

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 24 SEPTEMBER 1884

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LEGISLATIVE COUNCIL.

Wednesday, 24 September, 1884.

Insanity Bill.—Grants and Leases to Deceased Persons Bill.—Native Birds Protection Act Amendment Bill.—committee.—Succession Act Declaratory Bill.—committee.—Pettigrew Estate Enabling Bill.—Local Authorities By-Laws Bill.—second reading.—Pharmacy Bill.—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

INSANITY BILL.

The PRESIDENT read a message from the Governor, conveying His Excellency's assent, on behalf of Her Majesty, to this Bill.

GRANTS AND LEASES TO DECEASED PERSONS BILL.

The PRESIDENT read a message from the Governor, conveying His Excellency's assent, on behalf of Her Majesty, to this Bill.

NATIVE BIRDS PROTECTION ACT AMENDMENT BILL—COMMITTEE.

On the motion of the HON. W. D. BOX, the President left the chair, and the House went into Committee to consider the Legislative Assembly's message.

The HON. W. D. BOX said the Legislative Assembly had agreed to the amendments made by the Council, with the exception of that in clause 1, which provided that the owner or occupier of land on which a reserve was proclaimed might withdraw such land on giving six months' notice. As stated by the mover of the amendment, the Hon. W. Forrest, its object was to protect the heirs of persons on whose property reserves had been proclaimed. But the heirs of all persons were perfectly safe under the Government, without the insertion of the amendment. They could vary or annul any proclamation with regard to lands reserved for the protection of native birds, and it would not be wise to place the power of withdrawal at six months' notice in the hands of the owners. People who owned property would not sacrifice their right and title to lands without careful consideration, and the Government would not accept them without equally careful consideration. If the amendment were retained—after a reserve had been in existence twenty, thirty, or fifty years, and had become extremely valuable, the heirs of the person who had the reserve proclaimed might suddenly—without rhyme or reason, except their own sweet will—destroy the work of fifty years. It seemed to him that the clause, as passed by the other House, sufficiently protected the public, and he begged to move that the Committee do not insist on their amendment.

The HON. A. C. GREGORY said he thought it would be desirable to omit the amendment. A person might get a lagoon reserved, and after waiting till it was well stocked with birds, might give notice of withdrawal to the Colonial Secretary, merely for his own benefit. The clause, as passed by the other Chamber, provided for the abrogation of reserves when the public interest was no longer affected thereby; and he should therefore support the motion.

The HON. W. H. WALSH said he was not at all convinced by the arguments of hon. gentlemen who approved of the action of the Legislative Assembly. His opinion was that the consequence of leaving out the amendment would be that owners of private lands would refuse from the beginning to have reserves made on their properties; hence, by eliminating it, they would defeat the object of the Bill, so far as preservation was concerned. He could not conceive anything wrong in giving authority to

individuals, who permitted the Government to proclaim reserves, to request the Government to withdraw the proclamation. The hon. gentlemen who had spoken appeared to soon change their opinion. The reason given by the Legislative Assembly, disagreeing to the amendment, was not at all complimentary:—

"Because the clause as worded before amendment gives full power to the Governor in Council to amend, vary, or annul any proclamation creating a reserve under this Bill, and the amendment therefore becomes unnecessary."

That was simply a statement, and ought not to govern hon. members. They thought it was necessary; they exercised their wisdom and acted accordingly. He did not intend to divide on the question, but should regret very much if the Committee sanctioned the action of the Legislative Assembly.

The POSTMASTER-GENERAL (Hon. C. S. Mein) said that when the amendment was under discussion before it was pointed out that it would give owners of property the power capriciously to withdraw their reserves from the provisions of the Bill. That had been pointed out again now, and he did not see why they should offer inducements to people to get a reserve proclaimed, and after the place became thoroughly stocked give notice of withdrawal, and have a magnificent reserve of game for their own benefit. It was never intended that anything like such a result should be the effect of the amendment of the law with regard to the protection of native birds. They all agreed that game should not be indiscriminately destroyed. Circumstances might arise, owing to the habitat of the birds, in which it would be impossible to get a reserve on Government ground; and the Government, in proclaiming reserves on private property, would make special arrangements with the individual as to the duration of the reserve on his property. All the interference with the owner's rights would be that he would be debarred, as well as others, from shooting game on his ground—his rights of ownership would not be interfered with in the slightest degree. There was nothing discourteous in the message of the Legislative Assembly; it merely pointed out, what a large number of hon. members stated when the amendment was made—that as the Government had the power to alter, vary, or annul any proclamation, they had the power to remedy any inconvenience or oppression that might result from continuing a reserve on private property. He did not see why they should put an unnecessary amendment in a document emanating from another Chamber. Hon. members would stand very much on their dignity if the other Chamber put unnecessary amendments in a Bill of theirs, and he hoped the Committee would not insist on the amendment.

Question put and passed.

The House resumed, and the CHAIRMAN reported that the Committee did not insist on their amendment in clause 1. The report was adopted, and ordered to be transmitted to the Legislative Assembly by message in the usual form.

SUCCESSION ACT DECLARATORY BILL—COMMITTEE.

On motion of the Hon. P. MACPHERSON, the President left the chair, and the House went into Committee to consider the Legislative Assembly's amendment.

The Hon. P. MACPHERSON said that an amendment had been made in another place, in clause 1, by inserting the words "of itself." As he considered the amendment perfectly harmless, he begged to move that it be agreed to.

The Hon. A. J. THYNNE said his hon. friend might offer some explanation as to the effect of those two words.

The Hon. P. MACPHERSON said he really could not say.

Question put and passed.

The House resumed, and the CHAIRMAN reported that the Committee agreed to the Legislative Assembly's amendment. The report was adopted, and ordered to be transmitted to the Legislative Assembly by message in the usual form.

PETTIGREW ESTATE ENABLING BILL.

On the motion of the Hon. W. H. WALSH, this Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

LOCAL AUTHORITIES BY-LAWS BILL—SECOND READING.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said: Municipalities incorporated under the provisions of the Local Government Act of 1878 are authorised to make by-laws for the following, among other purposes—namely, for—

"Regulating and licensing porters, public carriers, carters, water-drawers, and vehicles plying for hire;

"Regulating markets, market dues, fairs and sales;

"Collecting and managing tolls, rates, and dues upon roads, bridges, wharves, jetties, and markets, under the control of the council."

Municipal bodies incorporated under the Divisional Boards Act have also the power conferred upon them to pass similar by-laws, and lawyers as well as laymen have for many years past been working under the impression that these powers gave the different municipal bodies the right to levy fees for licenses and tolls; and by-laws have from time to time been passed by the different boards prescribing fees for licenses granted by them, as well as fixing rates and tolls for the use of roads, bridges, and markets. Recently, however, a case came before the Supreme Court, and it appears from the report in the public Press—the official report has not yet been published—that the decision of the court was to the effect that any by-law exacting a fee was *ultra vires*, inasmuch as it imposed a tax, and no specific authority was conferred upon the local authorities authorising them to exact fees. It is difficult to understand that the Legislature did not contemplate the authority to levy fees, because it would be impossible for them to carry out the provisions of the law authorising them to collect fees, unless they had authority to impose a fee. In view, however, of the decision of the Supreme Court, and of doubts raised elsewhere as to the powers of local authorities in this respect, the Government have introduced this Bill. It is to the effect that local bodies shall have power "to collect, receive, and retain reasonable fees or charges in respect of any license granted" by them in pursuance of any by-law passed in accordance with the provisions of the Local Government Acts. That is practically the effect of the Bill. It is introduced for the purpose of enabling municipal councils and other local bodies to exercise the powers which municipalities have been exercising without dispute for many years past—in fact, ever since the establishment of municipal institutions in the colony. I move that the Bill be now read a second time.

The Hon. A. C. GREGORY said: I think a Bill of this nature is necessary in order to render our Local Government Act effectual as regards the granting of licenses and the collection of fees from the owners of public vehicles. There is, however, one part of the measure with which I

certainly cannot agree. Of course, when we go into Committee, that will be the proper time to propose an amendment, but I mention the matter now because I think it is desirable that when there is a strong objection to an important part of a Bill it should be referred to on the second reading. The objectionable provision to which I wish to call attention is contained in the following words in the latter part of clause 2:—

"Such rates or dues may be imposed in the form of taxes or charges upon vehicles passing over the roads of the local authority."

Now, what will be the result of such a provision? It really gives the different local authorities power to impose a toll. Supposing I was starting from my place to go to the Exhibition. I would first of all require a license in Toowong. As soon as I got outside my gate into the road I would require a license from the Ithaca Board. Then when I got a little further on I would find myself within the municipality of Brisbane, and another license would be necessary. And just before I got to the Exhibition building I should have to pay another tax to the Booroodabin Divisional Board to get across the road to Bowen Park. If I went a little further still I should have to pay for another license—and so on; in fact, I should be very much in the position some people on the Continent were when they all came to levy tolls. A fire broke out at one time in a place near a certain boundary, and a number of persons drove up to the gate across the entrance to it with a fire-engine, but as they had not 3d. to pay the toll they were obliged to stop outside and watch the fire blazing away until it destroyed the building. I simply give this as an illustration. It would be a very great inconvenience if there was to be a charge such as is sanctioned by the Bill. It would be far better that any such revenue should be collected in some other form. There is no doubt that considerable inconvenience has arisen in some districts in consequence of the timber traffic. Very heavy loads have been drawn through the divisions, and the roads have been so cut up that the boards have suffered serious loss. But in such cases I think that some other method of getting out of the difficulty should be adopted than that proposed by the Bill. In one instance a by-law imposing a wheel-tax was passed, and the board tried to put it in force, but failed to do so. In order to make it work at all they were obliged to adopt a rule—it could not properly be called a law—to the effect that all vehicles passing over their roads should pay a tax, but residents within the division were to be exempt. The tax was not to be collected from them. Whether the divisional board was not legal responsible for the tax which they chose not to collect, and whether they could not be proceeded against for misappropriation, is perhaps a question. At any rate, I think it is exceedingly undesirable that such a power as the measure proposes to confer in this matter should be allowed to municipal bodies. As regards the other part of the Bill, I certainly was of opinion that the Local Government Act, and so much of it as was transferred to the Divisional Boards Act, was sufficient to enable the local authorities to impose a license fee upon public vehicles. But we have now an authority to the effect that it is not sufficient, and it is much more convenient to deal with the matter in a short Bill like this than to enter into a long controversy as to the meaning of words in which the individuals concerned would be sure to get the worst of it. It is therefore desirable that we should endeavour by legislation to set at rest any doubt that has arisen as to the state of the law on the matter

dealt with in the measure before the House. I shall support the motion for the second reading; but at the same time, when we get into Committee, I shall be prepared to strongly oppose that part of the Bill to which I have taken exception.

The Hon. W. D. BOX said: I suppose this Bill is necessary, otherwise it would not have been introduced by the hon. Postmaster-General. I thought, with other hon. members, that the Local Government Act and the Divisional Boards Act gave the necessary authority to local bodies to levy license fees. While I approve of the general principle of the measure before us, I do trust that the hon. gentleman in charge of it will have it so altered that we may not have recourse to the old system of tolls on public roads. My experience is that tolls are being abolished everywhere, though I am sorry to say that they do exist in some places. Still I know that in nearly all large cities they have disappeared entirely. The last toll I passed through was on the road from Melbourne. I have not seen any tolls on Queensland roads, and I hope there never will be any. In some of the inland counties of England I believe tolls still exist, but I do hope that the hon. the Postmaster-General will have the Bill altered so as not to allow the introduction of that old obsolete system into Queensland.

The Hon. W. PETTIGREW said: With reference to the clause with which the Hon. Mr. Gregory has found fault, I take an entirely different view. As an instance of his objections he tells us that he lives in Toowong, and that coming into town he would pass through several municipalities or divisions and might be liable to a tax on his vehicle in each division. He thinks it very hard that he should have to pay any rates for using the roads. I, on the other hand, think very differently indeed. I think that when a man uses a road he ought to pay for it. That is an old idea of mine which I have held for many years. I think it is a great hardship that the people of the city of Brisbane should keep their streets in repair for the use of those who pay no rates whatever, and yet receive the full benefit of the good roads, and, in fact, an equal benefit to those who are living in the city and who do pay rates. For these reasons I think the clause to which the hon. gentleman makes objection should be retained in the Bill. It is certainly very necessary indeed that those people who use the roads and streets of a municipality or division should pay something towards keeping them in proper repair.

Question put and passed, and the committal of the Bill made an Order of the Day for next day's sitting.

PHARMACY BILL—COMMITTEE.

On the motion of the Hon. A. J. THYNNE, the President left the chair, and the House went into Committee of the Whole for the consideration of this Bill.

Preamble postponed.

Clauses 1 to 3, inclusive, passed as printed.

On clause 4, as follows:—

"There shall be a board, consisting of seven members, called 'The Pharmacy Board of Queensland,' which shall be constituted as hereinafter provided, and shall have the powers and authorities hereinafter defined."

The Hon. W. D. BOX said he supposed the hon. gentleman knew what he wished when he proposed seven as the number of members who should constitute the board. He supposed there was some good reason for having such a large number?

The Hon. A. J. THYNNE said it was always well to have a sufficient number to enable a

quorum to be obtained. If the number was reduced to five, it would be a difficult thing to get a quorum of three, which was the smallest that ought to be provided for.

The POSTMASTER-GENERAL said he quite agreed with the Hon. Mr. Box that the number was too large, because it would be found that seven qualified men could not be got to sit on the board. He might here refer to the objections which he had raised yesterday as to one of the leading principles of the Bill. The Bill proposed to license all persons registered as chemists as pharmaceutical chemists also. Now, it was well known that pharmaceutical chemists were gentlemen of high standing and qualifications, who had undergone very stringent examinations; but it was proposed to place all ordinary chemists in the same dignified position as the gentlemen he alluded to, and thereby fitting them to sit as members of the board. He doubted very much whether there were seven men in Brisbane, practising as chemists, who had undergone examination as pharmaceutical chemists. He ventured to say there were not more than three of such men. With reference to the number of members who should compose the board, his experience was very different to that of the Hon. Mr. Thynne. If there were a large number of members upon any governing body, there was the greatest difficulty in getting together a quorum. Each member relied upon his brother being there, and thus absented himself from the performance of his duties. In view of the fact that there were few men available, and the tendency of men to shirk their duties when members of boards, it would, he thought, be advisable to reduce the number from seven to five.

The Hon. A. J. THYNNE said the hon. gentleman had told them it was impossible, in Brisbane, to get seven qualified men under the Bill.

The POSTMASTER-GENERAL said he had not referred to the number that could be got under the Bill. He said seven qualified men could not be found in Brisbane.

The Hon. A. J. THYNNE said he was content to take the hon. gentleman's correction, and say that he said seven qualified men could not be found. Did the hon. gentleman remember the provision in clause 5 with reference to medical practitioners? The fact of seven men being on the board would, he maintained, give greater security and safety to the public than if the business was only conducted by five. As he had already pointed out, it was better to have a sufficient number on the board, and in that way ensure a quorum. Considering the great power given to the board, he did not think it would be advisable to reduce the number to five.

The Hon. W. D. BOX said the Postmaster-General had informed them that a pharmaceutical chemist was a man who had passed a certain examination, and he also said that the Bill would enable men to become chemists and druggists, and register as pharmaceutical chemists. The interpretation clause said:—

“‘Registered chemist and druggist’ means a person registered as under the Medical Act of 1867; ‘pharmaceutical chemist’ means a person registered as such under this Act.”

That was to say that a man who had passed a careful examination and been admitted as a pharmaceutical chemist was in no higher position than an ordinary chemist. He was straying from clause 4, but he could not help saying that it seemed to be a very serious thing that the effect of the Bill would be to do away with examinations as regarded the higher qualification of chemists. Referring to the clause under discussion he was

sure the number was too large. His experience of boards was that if there were a reasonable number of members men became used to the work and attended to it, but if there were a large number the attendance would gradually drop off. He hoped the Committee would consent to change the number. His idea was that the board should consist of three members, but he presumed that would not be agreed to. However, he thought five was much preferable to seven.

The Hon. A. J. THYNNE said he could not see anything in the objection of the hon. gentleman, and he might call the attention of members of the Committee to the fact that the Bill had passed through the Assembly on two occasions. It had also been before that House for a long time, and been discussed over and over again. If hon. members wished it, he could refer to the debate in the Assembly, in which the question had been thoroughly thrashed out. He considered the number seven was preferable to five, and that conclusion had been come to on a former occasion. As to the idea that seven registered chemists could not be obtained in Brisbane, he would refer the Postmaster-General to the statement which Dr. Bancroft made before the last committee. That gentleman began with the most sweeping assertion that the chemists of Brisbane were an illiterate body. As chairman of the committee, he (Hon. Mr. Thynne) named the chemists from one end of Queen street to the other, and asked Dr. Bancroft the question—“Bearing those names in mind, will you say that not one of those men are competent of sitting on a board?” and he had to withdraw from the position he had assumed. Dr. Bancroft's last answer given to the committee was that all that the medical profession wanted were the same privileges which they had had heretofore, and he might say that the chemists only wanted to be put on a proper footing. The chemists in England, when the pharmaceutical society was formed, had to contend with exactly the same thing that the chemists in Queensland had to do now. Why they should make a difference in Queensland he could not see. They had it from the Hon. Dr. O'Doherty that from his knowledge of the chemists of Brisbane he could say they were as capable in their business as the members of the medical profession were in theirs. Neither the Postmaster-General nor the Hon. Mr. Box had shown any good reason why the number should be altered.

The Hon. A. C. GREGORY said the number of members composing the board was not of so much consequence as to call for any alteration of the clause, though he considered five to be about the best working number. What he now wished to refer to came in the next clause in connection with which provision should be made against the dissensions that might arise in a mixed board. Questions might be decided in different ways according as pharmaceutical chemists or medical practitioners were in the majority.

Clause put and passed.

On clause 5, as follows:—

“Every member of the board must, until a register has been made, and that fact has been certified to the Governor, under the provisions of this Act, be a registered chemist and druggist, or legally qualified medical practitioner, and so soon as such register has been made, and the fact so certified, must be a pharmaceutical chemist, or legally qualified medical practitioner.”

The POSTMASTER-GENERAL said he had an amendment to propose, which, if carried, would be followed by other amendments. The object he wished to attain was that the board

should consist of competent men, both in its initiation and thereafter. He moved the insertion after the word "druggist" of the following :—

Who holds a certificate of competency as a pharmaceutical chemist from the Pharmacy Board of Great Britain, or any college or board of pharmacy recognised by the board under the regulations.

The effect of the amendment would be that no person now registered under the Medical Act of 1867, who could not produce a certificate of competency from any properly constituted pharmaceutical society, would be eligible as a member of the board. In order to ascertain how a person could become a pharmaceutical chemist, it was necessary to go further on to clause 20, which would enable any person registered under the Act of 1867 to become a registered chemist. He proposed to amend that portion of the clause which enabled chemists and druggists under the Medical Act, without having undergone, either in the colony or elsewhere, an examination, to step into the position of pharmaceutical chemists, by striking out those words and providing in another subsection that any person who had practised pharmacy for three years would be eligible after undergoing the necessary examination. That would be doing no injustice to those persons who were at present licensed chemists and druggists. If they were competent they would have no difficulty in passing their examination; and if they were not competent they should not be licensed. That was only a reasonable proposition for the protection of the chemists and druggists themselves, as well as for the public, which was of even greater importance. If the amendment were not accepted he should take it that the Committee approved of the proposition in the Bill, that any person now in the position of a licensed chemist and druggist might at once become a pharmaceutical chemist, and be elected as a member of the board which was to examine future candidates. It was intended that no person should be licensed to practise as a pharmaceutical chemist, in future at all events, unless he had been apprenticed to someone engaged in the profession, and had passed an examination showing his competency to compound drugs. If it was necessary that all persons in future should possess those qualifications it would be unwise and certainly illogical to say that any man who was now licensed should at once, without further proof of his knowledge, be licensed to perform those duties. He begged to move the amendment he had read.

The HON. A. J. THYNNE said the Postmaster-General in proposing the amendment sought to exclude incompetent men from the board; but the effect would be the very opposite, and as an example he would mention the names of three gentlemen who would be excluded from the board if the amendment passed. The first was Professor Pepper, who was, he supposed, one of the most competent men to conduct examinations in the colony, and who by his credentials appeared never to have passed an examination before any pharmacy board in his life. He thought also that Mr. Staiger had never complied with the requirements which the amendment would insist upon; and he believed that he was also correct in saying that Mr. Marr, the Government Analytical Chemist, would be excluded. That was not the first time the amendment had been proposed. It was introduced in 1882, when the present Premier, who had charge of the Bill, gave his reasons in a very clear way why it should not be adopted, showing that Mr. Staiger and Mr. Marr would be excluded. He thought that was sufficient objection to the amendment. He might quote the following,

from the remarks of the present Premier, in 1882 :—

"Why should a man who had passed a good examination in America, Germany, or other foreign country be excluded from the board? It was a mistake altogether. Surely the chemists themselves could be trusted to say who were the most competent men amongst them! He did not attach so much importance to the holding of a certificate. A man might be a very good chemist though he had never passed an examination; he might never have had the opportunity to do so."

The amendment was not desirable, as it would have the effect of excluding good men from the board, and would be drawing distinctions in favour of men who, perhaps, happened to possess a certificate, but might be the most incompetent men in the colony.

The POSTMASTER-GENERAL said the hon. gentleman did not know what was the scope of his own Bill. Clause 5 provided that, until a register was made, every member of the board must be a registered chemist and druggist, or legally qualified medical practitioner. A pharmaceutical chemist was defined to be "a person registered as such under this Act," and he was to be eligible for appointment as a member of the board. He did not know that Professor Pepper was registered as a chemist and druggist, but he would come in under the amendment, because he possessed a diploma from a society which would be recognised by the board. His hon. friend's objection was this: The mere accident of Professor Pepper, Mr. Staiger, and Mr. Marr residing in Brisbane, and being registered as chemists and druggists, would confer on them the privilege of being members of the board. According to the clause, any person not now a chemist and druggist could not become a pharmaceutical chemist hereafter, unless he underwent training of a certain character, and passed certain examinations; so that if Professor Pepper had not been a chemist and druggist in the colony, inasmuch as he had not passed an examination elsewhere, he would be compelled to pass an examination in the colony if the Bill passed in its present state. The hon. gentleman was simply wanting those gentlemen to have the advantage of the accident of having arrived in the colony before the Bill became law. He quoted from the present Premier's speech an extract which showed that he had not carefully read the amendment, which provided that the board might receive certificates from colleges and boards of pharmacy outside the colony. As long as a man produced a certificate of competency from a pharmaceutical society of Great Britain, or any college or board of pharmacy whose degrees were recognised as sufficient by the board, he would be eligible as a member of the board. If Professor Pepper possessed that qualification, though he was not registered as a chemist and druggist, he would be eligible; but, if not, he would not be competent under section 5.

The HON. A. J. THYNNE said the Postmaster-General seemed inclined to go further than was necessary for the purpose of his argument, and why he should be so complimentary as to tell him he did not understand the scope of his own Bill he could not understand. It was not the first time the hon. gentleman had shown the same courteous spirit towards him in that Chamber. At the same time he must tell the hon. gentleman that his amendment, which he had taken the opportunity of studying, really was of no practical benefit or advantage in any way, because it would not tend to ensure in the slightest degree a better class of men on the board than was secured already. It was impossible in this colony at times to distinguish between the different colleges and boards of pharmacy in other parts of the world, and it

was well known that occasionally a man got a diploma in other parts of the world in a manner that was not satisfactory. Examinations were sometimes conducted in a very lax manner. The Bill amply provided for such cases, and he still adhered to what he had already said, his arguments having been in no way shaken by the remarks of the Postmaster-General. As he (Hon. Mr. Thynne) had pointed out, Professor Pepper did not hold a certificate of competency.

The POSTMASTER-GENERAL: Professor Pepper said he was a professor of chemistry and honorary director of the Polytechnic, London.

The Hon. A. J. THYNNE: Just so.

The POSTMASTER-GENERAL: That is a college.

The Hon. A. J. THYNNE said: Professor Pepper held no certificate from any pharmaceutical institution so far as he was aware of. He (Hon. Mr. Thynne) did not think there was any need for him to further discuss the question.

The Hon. W. D. BOX said if the matter went to a division he would support the amendment, because he believed it was a wise proposal. If a man had not a certificate he had no business to sit on the board. He believed in certificates obtained after examination. Of course the certificate of qualification must be properly proved.

The Hon. A. J. THYNNE said he would take that opportunity of again referring to what he stated the previous day in speaking on that same clause. He then said he was informed that there was no official record kept as to the particulars of the qualifications of chemists who had been passed by the Medical Board. The names of chemists were simply placed on the register, and that was the only official record of their qualification. There were no means of ascertaining what chemists were qualified to form a board under the proposed amendment.

The POSTMASTER-GENERAL said he noticed, on referring to the evidence taken before the committee, that Professor Pepper said, "I am not a chemist and druggist." Therefore that gentleman could not be appointed on the board under that Bill, except it was under clause 20, which enabled the board to recognise degrees, certificates, and diplomas from institutions of the character indicated in his (Hon. Mr. Mein's) amendment. Clause 20 provided that the board should recognise as entitled to be registered as pharmaceutical chemists—

"Any person who has attained the age of twenty-one years, and—

1. Is a registered chemist and druggist; or
2. Holds a certificate or diploma of competency as a pharmaceutical chemist, or as a chemist and druggist from the Pharmaceutical Society of Great Britain, or any college or board of pharmacy recognised by the board under the regulations."

It was in the spirit of that clause that the amendment was framed. The amendment was framed in a way to make it harmonise and be symmetrical with the language of the hon. gentleman's Bill. The hon. gentleman admitted that the persons mentioned in the clause quoted ought to be recognised as pharmaceutical chemists; and he (Hon. Mr. Mein) agreed with him, and said further that those persons should be eligible to become members of the pharmacy board. As the Bill now stood, Professor Pepper was not eligible unless he first became registered as a chemist under clause 20.

The Hon. A. C. GREGORY said it had been a sort of necessary consequence that when the society of pharmaceutical chemists was established in Queensland a number of persons should be registered who were no doubt qualified to dispense medicines, but who

might fall very short of being fit persons to be made examiners. In the first instance, those who had the power of appointing or registering pharmaceutical chemists would probably not be particularly strict, so long as the candidates performed their duties and could dispense medicines. If, however, they were to secure highly qualified chemists they must have competent boards and competent examiners; and he thought the amendment moved by the Postmaster-General was a desirable one. A good deal had been said as to how the amendment would affect certain gentlemen. It was not wise, he thought, to mention names in a discussion of that kind, but as two or three gentlemen had been spoken of several times he might say a word or two in reference to them. In the case of Mr. Marr, he had very little doubt—in fact he was almost certain—that that gentleman had passed a proper examination. Mr. Staiger had, he was sure, and could at any time step into a shop and take out a license, if he thought fit to become a pharmaceutical chemist. That gentleman was unquestionably one of the most scientific chemists in the colony, if not the most scientific. With regard to Professor Pepper, he (Hon. Mr. Gregory) believed that that gentleman was an excellent chemist. He (Hon. Mr. Gregory) had sufficient knowledge of chemistry himself perhaps to be able to puzzle a pharmaceutical chemist, but he could not undertake to examine a pharmaceutical chemist, because that was not the line of study to which he had devoted his attention. Persons who examined pharmaceutical chemists should be themselves thoroughly conversant with the duties of that branch of the profession. It was not sufficient to be a chemist. A man might be a good chemist, and at the same time an unfit person to examine pharmaceutical chemists. He thought the amendment was a salutary one, and was inclined to give it his support. With regard to the possibility, which at an earlier period he said there might be, of the whole pharmacy board being medical practitioners, he now saw that there was no reason to fear such a result. No difficulty was likely to occur in that way, because the chemists had the power of electing the board, and they were not likely to elect a majority of medical practitioners; so that there was no necessity for making specific provision on that point. If the chemists did elect a majority of medical practitioners, then, "as they made their bed they must lie on it." Although he would support the amendment under discussion, he could not say that he agreed with the subsequent amendment which had been foreshadowed by the Postmaster-General.

The Hon. A. J. THYNNE said that the Bill gave the board power to appoint examiners. It was a common thing in an examination for the degree of LL.D., for the examiner to be a person who had never taken a degree in his life, and was not even a barrister or legal practitioner. In this colony there was a board of examiners for barristers, but, as a rule, the examinations in classics and mathematics were conducted, not by the board, but by competent persons appointed by them; and he took it that a similar course would be followed by the pharmacy board.

The POSTMASTER-GENERAL said it was quite true, as had just been pointed out by the Hon. Mr. Thynne, that the Board of Examiners for Barristers appointed persons to examine candidates in specific subjects, although such persons might not be members of the board. But they must bear in mind that in all instances the board who appointed the examiners were competent to pass the examination, or had passed an examination previously. And this was what he wanted to get at in his amendment.

He wished to be satisfied that the board who framed the regulations as to examinations would themselves possess the necessary qualifications. The members of the board ought to be capable of setting the examination papers on the different subjects, because, although it was not absolutely necessary that they should set them, they were the licensing authority and would have to be satisfied that candidates were properly qualified.

The Hon. W. H. WALSH said he thought that men who occupied the position of members of the board should be thoroughly competent. It behoved hon. gentlemen to be very careful in conferring a power which would be a dangerous power in the hands of persons who were not well capable of sustaining their position. He knew who were the real promoters of the Bill, and he thought if they were fit to follow their vocation they should also prove that they were fit to become the masters of their profession. While he was speaking on the subject, he might mention that he thought the evidence of the committee would have been more valuable had its researches been extended a little further in the direction of examining some of the leading medical practitioners of the colony. It appeared to him that the evidence failed in that respect, for they had simply the evidence of those one or two practitioners who were known to be in favour of the Bill. He would refer hon. members to the evidence that was taken by the previous committee appointed by the House to consider the same subject, and that was evidence that had not been made use of apparently in the report. Hon. members had only to look at that evidence to see how strong—how very strong—were the opinions expressed by the principal medical men of Brisbane against giving such a power, as was asked for in the Bill, to the present pharmaceutical chemists of the colony. He did not suppose that evidence was in the hands of hon. members; but, as far as he could, he would refer to it. Dr. J. Bancroft was called in and examined, and after some preliminary questions, he was asked—

“Do you think the chemists of the colony are fit men to examine under the provisions of this Bill? Well, they are. I consider, ill-informed, and ill able to carry it out. They have very little scientific knowledge of either drugs or chemicals. The majority of them are merely traders.”

That was one remark of Dr. Bancroft's, and he would refer now to Dr. Augustus Concannon. In a lengthy reply, in the shape of information, he gave this to the committee:—

“A Bill should be prepared by the medical men and selected chemists whom they think competent to help in examinations in future; and that could be introduced in Parliament. I have particular objections to the Bill before the committee. First of all, there is no provision by which registered chemists shall be obliged to make up medicines themselves.”

He did not know whether the hon. gentleman had provided against that in the Bill. Then he went on—

“Any chemist can leave the making-up of medicines to a boy or any assistant who has been six months in his shop. I think there should be a clause that only pharmaceutical chemists should dispense doctors' prescriptions with their own hands, or by duly qualified assistants. Personally, I have a great objection to keeping my own medicines; but the inaccuracy of some chemists who are qualified under the existing law is a source of great anxiety to medical men. Under this Bill those persons would be registered chemists; it affords no greater security to the public than is given by the existing law; they are in no way prevented from carrying on their business in the manner now objected to. It is a frequent occurrence, at this day, when a medical man prescribes for a patient and finds that the medicine has had a favourable effect, to order that the prescription be repeated, and afterwards to hear the patient say, ‘The first medicine was colourless, and the other a dark-brown colour,’ showing that there must have been a mistake in either of the mixtures made up. There are chemists in the town who are

well known, and who will substitute a cheap and valueless medicine when expensive drugs are ordered. This Bill, if passed immediately, would not interfere with men who hold vested interests. And I do not consider such men are capable of supervising the whole of the other chemists of this colony, or such as will be recently passed. I wish to state, also, that there is no clause to prevent, by fine or otherwise, chemists prescribing, for which they are totally unfit, either by preliminary or any other training.”

He came now to question 311. Dr. Concannon was asked:—

“Have you looked at clause 5?—Supposing it was amended to the effect that a certain proportion of medical men should be on the board—? I question whether any medical man in the town would sit with the present chemists. You would have to give a decided majority of medical men to elect the president of the board; because I do not suppose any medical man would sit under the presidency of a chemist in Brisbane. I know that I would not. It would, I think, be well to wait for a sufficient number of educated chemists to be available to form their board.”

“We have had it in evidence that the board of pharmaceutical societies in other places consist altogether of members of their own body. In New South Wales and in Ireland medical men are included—in Sydney one is on the board; I think it would be much better that the board should consist of chemists entirely; but I do not think we have them here. If we have seven or nine men of good education, well up to their business, who by examination—by study and test—such as all medical men have to pass—proved their qualifications, then have the pharmacy board at once. But I do not see where you can get seven or five chemists capable of forming a board and ranking with the pharmaceutical boards of the other colonies.”

Then Dr. Richard Rendle was examined:—

“Dr. Rendle, you, I believe, dispense your own medicines? Yes; I do.”

“Would you object to tell us the reason why you do that? No, I do not object. A child was nearly poisoned once with a chloral mixture I prescribed. I believe—I am sure—it was made up by a chemist's assistant, who was not qualified; in fact, he was merely a boy employed in the shop, who made up the medicine in the absence of his principal. After that, I was afraid to send a prescription containing any critical ingredient at all to be dispensed. But, in making that statement, I should like to put a qualifying clause to it. If I could be sure that people would always go to one special chemist that I could pick out—or two, I should not limit it to one; there are certain chemists here whom I have implicit confidence in—I should be content; but there is a difficulty in ensuring that, and to try to do so lays a medical man open to the imputation of receiving a commission.”

Dr. John Thomson was the next witness, and he was asked:—

“Will you state to the committee what your objections to the Bill are? They are pretty much as expressed in that circular—that I do not consider the chemists here qualified to administer this Bill if passed. I think the Bill would give them enormous powers, and I do not believe they are sufficiently educated to wield those powers. At home, there are numerous schools and colleges where chemists can be taught; and at home they have to pass very severe examinations—two examinations which are called the minor and the major, besides the preliminary examination in general literature. Those who pass the minor examination are entitled to be called chemists and druggists; those who pass the major are entitled to be registered as pharmaceutical chemists. I do not know that there is a pharmaceutical chemist in Queensland; that is to say, a man who has passed the major examination; and I think I am right in stating that not more than two men in Brisbane have passed the minor.”

Now, if that statement was true at the time, it was a very serious matter indeed; and they were asked to give to gentlemen so described the enormous powers contained in the Bill. Dr. Thomson went on still further—

“The subjects on which students are examined, and the examination questions, are given in this number of the *Chemist and Druggist*, for November, 1881. [*Produced.*] The chemists of Brisbane, with very few exceptions, have almost no title to be so called; there are simply druggists—compounders of drugs. There are four or five men who have better knowledge than the others, but the large bulk of them are simply men who are traders in drugs. If this Bill should pass, it would give those men a standing which I do not think they

are fitted to occupy. I take it that the Bill is premature. I believe that no such Act exists in New South Wales; if it does, it has come into force within the last year. One exists in Victoria, and another in New Zealand."

And then, at question 426, as part of an answer he said—

"But I have heard the reasons why medical men dispense; it is that they cannot depend upon the chemists. Of course, it may be that they do not care about their prescriptions being criticised, or it may be to make a little addition to their incomes. As to the reason that they cannot depend on the chemists, in my short experience I have seen a great deal of carelessness on the part of the present master chemists of Brisbane. I do not think it is ignorance, but downright carelessness. I have had corrosive sublimate dispensed instead of calomel. Corrosive sublimate is one of the most powerful drugs that you can imagine. From this a man nearly died; luckily he did not die. That was a more serious thing than the bitter almonds case. I have known catechu given instead of tincture of iron. I knew a well-known chemist make up a mixture from which the chief ingredient was left out altogether; gallic acid was the principal drug ordered, and it was omitted and everything else named in the prescription put in. Another case, I know, where the wrong ointment was given—yellow instead of blue. I remember a case in which the dose of physic was tampered with; for a child it was ordered frequently, 'every two or three hours a teaspoonful'; but 'three times a day' was substituted by the chemist. It was only this day week a patient came to me with a needle in her hand. 'When did it get in?' 'It got in last Wednesday.' 'What did you do?' 'Went to a chemist.' 'What did he tell you?' 'He told me if I put on a linseed poultice it would draw the needle out; a linseed poultice would draw anything out.' There was a case! The woman had the needle in her hand from Wednesday until Monday. This is my experience of six months in general practice. In my hospital practice I saw a good deal of the chemists' work. I take it that, as medical attendant to a family, I become also, to a certain extent, guarantee or security for the chemist employed. If I write a prescription, I am asked generally where is it to be made up? and my patient holds me to a certain extent responsible for the person who compounds the drugs I prescribe. In that case I think that I, or medical men, should have a say in the nomination of individuals who are to compound their prescribed drugs."

He would only detain the Committee one moment longer to read a letter addressed by the Queensland Medical Board to the Chairman of the Select Committee sitting at that time:—

"Queensland Medical Board,

"Brisbane, 2nd September, 1882.

"Sir,—We, the undersigned, members of the Medical Board, wish to notify to the members of the Queensland Parliament that we consider legislation at the instance of the chemists and druggists to regulate their registration and grant them the great powers provided for by the Bill before the Legislative Assembly to be premature. Having prepared a measure to deal with the whole subject of medical practitioners and chemists and druggists, the Medical Board wish to introduce it into Parliament; but in consequence of the technical regulation of the Legislature which forbids two Bills on similar subjects to appear together, the board is debarred from obtaining a hearing. The board consider the present status of chemists and druggists in Brisbane to be far too low to undertake the matter sought by them, and that two official boards, one medical and another pharmaceutical, would lead to antagonism and an undesirable state of things. That one board to preside over the registration, and, if necessary, examination of medical men as to their qualification for practice, the registration of pharmaceutical chemists educated and examined elsewhere, and the proper education of chemists in the colony, would be a far more desirable state of things until a Queensland university is established and professional education otherwise provided for.

"We have the honour to be, sir,

"Your most obedient servants,

"HUGH BELL.

"W. HOBBS.

"JOSEPH BANCROFT.

"JOHN THOMSON, M.B.

"C. J. HILL WRAY.

"CH. PRENTICE, F.L.S., &c.

"CHAS. F. MARKS, M.D."

That was the opinion given by a congerie of medical men. And the hon. gentleman in charge of the Bill admitted that the medical

practitioners of the colony were to a great extent at the mercy of the chemists.

The HON. G. KING said he quite agreed with the amendment moved by the Postmaster-General. It would be dangerous to confer such powers as were proposed to be conferred on the board unless it consisted of thoroughly competent men.

The HON. A. J. THYNNE said the Hon. Mr. Walsh had read so much evidence that he had taken him by surprise, but he would just refer the hon. gentleman to two answers which he thought would put the whole of the evidence given by the medical men in its proper light. He would refer to the answers to questions 280 and 281, where Dr. Bancroft showed that the whole question was merely a matter of etiquette between the two branches of the profession. Dr. Bancroft's evidence entirely swept away the accusation on the part of the medical men, that there were not enough competent chemists to constitute the board. The chemists were probably better able than the doctors to judge as to the competency of those who should sit on the board. The mere fact of Dr. Bancroft having to withdraw, after venturing on the extreme assertion that he could not pick out a good board from the chemists of the colony, showed the true light in which the attack should be considered. There had now been very strong opposition to the Bill, and he trusted they would have no more.

The HON. J. C. HEUSSLER said it appeared to him that they were wandering from the question, which was the advisability of accepting the amendment of the Postmaster-General. In his opinion the amendment was a good one, as it provided for the competency of the board; and he could not see why it should meet with such objection. If they went to Maryborough they might find two or three real apothecaries with certificates from the board of apothecaries in England or America, or England or the continent of Europe; and these were the best persons to have on the board.

The HON. A. J. THYNNE said his reason for opposing the amendment was that he considered the chemists were the best judges as to who should be on the board; and he did not think it would be an improvement to restrict their choice in any way.

The HON. W. D. BOX said there were various degrees of excellency in chemists, and druggists, and surgeons—their positions ranged from low to high—and did the hon. gentleman mean to say that the chemists were the best judges as to who should compose the board? The higher the class of men the more likely they were to be efficient. In a progress report of the Select Committee on the Bill, there was an appendix signed by four medical men, in which the following appeared:—

"The Bill does not guarantee that the examining members of the pharmacy board shall themselves be properly qualified to examine in the subjects for which they are appointed. (See clause 5)."

Now, the Postmaster-General desired that the members of the board should hold proper certificates. The hon. gentleman in charge of the Bill seemed to think that was not wise. He trusted the amendment would be carried.

Question—That the words proposed to be inserted be so inserted—put, and the Committee divided:—

CONTENTS, 10.

The Hons. Sir A. H. Palmer, C. S. Mein, W. H. Walsh, A. Raff, G. King, J. C. Heussler, A. C. Gregory, W. D. Box, J. C. Smyth, and W. G. Power.

NON-CONTENT, 1.

The Hon. A. J. Thynne.

The House resumed, and the CHAIRMAN reported that there was no quorum.

The POSTMASTER-GENERAL rose to a point of order. The Chairman did not announce to the Committee that he had found there was no quorum. As a matter of fact, there was a quorum present. The Constitution Act provided that a quorum should consist of one-third of the members of the House exclusive of the President. The members at present were thirty-four, and excluding the President there were thirty-three, which was exactly divisible by three, the result being eleven. And there were actually eleven members voting in the Committee besides the Chairman. Standing Order 88 provided :—

"In Committee of the Whole Council, the same number of members (exclusive of the Chairman) shall be necessary to form a quorum, as is required in the House exclusive of the President."

After excluding the Chairman and dividing by three, if one-third of the members were present there was a quorum. Their whole number was thirty-four ; so that twelve, including the Chairman, formed a quorum. If the Chairman would report to the House the number of members who took part in the division, the House would at once be apprised of the fact that a quorum was present.

The HON. A. J. THYNNE said the second part of section 26 of the Constitution Act read as follows :—

"Provided always that if the whole number of members constituting the said Legislative Council shall not be exactly divisible by three, the quorum of the said Legislative Council shall consist of such whole number as is next greater than one-third of the members of the said Legislative Council."

There were thirty-four members, so that a quorum consisted of twelve, exclusive of the Chairman.

The PRESIDENT : There is no doubt that there was a quorum.

The Committee resumed.

Question resolved in the affirmative.

Clause, as amended, put and passed.

On the motion of the HON. A. J. THYNNE, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again on the next sitting day.

ADJOURNMENT.

The POSTMASTER-GENERAL moved that the House do now adjourn. He believed it was the desire of hon. members that they should not sit to-morrow, and he hoped some hon. gentleman would move as an amendment that the adjournment should extend till Tuesday next.

The HON. W. H. WALSH moved, as an amendment, that the House adjourn till Tuesday next. In doing so, he took the opportunity of asking the Postmaster-General if he had any information to give respecting the time they were likely to receive a report from the Auditor-General?

The POSTMASTER-GENERAL said he had received a communication from the Auditor-General, who informed him that in accordance with the usual practice he had presented to Parliament his report on the Treasurer's accounts for the financial year 1882-3, embracing the expenditure on account of that year to the 30th September, in the terms of the 45th clause of the Audit Act. He also appended to that report financial statements and other information up to 31st December last. The votes for the services of the years 1883-4 were available until the close of the present month, and it would be premature for the Auditor-General to furnish a report before that period. He intimated, however, that as soon as possible after the end of the month the usual preliminary report would be furnished to Parliament.

Question, as amended, put and passed ; and the House adjourned at eleven minutes past 6 o'clock.