

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 17 AUGUST 1887**

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## LEGISLATIVE COUNCIL.

Wednesday, 17 August, 1887.

Assent to Bill.—Ministerial Changes.—Copyright Registration Bill—second reading.—Valuation Bill—second reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

## ASSENT TO BILL.

The PRESIDENT announced that he had received a message from His Excellency the Governor giving his assent to a Bill authorising the appropriation out of the consolidated revenue of the sum of £250,000 towards the service of the year ending on the 30th day of June, 1888.

## MINISTERIAL CHANGES.

The HON. W. HORATIO WILSON said : Hon. gentlemen,—I have the honour to announce to this House that since our last sitting certain changes have taken place in the Cabinet. The Hon. James Robert Dickson has resigned the office of Colonial Treasurer and Sir Samuel Walker Griffith has been appointed in his stead. I have also to announce the resignation of the Hon. Thomas Macdonald-Paterson as Postmaster-General. I am sure no one can regret more than I do the resignation of that hon. gentleman. I was appointed to this House contemporaneously with him, and since that time I have accorded him my hearty support in all matters that have come before this Chamber. I take this opportunity of expressing my opinion—and I believe it is the opinion of this House—that the resignation of the Postmaster-General is a great loss to this Chamber. His natural capacity for

leadership, his vigorous attention to his duties, and his courteous bearing, enabled him to fill the position with credit to himself and satisfaction to this House. I am very happy to say that, although differences of opinion have existed in the Cabinet, the relationship between the individuals concerned is still of the most cordial description. I have yet another announcement to make, and that is that I have been appointed Postmaster-General in succession to the hon. gentleman. I have only to add that I feel the responsibility of the office, and I feel it more than I otherwise would when I recognise the abilities of my predecessor. I can only trust that the kind forbearance which has been extended towards me in the past, in connection with the conduct of the business of this House, will be extended to me now, and I shall endeavour to perform the duties which will devolve upon me to the very best of my ability.

The HON. F. T. GREGORY said : Hon. gentlemen,—After the explanation afforded us by our new Postmaster-General, acquainting the House with the retirement of his predecessor, the Hon. T. Macdonald-Paterson, and the acceptance of office by himself, I think it is but fair to the hon. gentleman to say that from the experience we have had of his conduct of business during those intervals when his predecessor was absent through illness, from the pleasant way in which he performed his duties, and the harmonious way in which we were able to work, we are certainly led to hope well for the future. As to congratulating him on his acceptance of office, that, I think, will be a matter for the future, not as regards himself, but as to the circumstances attending his duration of office. I will, therefore, now merely congratulate the hon. gentleman on his accession to the office.

The HON. T. MACDONALD-PATERSON said : Hon. gentlemen,—The matter of my retirement from the Cabinet and from the honourable position of representative of the Government in this Chamber has been known to you all now for some time. I think, however, under the special circumstances which are now before the country, I should be wanting in my duty if I did not, as briefly as possible, refer to the matters which led to my withdrawing myself from the Government. The subject-matter upon which the disagreement arose was the financial policy of the Government generally, in which, of course, is included the proposed land tax. That was the latest phase of the financial question, and naturally had more attention paid to it than the general question of the financial policy. It goes without saying that the country will not expect financial matters of State to be discussed here; such discussions come more properly within the functions of those who occupy another place. But I shall not be disclosing any Cabinet secret, nor any Cabinet discussion, when I tell you shortly that I could not concur in the financial proposals which the majority of the Cabinet seemed disposed to place before the country. Briefly, I may say that I thoroughly believe—nay, I am convinced—that with a wholesome administration of the statutes in respect to our lands, and with a modest and judicious retrenchment in more than one department of the Government, the question of finance need never have cropped up before the country at the present time; I am perfectly satisfied as to that. It is my duty, also, to tell you that the question of the deficit—what may be termed the deficit of the past year or two—was never reached at the time when I determined upon the course which I promptly intimated. The difference of opinion that arose between myself and the other members of the Cabinet arose entirely with respect to the question of making both ends

meet during the current financial year; I wish particularly that that should be understood. Dealing with the matter of the general deficit, that was never trenched upon at all; we had not come to that. I am confident that, although there may be some members of the community who may disagree with my views in matters of Governmental finance, I have satisfied my conscience that I have performed a public duty. There was nothing before my mental vision but the good of the country, and I am glad to find that I was not alone in the views I held. It is due alike to the members of this House as well as to the country and myself, to inform hon. gentlemen that my withdrawal from the Government was intimated to the Cabinet anterior to any knowledge on my part that the Hon. James Robert Dickson was likely to pursue a similar course and resign the Treasurership. I had no communication with that hon. gentleman on this grave question, nor with anybody else, except with my late colleagues in Cabinet Council; but while I deeply regret my severance from a Government composed of gentlemen who are my old and personal friends—a Government whose chief is so able and distinguished a statesman as Sir Samuel Walker Griffith—I feel, notwithstanding all that, that I have done my duty; that feeling is stronger to-day than it was when I adopted the course I have taken. I am very much indebted to the Postmaster-General for his kindly observations with respect to myself, and to my career in this Chamber as the representative of the Government. I trust that he will receive all the advantages of assistance from various members of this House that I have. Of his abilities I have no doubt whatever, and I congratulate him upon the fact that he is selected by the Government as their representative in this Chamber, and he can rely upon having all the assistance it is in my power to give him. I take this opportunity of expressing my sincere and grateful thanks to every hon. member of this Council for the unvarying courtesy and kindness which have been extended to me from the moment I entered this House. I am sure that if, in the future, the Postmaster-General, the Hon. W. Horatio Wilson, and those who follow him from time to time, experience the gratitude that I feel for the kindness that has been shown me on all occasions and under the most trying and difficult responsibilities—I am sure it will be a happy thing for the country and for this Chamber. As I said before, I do not wish to enter at any great length upon the question of finance; that will be more argently and properly dealt with elsewhere. I think I have said sufficient to indicate the reasons for the changes which have been announced this afternoon in this Chamber by my hon. friend Mr. Wilson.

The Hon. T. L. MURRAY-PRIOR said: Hon. gentlemen,—As a rule I do not like to rise to congratulate hon. gentlemen upon their appointment to office, but I cannot well allow this occasion to pass without remarking that I for one am sorry that the Hon. T. Macdonald-Paterson has left the Government. I know that he has had a very difficult position to fill, and that he has done it with very little support. I think that in his case, as in all other instances, it must be admitted that members on this side of the House have done all they could to help and not to annoy their adversaries. I do not rise to congratulate the hon. gentleman who has taken the place of the Hon. Mr. Macdonald-Paterson. I really do not see much reason to congratulate him upon his appointment, and I cannot help expressing my disappointment that a Government having so many hon. gentlemen as their supporters should have felt it incumbent upon them, not only in this instance but in other instances also, to appoint as Post-

master-General gentlemen who are junior members of the House. I think that a Government that has been so long in power might have found for that position a member who had been used to the Council. I may say that, as far as I am concerned, I have always given and always will give my utmost assistance to the Postmaster-General in the performance of his duties in this House, and will cause him as little vexation as possible, but at the same time I would like to see an old member on that side in the position of leader of the House.

The Hon. W. H. WALSH said: Hon. gentlemen,—I take it that there is no question before the House. If the discussion is simply on the explanation of the hon. gentleman who has assumed the leadership of this Chamber, then I may not be in order in taking part in the debate. I am not aware whether the hon. member who last spoke moved the adjournment of the House.

The PRESIDENT: No, he did not. It is simply a Ministerial explanation that has been made to the House. The debate is certainly irregular, but as long as no hon. member raises any objection any hon. gentleman may address the House.

The Hon. W. H. WALSH: I wish to set myself right with regard to my apparent intrusion into the debate. I thought that when the Hon. F. T. Gregory addressed the Chamber he spoke for all the members on that side of the House, and that they regarded him as the leader of that side, and seeing that there was no intention on the part of members on this side to prolong the debate—

The Hon. F. T. GREGORY: Will the hon. gentleman pardon me? Perhaps I might have said that I believed I represented the views of members on this side of the House in the remarks I made.

The Hon. W. H. WALSH: I have no doubt the hon. gentleman thought and felt that he did so. I do not think I am wrong in referring to the hon. gentleman as leading that side of the House, but whether he is doing wrong in assuming the position which he forces upon us by his observations is another matter entirely. That I leave to be decided by those hon. members who sit on the same side of the House. Whether they are content to be led by the hon. gentleman is a matter for their consideration entirely. That is the cause of my intrusion. I should not have said one word on the present occasion were it not that I do not like to show any want of courage on any matter under the notice of this Chamber. But for my friend the Hon. Mr. Murray-Prior I should not have intruded myself in this discussion, but I do think that the hon. gentleman has raised a very important question, and one well worth the consideration of this Chamber. I do not wish to say one word against the Hon. W. H. Wilson, but I ask whether it is not a matter for the grave consideration of this House, and one affecting the dignity of its members, that a junior member should be appointed to the position of leader of the House? Shall we allow it to go forth to the public that we who are almost the oldest members of Parliament; we who have given most of our time to the consideration of public questions; we who have devoted half a lifetime to the service of the public, are constantly to be led by the most juvenile occupant of the House? I wish I could say of myself that I occupied that lucky position. I entreat my hon. friend not to think that there is the slightest personality in my remarks; they are addressed to the important question which arises, and very properly arises, in connection with the observations made by the Hon. Mr.

Murray-Prior—namely, are we to go on *ad infinitum* always putting up with this Chamber being led by men who have the least experience, not only of this House but almost of all politics? If innocence is the only requisite, if innocence of all political actions hitherto is one of the chief qualifications to represent the present Ministry, then the Hon. W. H. Wilson is a most admirable man for the representative of the Government in this Chamber. But is that sufficient to satisfy the country or this House? I do think that although we honour the hon. gentleman in his private relationship, we have a higher duty to consider when we come to regard him in his official capacity. We have to determine in our mind, if not by any overt action, whether in the future we are to be led by the youngest members of Parliament in whose parliamentary knowledge we can scarcely have any great confidence. I hope that in making these observations I am not causing any unpleasant feeling. I should have liked to have commented upon the remarks made by my friend the Hon. Mr. Macdonald-Paterson in regard to the reasons which induced him to leave the Government; but I will not further detain the House. I may, however, just state that they were very grave and proper reasons. If I had been in the Ministry he would not have preceded me a day in the action he has taken, after such proposals had been promulgated by the Government. I trust that my hon. friend, who is at this moment the leader of the House, will see that the business is carried on without any undue delay, and that it is not detained in the other Chamber until the very end of the session, so that we may not be called upon to discuss weighty and important matters without due time being given to us for their consideration.

The Hon. J. TAYLOR said: Hon. gentlemen,—During the last thirty years I have seen many Ministers resign, but I have never seen one resign with such a jovial face as the Hon. Mr. Macdonald-Paterson. The hon. gentleman seems perfectly happy, and I think he is to be congratulated on the course he has taken. I cannot congratulate the Hon. W. H. Wilson on having accepted the office of Postmaster-General. The hon. gentleman has a large practice, and I cannot understand how he can possibly perform the duties of the office with profit to the country. I do not think there is any discourtesy in mentioning that I have been asked more than once to-day whether the hon. gentleman is keeping the place warm for some one else. It has been said that the appointment is not a permanent one. I do not say that myself, but I have been asked three or four times whether that is a fact. If it is, then I say it is not right. I quite agree with the remarks made by the Hon. Mr. Walsh with reference to choosing young members of the House for the position of leader of the House. Hon. members will no doubt recollect that the Hon. Mr. Macdonald-Paterson was only appointed to a seat in this House when he became Postmaster-General. The hon. gentleman, however, I am happy to say, conducted the business very well, and I now congratulate him upon having carried out his resolution to resign and clear his conscience.

#### COPYRIGHT REGISTRATION BILL.

##### SECOND READING.

The POSTMASTER-GENERAL (Hon. W. H. Wilson) said: Hon. gentlemen,—The object of the Bill now before this Chamber is to make provision for the registration of the copyright of books and dramatic pieces published in Queensland. If hon. gentlemen refer to the schedules they will find the various English Acts set out in full, the object being that, as the English Acts

are in force in this colony, the law relating to copyright, as contained in those Acts, and especially in the Act of 1842, should be placed before the public in an easy form. The object of the Bill before you is simply that the laws relating to copyright in England in force here shall be made to apply to this colony. At present the registration of books and other publications has to be carried out in England, and the consequence is that it is found necessary that a Bill should be introduced in order that in future all books and publications published in this colony, and which have to be registered, can be registered locally. By the preamble of the Bill it will be seen that according to the International Copyright Act of 1886, mentioned there, the law as contained in the Act of 1842 shall not apply if the law of any colonial possession provides for the registration of such copyright. At present our laws do not provide for the registration of copyright in this colony, but this Act states that if we or any colonial possession pass an Act of this kind so as to provide for the registration of copyright under the authority of the Government, an extract from that register, purporting to be certified as a true copy by the officer keeping it, and authenticated by the public seal of such possession, shall be admissible in evidence of the contents of such register. It has been thought necessary, therefore, that a Bill should be introduced for the purpose of giving colonial authors an opportunity of registering their works in Queensland instead of having to send them to England to be entered at Stationers' Hall in the usual way. Of course the present system puts authors to a great expense, and also it is fraught with very great inconvenience. I think this is but a formal measure, which will not require any advocacy; the object is simply to adapt the provisions of the English statutes to Queensland requirements and enable the Registrar-General here to receive books and register them just as they might be registered at Stationers' Hall. The mode of registration is clearly pointed out in the several clauses. By clause 7, copies of books have to be delivered within a certain time to the Museum and Parliamentary Library. I have no doubt when we have a public library—which I hope we shall have shortly—provision will be made to lodge copies of such books there also; but, in the meantime, it has been considered that the Museum and Parliamentary Library are the appropriate places for receiving books under the Act. The mode of delivering copies is set forth by section 7, and the penalties for default in delivering these copies are provided for, and the making of false entries in the register is made a misdemeanour. The method of registration is clearly pointed out by section 3, by which the Registrar-General has to keep a register of the copyright of books and dramatic pieces; and the assignment of copyright is also provided for. These clauses are not original; they are derived from the English Act of 1842, only they have been made applicable to the circumstances of the colony. I think, although this is a Bill of a formal character, it is still of some importance to authors in this colony who would be glad to have the law placed before them in a familiar way so that they can at once see what is necessary in order to be able to register the copyrights of their publications in Queensland. I think its utility is unquestionable, because in future, instead of authors having to send to England to have their books printed and published, they will be able to do all that in Queensland, as well as to have them registered here. By the provisions of this Bill they will be able to protect their publications in all parts of the world where Orders in Council enabling them to do so are in force, and also to bring any actions that may be required against

any person who may infringe their rights. All that, they will be able to do under this Bill in Queensland with very little expense, and with no trouble. I beg to move the second reading of the Bill.

The HON. A. C. GREGORY said: Hon. gentlemen,—This Bill, which is now before us for its second reading, appears to be upon its first examination a brother to our Patents Act, except that the latter was an abridgment while this appears to adopt in its entirety the English law regarding copyright. I think it is desirable that there should be such a law, as hitherto local authors have not had facilities for obtaining protection for their literary efforts, such as has been enjoyed by authors in the United Kingdom. The machinery of this Bill, I presume, will not be very expensive, as it will be, no doubt, combined with the patents and trade marks registration. The only doubt in my mind is that it will interfere with our recreation during our railway journeys by limiting our supply of “yellow-backs,” because if the law were enforced stringently in these colonies a large number of these works which we get at an early date would not be able to reach us. If there is any subject for discussion in the Bill, I presume it will be one which will be dealt with in committee, as there is no doubt that a Bill of this kind is very desirable.

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

On the motion of the POSTMASTER-GENERAL, the consideration of the Bill in committee was made an Order of the Day for Wednesday next.

## VALUATION BILL.

### SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—This is a Bill to make better provision for the valuation of rateable land by local authorities for the purposes of local government. Of course hon. gentlemen are aware that, although this is a separate Bill, it contains all the clauses which were contained in the Divisional Boards Bill No. 2, which was introduced into this House, and ordered to be read a second time that day six months. Since that time the matter has received a great deal of consideration, and it has been thought better to introduce the valuation clauses in a separate measure, which has been done. The scope of the Bill is really within the lines of the Divisional Boards Bill as it came before this House last session, and there is very little difference between the mode of rating which is found here and that contained in the Bill I refer to; but the arrangements are far more complete, and I think hon. gentlemen will agree that the bringing in of these clauses in a separate Bill is a very great improvement. It is provided by section 6 that the local authority shall from time to time make a valuation of the annual value of the rateable land within the district, and by section 7 the mode of making that valuation is shown. It is provided that in respect to town lands and suburban lands the annual value shall be deemed to be a sum equal to two-thirds of the rent at which such land might be reasonably expected to rent from year to year. The provisos which follow that section are exactly the same as those which were contained in the Bill introduced last year, and which were agreed to, I think, by this House. At any rate some suggestions that were made by hon. gentlemen in this House then have been adopted. The minimum rate is the same, and the penalties for incorrect valuations, and other provisions for the proper carrying out of the objects of the Bill, are given.

There is a very slight alteration in clause 13, which is an improvement. It is said that any person who thinks himself aggrieved by the amount of the valuation of any land may appeal against such valuation at any time within one month after such valuation has been made. Then there are general provisions as to amendments in valuations, and service of notices and powers to enable the valuer to make proper inquiries. The first schedule shows the sections of the present laws which will have to be repealed if this Bill becomes law. I think this is a Bill, the discussion upon the several clauses of which would more properly come before us in committee, and as the principle of the Bill is one which, I think, will be accepted by the House, I will, therefore, simply move that the Bill be read a second time.

The HON. F. T. GREGORY said: Hon. gentlemen,—At this stage of a Bill it is usual to enter very fully into the principle of it; but upon looking over this Bill, and having carefully listened to the observations which have fallen from the hon. Postmaster-General in introducing it, it certainly will relieve us of any necessity to enter in any elaborate way into the discussion of the several parts of the Bill as it now stands. The only observations which I have to make have arisen out of the circumstance of the Bill being an abstract of the valuation clauses of the Divisional Boards Bill, which very nearly passed through this House last session, being only thrown out in consequence, if I remember correctly, of the other House not accepting one or two amendments made in other parts of the Bill, but which had no reference, if my memory is right, to the valuation clauses. The separation, I think, is an improvement, not upon the ground which I have heard suggested, that it removes any question of discussing clauses referring to money matters, because I think that is quite unnecessary; but I certainly think it possesses the advantages of removing an obstruction which otherwise might be raised in any discussion upon the particular points referring to valuation, so far as valuation is to a certain extent a necessary adjunct to taxation. Having just run through the various clauses, I fail to discover any clauses relating to the valuation of mining property. At least, I should say that the reference to it is so brief that it does not give us any clue as to the real principles upon which mining valuations shall be made, because it merely says:—

“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.”

I am quite well aware that when the matter was before the House on a former occasion there was a good deal of discussion as to whether that was a fair and equitable way of valuing land. I think that when the measure goes into committee it is possible there may be some discussion on the subject, and therefore I will not now attempt to elaborate upon it, but will just remind hon. gentlemen that it is a very important question. It is only necessary for me to revert to the extreme case of Mount Morgan to show how important it is. The value of the surface of the ground for purposes of agriculture or building, or for any other purposes, might be put at *nil*, while at the same time there is not the slightest doubt that it would be a very reasonable and just dealing with the question, if land containing such enormous wealth as that contains should be in some way made to bear part of the burden of taxation. In other respects this clause is nearly a transcript of the provision of that in the Bill of last session. I will not now

detain the House by making any further comment, but will simply add that I am quite prepared to see the Bill pass its second reading to-day.

The Hon. A. C. GREGORY said: Hon. gentlemen,—It is not my intention now to enter into any discussion as to what should be contained in this Bill. But there are one or two points that it is desirable to draw attention to now, in order that before we go into committee on the measure hon. members may have an opportunity of looking over them. The first point to which I would draw attention is in clause 5, which defines what is rateable land. Difficulties have arisen on this subject under the provisions of the existing Acts. No provision is made here for an appeal from the decision of the bench in cases where there may be a difference of opinion as to what is rateable land, and that is a defect which should, I think, be remedied. In clause 7 it is provided that lands shall be divided into town, suburban, and country lands for the purposes of valuation. There is one important difference between this provision and the one now in force—namely, that while this clause simply enacts that “the annual value of rateable land which is improved or occupied shall be taken to be not less than £5 per centum upon the fair capital value of the fee-simple thereof,” the present law fixes a maximum value; and I think that in this respect the clause is defective. But a greater difficulty arises with respect to country land, in regard to which it is provided that the capital value of unimproved land alone is to be taken. By previous measures brought before the House power was given to the Governor in Council to amend or alter the boundaries between town and suburban lands, so that any inconsistencies that might arise in connection with valuations could be easily remedied. Unfortunately in this Bill it is provided that the Governor in Council can only modify the boundaries of town and suburban lands upon the recommendation of the local authority concerned. Without the recommendation of the local authority the Governor in Council cannot make any alteration, no matter how desirable it might be to modify these limits. I think that is very undesirable, because there must be cases in which the interest of the local authorities will be to get as much money as they can in that particular form, and they may object to what may be an equitable modification of the limits between country, town, and suburban lands. In clause 9 we find another difficulty. The valuations under existing Acts are made by the valuer, and the local authorities can only correct errors; they cannot take part of the valuation of the valuer, and then deal with the rest themselves, or make any alteration of the valuation, although they may correct a distinct error or defect. But under this Bill the valuation as returned by the valuer may be adopted by the local authority with or without alteration. What limits are there to be placed to these alterations? As the Bill now stands, a local authority may take the valuation from the valuer and utterly set aside everything in his valuation except the schedule. They may altogether alter the rate at which every individual within a division or municipality is rated. I think that is certainly a defect in the measure, and that there should be some provision to meet the difficulty. Hitherto we have seen some very singular things done by local authorities, and they have only been checked from time to time when their attention was called to the law which might make individual members liable for their conduct. Clause 12 provides that notice of valuation shall be given to the owner or occupier of land, and that such person may appeal against the valuation upon

giving notice of his intention to do so to the local authority within one month after the notice is received by him and not less than seven days before the appeal is to be heard. It appears to me that this limit of time may seriously interfere with the practical operation of the provision. It is perfectly true that as the matter stands upon paper one may give notice, and everything may be carried on in the prescribed manner without much difficulty, but if there is only a short delay in regard to the carriage of a notice by post it would preclude the party who wished to appeal from making his appeal. This is perhaps a matter of minor detail, but my object in calling attention to it is to give hon. gentlemen an opportunity of considering it before we go into committee. I think we should carefully look into the clause and see that no injustice is done through a want of attention to the careful wording of it. Beyond those points to which I have alluded I do not see that there is anything that calls for particular remark upon the present occasion, because I believe that the Council must be satisfied that it is desirable that the various laws which are now in existence with regard to the valuation of land in municipalities and divisions should be consolidated and brought into one form, and more especially that there should not be two kinds of valuation to be dealt with, perhaps, by the very same bench of magistrates. At the present time justices may have to decide on the valuation of land in the municipality of Brisbane to-day, and to-morrow may have to deal with the valuation of land in the Booroodabin Division, and they have two distinct Acts and two distinct systems of valuation to consider, while the properties to be valued are really of the same class.

Question—That the Bill be now read a second time—put and passed, and committal of the Bill made an Order of the Day for Wednesday next.

#### ADJOURNMENT.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I beg to move that this House do now adjourn.

The Hon. F. T. GREGORY said: Hon. gentlemen,—As we have nothing on the paper for to-morrow I think it is hardly desirable to call all members together on that day. There is really no business to prosecute. I therefore move, as an amendment, that there be added to the motion the words, “until Wednesday next.”

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

The House adjourned at fourteen minutes past 5 o'clock.