the purpose of employing labour. It might be said that mills were taxed because they injured the roads, but that argument would not hold water as far as his district was concerned, and no doubt in many others as well. If a small farmer grew corn he had to take it to someone else's mill to get it crushed, and he had more cartage to do than the mill-owner. People who had sunk their money in machinery ought not to pay taxes upon it. He would move as an amendment that the following words be inserted between the word "mine" and the words "shall not be reckoned" in the 3rd part of the clause—"or any machinery used for agricultural, mining, or other purposes."

The PREMIER said he could not agree to the amendment. He did not think that any sufficient reason had been shown why persons with machinery on their premises should be exempted from taxation for it. It only applied to those in towns. Exception was everywhere made in the case of mines; but he was not aware of any country where a mill-owner or proprietor of machinery was exempted from taxation on the value of his property, including his machinery.



Mr. KATES said he did not agree with the Premier. There was no doubt that mining was a valuable industry, but he did not think it was more valuable than agriculture; and he agreed with the hon. member for Mulgrave that agricultural machinery should also be exempted from taxation. The Premier seemed to think that all mills were in towns, but there were some in the country.

The PREMIER: They are not taxed on their machinery, but only on the unimproved value.

Mr. KATES said that, even if they were not, the agricultural industry ought to be put on the same footing as the mining industry; and the adoption of the amendment would do no harm.

Amendment put and negatived.

The PREMIER moved the omission of the following words in part 4 of the section, on the ground that they were superfluous—"for the purpose of levying rates thereon."

Amendment put and agreed to.

The HON. J. M. MACROSSAN said he had not before him the exemption provided in the original Act, and he would like to know from the Premier whether the exemption in the present clause relating to machinery used for mines was in exactly the same form?

The PREMIER said that in clause 59 of the Divisional Boards Act mines were included amongst the exemptions, and it was provided that—

"For the purposes of this section the word 'mines' shall not include the surface of land used for mining purposes, or buildings erected thereon; but it shall include all minerals and other things beneath the surface of the land, and all machinery necessarily used for the purpose of working the mine."

The section in the Bill was exactly the same in effect:—

"In estimating the annual or capital value of mines the surface of the land and the buildings erected thereon shall alone be taken into consideration."

It was, therefore, precisely the same, only more conveniently worded.

The HON. J. M. MACROSSAN: Exactly the same with different words?

The PREMIER: Yes, more convenient words.

The HON. J. M. MACROSSAN said he understood that that would not exempt crushing machinery crushing for the public, although it might be in connection with some particular mine.

The PREMIER: It is the same as it is now.

Mr. MACFARLANE said, before disposing of the clause he had one or two remarks to make on the 1st subsection. He intended to have done so when the hon. member for Northern Downs got up, and he had not an opportunity.

Mr. MOREHEAD said he wished to correct the hon. member, who was hardly fair to the hon. member for Northern Downs. That hon. gentleman distinctly stated that if anyone had anything to say respecting a previous portion of the clause he would give way.

Mr. MACFARLANE said he did not observe the remark or he would not have mentioned the matter. The 1st subsection said:—

"I. With respect to town land and suburban land—

"The annual value of the land shall be deemed to be a sum equal to two-thirds of the rent at which the same might reasonably be expected to let from year to year."

That appeared very fair when they were valuing town lands, but it did not always turn out to be fair. He would give a case that had actually occurred, and with which he was very well acquainted, which showed that that system did

not always work out fairly towards the ratepayers. He knew two properties, one of which, being the only business place that could be got in town, was consequently let at a very high rent. It was not a fair annual rent, but an exorbitant one demanded under the circumstances, and yet the tax had to be paid upon that rent. He knew another case where a tenant agreed with the landlord to make all improvements himself, and take a lease of the premises for some eight or ten years. In consideration of this the rent was reduced by a very considerable amount. An appeal took place, but it was not sustained. The person who paid the high rent had to pay rates on two-thirds of his rental, and the person who paid the cheap rent and made all improvements himself was let off at a small tax—a great deal smaller tax than that paid by the person who had to pay the high rent. If the valuers would value on the fair annual rent instead of on the actual rent he could see perfectly well that everything would work smoothly, but they did not work on that system. They simply took the actual rent paid, consequently great injustice was sometimes done. Hon. members would see at a glance that anyone, by making his own improvements, could get a landlord to reduce the rent considerably.

The PREMIER said, although not strictly in order, it might be convenient if he answered the hon. member. A mistake was made in the valuation in the case to which he had referred. The clause did not say the actual rent paid for the year, but "the rent at which the same might reasonably be expected to let from year to year." If a man paid a very high rent, much higher than the fair annual value, he should be rated at a less value. Again, if he paid a very small rent, he should be rated at a higher value. The rate should be upon the rent at which the premises might reasonably be expected to let supposing they were vacant. That was what the clause meant.

Clause, as amended, put and passed.

Clauses 8, 9, and 10 passed as printed.

On clause 11, as follows:—

"For the purpose of valuing land held under pastoral lease or license from the Crown, the chairman may send or cause to be sent by messenger or registered post letter to the latest known residence of the ratepayer a schedule describing the land, and such ratepayer shall be required to fill in the same with a true and correct statement of the rent payable by him to the Crown in respect of all land held by him within the district, and to return it within sixty days to the clerk.

"The board may employ a valuer at the expense of any ratepayer who fails to make such return within the time above specified, and the land may be valued irrespective of the annual rent thereof.

"A ratepayer who, being called upon as aforesaid, makes a wilfully incorrect return of the rent of any land shall be liable to a penalty not exceeding twenty pounds."

The PREMIER said a verbal amendment would be necessary at the end of the 1st paragraph. He moved that the words "of the local authority" be inserted after "clerk."

Mr. SALKELD said before that amendment was put he would draw attention to the fact that the letter was to be sent "to the latest known residence of the ratepayer." Should not "ratepayer" be "owner or occupier"? There was no reference to "ratepayer" in the interpretation clause.

The PREMIER said the hon. member was quite right, and he was obliged to him for calling attention to the mistake. Instead of "ratepayer," the words should be "lessee or licensee." He would withdraw his previous amendment, and move that the word "ratepayer" be omitted, with the view of inserting "lessee or licensee,"

Amendment agreed to, as were several further verbal amendments in the clause.

Question—That the clause, as amended, stand part of the Bill—put.

Mr. MOREHEAD said the Premier seemed to be literally employed in making his own Bill. He did not know why he should do it, as he imagined that the Bill, as passed last session, would have come down at any rate in a fair state. But it did not appear to be so, and he thought he was only doing his duty in pointing out that there was a fault somewhere. No doubt the Premier's absence from the colony would be the excuse for it.

Question put and passed.

Clause 12 passed as printed.

On clause 13—"Appeals to justices for error in valuation and amendment on valuation"—

Mr. MELLOR said he did not know whether the latter portion of the clause was correct in reference to the hearing of appeals.

The PREMIER said the words in the present Act were that justices should hear and determine all objections to the valuations on the ground of "incorrectness" in the amount thereof, and he understood that some justices had thought that allowed them to investigate the propriety of making a rate at all. It was only intended to give an appeal upon questions of fact. The ratepayers would have been informed by the notices on what basis they were rated—whether they were rated at two-thirds of the annual value or at a percentage upon the capital value. And the justices might decide that the capital value was too high, or the annual value or letting value was too high.

Mr. MOREHEAD asked if the hon. member for Wide Bay was satisfied with the explanation given by the Premier. It was apparently a put-up job.

Clause put and passed.

On clause 14, as follows:—

"A justice shall not be disqualified from adjudicating in any case of an appeal against a valuation solely by reason of his being the owner or occupier of rateable land in the district."

Mr. PATTISON said he thought that was a most objectionable clause. It was not the first time he had expressed his views upon that point. In large districts where justices were scarce it was a matter of convenience for those gentlemen to arrange matters amongst themselves. He thought the Premier would remember that last session he not only mentioned an instance, but he gave the names, where a justice in the St. Lawrence district actually wrote to his brother justices upon that particular point. The court was held at Marlborough, and they did a good turn one for the other. It was a most dangerous power to give, as men should not be allowed to decide upon their own cases. The Premier would remember that he mentioned the case and also the names, and there was no necessity to mention the names again.

The PREMIER said that unless the clause was retained there would practically be no court of appeal at all in many districts of the colony. Take the district of Carpentaria, for instance. Was there a justice in that district who was not a ratepayer? He doubted it. The police magistrate was a ratepayer of the place in which he lived. He was sure to be if he lived in a house. Take the case of Winton—he did not know the name of the division, but he was quite sure there was no justice in that district who was not a ratepayer of the division in which he lived. So that that was one of those cases in which he thought it was desirable,

on the score of convenience, to depart from the ordinary rule that a justice should not adjudicate in a matter in which he was at all interested. The interest in that case was so remote that it need scarcely be considered. There might have been one or two cases in which it was abused, but the same thing had occurred in the case of other laws, and they could not abolish a law because it had been abused in one or two instances.

Mr. MOREHEAD said the Premier had said that the interest in that case was so remote as to be hardly worth taking into consideration; but the hon. gentleman had also shown that, in the case of the more remote districts with fewer justices, there existed the strongest possibility of collusion. It was not his business to frame a measure for the Government, but he thought some other arrangement than that might have been made. He quite agreed with the hon. member for Blackall that a justice should be disqualified from adjudicating in any case of appeal against a valuation by reason of his being a ratepayer in the district. No doubt, had more discrimination been exercised in the creation of justices of the peace in the colony the same objection would not arise. But they knew there were men created justices of the peace in the colony who, if they had their deserts, would probably, some of them, be adjudicated upon by their fellow-magistrates. The hon. member knew that neither he nor any other Premier had dared to purge the list of justices. The hon. gentlemen would, no doubt, like very much to be rid of the duty, with the assistance, no doubt, of his colleagues, of appointing justices. The old saying would apply here that they could hardly throw a brick in Queen street without hitting a magistrate. He did not suppose there was any use in either the hon. member for Blackall or any other member on that side attempting to alter the Bill as it was practically passed last session, still there was no doubt that on the face of it it was an improper thing for a justice, interested in the rating in a district, to sit and adjudicate upon it. If an amendment could be carried he would assist the hon. member for Blackall in the excision of the clause.

The PREMIER said it was simply a question of convenience, as he had pointed out just now. If they left out the clause altogether it would be impracticable to hold a court of appeal in many districts of the colony. As to its not being the province of the hon. member to assist the Government in framing their measures, it certainly was in the present case, because they were paying the hon. member the compliment of adopting a clause introduced into the law by the Government of which the hon. member himself was a member. The hon. member must have had the satisfaction himself of being the first person to propose the adoption of that clause.

Mr. MOREHEAD: In another place?

The PREMIER: Yes, in another place.

Mr. MOREHEAD: I had to deal with different material there.

Mr. PATTISON said it must be remembered that in dealing with the Bill they were dealing with the valuation clause on an altogether different principle. The Bill would apply to municipalities as well as to divisional boards. The Bill had really, therefore, not been before the House last session, as divisional boards only were dealt with in the Bill of last session. In the present Bill municipal matters were also dealt with, and they knew the alteration that had to be made in the licensing laws simply to do away with the packing of the bench in the granting and refusing of licenses. The clause gave immense power, and virtually made the justices the valuers of their own property. It was a very objectionable feature, and did not apply at all to the Bill discussed last year. The clause gave very great power, and municipal bodies would have great difficulty in working under the Bill.

Question put and passed.

Clause 15—"Entry on premises by valuer"—put and passed.

On clause 16, as follows:—

"Any valuer may put to the owner or any person in occupation or charge of any rateable land which such valuer is authorised to value, any such questions as may be necessary to enable such valuer to state correctly the several particulars herein required to be stated in his valuation with regard to the land.

"Every such person who, after being informed by the valuer of his purpose in putting such questions, and of his authority under this Act to put the same, refuses or wilfully omits to answer the same to the best of his knowledge and belief, or wilfully makes any false answer or statement in reply to any such question, shall, for every such offence, be liable to a penalty not exceeding ten pounds."

The PREMIER moved the omission of the word "ten" in the last line, with the view of inserting the word "twenty."

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

The PREMIER said there was not sufficient provision in the Bill as it stood for notice in cases where they could not find the owners of property. That was undoubtedly a defect. The provisions were found in the Divisional Boards Bill of last session, from which this Bill was taken, in which the general provision which dealt with notices applied as well to notice of valuation as to other notices. He proposed to insert the following new clause taken from the Divisional Boards Bill:—

1. Notices under this Act may be in writing or in print, or partly in writing and partly in print.

2. Every notice shall be signed by the chairman of the local authority.

Mr. MOREHEAD said he did not for one moment intend to oppose the introduction of the clause, but he did think it was a pity that in a measure brought in by the Premier, who was generally so correct, they should have so many amendments as had that evening been introduced. He thought it was a pity almost that the hon. gentleman did not stop at home and mind his own business and the business of the colony instead of playing the part he did on the other side of the world. It showed very clearly that the Premier's place, as the hon. gentleman had himself very properly said on previous occasions, was in his own colony.

The PREMIER said the Bill had been amended in several places. The word "ratepayers" had been left out in four places and the words "lessee" or "licensee" inserted. He very much regretted that the Bill required amendment. When they found persons occupying the Treasury benches who were perfect, and draftsmen who were incapable of making errors, then they might have measures introduced that would not need amendment. For his own part he was generally dissatisfied with Bills that passed through committee without amendment, and regarded it as a proof that they had not been sufficiently scrutinised. He had never yet seen a Bill brought before that Committee that would not bear amendment. He did not profess to any capacity for introducing perfect measures, but anybody could compare the

work done by the present Government with the work done by any of their predecessors, or anybody occupying similar positions in any Parliament.

Mr. MOREHEAD: Blow your own trumpet.

New clause put and passed.

The PREMIER moved the following new clause, and said the same provision would be found in the Divisional Boards Amendment Act of 1882, section 23, namely :—

1. Any notice under this Act required to be given to any person may be served—

(*a*) By delivering the same to such person ; or

(*b*) By leaving the same at his usual or last known place of abode ; or

(*c*) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode.

2. A notice forwarded by post as aforesaid shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at its destination in the ordinary course of post.

3. Where a notice under this Act is required to be given to a person who is unknown, the notice may be served by publishing it in the *Gazette*, and three times in some newspaper circulating in the division, at intervals of not less than one week between any two publications.

New clause put and passed.

Clause 17 passed as printed.

On the 1st schedule—

Mr. WHITE said if he had said anything that was offensive to the hon. member for Port Curtis, he withdrew the expression. He was very sorry to offend that hon. member. With regard to the castigation of the leader of the Opposition, that tickled but did not pain him.

Mr MOREHEAD: It is a mere matter of the thickness of the hide.

Mr. NORTON said he was glad the hon. member had withdrawn what he said ; at the same time, he hoped that when the hon. member again referred to his interests and motives he would find out what those interests and motives were.

Schedule put and passed.

Schedule 2 put and passed.

Preamble put and passed.

On the motion of the PREMIER, 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 to-morrow.

## ADJOURNMENT.

The PREMIER said : Mr. Speaker,—I move that this House do now adjourn. There is no private business of any importance for to-morrow ; and the business the Government propose to take is, first, the second reading of the Water Law Bill, and, next, the committal of the Divisional Boards Bill. We do not propose to go into committee on the Criminal Law Amendment Bill for a few days.

Mr. MOREHEAD said : Mr. Speaker,—I am glad to hear that the Government are not going on with the Criminal Law Amendment Bill immediately ; and I hope the Premier will postpone its consideration in committee for, at any rate, two or three weeks, because it is a measure that affects not only Brisbane, where it has been brought forward rather as a surprise, but every resident in the colony, and it would not be fair to go on with it in committee until its provisions have been ventilated throughout the length and breadth of the land. It is a Bill very materially altering the existing law, and I hope the Premier will see his way not to consider it in committee for some time. On consideration he will see that a mistake was made in asking us to go into committee on the Bill to-day, and I am glad that he sees the necessity for some delay.

The PREMIER said: Mr. Speaker,—I do not think any mistake was made in proposing to go into committee on the Bill this evening. Its consideration in committee was postponed because several hon. members wished for more time to consider its provisions ; but I am satisfied that the more the Bill is considered the more its provisions will commend themselves to hon. members.

Mr. MOREHEAD : I am not saying they will not.

The PREMIER : I hope no one will think that because it is to stand over for a few days the Government have any doubt as to the importance of passing the measure.

Question put and passed.

The House adjourned at twenty-five minutes past 10 o'clock.