

Queensland



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[Hansard]

Legislative Council

THURSDAY, 29 SEPTEMBER 1881

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LEGISLATIVE COUNCIL.

Thursday, 29 September, 1881.

Pro-Ministerial Explanation.—Message from the Legislative Assembly.—Mines Regulation Bill—third reading.—Legal Practitioners Bill—third reading.—United Municipalities Bill—second reading.—Police Jurisdiction Extension Bill—second reading.—Sale of Food and Drugs Bill—committee.

The PRESIDENT took the chair at 4 o'clock.

PRO-MINISTERIAL EXPLANATION.

The HON. C. H. BUZACOTT said, before the House proceeded to the business of the day he wished to make an explanation of the position which he occupied there that afternoon. He very much regretted to state that he had been informed about an hour ago that the hon. the Postmaster-General was suffering from temporary indisposition, and that he was unable to be in his place that afternoon; and he (Mr. Buzacott) was asked if he would undertake to carry on such measures on the business-paper as he felt himself able to proceed with. On consideration he came to the conclusion that, as the session was approaching its end and nearly all the business of the other House had been transacted, that there was still a great deal of business to be transacted in this Chamber, and that, unless they pushed on

the work at once, they would have to hurry it through in a very improper way, or would keep the Assembly waiting until they had done the work—he resolved to do his best to further the public business. He hoped, under the circumstances, that the House would accept the position and do the best they could, seeing that he had no time to prepare specially upon the measures to be brought forward.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT announced a message from the Speaker of the Legislative Assembly, stating that leave had been given to J. Horwitz, Esquire, P. O'Sullivan, Esquire, and W. Kellett, Esquire, members of that House, to attend and give evidence before the Select Committee on Railway Extension and Branch Railways.

MINES REGULATION BILL—THIRD READING.

On the motion of the HON. C. H. BUZACOTT, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Assembly by message in the usual form.

LEGAL PRACTITIONERS BILL—THIRD READING.

On the motion of the HON. W. H. WALSH, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Assembly by message in the usual form.

UNITED MUNICIPALITIES BILL—SECOND READING.

The HON. C. H. BUZACOTT, in moving the second reading of this Bill, said he thought it was one of the most important that had come under the consideration of the House during the session, or yet remained to be brought forward. It was a measure absolutely necessary to complete the work begun by the passage of the Local Government Act of 1878 and of the Divisional Boards Act of 1879. He had no doubt that hon. members had observed that, when works of importance to a whole district had fallen within the boundaries of one division or municipality, it was a very great hardship to that division or municipality to be required to provide for those works at its own expense. For instance, supposing that in a district there were six or eight municipalities, and that a water supply was necessary for the whole of those municipalities, the work could be better carried out by combined action; but under the present law there was no power to combine, and everything must be done by the local authorities individually. Hence it was found that works of importance and interest to a whole district were often thrown upon a single small division possessing a very small revenue. Another case might be instanced. When a main road ran through a division it might be that almost the whole work necessary on that road fell on a very small portion of the district, and thus the construction of a road 100 miles in length might be thrown upon a division four or five miles in extent. At the same time the desirability of making that road was just as great to one division as another. They were all interested—if not equally, at least mutually—and all ought to contribute in a fair and reasonable manner. Of course, it had been a subject of some difficulty to the Government to discover some plan by which the expense of main roads and other works of equal importance might be fairly apportioned. It had probably been as difficult here as it had been in Victoria

and elsewhere. In the Bill now before the House, advantage had been taken of English experience, and the principle which had been applied in the English Local Government Act of 1875 had been imported into this Bill and adapted to the circumstances of the colony. He need hardly say that to transfer the provisions of an Act in the English statute-book to the statute-book of this colony would not answer at all in a matter of this sort. The circumstances of the country were different, and in adopting principles of that kind it was necessary to adapt them to their means and requirements. The Bill before the House had two strong recommendations. It would not take effect unless action was first taken on the part of the municipalities. There must be a petition on the part of some local authority, and the Government had no power whatever to proclaim the Act in force in any part of the colony until a petition sent by the local authorities, or the majority of them, had been received. Another feature of the Bill which it was important to bear in mind was that the authorities constituted under the Bill would have no functions until specified matters were placed under their control by proclamation in the *Government Gazette*. He would endeavour to illustrate the principle which was embodied in the Bill. Suppose that in the district of East Moreton it were desirable to construct waterworks. Not one of the local authorities could undertake them, but an authority would be constituted, comprising the chairmen of all the local bodies interested, and this authority would be a joint board which would administer such matters as were placed in their charge. The next thing that would have to be done was the proclamation in the *Government Gazette*, by the Governor in Council, that the joint board was authorised to undertake the construction of the waterworks. The joint board would then be fully empowered to undertake the work, but they could do nothing else; they would have no power to deal with main roads or any other public works until expressly placed in their hands by proclamation in the *Gazette*. There was another matter: the joint board need not actually carry out any work unless they considered it necessary. For instance, if a joint board determined that a certain work in a particular part of the united municipality was requisite, they could authorise the local authority having control there to carry out the work, the joint board confining themselves to requiring all the constituent or component municipalities to contribute towards the expense. If it were found that the local authority of a component municipality could carry out the proposed work more economically than could the joint board, the joint board could delegate its authority for the purpose of carrying out the work. He was quite sure that the House would admit that the principles of this Bill were correct, and the only matter they would feel any difficulty in deciding was whether in the application of those principles the Bill was likely to be a success. He had given this subject a good deal of consideration, and he believed the Bill would be a success, and would prove of very great advantage in carrying out the work of local government in Queensland. He need not occupy the time of the House by going through the Bill clause by clause, but he would simply point out that the 4th and 5th clauses provided for the proclamation of a united municipality on petition. The 6th clause provided for the constitution of the boards, which he had already explained; but, as it was a very important clause of the Bill, it would be as well, perhaps, for him to read it. It was as follows:—

"The governing body of every united municipality shall be a joint board, consisting of the chairman for the

time being of every local authority having jurisdiction within such united municipality. Provided that, whenever a united municipality comprises less than three component municipalities, the joint board shall be composed of the chairman and one other member of and elected by each local authority having jurisdiction as aforesaid."

The succeeding clauses 7 to 10 gave authority to the joint board as to the manner in which it should conduct its proceedings. The most important clause of the Bill, probably, was the 11th, which enabled the Governor in Council to proclaim that the joint board of any united municipality might carry out any specific work. The effect of this clause he had already explained to the House, and he need not occupy time by repeating what he had said already; but he thought he might state here that there had been an amendment inserted in this clause in the other House, which, if allowed to remain, the Government now believed, would entirely destroy the efficacy of the Bill. The amendment referred to was contained in the first line of the clause, and the words of the amendment were, "with the consent of the local authority of any component municipality." Of course it would be seen that, if that were allowed to remain in the Bill, any small local authority could refuse its consent to the carrying out of an important work which might be absolutely indispensable for the well-being of the whole district or united municipality. Therefore it would be absurd to allow any such provision in the Bill. There was no such provision in the English Act. They all knew that it was necessary to the proper conduct of any legislative or municipal body that if the majority determined that certain work was necessary for the well-being of a locality, the minority should give way to the majority. He believed that the Government would not object to an amendment he intended to submit, and which would have the effect intended by the words which were considered hurtful to the Bill. The amendment he proposed to make would be something of this sort: That, where the local authority of any component municipality believed that a work proposed by the joint board would be disadvantageous to their interests, they could appeal to the Governor in Council and ask that the matter should be reconsidered. He thought that if a clause like that were inserted the component municipalities would be sufficiently protected. Clause 14 provided that the expenses of these joint boards should be contributed by various component municipalities, and he must here point out to the House that the joint boards would be unable to levy a tax of any sort. They could not directly increase the rate of taxation to any extent whatever, and, if they were entrusted with the carrying out of any public work, the expense of that work would have to be fairly and proportionately contributed to by the various local authorities included in the united municipality in which the work was carried on. This 14th clause, as originally introduced, had, he believed, given a great deal of trouble, but he considered the difficulty in dealing with it would now be easily overcome. After discussion in the other House the clause was not considered sufficiently definite, and it was much desired that some more ample and detailed method should be prescribed for arriving at a fair proportion of the expense to be contributed by any local authority. This had been attempted in the clause as now printed in the Bill, and he thought it entirely met the case. It would be seen in sub-clause 1 that—

"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."

The 2nd sub-clause said :—

"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."

And the 3rd sub-clause said :—

"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."

The last sub-clause, perhaps, needed some little explanation. Supposing a united municipality was comprised of eight component municipalities, and that one portion of the united municipality comprised two or three out of the eight component municipalities, and some work was required to be done in the portion comprised of these two or three which would not be of the least benefit to the other portion, then the cost of that work would, under this clause, fall entirely upon those municipalities which received the advantage from the work. And then the last portion of the clause said :—

"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."

The next clause provided that the expenses of works carried out by the united municipality were to be recovered by means of "precepts." This was the usual practice in England, and it was found there not only available for mending highways, but also for building schools. When the various school committees in England wanted to build a school they obtained the necessary money by drawing upon the local authority by means of precepts. He did not think that at this stage it was necessary for him to say more about this Bill, except that he believed every clause had been carefully considered, and that if it was allowed to pass into law it would be found to be of very great benefit to the colony. He begged to move that this Bill be read a second time.

The HON. W. H. WALSH said he did not think an important Bill like this should be allowed to pass without some expression of opinion on the part of hon. members of that House; and although he was not prepared himself to discuss it fully, he could not help saying that although the hon. gentleman now in charge of the Bill, who had moved the second reading of it so ably, had announced that he was only temporarily in charge of the duty he was now performing, he seemed to have a very wonderful knowledge of the contents of the Bill. This either showed that the hon. gentleman was possessed of transcendent powers, or, more probably, that he was really the owner of the Bill. Be that as it might, he would now refer to one remark which he believed the hon. gentleman used. He did not wish to misinterpret the hon. gentleman, but he believed he said that under this Bill these united municipalities had not the power to levy rates.

The HON. C. H. BUZACOTT: Hear, hear!

The HON. W. H. WALSH said the hon. gentleman said, "Hear, hear," and, from the way in which he asserted that they had not the power to levy rates, he (Mr. Walsh) presumed that the hon. gentleman considered that that would be a dangerous power to give united municipalities. But if hon. members would refer to the schedule of the Bill they would see that they had what was an equivalent power, and that was the power of ordering a component or single municipali-

ties to levy a rate; and he could not see the difference between the united municipality levying a rate itself—that was, so far as the pounds, shillings, and pence were concerned—and having the power, not to delegate exactly, but to order the component municipality to do so. He thought, therefore, that the hon. gentleman was not justified in mentioning what he did as a desirable quality of this Bill. He (Mr. Walsh) had always had a distrust of these measures, not because he thought that they were bad in principle, but because they were bad in machinery. He always thought that there was a clumsiness about these Bills, and that was particularly noticeable in a Bill of this kind which was introduced to that House last session by the hon.—he should not say “acting” Postmaster-General, but the hon. gentleman who was performing the duties of the Government so well that afternoon. He considered there was a certain clumsiness and crudeness about these Bills that would necessitate the constant patching up of the first Act. That was, he supposed, necessary, in consequence of the discoveries made from time to time of defects in the machinery of the first Act, and he had prognosticated that it would be so. Something had occurred lately in the parish or shire in which he lived, and he thought that this was a most opportune moment to refer to it; and he thought the hon. gentleman who had charge of this Bill should see that some clause was inserted in it to prevent the recurrence of what had only lately occurred in one of his creations—the Shire Council of Toowong.

The Hon. C. H. BUZACOTT said he begged the hon. gentleman's pardon; he had had nothing to do with the creation of the Toowong Shire Council, nor with the Act under which it was formed.

The Hon. W. H. WALSH said that probably he had been wrong in laying this matter to the Hon. Mr. Buzacott; but the hon. gentleman had probably not received the full extent either of the blame or credit due to him for his support of such measures as this. The shire of Toowong would at any rate, to a certain extent, come under the operation of this Bill. The Shire Council of Toowong had done lately what he considered to be wrong. They had lately invested no less than £600 of the ratepayers' money—and they were a very poor shire as far as funds went—for what purpose, did hon. gentlemen think? He did not believe that if the members of this House, or if the whole world, had a hundred years to guess the purpose for which this £600 was invested, they would be able to arrive at anything like a correct conclusion. They had invested it for the purpose of buying a plot of ground for the use of the public as a sports ground. So that in the little Shire Council of Toowong £600 of their wrung-out money had been invested by this precious council for the purpose of enabling certain ladies and gentlemen to go and play at lawn-tennis and one or two other fastidious or fashionable games. That was the outcome of this kind of legislation, and he thought it his duty to mention it. He took this opportunity of telling hon. members that they were legislating in a way that he did not think would be at all beneficial. He believed that no man in the country would be able to interpret this Bill with all its consequences. It was one of the most intricate measures that he had ever read, and they were delegating to such men as members of shire councils the power, apparently, to divert the moneys collected for the avowed purposes of mending their roads, to the purchase of sports grounds for the ladies and gentlemen of the village.

The Hon. W. PETTIGREW said he had tried to understand this Bill, but he was at a

loss to make out how the rate was to be levied. Clause 16 provided—

“The amount so required to be paid in any one year by a component municipality shall in no case exceed in the whole a sum equivalent to sixpence in the pound of the annual value of the ratable property within such component municipality.”

That, of course, he understood was to be paid by any municipality to the joint municipality; but he would like to know did that mean that the municipality could put an extra sixpence of taxation on the ratepayers to make that up.

The Hon. C. H. BUZACOTT: Yes, it means that, but they will get the endowment.

The Hon. W. PETTIGREW said he could see the advantages of this Bill in the case of the Divisional Board of Caboolture, with which he was connected, because a main road passed through it for many miles; in fact, he might say the main road from Brisbane to Gympie. The members of that board found it very difficult to keep it in order, as it was very expensive to do so, passing, as it did, over very difficult mountainous places. A much better and easier road might be made, but it was beyond the means of the Caboolture people altogether, inasmuch as there were several expensive bridges to be constructed; but if these bridges were made, the road would be a very good one indeed. They had the Municipality of Brisbane at one end of the road and that of Gympie at the other, and would this Bill imply that the keeping up of that road could be charged to both Brisbane and Gympie?

The Hon. C. H. BUZACOTT: Yes; in equitable proportion.

Question put and passed; and the committal of the Bill made an Order of the Day for Tuesday next.

POLICE JURISDICTION EXTENSION BILL—SECOND READING.

The Hon. C. H. BUZACOTT said this was a short and simple Bill. Its object was merely to extend the provisions of certain Acts to places which were not now public places within the meaning of the law, and to which, therefore, these Acts did not apply. He believed the necessity for some action in this matter had been brought prominently forward by reason of some disorderly proceedings on the grounds of the National Association at the last Exhibition. It was found very doubtful whether the police had the power to interpose their authority there, as they had in the case of public places in towns. There were six Acts which this Bill proposed to enable the Governor in Council to extend to the grounds of pastoral or other associations. It would be noticed that the 2nd and 3rd clauses provided:—

“2. The term “association” shall, for the purposes of this Act, mean and include any society, body, or corporation, having for its objects the advancement of industry, science, or art, or the exhibition of any pastoral, agricultural, industrial, scientific, or artistic subjects; or any society, body, or corporation, which may be established for any purpose of amusement, recreation, or charity.

“3. The term “premises” shall, for the purposes of this Act, mean and include all buildings, lands, parks, gardens, and avenues belonging to, used, or occupied by every such association, and all approaches, roads, streets, and highways appurtenant or adjacent thereto.”

He did not think it necessary to occupy the time of the House by giving any further explanation of the measure. It seemed to have been accepted in the other House without opposition, as it was very necessary to remove what was, at any rate, an ambiguity in the law as it now stood. He begged to move that the Bill be now read a second time.

The Hon. W. D. BOX said he should like, before the Bill was read a second time, to win from the House some expression of opinion re

specting it. It seemed to him that the Bill desired to put in force six Acts which were now in force in the neighbouring colony of New South Wales, to assist the police in their investigations.

The HON. C. H. BUZACOTT: In force here also.

The HON. W. D. BOX said it was very desirable that the police should have proper powers, and he had no doubt but that the Bill was very necessary in that respect; but it seemed strange to him that when Parliament in its wisdom directed that the laws of this country should not be enacted or altered without Bills being introduced—which should be read a first and second time and considered in Committee, so that there might be every means of the proper discussion of them—they should by this Bill endeavour to place upon their statute-book six Acts which were in force in New South Wales without their having been passed through the House in the usual manner.

The HON. J. F. McDOUGALL: They are in force here now.

The HON. W. D. BOX said if they were in force here now, what was the object of the Bill? Perhaps the hon. gentleman in charge of it would explain, but that was the view he took of the matter.

The HON. F. T. GREGORY said he could satisfy, to a certain extent, the objections raised by his hon. friend, Mr. Box. The six Acts to which the hon. gentleman referred were as much the Acts of Queensland at the present time as if they had been passed by the Legislature of Queensland after Separation. The object of this Bill was to provide that its operations should extend to these Acts. The titles of the Acts themselves would disclose, to a considerable extent, the nature of their operations, and this Bill was more or less applicable to all of them. He thought, therefore, that the objection of the Hon. Mr. Box was met; but there was another point to which he wished to draw the attention of hon. members. It was quite possible—although he hardly believed that any enlightened and liberal Ministry would avail themselves of this Act—to do so; but it would be quite possible, if they placed the Bill entirely in the hands of the police, that it might be made exceedingly oppressive. It might be made inquisitorial to an extent that should not be at all admissible. Of course, the necessity for the Act itself went one step towards showing what he referred to. That was, that at present there were certain places not accessible to the police, who could not consequently perform their functions of keeping the peace, and have under their cognizance any breaches of the law. The passing of this Bill would give them access to some of those places, and enable them to carry out the provisions of the six enactments mentioned. Now, they had one or two charitable bodies in this country which were common to nearly the whole of the world. He need only briefly allude to them as secret societies, the purposes of which were purely charitable, having in view the benefit of society and the improvement of the moral and social welfare of their fellow-men, without inculcating any single opinion opposed to the laws of the country. Still, they were closed societies; they were very numerous and extensive bodies, and yet he thought if this Bill were to pass, and the matter was placed in the hands of the police, they might enter any Oddfellows' hall or Masonic hall or other place of that sort, which hitherto the police were not allowed to enter unless they positively knew that something was going on contrary to the law. That was the only objection he had to the Bill, and as it could be easily remedied, he should not oppose the second reading of the Bill; but in committee he should require that

it should be clearly stated that it would not give the police all the powers that he assumed the Bill gave them; otherwise, he thought the Bill was a very good one. Its general object was one they must all have seen the necessity for. They had seen gambling carried on in a way that was absolutely contrary to law—cardsharps and all sorts of things practised on the racecourses and other public places—which the police had not power to interfere with. He thought, therefore, it was an exceedingly desirable measure to be placed on the statute-books, with the modification to which he had just referred.

Question put and passed, and the committal of the Bill made an Order of the Day for Tuesday next.

SALE OF FOOD AND DRUGS BILL— COMMITTEE.

On the motion of the HON. C. H. BUZACOTT, the House went into Committee to consider this Bill in detail.

The preamble was postponed.

The HON. C. H. BUZACOTT in moving clause 1—"Interpretation"—said that, as a short explanation of the Bill would probably save discussion in committee, he thought it desirable to offer a few remarks. As the hon. the Postmaster-General had stated on the second reading, they had already three Acts in force dealing with the question of adulteration, but those Acts not supplying the machinery for prosecuting persons who committed offences, they were practically a dead letter. The Bill before the House was founded upon English experience. It was now a long time since the Imperial Parliament commenced to endeavour to suppress the very bad practice of adulteration. He remembered before he came from England in 1852, that the Imperial Parliament was then engaged in legislation on this subject, and that a number of Acts and amending Acts had since been passed at various times as imperfections of the law when put into practice revealed themselves. In 1875, the whole of the Adulteration Acts then in force in England were repealed, and a measure consolidating and amending those Acts was re-enacted very much in the form of the Bill now before the House. He might also state that one or two amendments had been made in the English Act since the Consolidation Act. The special provisions at the end of the Bill with regard to tea and to milk, had been both enacted since the principal measure was adopted in 1875. The Bill now before the House embodied all the principles of the English Act, and all definitions of adulteration and offences, and ran very much in the same groove with regard to the appointment and duties of analysts. As originally introduced in the other House, the Bill provided that the analysts should be appointed entirely by the local authorities, subject to the approval of the Minister; but it was amended so as to give the Governor in Council power to appoint a Government analyst, who should be a man possessing competent knowledge, skill, and experience. It was only intended, he believed—for so he had been informed by the Premier—to appoint one Government analyst under this Bill; but in the other House it was deemed advisable to give the Governor in Council power to appoint more than one such officer if necessary. He begged to move the 1st clause.

The HON. W. D. BOX said the hon. gentleman in charge of the Bill had drawn attention to two special clauses, one relating to tea and the other to milk. He (Mr. Box) did not know whether he was right, but he thought that the interpretation of the word "food" as given in this clause would render the adulteration of tobacco not a punishable offence under the Act. He thought that object could be attained by the

addition of some words in the 16th line, so that it might read "any article used by man other than drugs or water." The definition might be rather wide, but he would point out that there was a great deal of injury done by the adulteration of tobacco, which was very extensively used in this colony; and his object was to endeavour to prevent adulteration. He thought the matter was a most important one, and deserved serious consideration.

The Hon. W. H. WALSH said this Bill to his mind was of so much importance that they should give it the fullest consideration, and that it should be navigated—if he might use the expression—or piloted through the Chamber by an actual member of the Government. He thought they had done a very fair amount of business that evening; and it was just possible, being in committee, that questions might be put to the hon. gentleman in charge of the Bill—who was not in an official position enough to be able to give replies. The Bill was of so much importance that there was no necessity for its being hurried through this evening, and, therefore, the hon. gentleman should refrain from becoming the exponent of it. He would, therefore recommend the hon. gentleman to move that the Chairman leave the chair, report progress, and ask leave to sit again. The Bill itself contained most glaring defects. He was not going to point them out now, and he might not do so through the whole passage of the Bill; but even according to the hon. gentleman's own exposition of it, it contained defects, and as he was not empowered to answer ministerially, or promise ministerially, things that might be required of him, he thought he was hardly justified in attempting to push the Bill any further. It was one of the most important Bills that had ever been brought under their notice. It seriously affected trade; it affected the health and well-being of the community, not only physically but morally, and hence it was a measure of such magnitude that if proper importance had been given to it elsewhere, he was sure it would not have been introduced as it had been in another place. It was a Bill the onus of which and the explanations given regarding it ought to be cast entirely upon a Minister of the Crown, and not upon a private member. Under those circumstances he hoped the hon. gentleman would not attempt to proceed further with it.

The Hon. F. T. GREGORY should have considered the remarks of the Hon. Mr. Box very applicable indeed, and deserving the fullest attention of hon. members had the title of the Bill been anything else than what it was—a measure relating simply to the sale of food and drugs. The larger question of the adulteration of all sorts of articles of commerce was a question of such magnitude, that it would be quite hopeless to introduce it within the limits of a Bill of the nature now before the House; and, therefore, he hoped that the Hon. Mr. Box would not attempt to insert in it any reference to tobacco or any other article of a similar class, because it would be importing quite a new scope for its operations. There were oils and no end of articles of an inferior quality that were not consumed as food or drugs, in connection with which frauds were of everyday occurrence; and if a measure could be introduced to prevent those frauds, or the imposition of spurious articles on the public, he should be prepared to give it hearty support. With regard to the objection of the Hon. Mr. Walsh, that this was a matter of such serious moment that it required the presence of a member of the Government to conduct it through the House, he could hardly go with him to that extent, inasmuch as it was a measure of a nature similar to what had been passed in other countries. At present it might be viewed as a

tentative measure, to prevent known evils existing at the present time—the adulteration of bread, milk, coffee, tea—setting aside the whole list of drugs, which took up another series of adulteration. The measure was confined more immediately to food, whether solid or fluid; and in passing it they should run no risk whatever of doing anything that would be prejudicial to the public interests, while they might, by passing it this session, prevent a good deal of what was very objectionable. He thought, if the objection of the Hon. Mr. Walsh were accepted, they would run the risk of the Bill not passing this session, for they must all be well aware that the session was drawing to its last few days, and they had some other measures of considerable importance which must be got through before the session terminated. Under these circumstances, he hoped they would continue the consideration of the measure and try and push it through.

The Hon. C. H. BUZACOTT said with respect to the objection of the Hon. Mr. Walsh he should admit the full force of it if the Bill had any party significance, or if there was any question of administration connected with it. But the Bill spoke for itself. It was a simple measure and he thought he might say that he understood it. Opportunities had been afforded him for becoming acquainted with this Bill, which were of rather a peculiar character. He hoped the Hon. Mr. Walsh would allow the House to spend an hour or two at it this evening, and he felt satisfied that he should be able to answer any reasonable question the hon. gentleman might feel disposed to ask.

The Hon. W. H. WALSH: Will the Government hold themselves responsible for your explanations?

The Hon. C. H. BUZACOTT said the only explanation he should give of the Bill was an explanation of it as a matter of English, and in cases of doubt, he should be able to refer hon. gentlemen to the English Act, upon which this Bill was based. It was a Bill that he was very much impressed with the importance of, because he had seen the necessity of it, having been the means of getting a number of samples analysed here and sent to Victoria to be analysed. He had, therefore, had an opportunity of giving such attention to the subject as would enable him to carry the Bill through committee to-night; and he would give this undertaking to the Committee—that, if, after passing it, it was desired to recommit the Bill, to ascertain from the representative of the Government any information which might be required, he would join with the other members of the Committee in demanding that it be recommitted. He could not promise that it would be recommitted, because he had no authority to do so; but he thought if members of the Committee would join with him in demanding that it should be recommitted, there would be no difficulty in the matter. He hoped the Committee would go on with the Bill, because next week they would have very heavy work, and it would facilitate business if they got through this Bill to-night.

The Hon. W. D. BOX said the hon. gentleman had not given him any help in his trouble about tobacco. He did not seem inclined to strike out the words "food or drink," so that the interpretation might be "any article used by man." He thought hon. members must know that tobacco had become now actually a food. There were very few men of his acquaintance—certainly not one in twenty—who did not smoke almost after every meal; and amongst the labouring classes the use of tobacco was actually spreading. He was sure hon. members would bear him out that tobacco was a food, and he did not see why it should not be included in the scope of

this Bill. The objection of the Hon. Mr. Walsh seemed to him a reasonable one, but of course the Hon. Mr. Buzacott knew his own business best. He hoped the hon. gentleman would try and help him over his trouble regarding tobacco; otherwise he must move an amendment.

The Hon. C. H. BUZACOTT was sorry to be unable to give the hon. member the assistance he asked in this particular. All he could say was that he would join him in inserting a provision respecting tobacco, if he found the Bill did not embrace it, or it was not dealt with in some other statute.

The Hon. W. D. BOX moved that the words "tobacco, or" be inserted after "food," so that the interpretation would read:—

"Food.—Tobacco, or any article used for food or drink by man other than drugs or water."

He said that if the hon. gentleman in charge of the Bill thought that after further consideration, and after consulting the hon. Postmaster-General, he would be likely to consider it advisable to introduce a special provision for tobacco, the best thing to do would be to postpone the clause.

The Hon. C. H. BUZACOTT said he really thought the amendment of the Hon. Mr. Box was unnecessary, as he was of opinion that "tobacco" was already included in the Bill under the definition of drugs. He could only reiterate the offer he had made to the hon. gentleman, that if after the Bill passed through Committee hon. gentlemen thought it necessary to make this alteration, he would join with them in having the Bill re-committed.

The Hon. W. PETTIGREW said this was the first time he had ever heard of tobacco being an article of food. He had heard it called a "weed." It might be put down as a "drug," but it certainly was not food.

The Hon. T. ROME said that, no doubt, opium would come under the definition "drug," as it was a narcotic chiefly used, however, by the Chinese. Tobacco was a narcotic also, and was used by Europeans as well as Chinese. He considered it came under the definition of "drug," though he had sometimes heard of it being chewed. It was an article, at all events, largely and generally consumed, and he thought with the Hon. Mr. Box, that if it did not come under this Bill, as at present, it should be brought under its provisions.

The Hon. F. T. GREGORY thought the better place to introduce this amendment would be at the end of the interpretation clause.

The Hon. C. H. BUZACOTT said there could be no doubt that tobacco was already included. He found it described as a medicine in the "Imperial Dictionary."

The Hon. W. D. BOX objected that it was no doubt a narcotic when used as a medicine, but they all knew that it was not generally used as a medicine.

The Hon. C. H. BUZACOTT said he would be perfectly prepared, if necessary, to insert the words "including tobacco" at the end of the clause as suggested by the Hon. Mr. Gregory; but, as there was no doubt whatever that it was a drug, it would be almost absurd to insert it specifically.

The Hon. F. T. GREGORY said that the number of articles which were occasionally used as medicines and drugs was very great. Anyone who took the trouble to look into the matter would be surprised at the number of things, such as charcoal, clay, &c., which were sometimes used as drugs and medicine. There was no doubt that tobacco was a drug, and that it might be much adulterated.

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The Hon. W. D. BOX having, by permission, withdrawn his amendment,

The clause was amended, on the motion of the Hon. F. T. GREGORY, by the addition of the words, "including tobacco," at the end of the clause.

Clause, as amended, put and passed.

On clause 2—"Prohibition of the mixture of injurious ingredients, and of selling the same"—

The Hon. W. PETTIGREW thought that this clause was somewhat defective, as, though it said that no person was to mix, colour, or stain any article of food with any ingredient or material so as to render the article injurious to health, there was nothing in it to prohibit the custom of adding to a valuable article a large quantity of a less valuable one in order to make a profit by the sale of the mixture. That he considered should be made an offence under this Bill, as well as the rendering of an article injurious to health.

The Hon. C. H. BUZACOTT said if the Hon. Mr. Pettigrew would look at clause 6 he would see that the objection he had raised was fully met by that clause.

Clause, as read, put and passed.

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

On clause 4—"Exemption in case of proof of absence of knowledge"—

The Hon. W. D. BOX said that if this clause was passed, in his opinion the Bill would be practically inoperative. This clause put him in mind of cases which had occurred lately in the police court here, where it was necessary to prove that a certain thing had been done intentionally to gain a conviction, and it was impossible to prove the intention. If a case was brought under this clause of the Bill, all the person charged would have to do would be simply to go into court and plead ignorance as to his goods being adulterated.

The Hon. C. H. BUZACOTT said he might point out to the Committee that this clause had been adopted in England after a great deal of experience and consideration. It was perfectly impossible to pass an Act making it a criminal offence, subject to imprisonment for six months, for selling a spurious article inadvertently. If the Hon. Mr. Box would read to the end of the clause, he would see that the person charged was required to show to the

"satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge."

It was, of course, necessary in cases of this kind that intention to defraud should be shown, but it was impossible to suppose that they should pass a law so oppressive as to make inadvertence a criminal offence.

The Hon. F. T. GREGORY thought it his duty to point out to the Committee that as far as drugs were concerned, which was one of the most important matters touched by the Bill, offences against this portion of the Bill were to a certain extent already provided for in the laws relating to the sale of drugs by chemists.

Clause, as read, put and passed.

On clause 5—"Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality"—

The Hon. W. D. BOX said there was something here he wished to call attention to. He would give coffee as an instance of what he

wished to refer to. They could go into a shop and buy coffee berries roasted at 1s. 9d. a pound, and they could actually go into the same shop and buy the coffee ground and tinned at 13d. a pound, actually from 6d. to 7d. a pound cheaper than they gave for the coffee berries. This arose from the fact that chicory was added in large quantities to the ground coffee. He wished to know whether this clause would have the effect of preventing this practice.

The Hon. C. H. BUZACOTT said that if this clause was read in connection with clause 7, it would be seen that the hon. gentleman's objection was amply provided for. There was nothing in this Bill to prevent a man adulterating his coffee in the way described by the Hon. Mr. Box, if—as was provided in clause 7—“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.”

Clause, as read, put and passed.

Clauses 6 to 15, inclusive, put and passed.

On clause 16—“Power to purchaser of an article of food to have it analysed by public analyst”—

The Hon. W. D. BOX said that in clause 18 it was provided that an inspector of nuisances, or other officer appointed by the local authorities for the execution of this Act, might submit an article to the analyst for analysis, and that he should analyse it with “all convenient speed”; but the same provision was not made with regard to members of the general public who might require to have articles analysed. Did not the hon. gentleman in charge of the Bill think that ordinary citizens should have authority to get an article of food analysed with “all convenient speed” as well as an officer of the municipality?

The Hon. C. H. BUZACOTT said the object in framing the clause in this way was so as not to encourage informers. It was supposed that wherever there was a local analyst there would be an inspector of nuisances, or some other officer appointed by the local authorities; and if any private individual had reason to believe that an adulterated article was being sold by tradespeople, he, rather than undertake the prosecution himself, would give information to the officer appointed for that purpose. The clause enabled a man himself to prosecute, if he thought fit, or he might put the proper officer in motion.

The Hon. W. D. BOX said he differed from the hon. gentleman. He (Mr. Box) did not know how many inspectors of nuisances there were in the colony, but he believed there was only one—and that in the city of Brisbane.

The Hon. C. H. BUZACOTT said, in order to meet the objection, he moved the insertion of the words, “with all convenient speed,” in line 47.

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

On clause 17—“Where no public analyst is appointed, analyses may be made by Government analysts”—

The Hon. W. D. BOX asked how much further it was intended to proceed with the Bill to-night? He had taken a very great interest in the measure, and had gone to some trouble in preparing amendments, and his reason was this: It would be in the recollection of hon. members that some time ago there was a seizure of a considerable quantity of spirits on the premises of a man named Spriggs, whose name had since become a by-word throughout the colony in regard to the adulteration of spirits. He would

like to state what the Government did in that case. They seized this man's stock, analysed it, and came to the conclusion that it was false brandy, false rum, and a great many other things which purported to be what they were not, and yet they sent all that stuff to Martin's auction-room, to be sold to the citizens of Brisbane by public auction, instead of taking it and pouring it into the gutter. His object was, if possible, to insert a provision in this Bill to prevent a repetition of that mistake, but he was sorry to say that he was not able to do so now, having left his papers at home.

The Hon. C. H. BUZACOTT said if they postponed the consideration of the Bill and occupied another evening upon it, the result would probably be that the Legislative Assembly would be delayed, or the measure would have to be hurried through at the end of the session without proper examination. He thought all hon. members who were interested in the Bill were present; and, as he had already stated, he was prepared to move that the Bill be recommitted if any member of the Committee was dissatisfied with it. The Bill was the result of experience in England, and provided, he believed, for every possible contingency.

The Hon. W. D. BOX said he did not think the four members present were all who took an interest in the Bill.

Clause put and passed.

Clauses 18 to 24 were agreed to without discussion.

The Hon. C. H. BUZACOTT said that as the House had become very thin, and as the majority of hon. members present decidedly objected to going on with the Bill, he thought it would be very indiscreet on his part to attempt to push it further to-night, although his idea was that it should go through. It was a most necessary measure, and every postponement would increase the risk of its not going through this session. He moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed; and the House having resumed, the Committee obtained leave to sit again on Tuesday next.

The House adjourned at 6 o'clock until the usual hour on Tuesday next.