

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**TUESDAY, 8 DECEMBER 1896**

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BRISBANE TRAFFIC ACT AMEND-  
MENT BILL.

## COMMITTEE.

Clause 1 put and passed.

Clause 2 passed with a verbal amendment.

Clauses 3 to 5, inclusive, put and passed.

On clause 6—"By-laws"—

The HON. A. C. GREGORY said this clause proposed a new mode of taxation with regard to vehicles. Paragraph 9 provided that a by-law might be made requiring the owners of vehicles, ordinarily used, kept, or let for the conveyance of goods, chattels, merchandise, or materials, to obtain a license in respect of every such vehicle. If a person had a cart for the purpose of conveying his supplies home he would have to take out a license for that. If large firms had a number of drays for the conveyance of stores from their warehouses, though they made no charge for such conveyance, those vehicles must all be licensed; the latter part of the clause excepted all vehicles conveying fish, fruit, water, fuel, milk, vegetables, bread, meat, ice, agricultural produce, or groceries or other merchandise from retail shops. There was a far larger business done in the way of carting from wholesale and retail houses than from houses engaged only in the wholesale trade, yet those who did retail business would be able to run their carts without any license. He thought the best thing to do would be to omit the paragraph, and he therefore moved its omission.

The HON. G. W. GRAY agreed with what had been said by the Hon. Mr. Gregory. This clause would compel the owners of drays and other vehicles who had done business in Brisbane for twenty or thirty years to make contracts with the draymen that plied for hire. His firm owned a number of drays, and the carting done by them was confined to their own business. In no case did they ply for hire or charge. He might say the same of Messrs. Parbury, Lamb, and Co., Webster and Co., and D. L. Brown and Co., who also had their own private drays. Those drays were licensed by the Custom House, and each drayman had to find two bondsmen in connection with his license. Now they were to be called upon to take out a license under the Traffic Board as well. Such a thing had never been known in the history of importing business in Queensland. It would be a source of annoyance to the wholesale importers, while the retailers would escape. He would support the omission of the paragraph.

The POSTMASTER-GENERAL asked the Hon. Mr. Gray to explain how he would justify the imposition of a license fee on an ordinary vanman who took his place on the stand, who also had to give his bond and get his license from the Custom House, and was employed on the same work as the draymen employed by the wholesale houses. Why should they not be put on the same footing with regard to the Traffic Board? He wished to know whether those wholesale firms were the owners of those drays? Did not those horses and drays, as a general rule, belong to draymen who worked under contract for those wholesale firms? As far as his information went the majority were draymen who attached themselves to particular houses and were chiefly employed by those houses, but also carted goods for others.

The HON. G. W. GRAY thought he could answer the hon. gentleman most effectually by asking how it was that he did not pay a license fee for his own private carriage, although a cabman had to pay a license fee with respect to his vehicle? The drays owned by his firm did not ply for hire. The firm paid each drayman £2 per week on the same principle as he paid a coachman to drive his private vehicle. What could justify

## LEGISLATIVE COUNCIL.

TUESDAY, 8 DECEMBER, 1896.

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

PUBLIC SERVICE BILL—INEBRIATES  
INSTITUTIONS BILL.

## THIRD READING.

These Bills were read a third time, passed, and ordered to be returned to the Legislative Assembly.

the Postmaster-General in driving a private vehicle without paying a license to the Traffic Board if he asked a wholesale firm to pay a license in respect to a private dray owned by them?

The POSTMASTER-GENERAL said he did not question for a moment what the hon. gentleman had stated; but he was informed that there were other cases where drays were employed for the cartage of goods. For instance, there were Custom-house agents who charged their constituents for the cartage of goods, and whose employees did not pay a single penny license fee to the Traffic Board. He would be glad if the hon. gentleman could either confirm or contradict the information he had received.

The HON. G. W. GRAY said that when he first saw the clause he interviewed one of the members of the Traffic Board. That gentleman said that his (Hon. Mr. Gray's) firm, Parbury, Lamb, and Co., and Webster and Co. made a charge for the delivery of goods; but he (Hon. Mr. Gray) denied that any such thing had ever been done by the importers. They simply exercised the privilege of delivering their goods in their own drays when sold.

The HON. W. FORREST thought the answer to the question asked by the Postmaster-General was so transparent that he was surprised the hon. gentleman had asked it. The ordinary drayman who had to be licensed by the Customs as well as by the Traffic Board was a man plying for hire in the ordinary sense of the term, but the vehicle belonging to the wholesale merchant was used merely to cart his own goods, and did not ply for hire. The man who asserted that those drays were not *bond fide* the property of the wholesale houses should be prepared to prove what he said.

The POSTMASTER-GENERAL: One of the objects of the clause was to assist in providing revenue for the Traffic Board, and to meet cases in which it was represented that the payment of revenue due to the board had been evaded. He was prepared to accept the statement of the Hon. Mr. Gray as to the practice so far as *bond fide* owners of drays were concerned, and he agreed that they ought not to be subject to any license fee any more than the owner of a private vehicle, but some provision was required by which a further evasion, if such a thing occurred, would be avoided. He suggested the insertion of the words "for hire or reward" after the word "conveyance." That would go a long way towards meeting the difficulty.

The HON. C. H. BUZACOTT said he did not like the Bill at all. Both this Bill and the principal Act took from the hands of the representatives of the people the authority which should be exercised by them alone. It was utterly wrong and unconstitutional that a Traffic Board created practically by nomination should have the power of taxation and making regulations which had the force of law.

The HON. F. CLEWETT did not think any work in connection with the delivery of goods was done for nothing. In the case of vehicles ostensibly owned by merchants for doing their own work, apparently they might not ply for hire, but whatever work they did was charged for on the goods if the cartage was not charged for directly. From that point of view, it seemed to him that the vehicles kept by merchants came more or less into competition with the vehicles that went on the stand for hire and were required by the Traffic Board to be licensed. He did not see why there should be any exception made in regard to retailers any more than wholesale merchants, and he thought the suggestion made by the Postmaster-General would meet the case very fairly; at the same time it

would be desirable to eliminate all the words after "vehicle," so as to place wholesale merchants and retailers on the same footing.

The HON. A. NORTON could not see why wholesale houses should not have to pay license fees in regard to their own drays as well as vanmen who plied for hire. The consumer had to pay for the cartage of goods bought by him, whether they were carted on the merchant's dray or on a licensed van, because the merchant charged more for goods if they were delivered than if they were taken away by the consumer. He merely kept his drays because it paid him to do so. Seeing that the draymen employed by wholesale merchants competed with the vanmen plying for hire, he saw no reason why they should not pay license fees to the Traffic Board as well as vanmen.

The POSTMASTER-GENERAL said that if the Hon. Mr. Gregory would withdraw his amendment he would move the amendments he had already suggested. He would also move the amendment suggested by the Hon. Mr. Clewett. He thought the wishes of hon. members would be met by making those amendments.

The HON. A. C. GREGORY expressed the opinion that what the Postmaster-General proposed to do would meet the case, and under the circumstances he would withdraw his amendment.

The HON. A. NORTON asked whether it was not a fact that a merchant charged more for goods delivered on the premises of the buyer than for goods of which the buyer took delivery at the warehouse.

The HON. A. C. GREGORY said his experience was that the price of the goods was fixed in the shop, and the seller was equally satisfied whether he had to deliver them on the premises of the buyer or the buyer took them away with him. There was never any question as to paying for cartage.

The HON. A. NORTON said his experience differed from that of the hon. gentleman. Where he had purchased goods in any quantity, he had been obliged to pay more if they were delivered away from the store.

The HON. G. W. GRAY said that his firm kept their drays as a matter of convenience, because they could not conduct their business if they had to fall back on the hired men, who were not so reliable as their own. When vessels were discharging it was impossible to get a dray; and the business of Brisbane could not be conducted with the few drays that plied for hire.

The HON. A. NORTON said the reason why the wholesale houses could not get their work carried on if they had to depend on licensed men was because they kept a lot of drays of their own. If all the private drays were taken off and the licensed men had a chance, the number of drays available would be multiplied, and there would be a sufficient number of reliable men to do the work.

Amendment, by leave, withdrawn.

Paragraph 9 amended so as to read thus:—  
"Requiring the owners of vehicles ordinarily used, kept, or let for the conveyance for hire or reward of goods, chattels, merchandise, or materials to obtain from the commissioners a license in respect of every such vehicle."

Clause, as amended, put and passed.

Clause 7 put and passed.

On clause 8—"Amendment of 59 Vic. No. 34, sec. 38"—

The HON. A. NORTON moved the omission of the words "shall be," with a view of inserting the word "are."

The HON. W. FORREST asked what was the reason for the amendment. The clause said that certain words "shall be" inserted in the

principal Act. By putting in the word "are" it would appear that the words were already in the principal Act.

The HON. A. NORTON said he had proposed the amendment to bring this clause into conformity with the other clauses of the Bill. The word "are" was used in the clause when it was introduced in another place; but it was amended by somebody who apparently did not understand English grammar.

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

The House resumed; and the ACTING CHAIRMAN reported the Bill with amendments.

The report was adopted, and the third reading made an order for to-morrow.

**GOLD MINES DRAINAGE BILL—  
FEDERAL COUNCIL REFERRING  
BILL—COMPANIES BILL—FAC-  
TORIES AND SHOPS BILL—RABBIT  
BOARDS BILL.**

**FIRST READING.**

These Bills, received from the Legislative Assembly, were read a first time, and the second readings made orders for to-morrow.

**STATISTICAL RETURNS BILL.**

**COMMITTEE.**

Preamble postponed.

Clause 1. put and passed.

The HON. C. H. BUZACOTT said the Postmaster-General had circulated certain amendments, but the hon. gentleman had not dealt with the objections he had to clauses 2 and 3 of the Bill. The 2nd clause provided that the Act should commence and take effect on the 1st January, 1897. That was not required, because the Acts Shortening Act provided for the date of the commencement of the Act. He saw no reason why the statutes of the colony should be encumbered with surplusage, and he thought that clause might very well be omitted. In the meantime he wished to propose new clause 2, of which he had given notice. He had no objection to the Postmaster-General's clause relating to the same matter so far as the construction was concerned, but the hon. gentleman did not provide against the strongest objection to the Bill.

The POSTMASTER-GENERAL said the hon. gentleman had taken a very novel course in bringing forward his amendments. He had not submitted notices of the amendments in the ordinary way, but had drafted and sent round a new Bill entirely to take the place of the Bill which had passed through the other House. That was a bad precedent, and one which he hoped would not be followed, because it could only lead to confusion and additional labour. He recognised that the Bill was not well drawn, but the hon. gentleman wanted to take it practically out of his hands and make the Bill his own. He objected to being put into that position, and he did not think it was very respectful to the other House to submit for consideration an entirely new Bill without indicating where it differed from the Bill sent to the Council. The hon. gentleman proposed first of all to strike out the clause relating to the commencement of the Act. He did not see why there should be any objection to fixing the date of the commencement of the Act.

The Hon. C. H. BUZACOTT: It is provided for by law already.

The POSTMASTER-GENERAL: It was not. The Acts Shortening Act merely provided that an Act should commence from the time that it received Royal assent, unless it was otherwise provided. With regard to the new clause the hon. gentleman had moved, he would be prepared to discuss that when they came to clause 4

of the Bill; but he protested against the hon. gentleman taking clause 4 out of his hands and making it a new clause of his own. He would not at present discuss the respective merits of the two clauses.

The HON. C. H. BUZACOTT said he did not wish to take the business of the House out of the hands of the hon. gentleman. His amendments had been before the House for several weeks, but he had not been afforded an opportunity of examining the hon. gentleman's amendments. They were shown to him by an hon. member last week for a few moments, but they ought to have been distributed in the usual way. If the hon. gentleman thought he was taking an improper advantage, he would be willing to withdraw his motion until they reached clause 4.

New clause, by leave, withdrawn.

On clause 2—"Commencement"—

The HON. W. FORREST understood the Postmaster-General intended to move some amendments to limit the scope of the Bill. If that had not been the case he would have resisted the Bill to the utmost, because in its present form he regarded it as a most inquisitorial measure.

Clause put and passed.

On clause 3—"Interpretation"—

The HON. C. H. BUZACOTT said that this clause, which merely defined the term "person," was unnecessary, because the Acts Shortening Act provided that the word "person" or "party" should be taken to include bodies politic, corporate, or collegiate, as well as individuals.

The POSTMASTER-GENERAL said there were many associations which should be included in addition. For instance, there were voluntary associations, such as agricultural associations, which had no recognised legal entity.

The HON. W. FORREST was of opinion that every Act of Parliament should be complete in itself, as far as possible, and he saw no ground for objecting to the clause.

Clause put and passed.

On clause 4—"Registrar-General may forward forms of such persons as he sees fit"—

The POSTMASTER-GENERAL said he proposed to negative this clause with a view of inserting a new clause. His amendments had been in the House since last week, and he regretted that they had not been circulated.

Clause put and negatived.

The POSTMASTER-GENERAL moved the insertion of a new clause providing for the collection and publication of statistical information relating to the pastoral, agricultural, mining, manufacturing, or other producing industry. The clause in the original Bill was not very happily worded, and he thought the Committee would find that this clause was an improvement.

The HON. W. FORREST regarded the clause as a great improvement on the one which had been negatived. Its scope was reasonably wide, and it was free from the objectionable features which characterised the original clause.

The HON. A. C. GREGORY said the clause appeared to meet the objections of those who were opposed to clause 4 of the Bill.

The HON. C. H. BUZACOTT appreciated all the Postmaster-General said about measures that came from the other House, but did not see why they should put on the statute-book legislation which was not so well worded as it ought to be. He would not offer any objection to the proposed new clause, but he did not think it was so well put together as the new clause of which he had given notice.

The HON. A. NORTON thought the new clause was a very good one, and seemed to embrace all that was required; at the same time, they were indebted to the Hon. Mr. Buzacott

for calling attention so pointedly to the fact that the Bill, as introduced, was imperfect. He thought the hon. gentleman made a mistake, however, in circulating his amendments in the form of a new Bill, because no leader could accept a new Bill in place of the Bill of which he had charge, more particularly when that Bill came from another place.

The HON. C. H. BUZACOTT explained that he at first tried to improve the original Bill; but he found it much less difficult to recast the Bill in another form.

New clause put and passed.

The HON. C. H. BUZACOTT drew the attention of the Committee to his new clause 3, which provided that information relating solely to business undertakings or domestic life should not be available for publication except as statistics compiled in the prescribed manner. That clause was drafted to follow his new clause 2, which provided for the collection, amongst other things, of information required to be furnished by the Census Acts. He had ascertained from an officer in the Registrar-General's office that such information was particularly desirable.

On clause 5—"Penalty for neglecting or refusing to supply information"—

The POSTMASTER-GENERAL said he proposed to negative the clause, and substitute the Hon. Mr. Buzacott's new clause with a slight modification. It was better than the clause in the Bill.

Clause put and negatived; and new clause put and passed.

Clauses 6 and 7 put and passed.

On clause 8—"Telegrams as to statistics free"—

The POSTMASTER-GENERAL asked the Committee to negative the clause. The privilege of sending free telegrams should be restricted as much as possible.

Clause put and negatived.

Clause 9 put and passed.

The POSTMASTER-GENERAL asked the Committee to negative clause 10, with the view of inserting two clauses prepared by the Hon. Mr. Buzacott.

Clause put and negatived.

New clause—"Defendant to prove return of form"—put and passed.

New clause—"Certificate of Registrar-General *prima facie* evidence"—put and passed.

The POSTMASTER-GENERAL said there was another clause prepared by the Hon. Mr. Buzacott which he proposed to move in a modified form, with the concurrence of the hon. gentleman.

New clause—"Regulations"—put and passed.

Preamble put and passed.

The House resumed; and the ACTING CHAIRMAN reported the Bill with amendments.

The report was adopted; and the third reading of the Bill made an order for to-morrow.

The House adjourned at twenty-seven minutes to o'clock.