

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 28 MAY 1879**

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## LEGISLATIVE COUNCIL.

*Wednesday, 28 May, 1879.*

Address of Condolence to Lady O'Connell.—Leave of Absence.—Mineral Oils Bill.—Wrecks and Salvage Bill.

## ADDRESS OF CONDOLENCE TO LADY O'CONNELL.

The PRESIDENT informed the House that he had received from Lady O'Connell the following letter, which he read, in answer to the Address of Condolence sent to her from the Council:—

Portland Place,  
May 24, 1879.

SIR—I beg to acknowledge the receipt of your letter of the 22nd instant, enclosing an Address of Condolence to me from the Honourable Members of the Legislative Council upon my bereavement. May I ask you to do me the favour of conveying to those gentlemen, for me, my heartfelt thanks for their kind expressions of sympathy with me in my sorrow. It is a melancholy satisfaction to me to know how highly my husband was esteemed by those gentlemen with whom he was so intimately associated, both in his public as well as in his private life.

I am, Sir,  
Yours faithfully,  
ELIZA E. O'CONNELL.

The Honourable the President, Legislative Council, Brisbane.

Deeming it the pleasure of the House that the letter should be entered on the Minutes, he directed the Clerk accordingly.

## LEAVE OF ABSENCE.

On the motion of Mr. HART, leave of absence for one month was granted to the Honourable A. H. Brown, now out of the colony.

On the motion of Mr. MEIN, leave of absence for two months was granted to the Honourable E. I. C. Browne, on account of continued illness.

On the motion of the POSTMASTER-GENERAL, leave of absence for one month was granted to the Honourable W. F. Lambert, now away in the interior.

## MINERAL OILS BILL.

The POSTMASTER-GENERAL moved the second reading of "a Bill to place certain restrictions on the Importation, Storage, and Sale of Refined Mineral Oils." In support of the necessity for this measure, he said he had only to remind the House of facts which every honourable gentleman must have become fully acquainted with in his own personal experience. There had been in the colony of Queensland, as well elsewhere, a great number of accidents from the use of impure and inferior mineral oils. He need not occupy time in doing more than refer to the many very sad occurrences in the city from that cause, to show that some kind of legislation was required to protect the public. Honourable gentlemen would acknowledge that it was very difficult for the consumer of mineral oils—which in these times meant almost everyone—in almost every household mineral oils were used—to ascertain whether the oil he purchased for use was dangerous or otherwise. There had been repeated demands by the Press and otherwise to have some provision of law for the protection of the consumer. In Victoria that demand had resulted in the enactment of a measure which appeared to provide for the need of the community in that respect. The Bill now before the Council was to a great extent similar to the Victorian statute. It would be observed that the first clause provided that

On and after the 1st day of ———

he should propose, in Committee, to insert the word "November," so as to allow everyone interested in the sale of mineral oils to make his arrangements to meet the alteration of the law of this colony;—so that on and after the 1st November,

one thousand eight hundred and seventy-nine all refined mineral oils which may give off an inflammable vapour at a temperature of less than 115 degrees of Fahrenheit's thermometer after being subjected to the test mentioned in the Schedule A to this Act by any officer or person duly authorised by the Colonial Treasurer (for which purpose such samples as may be required may be drawn from the packages containing such oil) shall be deemed to be goods absolutely prohibited to be imported into Queensland within the meaning of section 41 of the Customs Act of 1873 and to be included in the table of prohibitions inwards and shall be forfeited and destroyed or otherwise disposed of as the Collector of Customs may direct.

The "flashing point" in Victoria was fixed at 100 degrees Fahrenheit; but, from information that he had been enabled to obtain, that was scarcely sufficient to protect the consumer. The fifteen degrees higher were not added because of the extreme heat we might be supposed to suffer

from in this colony; because he believed that the summer temperature occasionally reached as high a point in Victoria as in Queensland. He should be prepared, in Committee, to alter the clause, if the House considered 115 degrees too high. There was a proviso to the clause by which

any such refined mineral oil may be delivered by the Customs Department upon the payment of the duty chargeable thereon if it shall have been duly coloured by the admixture of such material and in such proportion and in such manner as the Governor in Council may prescribe and that any package containing such oil so coloured shall have distinctly marked on the side or top thereof in black Roman letters of not less than two inches in length and half an inch in breadth the words "specially dangerous."

By the third clause

any Customs officer or other person duly authorised by the Collector of Customs may in the daytime enter any warehouse or other place where any refined mineral oils may be stored and draw samples for the purpose of applying the test provided by this Act and any refined mineral oils found therein contrary to the provisions of this Act shall be forfeited and the owner thereof liable to a penalty of two shillings for every gallon of refined mineral oil so found.

That might be thought a rather stringent provision, and, when honourable gentlemen considered it, they would acknowledge its fairness. The clause further provided that oils warehoused by any person, imported before the passing of the Bill, might, at his request, be treated as before provided—coloured and marked—so that they might be distinguished by the consumer from oil which was not dangerous; and, further, that such dangerous oils might be exported from the colony. All that the legislature had to consider was to prevent any dangerous oils coming into consumption in the colony. In the fourth clause, the provision as to the appropriation of penalties was not perhaps quite necessary—one-half was to go into the territorial revenue, and the other half to the seizing officers or the person who sued for the penalty or forfeiture for breach of the law;—but, he presumed, it was found desirable, to carry out the Act, which would be a novelty; and, perhaps, the provisions could not be easily avoided. The first schedule directed how the flashing test was to be applied. He might point out that the test was not only substantially the same as in Victoria, but it was the one which had been adopted by the Board of Works in London: it was very easily applied, and was at once a simple and effective experiment. The second schedule directed the colouring of the oils, as provided for in the preceding clauses of the Bill. He had not inserted

the amount of the fees; because that would be done by the House in Committee of the Whole; and he intended then to propose to insert, in italics, the words "one penny" for every package of refined mineral oils coloured in accordance with the provisions of the Bill. Further remarks on the measure were unnecessary, as some such enactment as he now proposed was regarded by everyone to be urgently required.

MR. HEUSSLER supposed that there was nothing to be said on the Bill, except that it was a desirable measure. The increased degree of temperature for the flashing point mentioned by the Postmaster-General was quite justified in the climate of Queensland. He might mention that he had had a conversation with a gentleman who was a very large importer of mineral oils and who told him that there was nothing objectionable in the Bill. He supposed that was the general feeling on the subject. As far as the operation of the Act was concerned, he thought that it might as well be from the 1st of December, rather than the date named; as six months was but a fair time to give persons who had a good deal of oil in their stores, at present, to get rid of the objectionable article; also, to afford information to shippers of oils of such a description from America that their trade in this market had come to an end. If the Postmaster-General had no objection, the extended period might be arranged in Committee.

MR. HART said, when the Bill should get into Committee some alterations might be appropriately made. The measure was such as everyone looked upon as highly desirable; its necessity had been impressed on the community for years past; and he was glad that it had been introduced. Many lives had been lost from the carelessness, the downright stupidity, of the domestic class in using mineral oils. He had no objection to the provisions of the Bill, with the exception of the latter part of the first clause. He could not see, really, that if an article was found to be dangerous it should not be destroyed at once, and not be allowed to be kept on hand or to go into consumption. Even when marked "specially dangerous" it should not be allowed to go into consumption, at any rate.

MR. BOX said he was very glad to see the Postmaster-General introduce a Bill to deal with what would soon become a very great evil in this colony. He could not agree with the honourable Mr. Heussler that its action should be postponed for six months after passing, as he could not understand why persons whose business it was to import mineral oils should, for a few pence a gallon, introduce into the country

what they must know was specially dangerous; whilst, for six months, the people would be exposed to risk or peril therefrom of which the Legislature and the Commissioner of Customs would be cognisant. The effect of postponing the operation of the law would be to flood the Queensland market with inferior oils which would not stand the test of those markets where such a law was now in force. He agreed that the temperature of this country was high. It was impossible for any person selling oil in small quantities to say that it was specially dangerous. The Bill applied to the outside of the wooden cases, and not to the tin cans, in which the article was packed; but, when the oil was taken out of the wood, the tin was not marked "specially dangerous." Colouring the oil was, of course, an advantage. If the House were of opinion that low-test oils were not to be imported, and if the Postmaster-General was willing to alter the Bill so that it should have some tendency that way, he (Mr. Box) should be glad to support him. They could not do a wiser thing than to stand out as firmly as they could against low-test oils.

MR. THORNTON said, with regard to the objection of the honourable Mr. Heussler, as to the time mentioned by the Postmaster-General being too short, it must have been forgotten that communication with America could be made in five-and-twenty days.

MR. BOX: Five-and-twenty minutes.

MR. THORNTON: To give a longer time would be to flood the country, as the honourable Mr. Box had remarked, with inferior oils. With regard to the objections of the honourable Mr. Hart and Mr. Box, that it would be injudicious to allow the sale of dangerous oil even in a coloured state; if they looked at the third clause of the Bill, they would find that if oil warehoused was not pointed out to be tested, the owner was liable to a fine and the dangerous oil might be confiscated and destroyed, without giving the owner the option of having it coloured. Also, when the owner submitted his oil for inspection, he could export it without the colouring. Inferior oil imported might be useful for other purposes than lighting; and, under all circumstances, it would be so coloured as to render it impossible to uncolour it, and no person would be likely to use it for domestic purposes. Therefore, he did not see any great objection to the first clause. He was very glad to find that there was no opposition to the Bill. It would be a very lamentable thing if there was any. The public was, he thought, hardly aware of the fearful effects resulting from the careless use of inferior mineral oils. In 1871, when the President was representative of

Dalby in another place and Colonial Treasurer, he introduced a Bill something like the measure now before the House, with the same object. That Bill was carried through the Assembly, but was unfortunately thrown out by the Council. Certainly the reasons given for voting against it were not very satisfactory. It was said that there was no cause for legislation on the subject. There was not the slightest danger of an accident arising from good kerosine; that it was as safe as colza oil. From 1877 to the present time there had been eleven horrible deaths caused by the bursting of kerosine lamps; and four of those deaths had occurred within the last seven months. It must, he thought, be fresh in the memory of honourable gentlemen, that a woman and two children were destroyed at Cattle Creek, near Dalby, through a lamp exploding; and the house in which they had lived was burnt to the ground. A month or two ago, a young woman in Fortitude Valley met her death by a kerosine lamp exploding; the burning oil got on her dress, and she was burnt horribly. No one could tell the number of houses that were burnt down from the use of inferior mineral oil by the poorer class. A house in South Brisbane was burnt down last month from that cause. He could mention many other instances; but he should not detain the House. There was a necessity for legislation for dealing with such a fruitful cause of disaster as inferior mineral oil had proved to be; and he hoped that the Postmaster-General would carry the Bill.

Question put and passed.

#### WRECKS AND SALVAGE BILL.

The POSTMASTER-GENERAL moved the second reading of "a Bill relating to Wrecks, Casualties, and Salvage." It was, he said, quite unnecessary that he should enter at any length into its provisions, as the measure would really re-enact provisions which were already in the statute book. The Crown Law Officers held that although the provisions of the Bill were embodied in the Imperial Merchant Shipping Act, portions of which were in operation in Queensland, those particular provisions were not in force in the colony. He did not think there was a single clause in the Bill which was not to be found, almost in the same form, in the statute book. The first clause gave the Marine Board of Queensland jurisdiction within the colony to make provisions for all matters relating to wrecks and salvage. Honourable members would find, in the fourth volume of the "Queensland Statutes," the whole of the other clauses. They would agree that it would not be desirable to enter into any

discussion of them, at present. In committee, perhaps, a few improvements might be suggested; and he should be very happy to consider them.

Question put and passed.

On the motion that the Bill be considered in Committee, next Wednesday,

Mr. MEIN said, he could not help thinking that the Postmaster-General was acting unwisely in postponing the dealing with the Bills for a week—if the honourable gentleman was in earnest in his wish to have them passed. He should be happy to see their committal earlier, to ensure their more rapid progress through the Council. His experience had shown that if Bills were delayed in the Council, there was great danger, however desirable their character, of their being lost; or, unless they were sent forward to another place at an early part of the session, they failed to pass, from the other House not possessing sufficient energy to transact much more than the important business that was initiated there. His remarks applied more to the first Bill introduced by the Postmaster-General—the other Bill was a recapitulation and an adaptation of certain clauses existing in the statute book, which he had just glanced at. According to the Standing Orders, if there should be any amendments made in the Bill, it would be impossible to get it out of the House under two or three weeks; and unless the session should be extraordinarily long, there would be a risk of the Bill not becoming law. He mentioned this, because there seemed to be unanimity of opinion in regard to the Mineral Oils Bill; and it was desirable that it should become law as soon as possible—and, because its provisions might affect injuriously some persons who were holders of property to which it applied.

The POSTMASTER-GENERAL, with the permission of the House, stated that he was quite desirous of advancing business by sitting to-morrow; but he had been led to understand that honourable members did not consider it requisite in the early period of the session that they should meet every day unless there was business to be transacted. He believed that if the House met next Wednesday, they would be able to dispose of all the business before them on that day. At any rate, they would get both the Bills into the other House in ample time for them to be proceeded with. The session was only a fortnight old; and he did not apprehend that the Council would find much difficulty in transacting the public business that would come before them, if they could only succeed, as they had hitherto succeeded, in getting a quorum every day on which they intended to sit.

Question put and passed.