

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 31 AUGUST 1887

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LEGISLATIVE COUNCIL.

Wednesday, 31 August, 1887.

Australian Joint Stock Bank Act Amendment Bill.—
Ministerial Changes.—Copyright Registration Bill—
committee.—Valuation Bill—committee.—Adjourn-
ment.

The PRESIDENT took the chair at 4 o'clock.

**AUSTRALIAN JOINT STOCK BANK
ACT AMENDMENT BILL.**

The PRESIDENT announced that he had received a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to amend the Australian Joint Stock Bank Act.

The HON. P. MACPHERSON moved that the Bill be read a first time.

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

MINISTERIAL CHANGES.

The POSTMASTER-GENERAL (Hon. W. Horatio Wilson) said: Hon. gentlemen,—I beg to inform the House that the Hon. C. B. Dutton has resigned the office of Minister for Lands and that Mr. H. Jordan has accepted that position; also that the Hon. C. B. Dutton has accepted the office of Minister for Works and Mines, and that the Hon. Sir S. W. Griffith retains the portfolio of Colonial Treasurer.

COPYRIGHT REGISTRATION BILL.

COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

Preamble postponed.

Clause 1 passed as printed.

On clause 2—"Imperial Acts" and "Interpretation"—

The POSTMASTER-GENERAL said he might explain to hon. members that the Copyright Acts were to be found in the schedules of the Bill, and the only one they need trouble themselves with was that on page 14—the Copyright Act of 1842. In that Act would be found the whole law of copyright. It was not proposed to alter, amend, or adapt the law of copyright at all, because the Copyright Acts in the schedules were in force in Queensland. All that they proposed to do was to furnish the machinery necessary for the registration of copyright in this colony.

Clause put and passed.

Clauses 3 to 8, inclusive, passed as printed.

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

The POSTMASTER-GENERAL said the only penalty provided in that clause was that if an author did not deliver copies of his book as directed he would not be entitled to the benefit of copyright.

Clause put and passed.

The remaining clauses, the schedules, and the preamble were passed as printed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair and reported the Bill to the House without amendment.

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

VALUATION BILL.

COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

Preamble postponed.

Clause 1 passed as printed.

On clause 2, as follows:—

"This Act shall commence and take effect on and from the first day of January, one thousand eight hundred and eighty-eight."

The POSTMASTER-GENERAL said that hon. gentlemen would see that the Bill would not come into operation until the 1st January, 1888, which was a convenient time.

The Hon. A. J. THYNNE said it occurred to him that they were perhaps proceeding a little too fast in going on with the Bill in the present state of the divisional board law. It was proposed, as far as he could understand, that the sources of revenue of the divisional boards should be very

materially altered. They were now going through a Valuation Bill which was framed on lines which had been laid down for some considerable time, and now they found that it was proposed that those lines should be very materially altered. Up to this the divisional boards had a regular revenue, which they knew they would get, and Parliament in passing a Valuation Bill knew exactly what it would produce. But now it was proposed to take away the revenue from divisional boards, and they were asked to go on still and pass laws for rating purposes, when they could not form any reliable idea as to what position financially they would leave the boards in by passing that Bill. He thought it would be very much better if the Bill were allowed to stand over for some little time until the whole of the divisional board measures, whatever they might be, were before the Committee. For instance, there were limits to the maximum amount of rateable value. In clause 7 of the Bill it was provided that "the annual value of rateable land which is improved or occupied shall be not less than £5 per cent. upon the fair capital value of the fee-simple thereof," and there was a maximum of 10 per cent. on unimproved property. It might be absolutely necessary, if the boards were deprived of their endowment, to impose a heavier taxation than they were now contemplating. It seemed to him, therefore, that they should consider whether it would not be better to postpone dealing with that Bill until the Divisional Boards Act Amendment Bill was before them, so that they could consider them both concurrently.

The POSTMASTER-GENERAL said he did not think that the reasons which had been adduced by the Hon. Mr. Thynne were quite sufficient to justify him in postponing the consideration of the Bill, because it was a Bill which dealt with the principles on which all property, in the future, was to be rated, and the mode of making valuations in future was settled by clause 7, which had already been agreed to by both Houses. Certainly there were some matters connected with endowments to divisional boards still being considered in another place, and that might possibly be one reason for postponing the matter; but at the same time he scarcely thought that would be sufficient to justify them in postponing the consideration of the Bill for any period. It was very important that the Valuation Bill should be passed, in order that both municipalities and divisional boards should understand perfectly what rates they were empowered to levy. He trusted that hon. gentlemen would not press for delay in the consideration of the Bill.

The Hon. F. T. GREGORY said it appeared to him that the question hinged upon the point very justly raised by the Hon. Mr. Thynne, that while they need not necessarily alter the principles on which taxation was to be based, they might find it necessary to very materially alter the amount which might reasonably be raised by the boards, to give them sufficient revenue to enable the works of the division to be carried on. Hon. members did not know what might be the nature of the measure now before the Assembly when it reached that Committee, and it was almost a proper adjunct of that Bill. It forcibly struck him that to consider the measure without its context was running a great risk of falling into error. If they took it for granted that the Bill which was to come before them was very nearly like past legislation on the subject, they would know what they were about. But they did not know what form that Bill would be in. He should be very sorry to retard the progress of the Bill; but there was great force in the objection raised by the Hon. Mr. Thynne.

Again, the question might arise as to whether it would not be desirable for the Bill to be returned to the other branch of the Legislature with a view of altering even the number of things that were to be taxed. He threw out a suggestion on the second reading of the Bill that it seemed an anomaly that mines should not be taxed in some way more than merely upon the value of the surface. The objection to that was that mining was exceedingly precarious. To make himself clear, the result might be that the raising of £100,000 worth of gold or other minerals might cost £105,000. But there were many cases where the amounts actually distributed in dividends were very considerable, so that they would be making taxation a class question, and taxing only certain individuals. In fact, an industry which they all maintained was a very important one to foster—the agricultural industry—would be taxed. It might be said to be difficult to estimate the value of mining property; but he would point out that a practical way of doing it would be to take the amount of dividends paid during the previous year as the basis of taxation for the current year, and upon that principle no injustice would be inflicted upon the owners of mines, who invested such large amounts of capital speculatively in the hope of getting a large return; but they would not be taxed upon the nominal capital. There were some further questions involved in the Bill. They did not know what might be done in regard to the Bill before the other Chamber when it came up; but in the Bill before them there was the omission of any tax upon improvements. Upon more than one occasion several hon. gentlemen had drawn attention particularly to the exemption of improvements from taxation. In one instance certain improvements were specified which should be exempt from taxation, such as fencing, wells, and some other things which he could not then call to mind, or which should be exempted from being taxed at their full value. Now, it would appear that in regard to country lands there was no provision whatever to tax improvements. He would not try to forestall the later clauses of the Bill by discussion; but he wished to point out that they might be at variance with what he might term the main Bill to which the one before them was to be attached. Subsection 2 of clause 7 of the Bill said:—

“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.”

As to what the rating was to be, or the limit of it, that was not the point he wished to refer to. The point at issue was that, in future, lands, however highly improved were not to pay more than unimproved lands. He could point out, but he did not wish to mention the name, a case where a man had land worth, with improvements, about £10,000. His neighbour had land of the same quality and equally well situated, and there was no reason why it should not be of the same value so far as the land itself was concerned; but he did not think that any business man would give £2,000 for it. Why should the owner of £10,000 worth not pay any more than the owner of £2,000 worth? He looked upon the Bill as a means of raising revenue for local purposes. Was that revenue to be raised out of the land as land only, or to be raised on property? If the Bill affirmed the former, it was a land tax Bill, and the country would feel that it was invidious, because it would raise revenue from one particular class of property. He might go so far as to say that in advancing

that argument he was speaking against his own interests, for he was only a small holder of land; but most of his land was highly improved, so that he did not think he could be supposed to be arguing for his own personal benefit; but upon principle. He hoped the matter would receive full consideration before they rushed into carrying out a measure which they might find it absolutely necessary to amend immediately and recast in order to make it suitable and applicable to the Bill, of which it was only an adjunct, and of which, on a former occasion, it was a part.

The POSTMASTER-GENERAL said that, from what had fallen from the Hon. Mr. Thynne and the Hon. Mr. Gregory, he understood those gentlemen were of opinion that the two Bills should be read together. They must read one first, and the same difficulty occurred in another place where the Divisional Boards Bill was read a second time and then postponed until the Valuation Bill had been passed, and in that order they were being sent up to them. Hon. gentlemen would see that it was necessary that they should read one Bill before the other, and they had the Valuation Bill before them now. Its provisions were substantially the same as came before them on a former occasion. But the objections that were being raised were, of course, quite new and different from those which were raised when the valuation clauses of the Divisional Boards Bill were being considered last year. In regard to clause 7, which was really the whole of the Bill, an attempt had been made there to establish as fair a valuation as it was possible to make. It had been divided into two parts—town and suburban lands, and country lands. In the cases of town and suburban lands, the valuation was exactly the same as in the Bill before them last session; but in the cases of country lands, the amendment which was suggested by that Chamber had practically been adopted in the Bill by the other Chamber, and sent up as part of the Bill. Hon. gentlemen would recollect that in the Bill sent to them last year the value of country lands was stated as not less than £8 per cent. and not more than £10 per cent. upon the capital value, but hon. members on the other side reduced the value to not more than £8 per cent. and not less than £5 per cent. That amendment had really been adopted. Out of deference to the opinion of that Chamber the Legislative Assembly had accepted the suggestion made, and under the circumstances no objection ought to be raised in the present instance, unless hon. gentlemen had very much changed their opinions since last session. They must have one Bill before the other, and as they had the Valuation Bill before them he would be very glad if hon. gentlemen would deal with it.

The Hon. G. KING said that when the Divisional Boards Bill was before them last session he moved that it be read that day six months. His reason was that he considered that the plan of taking the annual value at £5 per cent. upon the average capital value of all unimproved land, of the same quality and in the same neighbourhood, did not meet the case at all, because the value of land was difficult to ascertain in the country. Was it to be estimated at the value of a few acres here and there? He considered that the true value of land was what it would let for as a whole. Supposing there was an estate of 10,000 acres: what would a man give for it as a rent for a term of years? That was the real value of the land, not the value of unimproved lands of the same quality and in the same neighbourhood, according to sales which might have been made. A man might buy 10 acres or 20 acres of land and pay a fancy price for it;

but that could be no guide as to what was the value of the land. The question was, what would the land as a whole let for and what could a man who rented it make out of it? That would determine the value of the land, not what was realised by a few sales. That was his reason last session for moving the amendment that the Bill be read that day six months. He thought the scheme was a mistake; the valuation should not be made in that manner.

The POSTMASTER-GENERAL: Are you referring to country lands?

The HON. G. KING said, yes. He agreed with his hon. friends, Mr. Thynne and Mr. Gregory, that they had better wait and see what the other Bill was before they considered the one before them.

The HON. A. C. GREGORY said he thought the arguments brought forward were very sound as regarded the undesirability of going through the Bill completely before they received the other Bill. As the Postmaster-General had said, they could not read the two Bills at once; but they might pass the Bill before them through committee on the understanding that they should not proceed with the third reading until such time as they had had an opportunity of considering the Divisional Boards Bill. Then should there be any discrepancy between the two Bills it would be in their power to recommit the Bill with a view of making any amendments. At the same time, should there be no amendments, as the third reading was generally a formal matter, the business of the country would not be delayed. When the other Bill had been passed through committee they would be able to see if they agreed, and any verbal discrepancies might be corrected. There was a very important matter touching the effect the Bill would have upon the Bill they were expecting to come. In the present Divisional Boards Act the provision for valuation contained the following:—

“And in the case of houses and buildings being thereon, the land and the houses and buildings shall be valued separately in the manner prescribed in the third schedule to this Act. And in every such valuation the property rateable shall be valued at its net annual value, that is to say, at the rent at which the same might reasonably be expected to let from year to year, deducting therefrom an amount equal to one-half of that portion of such rent as shall be deemed to arise from any houses or buildings that may be situated on such rateable property.”

Under the existing law they were entitled to an equal amount upon the unimproved value of the land; but the present Bill would cut off from them the revenue that they now derived from half the value of the improvements. The effect of that would be a very serious reduction in the revenues of divisional boards, and unless some provision were made in order to save them from the very serious loss that the Bill proposed to impose, it was difficult to see how they were to carry on, especially as they heard rumours, and had very good reason to suppose that there was a possibility of the endowments, which had heretofore been paid to them on their revenue, being reduced, if not altogether withdrawn. Even if there were no reduction in the endowments nominally, for every £1 that they cut down the revenue that boards were permitted to raise, there would be at present a loss to them of £2 more, so that many of the boards that were now carrying on their business would be at once reduced to a state of insolvency. He mentioned that to show the importance of considering the two Bills together. He would suggest that they should not proceed with the third reading of the Bill until they had had an opportunity of dealing with the Divisional Boards Bill. They really did not know what the exact provisions of that

Bill might be, and therefore he thought that they should proceed with the discussion of the present Bill in committee, so that they might give expression to their opinion concerning matters which he felt satisfied members of the other branch of the Legislature would consider very important.

The HON. W. GRAHAM said he could not agree with the Hon. Mr. Gregory in thinking it would be a judicious course for them to pass the Bill through committee now, and only reserve to themselves the chance of condemning it on the third reading after they had had an opportunity of seeing the Bill they were expecting from another place, and comparing it with the one now before them. Hon. members knew that without special notice no alterations could be made on the third reading, although hon. members could speak.

The HON. A. C. GREGORY: We could recommit the Bill.

The HON. W. GRAHAM said possibly they could, but that would be going a long way round. He thought it would be better to pause a little now, and wait until they received the other Bill before putting the present one through committee. He did not think it would be a wise course to recommit the Bill. They might throw it out altogether; but he did not think that would be desirable, because the Bill was a valuable one, taken in conjunction with its sister Bill. If the Hon. Mr. Thynne proposed an amendment to the effect that the Bill be postponed he would support him.

The POSTMASTER-GENERAL said hon. gentlemen would perfectly understand that he did not wish to rush the Bill through committee simply because the Divisional Boards Bill was under consideration in another place. The simple fact was that the Bill before them had passed through the other Chamber, and if they could possibly go through its provisions and have a discussion upon it he should be very glad, because time would not be lost; that was the only object he had at the present time. Hon. members knew very well that the Divisional Boards Bill was very long, and dealt principally with the constitution of local authorities, but in no way with the valuation of properties, that being entirely a question involved in the Bill before the Committee. It seemed a pity to lose the time they should lose by waiting for the Divisional Boards Bill to come up. He had no objection to agree to any recommitment that hon. gentlemen might suggest in connection with the Bill before them.

The HON. F. T. GREGORY said he would venture a suggestion that might meet the wishes of the majority of hon. gentlemen, and it was, that if hon. members were not kept to the particular clause before them they would be enabled to draw attention to any part of the Bill, it being a very short one. Or it would be very easy for the Postmaster-General, or any other gentleman, to move the Chairman out of the chair, and then they could go into a discussion; that would meet the object in view. They were at present on the 2nd clause, which said:—

“In this Act, unless the context otherwise indicates—
“Land” includes houses or buildings and other structures erected thereon.”

Now, he thought a legal mind might very easily see that that paragraph governed clause 7 in regard to the point to which he had drawn the attention of the Committee already—namely, the valuation of country lands without considering any improvements upon them. Although the words used in the paragraph were, “unless the context otherwise indicates,” he thought that there might be a great improvement, and the Postmaster-General would see that that would leave considerable doubt in the minds of those who had to work the Bill,

The HON. W. PETTIGREW said he thought they might go on a little way with the discussion. The discussion which had already taken place might fairly enough have taken place on the second reading of the Bill. The object of the Bill was to raise money to keep the roads of the country in repair; that was the main object of the Bill, and of all Bills on the subject. There were several other things they had to do, but that was the main object, and he could not see that the second section of clause 7 met that at all. One man might own property which he used for grazing purposes, and which was worth a certain sum of money, and another man not far off might use an immense number of drays and damage the road immensely, yet those two men occupying similar country would be assessed at the same rate. He could not see any fairness in the clause at all. He thought that the men who had destroyed a road ought to pay for keeping the road in repair; that was his idea of the matter. If they were going to have a new Bill that new Bill should be as perfect as possible.

The HON. F. T. GREGORY said he would point out to the hon. gentleman that if the Divisional Boards Bill were placed alongside the Valuation Bill he would see that the difficulty referred to was provided for—that power was given to boards by the Divisional Boards Bill to levy a wheel tax, but no such power was conferred by the Valuation Bill. That argument of the hon. gentleman really showed how desirable it was that the Committee should postpone the consideration of the Valuation Bill.

The HON. W. PETTIGREW said he did not think the imposition of a wheel tax would meet his objection. He would illustrate the matter in another way. Suppose that in any district there was a man who owned a sugar-mill and used his own drays, destroying the road immensely, and that alongside him there was another man who used his land for very different purposes, and scarcely used the roads at all, would it be fair that the former should pay nothing more than the latter in the way of rates? From his reading of the 7th clause he did not see that would meet that difficulty, nor would it be met by a wheel tax.

The POSTMASTER-GENERAL said they were drifting a little from the Valuation Bill in talking about a wheel tax. They were now considering clause 2, which fixed the time when the Bill should come into operation, and he thought they would do well to confine their remarks to the subject of discussion.

The HON. J. F. McDUGALL said there was a very great deal of force in the remarks made by the Hon. Mr. Thynne and those hon. gentlemen who had followed him, and he thought that as that Bill related to another Bill which was to be submitted for their consideration they ought not to proceed with it until the other measure was before the Committee. It was almost impossible, as no doubt hon. members had found, to follow a Bill through its various stages in another place; and it was quite time enough for them to deal with a matter when they had it before them. He did not understand the Hon. Mr. Thynne to suggest that they should deal with the Divisional Boards Bill first, but rather that they should have it in their hands and know what were its provisions before they passed the Valuation Bill. In all probability the other measure would be before them tomorrow, and he did not think that any great injury could accrue by the delay of the Bill now under consideration for another day. He thought they would be much better prepared to deal with the subject of valuation when they knew what the other Bill was.

The HON. T. L. MURRAY-PRIOR said there was no doubt that, as the Postmaster-General had remarked, they had drifted into a rather irregular discussion, and that was a very good reason why they should not go on with the Bill. As the Hon. Mr. McDougall had observed, it would not be long before they had the other measure, which was really part and parcel of the Valuation Bill. He (Hon. Mr. Murray-Prior) thought it would rather expedite business than otherwise if they postponed the consideration of the Bill before the Committee.

The HON. T. MACDONALD-PATERSON said he had not the advantage of having heard the reasons given by the Hon. Mr. Thynne for postponing the consideration of the Bill. A sentence had fallen from the lips of the Hon. Mr. McDougall to the effect that that Bill governed the rating clauses of a Bill to be dealt with elsewhere.

The HON. W. GRAHAM: No; that the other is connected with the rating clauses in this Bill.

The HON. T. MACDONALD-PATERSON said he understood the Hon. Mr. McDougall to use the words that that Bill was connected with the rating clauses of another Bill.

The HON. J. F. McDUGALL: This Bill regulates the valuation.

The HON. T. MACDONALD-PATERSON: I wish the hon. gentleman would state clearly what he said on that point.

The HON. J. F. McDUGALL said he stated that the Bill under discussion regulated the valuation of rateable property, and that it was very important that they should have the other measure in their hands before going on with that Bill. That was what he said. They did not know exactly what the other measure was.

The HON. T. MACDONALD-PATERSON said the other measure did not deal with valuation at all. The two matters were specifically distinct, and it was admitted on all sides that that was a most convenient method of dealing with the question. The valuation provisions had been entirely eliminated from the Divisional Boards Bill. Of course, he had had the advantage of seeing that Bill, and he could tell hon. members that there was no connection between the two subjects, such as had been alleged. The subject of valuation was not touched in the Divisional Boards Bill, and they might pass the Valuation Bill without the other, and no inconvenience would result.

The HON. W. GRAHAM said it seemed to him that the proceedings were getting very irregular, and that hon. members were making speeches as if they were speaking on the second reading of the Bill. He had not yet heard one word said about the 2nd clause, and he thought that, taking that into consideration, it would be well to put the matter off until to-morrow in order that they might first get the other Bill. He did not see anything to discuss in the 2nd clause.

The HON. A. J. THYNNE said the reason why he suggested that they ought to pause and consider before passing that Bill through committee was that all hon. members were aware that a very material change had been proposed in another place by the Government with respect to the endowment to divisional boards, from which the boards derived a portion of their income for carrying out the operations which they had for many years conducted with considerable success. The position of the boards was now menaced by the Government to some extent, and at the same time the Committee were asked to pass a Valuation Bill on the old lines. They did not know what those lines might be in

future, but it seemed to him that the Government had almost gone so far as this, that the very existence of some boards was threatened by a reduction in their income; and while there was that danger to so very important a part of their social system, the Committee ought to be very careful before they passed any Bill affecting the matter. He fully recognised the convenience of having the valuation provisions embodied in a separate measure, but he thought they should have all the measures relating to divisional boards in their hands before they dealt with the Valuation Bill.

The HON. F. T. GREGORY said he would not prolong the discussion, but would propose a motion which he thought would meet the wishes of the majority of the members of the Committee. He moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

The House resumed; the CHAIRMAN reported progress and obtained leave to sit again tomorrow.

ADJOURNMENT.

On the motion of the POSTMASTER-GENERAL, the House adjourned at ten minutes past 5 o'clock.
