Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

MONDAY, 19 SEPTEMBER 1881

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LEGISLATIVE ASSEMBLY.

Monday, 19 *September*, 1881.

Colonial Sugar Refining Company Bill.—Petitions.—United Municipalities Bill—committee.—Sale of Food and Drugs Bill—committee.—Adjournment.

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

COLONIAL SUGAR REFINING COMPANY BILL.

Mr. DE POIX-TYREL presented the report of the Select Committee appointed to inquire into and report upon this Bill.

The report was ordered to be printed, and the second reading of the Bill made an Order of the Day for Friday next, the 23rd instant.

PETITIONS.

The HON. S. W. GRIFFITH presented a petition from certain inhabitants of the city of Brisbane raising objections to the Liquor Retailers Bill now before the House, and calling particular attention to certain provisions with respect to the establishment of new public-houses and the opening of public-houses on Sunday, and moved that it be received.

The COLONIAL SECRETARY (Sir Arthur Palmer) said it appeared to him that this petition came to the House under false pretences. It purported to be a petition of the inhabitants of Brisbane. It could not be the petition of the inhabitants of Brisbane.

Mr. O'SULLIVAN said he believed the petition could not be received; it referred to a matter that was before the House.

The SPEAKER said it had not been the practice of the House to construe their Standing Orders so as to make them more strict than they really were.

The COLONIAL SECRETARY: Is the petition signed by a certain number of inhabitants of Brisbane?

The SPEAKER: The petitioners describe themselves as inhabitants of Brisbane.

Question put and passed.

Mr. FRASER again presented a petition from the Queensland branch of the Society for Promoting the Due Observance of the Lord's Day, and moved that it be received.

The SPEAKER said the hon. member must be aware that he was out of order in presenting a petition a second time which had already been ruled out of order.

The PREMIER (Mr. McIlwraith) said he thought it was an insult to the House that a petition that had been presented, and refused to be received on the ground of its informality, should be brought before the House again by the same hon. member, with, perhaps, a little outside backing.

The SPEAKER said that any exception to his ruling should have been taken at the time it was given; and the petition could not be received.

Mr. GRIFFITH submitted that the House had not refused to receive the petition. The ruling of the Speaker given on Friday was not, he apprehended, conclusive for the remainder of the session. If the House thought fit the decision might be overruled, or the Speaker might, on further consideration, think fit to alter it. He (Mr. Griffith) had seen cases of that kind in the House, more than once—where a motion had been ruled out of order, but nevertheless the matter had come on again the same session and had been disposed of. He remembered the first session when he was in the House, in 1872, a message came down from the Legislative Council, in which was embodied a resolution that it was desirable that the Southern and Western line should be extended from Warwick to Stanthorpe, or something to that effect. He moved that it stand an Order of the Day for a future day, and when the time came on he moved that the House agree to the resolution of the Upper House; but the Speaker ruled, on objection taken by one of the Ministers, he thought, that the motion could not be entertained, on the ground that it had no right to originate in the Upper House, because it involved the expenditure of public money. Consequently the matter dropped, and in the course of a week or two the Speaker announced to the House that on reconsideration he had come to the conclusion that his ruling was wrong. In the meantime, a committee was appointed by the Legislative Council to inquire into the matter and search the records of this House, to know what had become of their resolution. At any rate, after an interval the Speaker intimated that upon reconsideration he thought his previous decision was wrong. He (Mr. Griffith) then moved that the Order of the Day be restored to the notice-paper. It was duly restored, and subsequently brought up and agreed to. Of course, he might be inaccurate as to details, but that was the substance of the case. The Speaker ruled on Friday last that the petition contravened the 201st Standing Order, referring to intended motions. The words of the 201st Standing Order were—

"No reference shall be made in a petition to any debate in Parliament nor to any intended motion."

The matter was not discussed, and the Speaker ruled that the petition did refer to an intended motion. So it did in one sense—it referred to a motion of which notice had been given for Thursday next by the hon. member for South Brisbane (Mr. Kingsford). He apprehended that the Speaker's ruling was not in accordance with the previous practice of this House. It had been quite frequent to present petitions that referred to business before the House. He could not at that moment refer to any particular instance, but he would undertake to say that he could find, within the last five years, several instances where petitions of this kind had been received. In "May"—and the English Standing Order was, he believed, in the same language—what was found on the subject was this:—

"A petition may not allude to debates in either House of Parliament, nor to intended motions if merely announced in debate; but when notices have been formally given and printed with the votes, petitions referring to them are received."

The right of petitioning was a very important one. It was recognised as one of the most important rights of the subject, and if by any accident these rights were infringed, surely it was the duty of anyone who had regard for the rights of the subject to take the earliest opportunity of correcting the error. There was no harm done in making a mistake; the harm was in refusing to correct it when it was pointed out. It would be very strange if a petition on a subject could not be received because a motion was on the notice-paper, when as soon as the hon. member was called upon to move the motion, at that moment any member could present a petition regarding it, just as when an Order of the Day was called upon a member might present a petition with regard to it——

The PREMIER: What is the question before the House?

The SPEAKER: I understand the hon. member is speaking to a point of order.

The PREMIER: I have heard no point of order yet. What is the point of order?

Mr. GRIFFITH said he was speaking to the point of order that the petition could be received. He submitted that the ruling of the Speaker on Friday in no way prevented that petition from being received. He submitted that the Speaker's ruling on Friday last was erroneous. The House had not resolved that the petition should not be received.

The PREMIER rose to a point of order. The hon. member could not bring that forward without notice. If he wished to affirm that the House disagreed with the Speaker's ruling, his proper course was to give notice, and it would come on in the ordinary course. He (Mr. Griffith) had no right, now, to take up the time of the House with that motion; he should move the adjournment of the House. He had no right to move a motion of this kind without notice.

Mr. GRIFFITH said he was not moving that the Speaker's ruling be disagreed to. When he did so it would be quite time enough to object. He was pointing out that the petition could be received. The matter stood thus: A petition was presented to-day, which might be received, as he submitted, according to the rules of this House and the practice of Parliament; on Friday the Speaker ruled that it could not be received, but, if the Speaker, upon further consideration, was of opinion that his ruling was wrong—and there was no harm in saying it was wrong—this petition could be received, and an important right of the subject would not be violated, as he said it had been accidentally. He submitted that under these circumstances the petition ought to be received, and the motion that it be received certainly could be put, when the majority of the House could, if they pleased, exercise their undoubted right and refuse the petition. He submitted that the question could be put.

The SPEAKER: I do not think the course which the hon. member for South Brisbane (Mr. Fraser) has taken, in again presenting a petition which was ruled to be out of order on the last occasion upon which the House met, is in order. With reference to what the hon. member for North Brisbane has said, I may say I am not anxious to construe our Standing Orders too strictly; but in this case there is no other course to pursue but to reject the petition

or to violate the 201st Standing Order. Those are the only two courses open. When on a late occasion "May" was quoted as an authority against one of our Standing Orders, I stated that when our Standing Order was perfectly clear I preferred to go by that rather than by "May." I think the House will see the wisdom of taking that course, because, if one of the most explicit of our Standing Orders is to be set aside because something has been discovered in "May" which is contrary to it, members coming into the House will have no guide whatever to acquire a knowledge of the proper rules and forms of the House. If the 201st Standing Order is thought to be too strict, the proper course is to repeal it or modify it; but I do not think it would be correct to allow that Standing Order to remain upon our book as it does now, and at the same time violate it. There is no question that the petition brought forward by the hon. member for South Brisbane (Mr. Fraser) is in violation of the 201st Standing Order, because the 1st clause of it expressly states that it does refer to a motion before the House.

The PREMIER said that, when a few minutes ago he objected to the course followed by the member for South Brisbane (Mr. Fraser), he did not question for a moment the right of any hon. member to question the Speaker's ruling. When he protested that the conduct of the hon. member was an insult to the House, it was upon these grounds: Last Friday a petition was presented by the hon. member and was refused, and without one word of explanation the hon. member came forward and presented the same petition again, and moved that it should be received. That was what he considered an insult to the House, that a member should take proceedings of that sort without a word of explanation. The whole thing was evidently a trap to enable the hon. member for North Brisbane to make a little speech, for which it appeared he had come perfectly prepared.

Mr. FRASER said he wished to make an explanation in connection with this matter. He had not the slightest intention of offering any insult to the Speaker or to the House. He thought the Speaker would allow that he was not in the habit of questioning his rulings in the slightest degree. It was one of the last things he should think of doing. Nor had he had a moment's consultation with the hon. member for North Brisbane (Mr. Griffith) upon this matter. They were aware that when he presented this petition on last Friday, it was done in a very hurried manner, and it was discussed in a hurried manner. This morning his attention was called to an article which appeared in the *Courier*, and it occurred to him that he should not be guilty of any breach of etiquette in bringing this petition before the Speaker again, and give him an opportunity of reconsidering his ruling, provided it could be pointed out that that decision was not altogether correct. He (Mr. Fraser) was not there to question in the slightest degree the decision of the Speaker; but, without enlarging upon the right of petitioning, he believed it was one of those privileges which should be guarded with the greatest jealousy at all times; and recognising that he thought he was doing nothing less than his duty in giving an opportunity for submitting this question for fuller consideration. Those were the reasons that induced him to bring it forward again. He might, however, point out that as far as the matter in the petition was concerned and the question to which it referred indirectly, he cared little about that; at present he merely wished to introduce the petition to the House. As to the subject of which it treated, as far as that subject was concerned he would have, according to their own Standing Orders, an opportunity to present this petition or some other bearing upon the same subject. As far, therefore, as the present petition was concerned, he was not particular about it, but he rose to make this explanation to free himself from any such charge as the hon. the Premier had laid against him in this matter. Of course, it was freely recognised that where their own Standing Orders were clear and explicit they should abide by them; but if they were found to be at variance with the Standing Orders or the practice of the Imperia Parliament, the Speaker could not be surprised that he should have taken the action he did when he thought that the subject was of sufficient importance to deserve some further consideration. If, however, the Speaker ruled that he (Mr. Fraser) was not in order in presenting this petition in its present form, all he could do was to submit to his decision, again assuring the Speaker and the House that in bringing it forward again it was more in vindication of what he considered the right to petition; and in the reception of petitions he thought they would allow that it was not desirable that they should enforce the Standing Orders of the House with undue severity.

Mr. ARCHER said he must say very plainly that it was undesirable to limit the right of petitioning in that House, and practically it was not limited beyond these rules, which anyone might obtain for himself. He conceived, however, that a member was perfectly correct in making objections as to whether a petition was drawn up in a proper manner or not; because, if any member doubted his own interpretation of the Standing Orders, and was in doubt as to whether a petition was in proper form to be presented to the House, he had only to refer to the Clerk of the House and he would put him right. He would, perhaps, be informed that before he could present the petition it would need to be altered in some way, and would, in fact, get all the information necessary before the petition was brought before the House. He thought, however, that this might not be convenient in the case of persons presenting petitions from outside districts, perhaps a thousand miles away, who could not be put in communication with upon the subject before the House rose again. But it was no hardship to the people of Brisbane, or those near at hand, to be told that their petitions were outside the Standing Orders of the House, and could not be received. The hon. member who had just spoken ought to have referred to the Standing Orders before he presented a petition bearing upon the same subject again; or if he had any doubt he should have consulted the Clerk of the House as to whether he could do so. There were certain limitations beyond which a petition could not be received, and this was, or ought to be, known to every member of the House. If hon. members would take the trouble to inform themselves of these rules the difficulty might be got over; but, if not, they could ask the Clerk whether a petition was in order or not. Therefore there was no hardship in this case; but in the case of a petition from an outside district, he was sure the Speaker would treat it with a little more latitude than one coming from the inhabitants of Brisbane. It would be absurd if a petition like the present one were received, because their rules were made for the purpose of keeping order in the House, or for the purpose of following the footsteps of the House of Commons. It would not be a bad plan if every member of the House who had a petition to present of which he was doubtful would consult the Clerk of the House before it was presented.

Mr. LUMLEY HILL said the hon. member for South Brisbane presented a petition on the last day that the House sat, which was rejected by the Speaker's ruling, and he was called upon by a prominent member of his own side of the House, the hon. member for Darling Downs, to apologise for having done so. The hon. member came now and, without any explanation, repeated his offence. He gave an explanation afterwards, but it seemed to him (Mr. Hill) that his explanation was simply that he had been encouraged by the *Courier* to try and override the Speaker's ruling, and what was evidently the plain sense and decision of the House—that that petition could not be received. If they were to submit to that kind of thing—to have their rulings and decisions overridden by a newspaper—the sooner they gave up sitting in that Assembly the better. He felt inclined to move that the hon. member be called upon to apologise this time for having repeated his offence.

The matter then dropped.

UNITED MUNICIPALITIES BILL—COMMITTEE.

On the motion of the MINISTER FOR WORKS (Mr. Macrossan), the House went into Committee to consider this Bill in detail.

The preamble was postponed.

Clause 1—"Interpretation"—put and passed.

On clause 2—"United municipalities constituted for certain purposes"—

Mr. GRIFFITH was understood to ask who were to define main roads? What were main roads?

THE MINISTER FOR WORKS said the municipalities would be allowed to decide that.

Mr. ARCHER said he fancied that main roads under this Act would be defined as those roads which joined two municipalities together. There were a great many roads which were entirely within a division. Main roads were really those which led from one division to another without being in the division. They were aware that the Government were not prepared to define main roads, but each division would be able to define them and join together for the purpose of repairing them. He should like to be informed whether this provision would include the construction of bridges upon main roads, as that was a most important matter in connection with the maintenance of roads in a sound condition.

The MINISTER FOR WORKS pointed out that the second subsection, which provided for the carrying out of any public work, would include bridges.

Mr. ARCHER said if the hon. gentleman had no doubt on the subject, he was quite satisfied. He thought it desirable to point this out, as being a most important essential of the Bill; but he was not prepared with any amendment.

The MINISTER FOR WORKS said he believed the clause would cover all works necessary in connection with main roads.

Mr. KING said he understood the remarks of the hon. member for Blackall to refer to main roads which ran through many divisions, and which, under this measure, would have to be kept in repair by the united board. The Governor in Council, in such cases, would, he presumed, exercise his power, under the 53rd section of the Divisional Boards Act, of exempting such roads from the control of the separate divisions, and placing them under the control of the united municipalities.

Mr. McLEAN said the important point was whether, in the case of an expensive bridge being required on a road which passed through several municipalities, the cost of construction would fall upon the united municipalities, or upon the municipality in which the bridge happened to be. That municipality would probably have most of the benefit, and the others on either side might object to contribute to the expense. The much-vexed question of bridge construction would probably continue even under this Bill.

Mr. GRIFFITH said there were two things in connection with the Bill with regard to which better definitions would be desirable — 1st, bridges on main roads, the traffic upon which was of benefit to two or more municipalities; and 2nd, boundary roads between municipalities. Neither of these matters were expressly dealt with in this clause; the words were not very apt to describe them, and the machinery was not sufficient. In one of the Victorian Local Government Acts which were under the notice of the House on a former occasion provision was made for boundary roads, and they were described in definite terms.

Mr. ARCHER said that subsection 2 of the proposed new clause 14 dealt with that.

The MINISTER FOR WORKS said that boundary roads would probably be exempted from the control of the individual boards and handed over to the united municipalities. There was one between the Burrum and Antigua, but they were not numerous.

Mr. KELLETT said that he observed on looking over the Bill that it was somewhat similar to the one that was before the House last session. He did not think it would settle the vexed question of main roads at all. Before the Act could be brought into operation the chairman of two or three municipalities or boards would have to petition, and he would show how unlikely, in many instances, it was that they would take such action. For instance, about forty miles of the old Toowoomba road, over the Lockyer and other creeks, was in the Tarampa division; and as it was very unlikely that the chairmen of any other boards would petition to share the expense, it was likely that the Tarampa board would have to bear the whole burden. It was utterly impossible, however, for that board to undertake the whole of the work, and the road was indispensably necessary for travelling stock. Upon this road was a large bridge over the Lockyer—a work which cost between £4,000 and £5,000—and a short time ago the overseer of works sent word to the chairman of the board that the condition of the bridge was so bad that the road was unsafe for travelling. He (Mr. Kellett) immediately telegraphed to stop all traffic until further instruction, and he also telegraphed to the Colonial Secretary who was at the time in charge of that department about the matter. The answer of the hon. gentleman was to the effect that he could do nothing in the matter. The road was therefore still closed, and the traffic stopped to the great inconvenience of the public. The work was too great for one board to undertake, but it might be made very light if half-a-dozen other municipalities could be compelled to assist. As the other municipalities were not likely to petition, the one board must do the work unaided, or it must remain undone. If the bridge were repaired at once the cost would be comparatively small, but if allowed to go to pieces the expense of re-erecting it at some future time would be very great. The Bill might answer very well in Brisbane, Ipswich, and such places where the roads were closely interlaced; but it would not operate at all in cases such as he had instanced.

Mr. ARCHER said the main road through the district in which he was commercially interested was not forty, but one hundred miles long. The people of that district were, however, quite prepared to undertake the burden of maintaining the road, and he did not see why the more wealthy population of the South should not bear the burden of maintaining theirs. It was a great pity that proper provision for travelling stock with ease was not made at a much earlier period—that the roads to a town like Brisbane were not made six, eight, or ten chains wide. The townspeople eventually suffered from this want of roads, because it made beef and mutton very much dearer than they would be if proper roads had been provided. He should object to any assistance being granted to the boards, because it would only lead again to a general practice of proclaiming roads as main roads, and thus doing away with local government. He stood up for local government, and the principle of the people managing their own affairs. The Divisional Board of Gogango had undertaken the management of the main roads in the district, and they required no help from the Government. Of course they should have to borrow money for the purpose, but this they could do under the provisions of the Divisional Boards Act, which empowered the Government to lend at the lowest possible rate of interest. It was not right that the people of the closely settled and comparative wealthy South should object to carry out such works, while a more scattered, and equally heavily taxed population, made no objection to undertaking the maintenance of roads which carried quite as much traffic. He would suggest to the hon. member (Mr. Kellett) the propriety of borrowing money to repair the bridge referred to, so that each part of the colony could stand upon its own footing.

Mr. O'SULLIVAN said that the bridge referred to by the hon. member (Mr. Kellett) was not, as hon. members might suppose from the hon. member's speech, intended entirely for stock travelling. That was a very good thing, but this bridge was also required by the farmers, who could not get their produce to the station without it. The part of the country referred to by the hon. member was thickly peopled by small farmers, many with large families, who had to economise to the pin of their collar to make both ends meet and to keep out the bailiff. These people could not bring in their produce without coming along this road. The bridge, as stated by the hon. member, had cost nearly £5,000, and, as "a stitch in time saves nine," it would be a great pity to let it rot away. The boards at the present time, with only their rates to depend on, could not undertake this work, though perhaps they would be able to do so by-and-bye, when they had become more firmly established. The country referred to by the hon. member for Blackall was, he believed, low flat country, but the roads in which he was interested passed over the Liverpool Range and the Main Range and crossed several deep creeks including the Lockyer, which had formerly been considered sufficiently large to be classed as a river. There were also other bridges which were out of repair long before they were handed over to the board. It was no answer to tell the boards to tax themselves; some other provision must be made for the purpose of putting these roads into repair.

Mr. ARCHER said the hon. member (Mr. O'Sullivan) misunderstood his remark with reference to the population in the North. He did not mean to say that the selectors had not large families too in the North; he simply stated that it was a scattered and a much wider district, and that, consequently, there were far longer roads to keep up. His contention was that if a population could, under such circumstances, keep up its main roads, the more closely settled people of the South should be able to do likewise. With regard to the hon. member's objection that the division in which the bridge was situated could not provide the necessary funds, he would remind the hon. member that every division that was interested would be of course called upon to contribute. The road of which he had been speaking was not like that referred to by the hon. member (Mr. Kellett), a road alongside a railway; it was the main road between Rockhampton and Broadsound, and it was quite away from the railway.

Mr. McLEAN said he would like the Minister for Works to give some information on this matter, in connection with the 77th clause of the Divisional Boards Act, as to whether the boards would have power to erect toll-gates. That was a very important question to consider while they were dealing with this Bill. For instance, two or more divisions might unite into a municipality under this Bill, and spend money on a main road, while one of them might put a toll-gate on it, and reap all the benefit. He could not see any reference to that in this Bill.

The MINISTER FOR WORKS said that no one division would have the power to erect a toll-gate on a road which was under the control of a united municipality.

Mr. MACFARLANE said, in reference to the bridge mentioned by the hon. member for Stanley (Mr. Kellett), that parties in that district had refused to pay their divisional board rates on account of that bridge being closed up. He believed the burden of the main roads would be the means of smashing up every divisional board in the country. He could see that as soon as the subsidy ceased some of the divisional boards would do no work at all. He thought it would be far better if the Government would introduce some plan of taking over the main roads, and giving the divisional boards £1 for every £1 raised instead of £2. If they took the incomes of all the divisional boards between Brisbane and Roma they would not combined be sufficient to make this bridge over the Lockyer that had been spoken of. It would take £5,000, and the divisional boards had not got that amount. He really saw no way of getting over the difficulty except putting the main roads on a different basis to what they were now.

Mr. GRIFFITH said there were two ways of looking at this question. There was the point of view of the board which was unable to carry out some expensive work, and there was the point of view of the neighbours who did not want to assist in carrying out the work. In the case of the bridge over the Lockyer, it was unlikely that a majority of the boards would help in the maintenance of that bridge. The point of view from which he looked at the matter was that when some particular board wanted assistance from its neighbour, there was no provision in this Act to get it. The proper principle was for the Governor in Council to define what boards should become united municipalities, and what roads they should look after, and they should not be allowed to take any other. There was no provision of that kind here. They might put the third clause in the place of this one, and then define what municipalities were to do afterwards.

The MINISTER FOR WORKS said that this Bill had been framed on the voluntary principle. Those divisions which did not feel to want a Bill of this kind would not take advantage of it. There were places which said they could exist without any subsidy from the Government, therefore they had not taken the trouble to get

a divisional board, and no money was spent in those divisions by the Government. The same thing would take place with any portions of the colony which did not wish to become united under this Bill; the Bill would simply remain a dead letter to them.

Mr. O'SULLIVAN thought the Government might give some assistance with regard to the bridge over the Lockyer. He should like to know whether the Government were going to do anything to help the board, which had only a road engineer to look into the matter. The Government might send up an inspector to give the board the benefit of his opinion.

The MINISTER FOR WORKS said the Government had no intention of spending money under the old system. As to the appointment of an inspector, that was another matter, and did not come within the scope of this Bill. If the people under this Bill wanted an inspector or engineer, the Government might, perhaps, provide one; but otherwise it was not the intention of the Government to go back to the old roads and bridges system. He believed that people in one part of the colony were just as well able to pay as people in another part. His experience was that people who were best able to pay were the least willing to do it.

Mr. KELLETT said he believed the people in the district to which he referred would pay if other divisions would join them. There were about twenty divisions using this road. The bridge must be put up, but, as he had said before, the Tarampa board could not do it; they had not got the money. The closing of the bridge was causing a great deal of inconvenience, and the work ought to have been done before now. It was very likely that it would cost a great deal more now than it would have done some time ago.

The MINISTER FOR WORKS said he saw no reason to doubt the hon. member for Stanley, but he would point out a plan by which the work might be carried out. The hon. member said there were twenty other boards to whom this bridge was a necessity. Why could they not join and borrow the money, say £5,000, at 5 per cent. from the Government. The interest upon that sum was not very great, and the division in which the bridge was situated might have control over it. He knew a part of the country where the number of settlers was not more than 10 per cent. of the number in the district spoken of by the hon. member for Stanley, which was now moving to build a bridge to cost £3,000. The people were going to borrow the money from the Government, and they would exercise control over the bridge.

Mr. McLEAN thought the case set forth by the hon. member for Stanley was one of the strongest arguments in favour of the Bill, because it was admitted that the bridge was a necessity to some twenty divisions. Now, between Brisbane and the Southern border, or rather just within the border, there was a portion of a road which he had repeatedly urged the Government to do something to. There was no board beyond that in which the road was. On the other side of the border the Government of New South Wales had spent thousands of pounds in making a good road, as good as any in the colony; but on the Queensland side the road was almost impassable. There was just one division to keep that road in repair. If there were two or three divisions there, they might do the work. Where there were several divisions to whom a work of that kind was a necessity, there was the very strongest argument that could be brought in this House in favor of this Bill; because then they would have the opportuity of joining together and performing work which would benefit all the divisions—work which could not be performed by a single board. He did not think that this Bill would be largely availed of by the divisional boards in the colony. He knew that the divisional board in the district he represented expressed its dissent from it, and said it would not work.

Mr. O'SULLIVAN said the hon. member had entirely misunderstood the statements of his hon. colleague (Mr. Kellett). The hon. member urged that because this bridge would benefit twenty boards, therefore, that twenty boards should join in erecting it. But the fact was that the bridge was used by people as far away as Cooper's Creek. It was a main road, and they all travelled stock upon it. It was in that sense that the road was useful to all, and one division would have to pay for it.

Mr. FOOTE said it would be scarcely possible to make the measure workable. The bridge mentioned by the hon. member for Stanley was not the only one in that neighbourhood that needed expensive repairs. In his own district there were several bridges that were dangerous to cross, especially at night. The bridge referred to by the hon. member for Stanley was on the main road from Brisbane to Toowoomba, and a turnpike might possibly be established upon it; but if that was done they would soon have turnpikes all over the country. He failed to see how two or more municipalities could be got to unite to do certain work; the amount of money required would be more than they could possibly raise under the present system of taxation; and if the boards had to build their bridges and keep their roads in order the Bill could never be made to work. No doubt the Government intended to force on the Bill until it did work, but he felt certain it would prove an utter failure.

Mr. FRASER said the suggestion of the Minister for Works about putting tolls on bridges ought not to pass without some notice being taken of it. It would be like burning the candle at both ends. Tolls would have to be paid for the use of the bridge by people who were already taxed for their respective divisions, and that would be a very grave injustice. It would not do to go on heaping tax upon tax. But, perhaps, the Minister for Works was not serious in his suggestion?

The MINISTER FOR WORKS said he was quite serious in the advice he gave to the hon. member for Stanley. It was the only way to make people contribute to a work from which they benefited equally with those who had constructed it and had to pay for it; and it was only right that that should be so.

Mr. KELLETT said he quite agreed that the suggestion was a good one; but the objection was that the people in the division who had already paid for the bridge would have to pay the toll as well.

Mr. WELD-BLUNDELL said some hon. members seemed to think that the toll would not pay for the toll-gate. That was a proof of the need for united municipalities, for they could pay for the work amongst themselves. He did not see why authority should not be given to the Government to force certain municipalities to unite. It was not an excessive power, and, if certain boards refused to contribute to the construction of certain works, the Government, after full inquiry, ought by proclamation to compel them to unite for that purpose. He was decidedly in favour of giving that power to the Government.

Mr. O'SULLIVAN was of opinion that the Government ought not to have any power of the kind.

Mr. McLEAN said they could not get a toll-keeper under about £2 a week, and it would take a good deal of traffic to pay that, and there would not be much left to keep the bridge in repair and pay interest on the outlay. As to the Government compelling municipalities to unite—a man might take a horse to water, but he could not make him drink. The only power under the existing Act was that if divisions did not choose to come under it they would receive no subsidy. People would not be compelled to do a thing which they believed to be against their own interests; whereas, if they thought it was to their own interests, they would do it without any compulsion.

Mr. GRIFFITH said some provision ought to be made enabling the Government to define what particular roads and bridges should be taken over by united municipalities. That was what was really wanted.

The MINISTER FOR WORKS said that would have to be decided by the joint boards.

Mr. GRIFFITH said the boards might not do so. Who, for instance, was going to make the bridge referred to by the hon. member for Stanley? The Bill would not meet that case. Government ought to be able to define the joint boards that should have charge of that bridge.

Mr. O'SULLIVAN said he only saw one way of getting out of the difficulty. The endowment was only for five years: let it be made for ten or fifteen years, and possibly by that time all the heavy work would be done.

Mr. McLEAN suggested that it would perhaps be better to increase the endowment for the five years.

The MINISTER FOR WORKS said that if people did not wish to avail themselves of the Bill they would not do so, and if they did they would. As to defining the roads and bridges, as suggested by the leader of the Opposition, that would be best done by the boards themselves; and when once under their control they would cease to be under the control of the municipality in which such roads and bridges were situated.

Mr. BEATTIE said he did not intend to speak against the Bill, for if some divisional boards thought it acceptable let them have it by all means; but he did not see how it was going to work in the neighbourhood of Brisbane. For instance, take the Breakfast Creek road. The Booroodabin division commenced at the boundary of the municipality, and ended at Breakfast Creek, across which there was a large bridge which belonged to nobody. It was certainly outside the division of Booroodabin, and they would take no notice of it. They repaired the road, and that was much more expensive. Then, half-a-mile to the west was Bowen Bridge, which divided Ithaca from Booroodabin, the approaches to which the latter division had also to keep in repair. It would be unfair to ask that division to contribute to the repairs of both those bridges. If they were to be compelled to go in for any large increase of taxation the whole thing would soon burst up. If it was simply a boundary road between the two there would be no difficulty, but the inside division could not fairly be asked to pay for a large bridge on its outside boundary.

Mr. WELD-BLUNDELL said the hon. member had proved most conclusively that it was the fairest thing possible. Those who lived on this side of the bridge would pay for keeping the approaches to it in order; and the people who lived on the other side of the bridge, and had to pass over it to come into the city, should pay for the maintenance of the bridge. They would no doubt do so. It would be a hardship to a certain extent, but nothing could be fairer than to allow one division to pay for the bridge, and the other for the road leading to it.

Mr. BEATTIE said that was all very well, but he did not see why they should compel the inside division to build the bridge.

The MINISTER FOR WORKS said it would be quite possible for them to join together in doing so. If the divisions referred to by the hon. member found it to their interest to unite for some common work of benefit to each, why should they be prevented from doing so from the want of machinery? Perhaps they would not do it at present, but circumstances might arise which would compel them to join. As for compulsion, nothing of the kind could arise. He had an amendment in print which provided that one-half of the local authorities could petition the Governor in Council to consider it. It was open to the other half to send in a counter-petition, and no Governor in Council would compel them to join the two divisions unless there was a distinct majority in favour of it.

Mr. BEATTIE said that, with regard to the divisions to which he had referred, Nundah was to the eastward of Booroodabin, and Ithaca to the westward; and, consequently, there were two bridges at different points. The three divisions, therefore, could not be brought together, as there was a dividing line between the two bridges. Only the other day he had to make calculations as to the cost of necessary repairs for the Breakfast Creek road, which extended for a mile and eight chains in that division from the municipal boundary. The amount of money it would take to put that road in thorough repair from the outlying districts was £2,200. The income of the division from ratable property was £900 a-year, and the subsidy £1,800, making a total of £2,700. Out of that sum they would have to spend next year, for the repairing of that particular road, £2,200; and there would be only £500 left to pay working expenses, and the repairing of every other road in the division. As chairman of that division he should protest against any arrangement which would compel Ithaca or Nundah to make Booroodabin pay more taxation than it was paying at the present time. They were quite willing to keep their roads in repair. They did not grumble about that. They were able and willing to do it, but he could not see how this Bill was going to make it any easier for them to do so. It would rather be giving power to individuals, who were really not elected by the people, to put a burden on those people's backs.

The MINISTER FOR WORKS pointed out that the divisional board referred to was in a far better position with its revenue of £2,700 than it was when there was a general scramble in the House for works. They had more money now than they then had for such purposes, and most of them, too, were making good use of it, not only in making by-roads, but also in keeping the main roads in repair.

Mr. O'SULLIVAN agreed that the divisional boards were working very well. It seemed to him that the argument in favour of this Bill was that some necessity might arise why such a Bill should be put into force. But the hon. member in charge of the Bill had had no petitions sent in. There had been, so far as they knew, no demands for the Bill; and he was quite sure that, so far as some of the divisions were concerned, even if the Bill were passed they would not join under it. No attempt had been made to answer his arguments against the Bill. Why, there were bridges over deep creeks near Ipswich which would take five years' revenue of the board to keep in order.

Mr. GRIFFITH said that the more he looked at this Bill the less he liked it. The hon. Minister now said it was entirely voluntary. If so it was of no use at all; they could do just as well without it. So far as joint action in regard to works was concerned, the boards could do that now. When he spoke of the Government defining what were the roads over which the joint board should have jurisdiction, he did so with a view of protecting the weak. Suppose three boards joined together. Let them take the case mentioned by the hon. member for Fortitude Valley—the three boards, Ithaca, Nundah, and Booroodabin. In this case Ithaca and Nundah would form a majority on the joint board, and it was quite possible that they might direct the Booroodabin Board to keep in repair all those two roads which had been referred to by the same hon. member, and to pay half the expense of the maintenance of the bridges as well. They could do that, and that was the very thing which, he maintained, might be done under such conditions. Or the joint board might decline to make any order with respect to the part of the main roads which were within the district of Booroodabin, and then Booroodabin would have to pay for that itself. In this way the majority would be able to impose upon the lesser number, and two would be able to make one do what one would not be able to make the two do. The Government, therefore, ought to define what were the matters which the joint boards were to have within their jurisdiction—such roads and bridges as they were to manage for the joint benefit of the municipalities. If it was left to the members they could define their powers as they liked, and he believed it would generally work in the way he had indicated. Or let them take the case mentioned by the hon. member for Stanley — the bridge over a main road by which cattle were travelled from all parts of the colony. The people who ought to be made to contribute to that road were those who used it, but it was a case where a lot of them could not possibly be brought in to contribute under this Bill, and this kind of scheme proposed by the Government would not do justice in such a case. Let the Government undertake—not to pay the money themselves—but let them determine which were works of national utility and which were works of only local utility; and then, even though they entrusted the different localities with the duty of spending the money for the former class of works, let them deduct the money *pro rata* from the endowments of the different municipalities benefited. Let matters be conducted on some such equitable principle as this. The harassing annoyance of a toll would not be present in such a scheme. It would be simply making the people who benefited pay. It might be a difficult thing to work out such an arrangement, but it was possible, and this Bill would not do it at all. In respect to boundary roads the Government scheme was all right, but the definition of what roads, etc., should be under the control of the municipalities should be left with the Government.

The MINISTER FOR WORKS said that the hon. gentleman had stated that the majority would be very likely to inflict injury upon the minority. In doing so he was simply arguing from the ordinary point of view of human nature, and overlooking the provisions of the last paragraph of clause 14, by which any local authority of a component municipality might appeal to the Governor in Council for redress. The reason for such appeal given by the municipality in the position of Booroodabin would be either that the joint board had overlooked certain works that should have been taken under its control, or that the joint board had placed extra expense upon Booroodabin more than it should have done. The Governor in Council, he was sure, would soon put matters straight. So far as he knew, there was no plan by which works could be done in any district of the colony other than by people putting their hands in their own pockets or by robbing their neighbours.

Mr. H. PALMER (Maryborough) said that the more he listened to the arguments for and against this Bill the more difficult he saw the working of it would prove if it were passed by that House. That was his opinion, from what he had heard in the discussion so far as it had gone. Therefore, he thought it would be far better if the Government would endeavour to bring this principle into the Divisional Boards Bill, and thereby improve that Bill. He believed, from what he had seen, that this matter would be very difficult to carry out in the working. Whatever advantage it might be to united municipalities in the neighbourhood of large cities such as Brisbane, he could see that there would be great difficulties in the country districts in the union of divisional boards. Let them take the case of a divisional board of which he had been a member for some time—the Burrum, in the Wide Bay district. They had there a main line of road, sixty miles in length, only part of which was in the Burrum Divisional Board district, and part of which was bounded by a neighbouring divisional board. The consequence had been that since the establishment of these boards the one said they had no means at their disposal —all their rates, on the whole, did not amount to £500, and with the £1,000 from the Government their income was only £1,500, and insufficient to effect the repairs on this line of road—and the other board, therefore, came to the decision that they would expend no money at all on it, and no money had been spent for some time. The bridges and works put up by Government had, therefore, got into disrepair, and nothing was being done by either of the divisional boards to remedy this, and the road had got into such a state now that it would take thousands of pounds to put it in repair. The Burrum Divisional Board had merely spent a driblet here and there, and the other had done nothing. He did not see how this was to be remedied under this Bill even if they were united; but he believed that something could be done if the Government extended the powers under the Boards Act. He would much rather see the Divisional Boards Act taken in hand, and some of the provisions of this one—simplified, perhaps—copied into it. He thought they would then overcome some of the difficulties which now existed.

Mr. GRIFFITH said he wished the Minister for Works would consider a little more whether the Government should not define what roads should be taken charge of by the joint boards. This seemed to him a very necessary thing to be done.

Mr. KELLETT said that instead of introducing the machinery of this Bill it would be much better if they made fewer divisional boards in the colony. The only fault in the working of that Act was that there were too many boards; and, so far as this was concerned, he did not see where it would tell to advantage. He knew it was proposed last year, in consideration of the Government having promised when the Divisional Boards Bill was brought in that they would take charge of the main roads—whether that promise was made advisedly or inadvisedly he did not say —that the Government should give an additional subsidy in connection with the taking over of these main roads. That additional sum would pay the interest on the money the boards would have to borrow to carry out large works on these

main roads. He thought something of that kind should be proposed, and he believed it would pass to-morrow if it were. If this Bill were carried it would be the means of knocking some of the boards on the head sooner or later. The works would be allowed to get out of repair, and some future Government would have to take them in hand again. The boards were, in his opinion, working well and satisfactorily, for they found they could now get roads made and kept in repair, that before they never got at all. He referred to the side roads, which before they could never get done, but now they were constructed.

The COLONIAL SECRETARY said it appeared to him that the hon. member who had just spoken was only arguing for his own division in proposing this additional subsidy. If the Government were to give it they would absolutely be giving to some boards that did not want the money, and who could not now actually spend what they had got. A gentleman who was in the House within the last half-hour had spoken to him of one Northern board, —close to Rockhampton, too—which had got £4,000 to their credit, which they hardly knew what to do with. It was not fair to argue, because one division required an addditional subsidy, that all the divisions in the colony would do so. "Sufficient for the day is the evil thereof." If the divisions with the large bridges in them found out that their cost was too much for them, they would have a fair case for coming to the House to ask for relief; and he did not think the House would refuse it under the circumstances. Such, for instance, as that in the district the hon. member represented—the bridge over the Lockyer; but he thought it would be time enough to deal with such a case when it was brought before them, and in the meantime they should try to show what could be done by this Bill.

Mr. McLEAN did not see himself any difficulty in the Minister for Works adopting the suggestion of his hon. friend the leader of the Opposition—that was, the Government taking in hand to define the works that the municipalities should take in hand. It would be a very easy matter for the Government to employ a practical engineer for that purpose, whose salary could be paid out of the funds of the municipalities formed under this Bill; otherwise any two divisions of these joint boards might join together and have the whole of their work done in their own divisions to the detriment of a third division. The board was to be composed of a chairman—where there were not more than three boards joined in the component municipality—and a member from each division of the municipalities so formed into the joint board. He thought it would be better for the Government to appoint a practical engineer, whose duty it would be to find out what works were required, and to carry out the Act without showing favour to any one district more than another. He saw no difficulty in this plan being adopted.

The MINISTER FOR WORKS said the 1st subsection of the clause stated that one of the purposes for which the municipalities were formed was—

"For the formation and maintenance of main roads, or roads excepted from the control of any local authority under the laws in force for the time being relating to the government of municipalities."

This, he thought, was quite sufficient to show what roads were meant.

Mr. RUTLEDGE said he was sure they were here placed in front of much difficulty. The excuse for bringing in this Bill at all was, as they all knew, the impossibility of the Government defining what were main roads, and yet the very first thing the Government would be required to do if this Bill passed was to accept from the local authority certain roads which were to be called main roads. It simply meant transferring the responsibility of defining these roads to local bodies. It was a generally received principle that where the works to be constructed were of considerable magnitude the Government should provide for them. That principle was accepted on all hands when the Divisional Boards Act was under discussion. The case referred to by the hon. member for Maryborough seemed to his mind very conclusive, and it could easily be shown that the case of the Burrum division was not a singular one. They knew that the public works constructed by Government would in time fall into decay, necessitating a very large expenditure in replacing them, and they would find that the expenditure in the several divisions would correspondingly increase, as there would be by-roads and fresh roads to make. The effect of this Bill altogether would be to become oppressive. Main roads were to be defined for the purpose of throwing upon the united municipalities the burden of maintaining the roads and bridges; and if the Government could do this under the United Municipalities Act, they ought to be able to do it under the Divisional Boards Act. For these reasons he could not see his way to support the section as it stood, and he thought the Minister for Works might do very well to accept the suggestion of the hon. the leader of the Opposition. When they thought that the measures introduced by the Government were not conducive to the public good, he thought hon. members were justified in opposing them.

Mr. GRIFFITH said the clause stated that—

"United municipalities may be constituted under the provisions of this Act for all or any of the purposes following."

For all those purposes? If it was intended that municipalities were to be constituted for all those purposes, it was not a very clear way of putting it. Was it intended that the Government should define which of those purposes they should be constituted for? He did not understand it. It seemed to him that it was for all those purposes, or only part of them, to be decided by the Government. The expression was ambiguous. If the clause were passed, he did not think the Government would find it work at all. There ought to be something in the clause to define the purposes for which a municipality was to be constituted, and the roads and bridges which they were to have control over. He had thought the 11th clause covered this, but he found that this was not the case.

The MINISTER FOR WORKS said he believed all the powers required by the joint board to carry out the Act were conferred in this Bill.

Mr. O'SULLIVAN said, like the hon. member, he did not want to offer any factious opposition to the clause. They had both done what they could to help the Divisional Boards Act; the hon. member was chairman of one board, and he (Mr. O'Sullivan) was simply an outsider volunteering assistance. He thought the divisional boards worked well; and, if they were working well, it would be good policy for the Ministry to let them alone. There was an old Irish saying applicable to this case: "If you can't be aisy, be as aisy as you can." If the divisional boards worked, let them work, and in five years it might be time enough to bring in a Bill of this kind. He thought that enlarged powers to be given to boards would answer all the purposes of this Bill. But, if the Govern-

ment were determined to put it through the House, he was determined not to offer any opposition, although his advice would be in favour of the withdrawal of the Bill.

The MINISTER FOR WORKS said he quite agreed in saying the divisional boards were working very well, but this Bill would not interfere with their working at all. They would not come under its provisions unless they desired to do so, so that it could not affect their working.

Mr. GRIFFITH said what he wanted was that the clause might be made more definite. It was, as he had said, ambiguous, and it ought to be worded so that the joint board might know exactly what it had to do. The hon. member said no board need come under its provisions unless it desired to do so; but it appeared to him that a majority could bring in a minority against their will, unless the Government choose otherwise. If the Bill was passed he supposed the Government intended to put it in force; but as it stood, the minority, not wanting to come under its provisions, would come under the control and tyranny of the majority. He thought this very absurd.

Mr. FRASER said the hon. member had stated that there was no compulsion under this Bill; but, in his opinion, compulsion was almost the essence of the Bill. The hon. member for Fortitude Valley had referred to the case of Booroodabin division, and he could refer to that of Woollongabba, which was situated at the terminus of the boundaries of two other boards. There were three or four public roads coming into that division, and under this clause it would be compelled, as the subordinate division, to contribute more than its fair share towards their maintenance. It seemed to him that the simplest way would be to adopt the advice of the hon. member for Stanley and withdraw the Bill, and allow the divisional boards to work as they were doing at present. If the hon. the Colonial Secretary would reply to the hon. member for Stanley, he would agree that the roads and bridges which the boards had no power to construct or keep in repair should be taken in hand by the Government.

Mr. RUTLEDGE said he thought the suggestions thrown out to the hon. the Minister for Works in reference to this clause, and which he believed were made in good faith, were very well worth considering. It was perfectly plain—and had been admitted by the Colonial Secretary himself—that certain cases would probably arise when the old system of log-rolling would be resorted to, and in which endless heartburnings and jealousies were likely to be caused if the Government were suspected of partiality towards the main roads of one division rather than towards those of another. They would have the whole of the evils against which the Divisional Boards Act and the Municipalities Act were directed let loose again, and the abuses likely to creep in would be scarcely less than they were in former times. It was all very well to say it was purely voluntary, but municipalities who were supposed to exercise this right of choice would in the nature of things be compelled—in self-preservation almost—to form an alliance with others under the provisions of this Bill; and they would be compelled to do that which would be putting a millstone round their necks, and plunging them into debt and difficulty from which they would not be able to recover. He had already suggested what he considered a better plan than that proposed by the terms of this Bill. Since the Government would have to decide what were the main roads of the colony, it would be exceedingly more advantageous to give to the divisions through which those main roads passed a certain sum of money fixed by a certain rateable proportion for the purpose of expenditure on main roads alone. That would obviate many of the difficulties which now arose; and since those difficulties were so apparent at this stage, they would be vastly outnumbered if the Bill were reduced to practice; and he hoped the hon. Minister for Works would withdraw the Bill. The hon. member for Stanley had pointed out that the Divisional Boards Act was on its trial, and was doing fairly well; but if this Bill were forced on them in its present shape the people would become utterly disgusted, especially when they saw in the 1st clause the acknowledgment on the part of the Government that the excuse which was made in reference to these main roads, when the Divisional Boards Bill was under consideration, was not a valid excuse.

Mr. McLEAN said the great argument brought forward by the Government in favour of the Divisional Boards Bill was that it would prevent log-rolling. That was a very wise thing to do. But they had the assurance of the Government that that system was going to be reverted to to some extent. He should like to ask the Minister in charge of the Bill whether he endorsed the opinion of the Colonial Secretary, who stated that there probably would be certain works for which it would be necessary to ask special votes; or whether the whole responsibility of such works was to be borne by the municipalities? No doubt he (Mr. McLean) could bring forward a special case to-morrow; but he understood when the principles of the Divisional Boards Bill were endorsed that the Government would no longer entertain such cases. Now, however, the Colonial Secretary said there might be special cases which hon. members might bring down, and which would under the circumstances be met by the Government. They were entitled to an expression from the Minister for Works whether that was his opinion.

The MINISTER FOR WORKS said no doubt every hon. member in the House could make out special cases, but the Government had no intention of dealing with such special cases. They intended to administer the Divisional Boards Act in its integrity, and this Bill also if the House would allow it to pass.

Mr. GRIMES said he should not have so much objection to this Bill if it was left optional for any single board to decline to join in forming a united municipality. He certainly understood from the Minister for Works that he did not intend that the Bill should be in any way compulsory on any division; and he expected, in looking over the amendments to be proposed, to find some that would make it perfectly optional for any single division to join or not. If the amendments of the Minister for Works passed, the Governor in Council could force one-half of a certain number of municipalities to join with others if the other half desired to be united. Suppose there were four divisions interested in a certain main road: if two of them desired to unite to form this road and raise the money, then the Governor in Council could force the other two to join in forming a united municipality. That did not look as if it was optional, but compulsory. This was a very important matter, because under the Bill taxation could be imposed, even to the amount of 6d. in the £1 on the value of rateable property—a much higher rate than could be levied under the Divisional Boards Act. It was a serious matter to allow two divisions to compel two others to join them, and force on them this extra taxation. He thought it would be better, as had been suggested, to leave the divisional boards alone for the present. They were working far better than he at first expected, especially in the

thickly populated districts; and it would throw them out of gear to pass such a Bill as this.

Mr. SWANWICK was exceedingly glad to hear the remarks of the hon. member for Oxley, especially the remark that he thought the Act worked a great deal better than he expected it to work. He (Mr. Swanwick) had no hesitation in coming to the reason which made him (Mr. Grimes) form that opinion. The hon. member's brother (Mr. George Grimes) who at one time represented an electorate in this colony, was the chairman of a board who had constituted himself, or had been constituted, the valuator in a certain district to which the provisions of the Divisional Boards Act applied. And having made a certain valuation of his own property, which was a less valuation than that made by another person the year before, he appealed against his own valuation, which was set aside. He (Mr. Swanwick) had no doubt in his own mind, consequently, that the working of the Divisional Boards Act was perfectly satisfactory to the hon. member.

Mr. GRIMES asked how it was possible for the chairman to be valuator? What would the other members of the board be doing to allow such a thing? The hon. member must think the other members of the board a lot of sleeping muffs to allow the chairman to do just as he liked.

Mr. SWANWICK: I do.

Mr. GRIMES said the thing was absurd; it was ridiculous.

Mr. SWANWICK: It is true.

Question put and passed.

Clause 3—"Governor in Council may constitute united municipality, etc."—passed as printed.

On clause 4—"Powers to be exercised on petition from the local authorities concerned"—

Mr. GRIFFITH said there were two rational principles which might be followed in connection with this clause—let the petition be signed by all or by none. In its present shape the clause might do a great deal of harm; and it would be better to make it voluntary. The Minister for Works said he knew several instances where the boards were burning to be united; and they might make the clause voluntary and let these boards come in of their own will. He had an amendment to propose which would have the effect of making the clause voluntary by striking out "at least one-third of"; but as he understood the Minister for Works had an amendment to propose in the same place, he would simply move the omission of the words "at least" on the 32nd line. He wished the Minister for Works to understand that he did not move that as a verbal amendment, but to test the question. He thought it would be better to leave out the words "at least one-third," or omit the clause altogether. They would then have a definite intelligible principle.

The PREMIER said of course the Government objected to this Bill being compulsory. They did not want to have the power under this Bill of saying what municipalities should be united. That was an invidious power which the Government did not desire, and did not wish any other Government to have; but they said, quite reasonably: let the municipalities give a strong indication that they wanted to be united, and petition the Government, giving their reasons, then the Government would give the power. That was all they asked for; and the Minister for Works proposed to amend the clause so that the petition should be signed by one-half instead of one-third of the chairmen. All the Government wanted was the information upon petition. They did not want the power; nor did they want to affirm the principle the hon. member for Brisbane now desired—that the petition should be signed by all the chairmen. One cantankerous chairman of a division in that case might prevent four or five divisions from becoming united. All they desired was that in a community where there were four or five municipalities anxious to unite for the purpose of carrying on some work, on a petition signed by one-half of the chairmen of such divisions being sent in, the Government should then exercise the power. He thought that to prevent municipalities from uniting because one out of five objected was absurd, nor was it the principle insisted upon by the hon. member himself, who first contended that the power should be left entirely in the hands of the Government, and now advocated a different principle altogether.

Mr. GRIFFITH said the Premier should not meet his arguments by misrepresenting what he said. He (Mr. Griffith) advocated the adoption of one definite principle—that if the Bill was to have any practical use more power should be given to the Government. The Minister for Works had been pointing out all the afternoon that it was purely voluntary on the part of municipalities, and he (Mr. Griffith) said if that were the principle of the Bill why not make it so? He did not use contradictory arguments in any way.

Mr. O'SULLIVAN said he thought the Premier had answered his own argument. He had said when one-half of the chairmen sent in a strong petition to the Government to unite several boards, the Government would grant it. Well, supposing the other half sent in a petition on the other side, what would happen then?

The PREMIER: It would then be left for the Government to decide.

Mr. O'SULLIVAN said, would not that be indirect opposition to their laws; that all proceedings must be carried by majority? Why should it not be left to two-thirds?

The PREMIER: It is one-third in the Bill.

Mr. O'SULLIVAN: Then the business of the board would be carried by a minority.

The PREMIER: We are going to substitute "a majority" for "one-third."

The MINISTER FOR WORKS said in the Bill, as it stood, one-third was provided; in the amendment he proposed it was one-half; but, in deference to the prejudices of the hon. member, he would make it the majority of the chairmen. Supposing there were three chairmen, half of them would scarcely be practicable; but a majority would be two—the same way with five, the majority would be three.

Mr. GRIFFITH withdrew his amendment.

Mr. O'SULLIVAN said he meant to remind the hon. Minister for Works that in the arguments he had used on this Bill he had no prejudices whatever; and he objected to the statement that it was in deference to his prejudices that the Minister for Works consented to make this amendment.

The MINISTER FOR WORKS moved to omit the words "at least one-third," with a view to insert "the majority."

Mr. H. PALMER (Maryborough) said he would point out that, in the case of two municipalities there could not be a majority of chairmen. Supposing they did not choose to agree, what then?

The PREMIER: Then there would be no majority.

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

Clause 5—"Copy of petition to be gazetted and sent to the local authorities"—having been amended by the insertion of the words "by any chairman of any such municipality under the corporate seal of any such municipality," was put and passed.

Clauses 6, 7, and 8, passed as printed.

On clause 9—"To elect president"—

The MINISTER FOR WORKS moved the insertion, after the 33rd line, of the following words:—

The chairman for the day shall have a vote, and when there is an equal division of votes upon any question shall, in addition, have a casting vote.

Mr. GRIFFITH called attention to clause 8, just passed. A quorum of one-third was very small, and certainly very much smaller than that provided in any other Act he knew of.

Clause, as amended, put and passed.

On clause 11—"Governor in Council may authorise joint boards to exercise specific powers."

Mr. GRIFFITH said he did not quite understand this clause. As he understood it, it was in the power of the joint board to supersede a municipality altogether. The Municipality of Brisbane and the Board of Booroodabin might be joined, and by notice in the *Gazette* the joint board might be appointed by the Governor in Council, and so supersede the Municipality of Brisbane. It was a very extraordinary provision, and, he believed, went further than it was intended.

The MINISTER FOR WORKS said it only empowered the boards to perform any of the powers or duties which the local authorities were empowered to deal with.

Mr. GRIFFITH said, then the component municipalities were to cease.

The MINISTER FOR WORKS: Where is that provision?

Mr. GRIFFITH: In the next page.

The MINISTER FOR WORKS said the clause only referred to the particular works for which the joint board had been constituted.

Mr. GRIFFITH said he had suggested that the Government should define what the duties of a joint board should be—to repair roads and bridges, and so on. His views were not adopted by the committee, and the clause was passed in a general form. Now, this clause gave power to a joint board to supersede any municipality altogether. He would take another instance. Woollongabba, Brisbane, and Booroodabin might form a joint board, and two of the three chairmen might supersede the Municipal Council of Brisbane, and exercise absolute control over the three municipalities. He was sure that was not intended, but it was so provided.

The PREMIER said that, no doubt, powers were given to the Government as the hon. member for North Brisbane had said, and included in this clause; but they were limited by the whole tenor of the Bill. The Government were not supposed to take any action except on the petition of the chairmen of the boards themselves, and it was provided that—

"All powers, duties, and obligations to be so exercised, performed, or assumed, shall be severally specified in the notice in the *Government Gazette*."

Of course, they would confine themselves to that notice. If, for instance, the Government, as in the case instanced by the hon. member for North Brisbane, were to take away all the powers of the Woollongabba and Booroodabin Divisional Boards, and Municipal Council of Brisbane, and give them to this Board, the thing would be frightfully absurd. They would have the power, but at the same time no Government would ever dream of exercising such power. Still it was necessary that they should have the power, because the petition might specify only certain things that the joint municipality should undertake, and the Government might see after consultation that other powers might be given to them, and they would be included under this clause. Of course the Government would be bound by the whole tenor of the Bill.

Mr. GRIFFITH said the hon. gentleman was going on the entirely mistaken principle that no matter what power they gave to the Government they would exercise it properly. They might as well give to the Government the power of life and death, and say that they would never exercise it improperly. He did not trust any Government. Governments were very likely to make mistakes, and sometimes serious ones. It was usual in giving enormous powers that it should be done with proper safeguards. He did not see the desirability of that kind of thing at all. They liked absolute power. He thought it was a very great mistake. If the power was not wanted and was not intended to be exercised, why ask for it? It was an absolute power to supersede municipalities altogether, and it altered the provisions of the 2nd section of the Act. The only object, as far as he could discover, in passing this Bill was to enable united municipalities to do things for the common benefit of the whole of the municipalities, which could not be done under the present law. The Premier said the power would be limited by the general scope of the Act, but this was a clause that expressly gave the Government power outside the general scope of the Act. It would give them a power against which he protested; but, if no other hon. member agreed with him, of course it was no use protesting.

The MINISTER FOR WORKS said he took it that the whole meaning of the Bill, so far as united municipalities were concerned, was contained in the 2nd clause—the formation and maintenance of roads, and other works for general benefit.

Mr. GRIFFITH said he saw he was getting no support in this matter, and he thought hon. members did not pay sufficient attention to the Bill. This clause absolutely empowered the Government to supersede municipalities, and enabled the joint boards to do what they pleased. It placed absolute authority in the hands of two or three chairmen, and he asked hon. members if they intended to give the Government that power? He hoped they did not.

The PREMIER thought the objection would be met if the clause provided that any powers to be exercised under the clause should be within the scope of the 2nd clause of the Act.

The MINISTER FOR WORKS was understood to say that he would be willing to accept an amendment to the clause if the hon. gentleman would move one.

Mr. GRIFFITH moved the insertion of words so that the clause would read:—

The Governor in Council may, with the consent of the local authority of any component municipality, anything to the contrary in any statute notwithstanding, by notice in the *Gazette* and in one or more newspapers circulating in the locality, authorise and empower the joint board of any united municipality from time to time to exercise or perform within the limits of such component municipality any of the powers or duties, etc.

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

Clauses 12 and 13 passed as printed.

Clause 14—"Expenses of joint boards to be ratably apportioned among component municipalities"—put and negatived.

The MINISTER FOR WORKS moved the insertion of the following new clause, to follow clause 13 of the Bill :—

14. Any expenses incurred by a joint board in pursuance of this Act shall be defrayed out of a common fund to be contributed by the component municipalities in such proportions as the joint board determine, subject to the following general rules, that is to say—

(1.) When the expense is incurred for a work of general and as nearly as may be equal benefit of the whole of the component municipalities in a united municipality, the amounts to be severally contributed shall be in proportion to the value of the ratable property in the respective component municipalities as ascertained from the valuation lists in force for the time being. Provided that, where the value of ratable property in the component municipalities has not been assessed on a uniform scale, the joint board shall, for the purposes of this Act, readjust such ratable value upon as nearly as may be a uniform basis.

(2.) When the expense is incurred for a work of unequal benefit to the component municipalities, the respective contributions shall, as nearly as practicable, be in proportion to the benefit severally received.

(3.) When the expense is incurred for the exclusive benefit of a portion only of the united municipality, the contribution in respect thereof shall be made solely by the component municipalities having jurisdiction in such portion.

If the local authority of any component municipality think themselves aggrieved by any such apportionment, such local authority may appeal against the same to the Governor in Council, who shall make such inquiry as he deems necessary, and whose decision shall be final and binding upon all the parties thereto.

Mr. BEATTIE said he could not understand the proviso in the first subsection of the new clause. How would it be possible to adjust the ratable value upon a uniform basis in cases where parts of the land had become very valuable from having been cut up into small pieces and built on?

Mr. GRIFFITH pointed out that the system of valuation under the Local Government Act was as different as possible from that under the Divisional Boards Act. Under the former Act the annual value only was stated, and under the latter the capital value was stated. The only common measure, if any, would be the net annual value, because under the Local Government Act no capital value was stated. The net annual value under the Local Government Act was not less than 8 per cent. on the capital value; but under this measure there would be no means of finding out whether the assessment was estimated on that basis or on the fair average rental. He did not see how these two different things could be compared. It was true that this clause was better than the one which had been omitted, because under the other an absurd tribunal was appointed, whereas under this Bill the Minister would be able to make some inquiries and do some sort of rude justice.

The PREMIER said the hon. gentleman was reviving an old objection which he brought against the Divisional Boards Act last year, that the systems of rating under that and under the Local Government Act were quite different. The clause allowed the united municipalities to take either the scale under the Local Goverment Act or that under the Divisional Boards Act, so long as they agreed upon a uniform scale to apply to the joint boards or joint municipalities. Then they might arrive at the means of carrying it out amongst themselves.

Mr. GRIFFITH : How are they going to do that? The principle, I admit, is perfectly right.

The PREMIER said all that remained was a simple matter of adjusting the ratio of expense, and that might safely be left to the boards themselves.

The MINISTER FOR WORKS pointed out that the difficulty indicated by the hon. gentleman would only occur where a divisional board was joined to a municipality under the Local Government Act, a circumstance that did not often happen. In such a case it was just as well to let the local authorities settle the matter, as they were probably better able to do so than the Legislature were.

Mr. BEATTIE said that under the operation of this clause, if the Booroodabin Board had to join the Municipality of Brisbane in order to get some drainage works carried out, the assessment in Booroodabin would be increased and that division would have to pay the whole expense. In such cases the large municipality would swamp the smaller ones, and the boards. In the municipalities the rate was 8 per cent., in the board divisions 5 per cent., on the capital annual value, deducting half the cost of the house. If a work had to be carried out between Ithaca and Nundah, and the rates were fixed on the rate in O'Connell Town, it would be very unjust to a great portion of Ithaca, where the land was not worth so much by 50 per cent.

The PREMIER said that, if the Government endeavoured to provide in this Bill machinery by which every particular case was to be worked out, they would meet with very great difficulty indeed. If the hon. member had read the latter part of the clause, he would see that it defined the general principles on which each board or municipality should contribute to a work in the benefits of which the individual municipalities or boards shared unequally. They might adopt any machinery they chose for working out that principle, but if they could not agree then the Governor in Council stepped in as arbitrator between them. That appeared to be as fair an arrangement as could possibly be made. It would save an amount of machinery which it was impossible to make in a Bill of this kind. He did not think they could better express the general principles under which the amount to be expended by each division could be arrived at.

Mr. BEATTIE said he had, of course, seen by the clause that there was some way of appealing to the Governor in Council; but what he could not understand was this :—

"Provided that where the value of ratable property in the component municipalities has not been assessed on a uniform scale."

There was no uniform scale, because a piece of land of 40 feet frontage would in one part very likely pay as much as a much larger piece not far away. The clause went on to say that—

"The joint board shall, for the purposes of this Act, readjust such ratable value upon as nearly as may be a uniform basis."

He did not see how that was to be done. It would in some cases be a serious injury to assess land that had been cut up into forty-feet pieces on the same scale as blocks of an acre or two acres, perhaps a mile away.

The PREMIER thought the thing was as plain as possible. The amounts to be contributed to any work were to be in proportion to the value of the ratable property; but where that value had not been assessed on a uniform scale, then it was to be readjusted upon as nearly as possible a uniform basis.

Mr. GRIFFITH said that there was no doubt that this sketch principle was a good one; but there might be a difficulty, as was pointed out last year, where the rating was different. For instance, he believed there were some divisions in which the property was assessed three times higher than in others. He had heard it stated last year that in two adjoining divisions the property in one was rated on a very different scale to that in the other.

Clause put and passed.

Clause 15—"Precepts"—passed as printed.

The MINISTER FOR WORKS moved the insertion of the following new clause, to follow clause 15 :—

16. The amount so required to be paid in any one year by a component municipality shall, unless by consent of the local authority thereof, in no case exceed in the whole a sum equivalent to sixpence in the pound of the value of ratable property within such component municipality.

Mr. GRIFFITH pointed out that there was no limit to the power of taxation given in this clause ; a municipality could increase the taxation *ad libitum*. In the Local Government Act the maximum amount was stated ; and he would therefore suggest the omission of the words "unless by consent of the local authority thereof."

The MINISTER FOR WORKS accepted the suggestion, and moved that the words mentioned be struck out.

Question put and passed.

Two verbal amendments having been made, the clause, as amended, was passed.

Clause 16—"Amount recoverable as a debt due from local authority" ; clause 17—"Contribution to be defrayed out of municipal fund" ; —and clause 18—"Rate may be increased to reimburse such contributions" ;—were passed as printed.

On clause 19—"When local works on loan are entrusted to joint boards expenditure to be defrayed out of common fund"—

Mr. GRIFFITH wished to know to whom the loan was to be made. Was it to be made to a local body? If so, how was the joint board going to spend it? He could see that in many cases it would be very desirable to make a loan to the joint board, but this clause did not contemplate that. It must surely mean the joint board.

The PREMIER said that this did contemplate a loan to the united municipalities. Of course, it would come under the operation of the Local Works Loans Act.

Clause passed as printed.

Clauses 20 to 23 inclusive, schedule, and preamble, passed as printed.

The Chairman left the chair and reported the Bill to the House with amendments.

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

SALE OF FOOD AND DRUGS BILL—COMMITTEE.

On the motion of the PREMIER, the House went into Committee to consider this Bill in detail.

The PREMIER, in moving that the preamble be postponed, said that on the second reading of the Bill he intimated to the House that the Government would reconsider the arrangements they had made for working the Bill. The principles of the Bill met with the general acquiescence of the House, but not the mode by which it was intended to work it. He explained on that occasion that a similar Act was in force in England, and that most of the principal clauses of the Bill were transcripts from that Act. In order to make the Bill work in this colony, the Government, he considered, ought to take upon themselves much more part in the working of the measure than was provided in the Bill as it stood. He did not wish to destroy the principles of the Bill, one of which was that municipalities should work the Act themselves, and the amendments which he had printed would not interfere with that being done if they chose. But the Government could work the whole colony, and they probably would do so. That was the idea which the amendments intended to carry out. Each large municipality or centre of population might come under the Act, and work it themselves without the assistance of the Government ; but, if they did not, the Government could step in and work it for them. The new clauses would, therefore, come mainly under the heading, "Appointments and duties of analysts, and proceedings to obtain analysts." Clauses 9 to 12 of the Bill, as it stood, would be omitted, and those of which he had given notice would be substituted for them. There were also two or three consequential verbal amendments to follow, which were also in the printed list.

Preamble postponed.

Clause 1—"Interpretation"—was amended, on the motion of the PREMIER, by the insertion of the following additional definitions :—

"Minister."—The Minister of the Crown for the time being charged with the execution of this Act.

"Analyst."—The Government analyst or a public analyst appointed under the provisions of this Act.

Mr. GRIFFITH said that if the appointment of public analysts were left to the local authorities the chances were that very few would be appointed. In his opinion the appointment should be made imperative, and it would be far better to leave that matter entirely with the Government. Such a provision would be more likely to give confidence in the administration of the Act than if the appointment of public analysts were to be left in the hands of corporations. The corporations of Brisbane and Maryborough might perhaps be able to appoint one ; but one could count upon one's fingers all the competent public analysts who could be found in the colony. He did not intend to libel anyone by saying so. There were not many in New South Wales. He did not suppose there were more than half-a-dozen. Again in the proceedings against offenders, he saw that the certificate of the analyst was to be *primâ facie* evidence for the prosecution, but that the analyst might be called if required by the other side. This might be all very well in England, but it would present a serious difficulty in a colony like this, as a man might have to be called upon to travel 500 or 600 miles to give evidence. It was almost impracticable. It would be much better to entrust the appointment to the Government altogether.

The PREMIER said that he proposed that Government should have the approval of the analyst that should be nominated by the municipality. The municipality ought to have the nomination, and the Government the appointment, of such officer. He had no doubt the Act would work at first by their having one Government analyst appointed for the whole colony ; but that, before very long, others would be appointed as other qualified men arrived, and with the increase of population. The machinery would enable each municipality to have its own analyst, the Government being the judges of the qualification of any such persons. He did not think it would be a right thing for the Government to take the whole thing into their own hands. He did not believe in centralisation at any time, and the machinery here provided was very much in accordance with their Local Government Act.

Mr. GRIFFITH said that this clause seemed to assume that the analyst for a municipality should be resident in the municipality. Clause 15 said :—

"The public analyst of any municipality may be appointed to act as the public analyst of any neighbouring municipality."

Showing that the idea was to have an analyst residing in each district, which was quite imprac-

ticable. For instance, the analyst for Brisbane would probably be able to act for all of the southern portion of the colony, and not only for a neighbouring municipality.

The PREMIER said that there was nothing in the Bill which, at any rate, contemplated that the analyst should reside in a particular district. The people at Rockhampton might choose to appoint the Government analyst in Brisbane to act for them, or they could choose someone in Townsville. There was nothing in the Act to show they should not do either. He would consent to the suggested amendment.

Mr. BAILEY suggested to the Government that a really good man should be got out from England to act as Government analyst. Chemistry had been brought to still greater perfection lately, and he believed a suitable man could be obtained for a moderate sum; otherwise they might initiate a system of blackmail, and traders to protect themselves would have to keep on good terms with the analysts.

Mr. GRIFFITH pointed out that in several other clauses besides clause 15 the wording assumed that the analyst of a "neighbouring municipality" should be appointed. Clause 17—"The purchaser of an article of food or of a drug within a municipality"; clause 18—"In a municipality where there has been no public analyst appointed as aforesaid"; clause 19—"An inspector of nuisances or any other officer appointed for their municipality";—all these seemed to suggest the same thing.

The PREMIER said it was not at all his intention to assume that the analyst should be resident in any district. He would leave that to the municipality themselves to appoint any man in any part of the colony they might choose. He did not think that this clause inferred anything to the contrary. He had no objection, however, to the amendment.

Question put and passed.

Clause 2—"Prohibition of the mixture of injurious ingredients and of selling the same"—was agreed to as printed.

Clause 3—"Prohibition of the mixing of drugs with injurious ingredients, and of selling the same."

Mr. GRIFFITH said he could not understand this clause, and was sorry to say that he had not had time to find out its meaning. He believed it was an exact transcript of the English clause, but he could not see to what the words in subsection 3 of clause 5—"Compounded as in this Act mentioned"—referred.

Mr. BAILEY understood the meaning of the clause, that druggists might be allowed to compound several drugs together and sell them.

The PREMIER explained that clause 3 was descriptive of a certain offence, which offence was to be committed under certain conditions, and the limitations were provided for in clause 7. Clause 3 said:—

"No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offence."

The limitation was provided in clause 7, which said:—

"Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he supplies to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed."

The definition was, that drugs might be compounded under certain conditions only.

Question put and passed.

Clauses 4—"Exemption in case of proof of absence of knowledge"; 5—"Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality"; 6—"Provision for the sale of compound articles of food, and compounded drugs"; 7—"Protection from offences by giving of label"; and 8—"Prohibition of the extraction of any part of an article of food before sale, and selling without notice";—were put and passed.

The PREMIER proposed the following new clause, to follow clause 8 of the Bill:—

9. The Governor in Council may appoint some person possessing competent knowledge, skill, and experience as Government analyst for the purposes of this Act.

On the motion of Mr. GRIFFITH, the words "or persons" were added after the word "person," and "or analysts" after the word "analyst," and the clause, as amended, was passed.

The PREMIER moved a new clause, which, after verbal amendment, was agreed to as follows:—

10. When the Minister shall prepare regulations defining the duties of Government analysts, such regulations shall, after approval by the Governor in Council, be published in the *Gazette*.

The PREMIER moved the following new clause:—

11. Any local authority may, and when required to do so by the Minister shall, appoint for their municipality one or more persons possessing competent knowledge, skill, and experience as public analysts of all articles of food and drugs sold within the said municipality, and shall pay to such public analysts such remuneration as may be mutually agreed upon.

Mr. BAILEY said it was likely that tradesmen would form defence associations, and employ the most eminent chemists to act against the local analysts. They were likely to get better chemists than the Government.

The PREMIER said this was provided for in clause 12, which stated that the appointment of public analysts was always to be subject to the approval of the Minister.

Clause put and passed.

The following new clause was agreed to without discussion:—

12. Every such appointment shall at all times be subject to the approval of the Minister, who may require satisfactory proof of competency to be supplied to him, and may give his approval absolutely or with modifications as to the period of appointment or otherwise.

The PREMIER moved the following new clause:—

13. No person who is engaged directly or indirectly in a trade or business connected with the sale of food or drugs in any municipality shall be appointed or perform the duties of a public analyst for such municipality under the provisions of this Act.

Mr. BAILEY said he should object to a man being in one town as an analyst, and in another in some trade. If a man were appointed Government analyst he would have plenty of work to do.

The PREMIER said the Government analyst in Melbourne, Mr. Johnson, was a chemist and druggist in St. Kilda for years.

Mr. HAMILTON said the clause referred to persons—

"Engaged directly or indirectly in a trade or business connected with the sale of food or drugs."

He did not think medical men should be allowed to act as analytical chemists. In the first place

there were very few medical men competent to do so. He did not suppose there was a medical man in the colony or in Brisbane who could take that position; because, though a medical man was required to undergo a certain examination in chemistry, still that would not qualify him to be an analytical chemist. Of course no one would be appointed analyst unless the Minister considered him suitable; but frequently medical men did not get on well together. Sometimes a chemist might be in the habit of prescribing for patients, and consequently the medical men regarded him with hatred. Therefore it was inadvisable that that chemist should be placed in a position which would enable the person who was appointed analytical chemist to slate him, as he very likely would do. If this clause did not apply to those who practised medicine, a sentence should be inserted to the effect that no one engaged in the practice of medicine should be allowed to perform the duty of public analyst.

The PREMIER said he could see no force in the argument of the hon. member, and did not see why they should say that no medical man should be appointed a public analyst. It might be true that a medical man was not necessarily a chemist; but it did not necessarily follow that he was not a chemist because he was a medical man.

Mr. HAMILTON said the Premier misunderstood him. His argument was that the business of medical men and that of chemists often clashed. He could enumerate many instances of great dislike between medical men and chemists, simply because in many instances chemists prescribed for patients. In a case of that kind the chemist would be sorry to allow a medical man to analyse his drugs, if he had incurred that medical man's dislike.

Mr. BAILEY said it was a serious matter for a man to be allowed to analyse the drugs of a fellow-tradesman. He would move as an amendment the omission of the words "in any municipality," in the 2nd and 3rd lines of the clause. His intention was that the clause should read as follows:—

> No person who is engaged directly or indirectly in a trade or business connected with the sale of food or drugs shall be appointed or perform the duties of a public analyst under the provisions of this Act.

Mr. HAMILTON said he should support the amendment, because it dealt with the objection he urged against medical men in practice being appointed analytical chemists.

The PREMIER said this amendment would restrict the choice both of the municipality and of the Government too much. The object was to prevent personal competition influencing the judgment of men performing the duties in small communities; but this amendment went too far in saying that no man practising or trading in the colony or anywhere else should be a public analyst.

Mr. BAILEY said he had moved the amendment because he wished to see the very best men appointed. They could get one or two men out from home who would be able to do all the analytical work of the Government, and also that of private persons. A good analyst was very much needed in the colony at the present time.

Mr. GRIFFITH said that people engaged in the sale of food and drugs should not be allowed to be appointed. Men might be rivals in business though not in the same municipality. A man carrying on business in Stanley street, South Brisbane, might be a rival of another carrying on business in the same street in the division of Woollongabba. He did not know whether there was a chemist in Booroodabin, but, if so, he might be a rival of those trading in the Valley. The object of the Bill would be lost unless the public had full confidence in the analyst, and he was satisfied that it would not do to have more than three or four public analysts in the colony.

The PREMIER said the clause was better as it stood. Why should they limit the action of the Government or a municipality? They went far enough when they prevented the appointment of rivals in business, and he thought the clause met that difficulty. The Government were not likely to appoint any man in Brisbane to the position of analyst who would be influenced by his business in the analysis of compounds sold by men in the same business. To limit their choice in the way proposed would be absurd.

Question—That the words proposed to be omitted stand part of the clause — put; and the Committee divided:—

AYES, 14.

Sir Arthur Palmer, Messrs. McIlwraith, Macrossan, Perkins, Pope Cooper, Low, Weld-Blundell, Baynes, O'Sullivan, Archer, Kellett, H. W. Palmer, H. Palmer (Maryborough), and Persse.

NOES, 8.

Messrs. Griffith, Bailey, Foote, Grimes, Hamilton, Macfarlane, Francis, and Beattie.

Question, therefore, resolved in the affirmative.

Clause put and passed.

On new clause 14—

> "If any local authority, after being required to do so by the Minister as aforesaid, refuse or neglect to appoint a public analyst for their municipality, then the Governor in Council may make such appointment, and may order the payment by the local authority to the person so appointed out of the municipal fund of such remuneration as the Minister from time to time prescribes. And every payment so ordered by the Minister shall be a debt due by such local authority to such person, and may be recovered accordingly in any court of competent jurisdiction"—

In reply to Mr. BAILEY,

The PREMIER said this clause simply provided for the Governor in Council doing certain things in the event of the local authorities neglecting to do them, and it was not very likely to come into operation at present.

Mr. GRIFFITH said the clause provided that if the local authorities did not appoint an analyst the Government could do so, and fix the salary of that officer, and when once he was appointed he was to remain so. It seemed to him a very arbitrary power.

The PREMIER said he understood the hon. member's objection to be that when once these appointments were made, and the salary fixed by the Governor in Council, no local authority would have the power to remove them; but, as stated in the clause, the salaries might be fixed at anything from time to time, and the Minister charged with the working of the Act would be subject to Parliament in the same way as other Ministers were subject to Parliament for fixing salaries of officers in the service of the Government. As he had pointed out, this was machinery not likely to come into operation generally, but which provided for a state of things which might arise from local authorities not appointing analysts.

Clause put and passed.

The PREMIER moved the following new clause:—

> 15. A public analyst of any municipality may be appointed to act as the public analyst of any neighbouring municipality; or may, at the request of any local authority, act for their municipality as the public analyst thereof temporarily or on any particular occasion; and whenever any analyst so acts in pursuance of such request, he shall be deemed to be the public analyst of such municipality for the purposes of this Act.

Mr. GRIFFITH was understood to say that there was no necessity for this clause, as it was all provided for in the Acts Shortening Act.

Clause put and passed.

The following new clauses were agreed to :—

"16. The Government analyst may, subject to the approval of the Minister, be appointed by a local authority to perform the duties of public analyst of their municipality for the purposes of this Act. Provided that in every such case the whole of the fees or other remuneration ordinarily receivable by a public analyst shall be paid to the Government analyst, and by him be forthwith transmitted to the Minister."

"17. The purchaser of an article of food or of a drug within a municipality where there is a public analyst appointed under this Act shall, on payment to such analyst of a sum not exceeding twenty shillings, be entitled to have such article analysed by such analyst, and to receive from him a certificate of the result thereof."

On new clause 18—

Mr. GRIFFITH said that objection might be taken that the certificate did not come from the proper officer. They should be particularly careful to describe the proper officer.

The clause was amended as follows, and passed :—

"18. In a municipality for which there is no public analyst, or no analyst is acting, the purchaser of an article of food or of a drug therein shall, on payment to a Government analyst of a sum to be prescribed by the regulations, be entitled to have such article analysed by the Government analyst, and to receive from him a certificate of the result thereof."

On clause 19—

Mr. GRIFFITH pointed out that there might be some confusion as to which analyst was intended. It might be as well to define the officer referred to as "the" analyst, and he suggested that it should be amended so as to read as follows :—

An inspector of nuisances, or any other officer appointed for their municipality by a local authority, charged with the execution of this Act, may procure a sample of food and drugs, and if he suspects the same to have been sold to him contrary to any provision of this Act, shall submit the said sample to the public analyst for the municipality, or, if there is no such analyst, or such analyst is not acting, then to the Government analyst; and the analyst shall, upon receiving payment as hereinbefore provided, with all convenient speed analyse the said sample, and give to such officer a certificate specifying the result of the analysis.

New clause, as amended, agreed to.

On the motion of the PREMIER, clauses 9 to 12, inclusive, of the Bill were negatived.

Clause 13—"Provision for dealing with the samples when purchased"—passed with a verbal amendment.

Clause 14 passed as printed.

Clause 15—"Provision for sending article to the analyst through the post office"—passed with a verbal amendment.

On clause 16—"Person refusing to sell any article to any officer liable to a penalty"—

Mr. HAMILTON pointed out that the penalty provided in clause 2 for selling adulterated goods was £50, but that under the provision of clause 16 a person having goods which he knew to be adulterated might escape that penalty by taking the alternative of refusing to allow the inspector to obtain the goods, for which offence the maximum penalty was £10. He should be inclined to suggest that the penalty should be altered to £50.

The PREMIER said the inspector might call every morning, and the trader would soon get tired of being fined £10 a day.

Mr. HAMILTON said the inspector might analyse the goods every morning.

Clause agreed to.

Clause 17 passed as printed.

Clause 18—"Quarterly report of analyst"—passed with verbal amendments.

Clauses 19 and 20 passed as printed.

On clause 21—"Power to justices to have articles of food and drugs analysed"—

The PREMIER moved the insertion of the following words in the 54th line after "analysis": —"Such certificate shall be received in evidence by the justices of such court."

Question put and passed.

Some verbal amendments having been made, the clause, as amended, was agreed to.

Clause 22 passed as printed.

Clause 23 passed with a verbal alteration.

Clauses 24 and 25 passed as printed.

On clause 26—"In any prosecution defendant to prove that he is protected by exception or provision"—

Mr. GRIFFITH suggested the omission of the words, "where the fact of an article having been sold in a mixed state has been proved."

The PREMIER accepted the suggestion, and moved that the words be omitted.

Question put and passed; and clause, as amended, passed.

Clauses 27 and 28 passed as printed.

Clauses 29 and 30 passed as printed.

Clause 31—"Expenses of executing Act"—passed, with the insertion of the following words after the word "The," on the motion of the PREMIER :—

Salary of the Government analyst shall be paid out of the Consolidated Revenue Fund, but all other.

On clause 32—"Tea to be examined by Customs on importation"—

Mr. H. PALMER (Maryborough) asked whether it was intended to examine all packages of tea that were imported? If so, it would be found very prejudicial to importers.

The PREMIER replied that the clause simply gave the Government the power to examine when necessary. It did not follow that they would do so when it was not necessary.

Mr. FOOTE said that if all the bad tea imported was to be destroyed, it would involve great hardships on importers. Tea might be destroyed by sea-water, and in such a case the importer ought to be allowed to return it.

The PREMIER said that if the tea was found unfit for human food importers would not have the option of returning it. If injured by sea-water it could be made fit for human food, and would not be destroyed.

Mr. FOOTE said the clause might involve great losses on importers. An importer might buy good samples and have a very inferior article shipped to him. Recently large shipments of very inferior tea had been made to Melbourne, and condemned by the Government. In some instances that tea had been returned. He would suggest that the words "returned or" be inserted before the word "forfeited."

The PREMIER said it was only where an article was actually unfit for human food that it would be destroyed. It was the duty of every civilised Government to destroy what pretended to be food, but was poison. They had not to consult the rights of the importer, who had his remedy elsewhere, if he did not get a good article.

Mr. MACFARLANE thought the clause a very excellent one. Tea-drinkers ought to be protected. There had been too much rubbish imported lately, although if people would give a good price they could get good tea, even

now. The hon. member for Bundanba was no doubt alluding to retail grocers, who did not import direct from China, but got their tea from the other colonies, and contended that a grocer importing tea from Sydney or Melbourne ought to have the option of returning it if he found it to be of inferior quality. He did not see any harm in the clause, and it would be a means of protecting tea-drinkers.

Mr. FOOTE still thought that if a person got let in for a very bad quality of tea, he should have the privilege of returning it.

The clause was passed with one or two verbal amendments.

Clause 33 was agreed to as printed.

Clause 34 was agreed to with a verbal amendment.

Clause 35—

Mr. GRIFFITH said this clause seemed to have been drawn in a hurry, especially as it had no side heading. Its provisions were intended to be analogous to those of clause 16 of the original Bill. He suggested that the quantity the officer could take for analysis should be limited to one pint.

Clause 35, on the motion of the PREMIER, was omitted, and the following new clause inserted :—

> If any such inspector applies to purchase any such milk, and tenders a reasonable price for the quantity which he requires for the purpose of analysis, not being more than one pint, and the person in charge thereof refuses to sell the same to such inspector or officer, such person shall be liable to a penalty not exceeding ten pounds.

Clause 36—"Short title"—put and passed.

Schedule—"Form of certificate"—was, on the motion of the PREMIER, amended by the insertion of the words "municipality or Government analyst as the case may be," in line 23, after the words "for the," and by the omission of the word "when," in line 25, and agreed to as amended.

Preamble put and passed.

On the motion of the PREMIER, the Chairman left the chair, and reported the Bill to the House with amendments; the report was adopted; and the third reading of the Bill was made an Order of the Day for to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, stated that the Bills for consideration to-morrow would be the Liquor Retailers Licensing Bill, and after that Supply.

Question put and passed; and the House adjourned at twenty-five minutes to 11 o'clock.