

Appendix

1890

A BILL

To declare the Natural Law relating to the Acquisition and Ownership of Private Property

Preamble

WHEREAS it is essential to the good order of every State and the welfare of the People, that all persons should have and enjoy the fruits of their own labour, and to this end it is expedient to declare the natural laws governing the acquisition of private property: Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:-

Definitions.

"Land"

1. The term "land" means land in its natural condition resulting from the operation of natural forces unaided and undirected by man, and does not include any improvements made upon it.

"Value" of land

2. When the term "value" is used with reference to, land, it signifies the extent of the difference between the advantage of having the use of the land in question and the advantage of having the use of the nearest other land the use of which can be obtained by mere occupation without making payment to any person for such use.

"Rent."

3. The return or payment demanded by persons having,

by positive law, the right to the exclusive possession of land, for the permission to use that land, is called "rent."

Rent is therefore a measure of the value of land.

"Labour."

4. The term "labour" includes all modes of exercise of the human faculties, whether of mind or body. It therefore includes the function of supervision or organisation of other labour.

"Wages."

5. The immediate remuneration of labour is called "wages."

"Property."

6. The term "property" includes all forms of material things in the possession of man which have a value for the purpose of exchange or use. It also includes inventions and other immaterial results of the exercise of the faculties of the mind.

"Production."

7. The term "production" includes any act or series of acts by which labour is applied, either directly or indirectly, to property, and the result of which is new property, or property in an altered form, or in a different place.

It also includes the exercise of the faculties of the mind or body, the result of which is property, although the exercise of those faculties was not applied to property.

"Capital."

8. The term "capital" means and includes all forms of property not being land which are in use for the purposes of production. It therefore includes as well property which is consumed or destroyed as property which is not consumed or destroyed in the process of production.

“Interest.”

9. The term “interest” is used to denote either the immediate return derived from the use of capital for the purpose of production, or the payment received by the owner of capital from another person by way of return for the use of that capital.

Interest is therefore a measure of the value of the use of capital.

“Productive labour.”

10. The term “productive labour” means labour applied for the purpose of producing some property which is, or is intended to be, of greater value than the value of the property (if any) to which the labour is applied.

“Net products.”

11. The terms “net products of labour” and “net products” mean the net increase in property resulting from productive labour, after allowing for the cost of production.

“Cost of production.”

12. The cost of production may include all or any of the following elements

- (1) The replacement of the property which is consumed, or destroyed, or altered in form, or changed in place, in the course of the process of production;
- (2) The wages of the labour engaged in the production;
- (3) Interest on the capital used in the production
- (4) Rent of the land used for the purposes of the production;
- (5) Incidental expenses not falling under any of the foregoing heads.

"Positive law."

13. The term "positive law" includes all written laws enacted by a competent legislative authority.

It also includes all unwritten rules declared by any competent judicial authority to be the law of the State.

First Principles.

Equal right of all persons to life and freedom of opportunity.

14. All persons are, by natural law, equally entitled to the right of life, and to the right of freedom for the exercise of their faculties; and no person has, by natural law, any right superior to the right of any other person in this respect.

Natural forces common property.

15. The right to take advantage of natural forces belongs equally to all members of the community.

Land common property.

16. Land, by natural law, the common property of the community.

Positive law.

17. Positive law is the creation of the State, and may be altered or abrogated by the State from time to time.

Functions of positive law with respect to natural law.

18. The application of the natural law of equality and freedom may be modified by positive law, so far as the common advantage of the community may require, but not further or otherwise.

Private rights to land.

19. The rights of individual persons with respect to land are created by, and their incidents depend upon, positive law.

APPENDIX

Property the result of labour.

20. All property, other than land., is the product or result of labour.

Measure of wages.

21. The natural and proper measure of wages is such a sum as is a fair immediate recompense for the labour for which they are paid, having regard to its character and duration; but it can never be taken at a less sum than such as is sufficient to maintain the labourer and his family in a state of health and reasonable comfort.

Ownership of net products.

22. The net products of labour belong to the persons who are concerned in the production.

If one person only is concerned in the production the whole net products belong to him.

If more persons than one are concerned in the production, the net products belong to them, and are divisible amongst them, in proportion to the value of their respective contributions to the production.

Application of labour to property.

23. When labour is not applied directly or indirectly to property, the whole products belong to the labourer.

When labour is applied directly or indirectly to property, the person who is lawfully entitled to the use of that property is deemed to be concerned in the production as well as the labourer.

Rights of possessors of land receiving rent.

24. When for the purposes of production the use of land is required, then the rent (if any) payable for that use is a part of the cost of production.

The person who receives the rent is not, by reason only

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of his permission to use the land, concerned in the production, but may otherwise be concerned in it.

He is therefore not entitled, by reason only of such permission, to any share of the net products.

Rights of occupiers.

25. For the purpose of ascertaining the net products of productive labour applied to land, and the persons entitled to share in those products, the land to which the labour is applied is to be considered as if it were capital, and were the property of the person who for the time being is entitled to the possession of it.

The amount of that capital is to be taken to be equal to the value of the land burdened with a perpetual rent equal to the rent (if any) payable by him for the time being.

Ownership of products.

26. The share of net products coming to each person who contributes to the production from which they arise is the property of that person, and may, subject to any positive law, be disposed of by him at his pleasure during his lifetime or by will.

Enforcement of rights to share of products.

27. Any person entitled to a share of the net products of any productive labour may enforce that right by proceedings in an Court of competent jurisdiction.

Duty of State.

28. It is the duty of the State to make provision by positive law for securing the proper distribution of the net products of labour in accordance with the principles hereby declared.

Short Title.

29. This Act may be cited as "*The Elementary Property Law of Queensland.*"