Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 7 OCTOBER 1884

LEGISLATIVE COUNCIL.

Tuesday, 7 *October*, 1884.

Wages Bill—third reading.—Local Authorities By-Laws Bill—third reading.—Native Labourers Protection Bill—third reading.—Gympie Gas Company (Limited) Bill—third reading.—Maryborough Town Hall Bill—third reading.—Pettigrew Estate Enabling Bill—third reading.—Maryborough School of Arts Bill.—Patents, Designs, and Trade Marks Bill—committee.—Native Birds Protection Act Amendment Bill—committee.—Health Bill—committee.

The PRESIDENT took the chair at 4 o'clock.

WAGES BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL (Hon. C. S. Mein), this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

LOCAL AUTHORITIES BY-LAWS BILL —THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

NATIVE LABOURERS PROTECTION BILL—THIRD READING.

On the Order of the Day for the third reading of this Bill being read,

The PRESIDENT stated that he had received the certificate of the Chairman of Committees as to the accuracy of the Bill.

The POSTMASTER-GENERAL moved that the Bill be read a third time.

The HON. W. H. WALSH said: Before the question is put, I should like to see the Bill. There were important amendments made in it, and they should be in the possession of hon. gentlemen.

The PRESIDENT: I must inform the hon. member that no objection can be taken to the Bill at this stage without notice. It may be vetoed, but no amendment can be moved.

The HON. W. H. WALSH: Surely we are not to be called upon to pass a Bill without having seen it!

The PRESIDENT: The rule is as I have stated.

The HON. W. H. WALSH: Then I think the Postmaster-General is bound in justice to postpone the motion until we have time to see the Bill. I do not think the Government can expect us to pass a Bill we have never seen. I have not seen a copy of the amended Bill at all; at any rate, I do not know that this is a true copy of the Bill that has been placed in my hands.

The PRESIDENT: I have just stated that I have received the certificate of the Chairman of Committees.

The HON. W. H. WALSH: I have no doubt that you, sir, have got a correct copy, but the question in my mind is whether I have. I think it is a matter of the greatest moment that hon. members should have an opportunity of reading the Bill over with the amendments made in it. I am asking nothing more than I have a right to —that the Postmaster-General shall postpone the third reading of the Bill until some future time, so that we may have an opportunity of seeing what we are doing.

The POSTMASTER-GENERAL: I have no objection to postpone the Order of the Day until to-morrow; but I would point out that we are not departing from our usual practice. The Bill has been very fully discussed—more fully than any Bill I have been acquainted with in this House; and hon. members are supposed to make themselves acquainted with the amendments made from time to time. It is not the practice of this House to print the amendments in the Bill unless for the purpose of sending it back to the other Chamber. The alterations made here are displayed in a printed copy of the measure for the information of the other Chamber, who sent the Bill to us for approval. However, I do not wish to steal a march upon anybody, and in order that hon. members might have an opportunity of satisfying themselves as to the accuracy of the alterations, I beg to move that this Order of the Day—if the House wish it—be postponed until to-morrow.

Previous motion withdrawn, and Order of the Day for third reading postponed until to-morrow.

GYMPIE GAS COMPANY (LIMITED) BILL—THIRD READING.

On motion of the HON. P. MACPHERSON, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

MARYBOROUGH TOWN HALL BILL— THIRD READING.

On motion of the HON. P. MACPHERSON, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

PETTIGREW ESTATE ENABLING BILL —THIRD READING.

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

MARYBOROUGH SCHOOL OF ARTS BILL.

The PRESIDENT read a message from the Legislative Assembly, forwarding for the concurrence of the Council a Bill to enable the trustees of an allotment of land in the town of Maryborough, granted for the purposes of a school of arts, to sell the same or any part or portion thereof, together with the buildings erected thereon, and to devote the proceeds to the building of a new school of arts.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

PATENTS, DESIGNS, AND TRADE MARKS BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider the message from the Legislative Assembly of date the 1st instant.

The POSTMASTER-GENERAL said that when the Bill was in committee he moved an amendment in clause 10, which was carried. A consequential amendment ought then to have been made in clause 84, but he had omitted to make it. The clause said :—

"The registrar may refuse to grant a patent for an invention, or register a design or trade mark of which the use would, in his opinion, be contrary to law or morality."

The clause should read :—

"The registrar may refuse to recommend that a patent be granted," etc.

The Registrar of Patents, in England, had the power to grant or withhold patents, but the Registrar in Queensland would only have the power to recommend to the Governor in Council, who alone would have the power to grant patents in the colony. He begged to move that the Committee agree to the amendment of the Legislative Assembly in clause 84.

Question put and passed.

The House resumed, and the CHAIRMAN reported the resolution of the Committee. The report was adopted, and a message ordered to be sent to the Legislative Assembly, intimating that the Council had agreed to the amendment.

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 message from the Legislative Assembly of date the 1st instant.

The HON. W. D. BOX said it appeared that there was no such Bill on the Statute-book as the Native Birds Act Amendment Bill, and he begged to move that the Committee agree to the resolution of the Legislative Assembly that the title of the Bill be "The Native Birds Protection Act Amendment Bill."

Question put and passed.

The House resumed, the CHAIRMAN reported the resolution of the Committee, and the report was adopted.

The HON. W. D. BOX said : I beg to move that a message be sent to the Legislative Assembly intimating that the Council have agreed to the amendment made by the Assembly in the Bill.

The POSTMASTER-GENERAL said : I think that is hardly accurate. It is not an error in the Bill, but in the title of the Bill. The message we received from the Legislative Assembly contained these words :—

"And this House, having amended the said error by the insertion of the word 'Protection' after the word 'Birds' in the title of the Bill, beg now to transmit such amendment to the Legislative Council for their concurrence."

I therefore beg to suggest that the message to be sent to the Legislative Assembly shall intimate that this Chamber has agreed to that House's amendment in the title of the Bill.

Question—That a message intimating the agreement of the Legislative Council to the amendment be sent to the Legislative Assembly in the usual form—put and passed.

HEALTH BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider this Bill.

Clauses 1 and 2 passed as printed.

On clause 3—"Definitions"—

The HON. W. PETTIGREW said he wished to refer to the following paragraph in the clause :—

"'Drain'—Means any drain used for the drainage of one building only, or of premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed."

If he understood what the phrase "with a cesspool or other like receptacle for drainage" meant, it meant that the contents of a water-closet could be drained into a hole sunk into the ground. He considered that a most objectionable system. There were two or three such places in Brisbane at the present time. There was one in Mary street, to which he had been with the members of the Central Board of Health. As soon as he went into the doorway he found the smell so overpowering that he had at once to return and go out into the street. The other members of the board did not appear to be so sensitive as he was, and they managed to remain. His nose, however, told him that there was something unwholesome about the place, and he could not go in for a length of time, but had to wait until he got accustomed to the smell, so to speak. He knew of that case from his own experience. But he could tell hon. members of another case which he would show to the Postmaster-General, if the hon. gentleman liked to look at it. He had a letter in his hand in reference to it, but he was not going to read the document, nor did he intend to give the name of the party concerned. The case came before the municipal council quite recently in the form of complaint from the neighbours in the locality — a very fine part of the city. The people complained that there was a very bad smell coming from their drain. The Inspector of Nuisances went round to ascertain what was the cause of the smell, but failed to discover it. The people complained again, and the Inspector of Nuisances was again sent to the locality, with instructions to examine every place very minutely until he found out what the smell arose from. He did so, and gave the gentleman who caused the nuisance notice to remedy it, and the latter promised to discontinue the detestable system he had adopted. Now, in the Bill before the Committee it was proposed to allow a system which, if generally adopted, would render the whole city uninhabitable. It was in the interest of the citizens of Brisbane that he spoke. They had now in operation a system which was gradually being worked more satisfactorily. It had been greatly conducive to the increase of health in Brisbane. Some people, however, objected to it, because it had not been effectually carried out in all cases. He did not say it was properly carried out all over the city ; but the world was not made in a day, and they could not get people to do right in a day. But by persuading them, and coaxing them, and fining them, the desired object would be gradually accomplished—the people would be induced to carry out the system in a careful and thorough manner. He would like to see the two words "cesspools" and "water-closets" struck out of the Bill. What were cesspools for except to drain water-closets into ?

The POSTMASTER-GENERAL : Certainly not.

The HON. W. PETTIGREW said it seemed to him that that was what they were for ; but he would sit down and allow the hon. gentleman to explain.

The POSTMASTER-GENERAL said the hon. gentleman did not really grasp the subject. He (the Postmaster-General) endeavoured to point out on the second reading of the Bill that it provided that the sanitary arrangements of the different local centres should be supervised by the local authorities. They were to make their own regulations as to the manner in which the necessary precautions should be taken to preserve

the public health. The opposition of the hon. gentleman to the word "cesspool" in that definition did not meet the objection he entertained. As he understood the hon. gentleman, he claimed that the earth-closet system was perfect and suitable for all places under all circumstances and at all times. He (the Postmaster-General) did not know whether his sense of smell was as acute as the hon. gentleman's, but he could say that his experience was not the same. He had travelled a good deal in different parts of the world, and had never been in any large city where the earth-closet system was adopted entirely. In fact, in nearly every large city in the civilised world the water-closet system was in general use, and where an adequate supply of water could be obtained, it was unquestionably the best system that had yet been devised. The earth-closet system was totally inapplicable to and could not be properly worked in large towns. It might suit small villages where the people were so few that an adequate supervision over every house could be secured. The experience of Brisbane should have satisfied the municipal council that it was a very undesirable system to adopt in thickly populated places. He had never been in any place where closets were more offensive than in Brisbane. The earth-closet system might do for small towns, or for a gentleman's place where it could be properly carried out, and where the fæcal matter could be easily disposed of. He thought the present unhealthiness of the city was entirely due to the introduction of the earth-closet system. He was in Brisbane before it was introduced, and he knew that typhoid fever was then very rare, while now it was more general here than in any other of the Australian colonies. Whether it was due to the earth-closet system or not, he was not prepared to state, but he believed that it was very largely due to that circumstance. If not, the coincidence was very singular. He would read hon. members an extract from an admirably written work on sewage, showing the advantage of the water-closet system. The book, which was entitled "Metropolitan Sewage, and what to do with it," was one of the most valuable additions to the discussion of sanitary science. It was written by Mr. Edward Monson, an Associate of the Mechanical Institute of Civil Engineers. That gentleman discussed the question of the disposal of sewage in London very fully, and, in reference to the water-closet and dry earth systems, said :—

"Where there is a sufficient water supply the water-closet system is unquestionably far in advance of any other method that has yet been introduced; it is cleanliness itself, independent of the scavenger, and within the control of the household; it is simple, neat, and efficient; the mere pulling of a handle or the turning of a tap being all that is required for effecting the object; it is so great a boon to the country and so great a gain to public health that, notwithstanding the apparent loss of manure, the system is never likely to be given up by towns where it has been adopted.

"Many systems have been introduced, but the water-closet is superior to them all; the dry-earth system requires manual and team labour to supply the earth which renders the product of less value and increases the cost of removal; the ash-closet is simply an ash-pit and privy combined; the tub system is disgusting, if not injurious to health, and whilst the water-closet is almost self-acting, these systems require manual labour to replace the receptacles and remove the contents, which is attended with cost."

And, he might interject, with very disgusting results, from the work not being very carefully done. He had actually gone down Queen street at 9 o'clock of a morning, and seen portions of the contents of carts in the street, and he had seen a similar state of affairs in the yard at the back of his private office, which was flagged. Did the hon. gentleman, who objected to any other than the earth-closet system, ever go through the streets after 11 o'clock at night? Where was that sensitive nose of his at that time? He (the Postmaster-General) never went home after 11 o'clock at night and met one of those carts that he was not sick for two or three days afterwards. Mr. Monson continued—

"The storage in yards and the removal in carts through the streets are a nuisance; the unnecessary intrusion of strangers into every premises is unpleasant, inconvenient, and indelicate, and, during the small hours of the night, creates a feeling of insecurity."

Those words very forcibly expressed his view of the matter. He could go further, and say that the experience of the city of Toronto, in America, confirmed that view. There the authorities had been compelled to abandon the dry-earth system and adopt the water-closet system which worked admirably, and the same thing was found on the continent of Europe. In the city of London with its five millions of inhabitants there was a water-closet in nearly every house, and it was the same in New York and all large towns in America. It was found that the water-closet system was answering admirably, and cases of fever and such diseases as had their origin in filth were not so numerous as they were previous to its adoption. If the city of Brisbane were anxious to retain the earth-closet system they could do so under that Bill. Under that measure local authorities could lay down rules for the guidance of the people, and if the municipal council of Brisbane were so enamoured of the earth-closet system they could continue it. But he was inclined to think that if the Bill became law, and the local authorities were compelled to do their duty as defined in the 44th clause, they would have the inhabitants bringing the local authorities before the police court to have those nuisances remedied. The municipal council would have an opportunity of perpetuating the system, if they liked; but why should they try to force their "fad"—if that term was not offensive—on the whole population of the colony? Why should the hon. gentleman want the earth-closet system adopted throughout the length and breadth of Queensland? The city of London had expended millions of money in making the system of water-closets as perfect as possible, and, as he understood, with eminently satisfactory results; and the experience of many other large towns had been the same as that of London. He sincerely hoped the Committee would not agree to the amendment.

The HON. J. TAYLOR said he quite agreed with every word that had fallen from the hon. Postmaster-General about earth-closets. They were the greatest abomination ever used in the world. It was disgusting the way the carts went about the streets, and a disgrace to their civilisation.

The HON. A. C. GREGORY said although the clause under discussion in no way set forth that either earth-closets or any other particular system should be adopted, but simply defined what the terms used should be held to mean; still, as the question had arisen as to the use of earth-closets and water-closets, he thought it of importance that they should bear in mind one peculiar fact that might not be known to some persons who advocated the use of earth-closets. Undoubtedly, if that system was properly worked it did not create a direct nuisance; and if they could secure that, it would appear to be a very desirable system to adopt in the larger towns of the colony. But they now knew from scientific investigations that had been recently pushed into the subject of whence came the miasma that was so inimical to health and produced the serious epidemics that had occurred from time to time, that it was through sewage and matter of various kinds being mixed up with earth; the germs had then time to incubate,

and in that way was formed one of the greatest sources of those diseases that swept over the land. The fact was that if they used water-closets and sent the sewage into a mixture of salt-water—which was far better than fresh—they destroyed those germs of disease; but, if they mixed it with earth, when it became dry it was scattered about in all directions, and they could not find a means better calculated to increase diseases of the class he referred to than such a system. He thought that had not been sufficiently taken into consideration. Hitherto, the earth-closet system had been adopted in cooler and more temperate climates than that of this colony. Here they had no frost to assist in the destruction of those disease germs, and by carrying out the system proposed they should be simply establishing places where they would cultivate disease, instead of attempting to remove it from their midst. If the contents of earth-closets could be removed to Moreton Island, or some other distant spot which could be placed under quarantine, there would not be such serious objection to it; but he thought it behoved them to look very carefully into the question that had been raised, seeing that recent investigations in science had shown that most of those diseases which swept away large numbers of the human race suddenly, such as typhoid, cholera, yellow fevers, and sundry other fevers, were the result of the spread of those germs, which were passed from one person to another chiefly through the medium of being deposited in earth and having time to come into active operation before being swept away by rains into the water-courses. At the same time, although he very strongly objected to the earth-closet system, on the ground that it was a step altogether in the wrong direction, he would point out that the clause had nothing whatever to do with the question as to whether that or any other system was to be adopted, but simply defined what names should be given to certain things.

The HON. J. C. HEUSSLER said the hon. the Postmaster-General had mentioned London as one of the places where the water-closet system was successfully carried out, and he would remark that London was admitted to be one of the healthiest places in the world, notwithstanding its vast extent and the great overcrowding of the people. The water-closet system had not been found objectionable in large towns. He remembered listening some years ago to a most interesting lecture delivered in Sydney, by Professor Reuleaux, on the subject of sewage in Berlin. That place being very flat, there was great difficulty in draining it, except in small sections; and the course adopted was to have the water-closet system introduced; and the town was divided into sections. The drains emptied into large basins constructed for that purpose, and then the refuse matter was treated chemically, and turned into most valuable manure. His object in making the statement was because he thought towns like Brisbane—instead of trying to perpetuate an imperfect system, such as earth-closets were—should look around, see what other towns had done, and perhaps adopt some much better system. If the water-closet system could be carried out in the way he had indicated, by which the sewage could be made use of to such an extent as to nearly pay, the sooner it was done the better. That the water-closet system was the best there could be no doubt. When people went into privies in London there was no filth or smell of any kind discernable. The places were so clean that even the finest nose in the world could detect nothing disagreeable; and the great advantage of the system was that the general health of the people was maintained. As his hon. friend, Mr. Pettigrew, was one of the aldermen of the city, he thought he ought to endeavour to adopt some similar system in Brisbane as soon as possible, and not try to establish a system which at the best was very imperfect.

The HON. W. PETTIGREW said the suggestion made by the Postmaster-General as to sewage was one that would require plenty of water to carry out; and if they had plenty of water, how were they to get rid of the foul water? Where was that to be done? It was all very well, when a person had a nuisance, to shift it on to his neighbour, but that was not a very proper or charitable way of dealing with it. If a thing was objectionable—destroy it as quickly as possible; burn it or bury it. A celebrated party had defined filth as "matter in the wrong place"; and he (Mr. Pettigrew) held that excreta amongst water was matter in the wrong place. It might be the easiest way to get rid of it by water; but he would point out that London had gone to enormous expense to carry out a system of sewage, and yet the result was that the filth was simply carried away and became a nuisance somewhere else. Why not get rid of it at once, as was done now? He knew that the earth-closet system as carried out was not perfection, by any means. Dr. Bell's system was as near perfection as possible. The proper way to have perfection was for persons to dig a hole, sit down, do their business, and cover it up at once; and the nearer they approached to that the better. With regard to the night service in the city, no night-carts, except perhaps during the recent strike, had gone through the East Ward for the past six months, all the work being done in the daytime. If what the hon. the Postmaster-General stated was correct—that the 42nd clause allowed municipalities the power to make such by-laws as they liked for the prevention of water-closets—he should have nothing more to say, and would be perfectly satisfied to let the Bill go. On referring to clause 42, however, he read it in a different way from the interpretation put upon it by the hon. gentleman. It said—

"A local authority may make by-laws for regulating the construction and situation of drains, water-closets, earth-closets, privies, ashpits, and cesspools."

It permitted regulations being made in respect to water-closets and cesspools—the very thing he objected to; and as the word "cesspool" occurred for the first time in the portion of clause 3 he had referred to, he moved that the words "a cesspool or other like receptacle for drainage or" be omitted.

The POSTMASTER-GENERAL said the amendment was merely wasting time. If the hon. gentleman looked at the Bill he would see that the clause did not affect the question of closets or cesspools at all. The portion he proposed to amend simply dealt with matters of drainage; and the result of his amendment, if carried, would be to prevent houses from being drained. The object of the provision was to make complete arrangements for the drainage of houses, streets, and towns. It simply provided that a drain should mean any pipe or other like article used for the purpose of conveying water or filth in a fluid state, and had nothing whatever to do with earth-closets. If the hon. gentleman was so anxious to deal with the earth-closet question, it would be far better for him to reserve his amendment until they came to clause 42, where those matters were dealt with. Or perhaps it would be better for him to move a substantial motion in the form of a new clause to the effect that in no case, and under no circumstances, should water-closets be used. If the words mentioned were struck out it would prevent the proper drainage of houses. Water

used for washing, cooking, and other purposes could not be drained away into receptacles for the purpose, and persons would have to consume their foul water on their own premises.

The HON. W. PETTIGREW said he understood very well what he was talking about. A cesspool, as the Postmaster-General had said, was a place for holding dirty water or filthy water; and, wherever there was a cesspool, foul gases would arise therefrom. If they struck out the words he proposed should be omitted, the clause would be complete, and perfectly efficacious for drainage purposes. Of course if there were cesspools it would be the contents of water-closets which would go into them; and he objected to any place for the generation of gases which would pollute the neighbourhood.

The POSTMASTER-GENERAL said the hon. gentleman would allow drainage into a sewer—but what was to be done with the sewage? Was that also to be drained into dry earth? If the hon. gentleman would read further portions of the Bill he would see that his objection was untenable. Local authorities were prevented from draining the contents of sewers into other districts without the consent of those districts.

The HON. W. PETTIGREW said that if it was the wish of the Committee he would withdraw his amendment in the meantime.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 4—"Repeal of Health Act of 1872"—put and passed.

On clause 5, as follows:—

"The provisions of the 3rd and 4th parts of this Act extend to, and are in force in, the municipalities of Brisbane, Bundaberg, Charters Towers, Cooktown, Gympie, Ipswich, Mackay, Maryborough, Rockhampton, Roma, Sandgate, Toowong, Toowoomba, Townsville, and Warwick; and the divisions of Booroodabin, Toombul, and Woollongabba, so far as such provisions are respectively applicable thereto.

"The Governor in Council may from time to time, by proclamation, declare that all or any of the provisions of the said parts of this Act shall be in force in any other municipality or division, or any subdivision thereof.

"Upon the publication of any such proclamation the said parts of this Act, or such provisions thereof as shall be declared in the proclamation, shall extend to and be in force in the municipality, division, or subdivision, mentioned therein.

"Except as aforesaid this Act applies to the whole colony.

"The Governor in Council may nevertheless by proclamation suspend the operation of any of the provisions of this Act in any district."

The HON. W. H. WALSH said the names of several important places were omitted from the clause. He might instance Dalby and Stanthorpe, and he should like some explanation from the Postmaster-General.

The POSTMASTER-GENERAL said he had no objection to Dalby and Stanthorpe being included, but they were not so populous as the places mentioned in the clause. The object of the Government was to make Parts III. and IV. of the Bill apply immediately to all the places named in the clause, which were places where population had concentrated to a considerable extent. If any that should have been included had been omitted, the remedy was provided in the 2nd paragraph of the clause.

The HON. W. H. WALSH said he could mention another important place that had been omitted—Normanton—the representative city or town of the whole of the Burke district. Was that of less importance than the places named in the clause?

The POSTMASTER-GENERAL: Less populous.

The HON. W. H. WALSH said that, if the colony had not been in the hands of a bad Government, Normanton might have been a populous place, instead of containing under 1,000 inhabitants. But he did not think Dalby was such an insignificant place.

The POSTMASTER-GENERAL said that, with the exception of Parts III. and IV., the Bill would apply to the whole colony. Those parts, which related to sewerage and drainage, and the regulation of cellar dwellings and lodging-houses, would apply immediately to the places named in the clause. In the places named by the hon. gentleman there was no extensive system of drainage or sewerage, and he did not think it was necessary to make the provisions of Parts III. and IV. apply to them at once. Power was given, however, to include them, or any other place, whenever necessary.

The HON. P. MACPHERSON said he believed Dalby was left out because they could have nothing but earth-closets there.

The HON. W. H. WALSH said he did not see why such wretched places as the divisions of Booroodabin, Toombul, and Woollongabba, should be included, while important places like Normanton and Dalby were omitted. It showed great slovenliness on the part of the framer of the Bill, which they, at any rate were not bound to tolerate.

The HON. A. C. GREGORY said that if the hon. gentleman would look into the matter he would see that those places had been omitted out of kindness. The Government had no desire to extend the iron hand of tyranny to those places; but whenever it was necessary the provisions of Parts III. and IV. could be made to apply to places which were not named in the clause.

Clause put and passed.

Clauses 6 to 8, inclusive, passed as printed.

On clause 9, as follows:—

"The board may from time to time, subject to the approval of the Governor in Council, appoint such officers and servants as they may deem necessary to assist them in carrying out the provisions of the Act, and every person so appointed shall be removable at the pleasure of the board. The board shall make appointments and orders in the execution of this Act by writing signed by them or a majority of them."

The HON. W. H. WALSH said the clause seemed to give tremendous power to the board. It ought to define the officers and their duties. In the course of time, when the cost of working the Bill was found to be extravagant, the Legislative Council would be called upon to explain why it sanctioned such a clause; and he would therefore ask the Postmaster-General to give some explanation. The power proposed to be given was gigantic and dangerous.

The POSTMASTER-GENERAL said there was not much danger to be apprehended, because Parliament would have to vote the salaries annually, and the appointments would be under the control of the Government. The persons provided for in the clause were to be officers of the Central Board of Health, on whom were thrown important duties. They were to see that the local authorities did their duty, and if they did not, to do it for them. He did not know how many officers would be required, but he supposed there must be a secretary. The number of other officers would depend on the manner in which the local authorities carried out their duties.

The HON. W. H. WALSH said that when once the officers were appointed by the Executive Council, Parliament would have to vote the funds for paying them, whether there was an

inordinate number or not. The clause was one of the loosest he ever saw; it did not describe the number of officers or define their duties, but simply gave the Central Board *carte blanche* to appoint as many officers as they deemed necessary. All the uncles, and aunts, and cousins, and nephews, would be provided with situations by the local boards. He was not speaking from imagination, because the thing was being done at the present moment in almost every board or municipality outside Brisbane. Nepotism already existed; and the clause would contribute to that state of things to a much larger extent. He objected to such extravagant powers being given to any board or to any Government.

The POSTMASTER-GENERAL said the clause related to the Central Board of Health, in regard to which there was a precisely verbatim provision in the Health Act of 1872. Under that Act the board had appointed only one officer—a secretary at something like £150 a year. If the ratepayers in the different local centres were willing to tax themselves to provide for the nephews, aunts, and uncles of the members of local bodies, that was their lookout. The Central Board was a supervising body acting in the metropolis, and the Governor in Council would sanction the appointment of any officer necessary for carrying out the duties of that board.

The HON. W. H. WALSH said he thought the Postmaster-General was not strictly correct; the clause he objected to said that the board might appoint officers.

The POSTMASTER-GENERAL: I say they can appoint officers. They could do so before.

The HON. W. H. WALSH said there was no limit to their extravagance or their power to make appointments. He thought the Committee were rushing into an expenditure that they did not comprehend at all.

Clause put and passed.

Clauses 10 to 19, inclusive, passed as printed.

On clause 20, as follows:—

"A local authority may carry any sewer through, across, or under, any road, or any street or place laid out as or intended for a street, and also (subject to the provisions of the Public Works Lands Resumption Act of 1878), into, through, or under, any other lands within the district.

"A local authority may also (subject to the provisions of this Act relating to sewage works beyond the district of a local authority, and to the provisions of the said last-mentioned Act) exercise beyond the district for the purpose of outfall or distribution of sewage all or any of the powers given by this section."

The HON. W. PETTIGREW said that referred to the same matter to which he had objected before—namely, the distribution of sewage. He contended that filth ought not to be taken into a sewer, and objected to the clause altogether.

Clause put and passed.

Clauses 21 and 22 passed as printed.

On clause 23, as follows:—

"A local authority may, if it thinks fit, provide a map exhibiting a system of sewerage for effectually draining the district, and any such map shall be kept at the office of the local authority, and shall at all reasonable times be open to the inspection of the ratepayers of the district."

The HON. W. D. BOX said he should like the hon. gentleman in charge of the Bill to allow a small alteration in that clause. The amendment he would suggest was to strike out the words "may, if it thinks fit" and insert the word "shall." The clause would then read:—

"A local authority shall provide a map exhibiting a system of sewerage for effectually draining the district, and any such map shall be kept at the office of the local authority, and shall at all reasonable times be open to the inspection of the ratepayers of the district."

The hon. Postmaster-General must know that in new places it would be the simplest matter in the world to have a properly constructed map of the drainage of the town prepared for the information of the ratepayers. A map should be prepared as soon as a town was started, and he trusted that the hon. Postmaster-General and the Committee would consent to the amendment which he had suggested.

The POSTMASTER-GENERAL said he would point out to the hon. gentleman that if they inserted the word "shall" they would immediately compel every district in the colony to provide an elaborate system of sewerage for the district. It was not possible for them to do that. They might not have the means available for the preparation of the plans, or for securing the services of a competent person to design a system of sewerage for effectively draining the whole district. Again, the circumstances of the district might alter from time to time. For instance, in a sparsely populated place like Bundaberg, which was a rapidly developing town, it would be impossible for the local authority there at present to devise a scheme that would be applicable in all future time, when the place became thickly populated. So in other places it would be impossible for the different local authorities to prepare a comprehensive and effective scheme of sewerage for their respective localities. It was much better, therefore, to provide that the matter should be left to their discretion. The hon. gentleman would observe in a subsequent part of the Bill that the local authorities were compelled to provide a sewer or other receptacle for drainage from a private house. When a man was called upon to drain his property, the local authority was bound to provide a sewer within 300 feet of that property. He did not know that there was at present in existence a system of sewerage that would effectually drain the whole city of Brisbane. If the provision were made mandatory, the municipal council would have to devise such a scheme at once. The clause would read—

"A local authority 'shall' provide a map exhibiting a system of sewerage for effectually draining the district."

If the hon. gentleman would propose a proviso in a subsequent part of the clause, to the effect that whenever a sewer was constructed by a local authority a map should be prepared indicating the locality and the position of the drain, he (the Postmaster-General) would have no objection to it.

The HON. W. D. BOX said he had no wish to insist that the local authorities should instantly prepare a map showing a system of drainage. Probably he made a mistake in the language he used. His desire was that when a drain was put down by a local authority they should be required to have a map prepared and exhibited in some place for the information of the ratepayers. He admitted with the Postmaster-General, that it would be impossible for many of the districts to immediately design a complete scheme of drainage. His desire was that when drains of any sort, large or small, were put down in any municipality, an accurate map should be prepared showing the places where they were made.

The HON. W. H. WALSH said he thought that the Postmaster-General was wrong in impressing upon the Committee that the suggested amendment would make the provisions of that clause mandatory, and that anything to be done by the local authority should be done immediately. He did not so read the clause. The hon. gentleman should reconsider that statement, and if he had misled any member of the Committee, acknowledge that he had done so in

error. They were asked to consider a clause which provided that the local authority "may, if it thinks fit"—that was peculiar language, and was hardly applicable to local authorities. It might do for parliamentary or statutory phraseology, but it was not correct, he thought, to say "if a local authority thinks fit"; therefore the alteration would be an improvement as far as the phraseology went. He had been very much struck by the arguments of the Hon. Mr. Box, and agreed with him that the local authority should prepare a map as suggested. He would strongly recommend the hon. gentleman to insist upon his amendment. According to the dictum of the Postmaster-General, that hon. gentleman wished the local authorities to have such a power that they could keep the people in the dark for a long time respecting any system of drainage which they might introduce, and which might be most injurious to a number of householders and beneficial to others. That would be the result if the clause were passed as it stood. He (Hon. Mr. Walsh) would make it a necessity that "within six months after the passing of this Act, every local authority shall provide a map," etc. Surely that was something like local self-government, of which the present Ministry were the apostles.

The POSTMASTER-GENERAL said the clause could be amended so as to meet the objection of the Hon. Mr. Box, in which there was some force. It was now 6 o'clock, and if the Chairman left the chair he would draft an amendment in the meantime to meet that objection; but he could not go as far as his hon. friend Mr. Walsh.

The CHAIRMAN said he would resume the chair at 7 o'clock.

On the Chairman resuming the chair,

The POSTMASTER-GENERAL said that during the interval he had constructed an amendment which he thought would meet the views of the hon. gentleman. He proposed to omit the words "any such map," with the view of inserting "shall whenever any sewer is made in its district provide a map indicating the position of every such sewer. All such maps," etc. The effect of the amendment would be that whenever a sewer was constructed in any portion of a district, the local authority would be compelled to provide a map, open to inspection by the ratepayers, indicating the position of such sewer. In addition to that, they could, if they thought fit, provide a map indicating a complete system of sewerage for the whole district, and exhibit that also; but they would not be compelled to compile such a system immediately.

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

Clause 24—"Power of owners and occupiers within district to drain into sewers of local authority"—passed as printed.

On clause 25, as follows :—

"The owner or occupier of any premises beyond the district of a local authority may cause any sewer or drain from such premises to communicate with any sewer of the local authority on such terms and conditions as may be agreed on between such owner or occupier and such local authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act"—

The HON. W. PETTIGREW said if there was no such thing as dirty or filthy water allowed to exist there would be no necessity for such a clause as this, but of course if they were going to allow filth to be water-borne it was necessary. He considered that such a thing as water-borne filth was entirely out of place in a colony like this. The temperature here and the temperature in England were different affairs altogether, and what was perfectly consistent with the health of the community in England was most detrimental to health in the colony. Therefore, he did not think the clause necessary at all. What he contended for was very simple—that they had no right to send dirty water out of one locality into another, or even to send it on to their neighbours' premises. He had contended against that for years, and maintained that it was unnecessary and might be avoided. As a positive fact, in England local authorities were not allowed to send their dirty water on to their neighbours' premises; it must be put into a clean state before it was allowed to flow there. He would state what he had done during the last twenty-three years. He had never sent dirty water on to his neighbour. The system he had adopted was this: He had sunk deep drains in the ground; the water from the kitchen was conveyed on to that ground in shallow drains about ten inches deep, and the water percolated through the soil into the deep drains. In his old house beside the mill, where he had lived for about thirty years, he had carried out that system for twenty-three years, and he was not aware of anything in the shape of disease having attacked his family. At his present house, at the corner of William and Margaret streets, the water from it flowed into the water-table, but he had inspected the drain that evening in company with a friend, and there was no water flowing. What he had done for the last twenty-three years, without in any way injuring his neighbours, could surely be done all over Queensland. He sent no dirty water on to his neighbours, and he did not see why anyone in the community should be allowed to do so. They had no business to send anything but clean water on to their neighbours' premises; and therefore he did not see any necessity for the clause at all.

The HON. A. C. GREGORY would point out to the hon. gentleman that the clause was indispensable, because without some such provision how could they deal with questions of drainage? One of the great difficulties between the corporation of Brisbane and the Booroodabin Divisional Board was in relation to drainage through the division, and without giving power to authorities to go outside their boundaries for the purpose of drainage, what would become of the drains? It was all very well to say that water should be rendered pure before it should flow on to other premises, but there was nothing in the clause to provide in what state it should be. It simply provided that it might run into the sewers or drains of an adjoining municipality; and the provision was indispensable in order to carry out the principles of the Bill.

Clause put and passed.

On clause 26, as follows :—

"Where any house within the district of a local authority is without a drain sufficient for effectual drainage, the local authority may by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a drain or drains emptying into any sewer which the local authority is entitled to use, and which is not more than three hundred feet from the site of such house; or, if no such means of drainage are within that distance, then emptying into such covered place within that distance, and not being under any house, as the local authority directs; and the local authority may require any such drain or drains to be of such materials and size, and to be laid at such level and with such fall, as, on the report of the surveyor, may appear to the local authority to be necessary.

"If such notice is not complied with, the local authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by it in so doing from the owner.

"Provided that where, in the opinion of the local authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such new sewer and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion as it deems just the expenses of the construction of such sewer among the owners of the several houses, and may recover from such owners in a summary manner the sums so apportioned."

The HON. W. PETTIGREW said the objectionable provisions that he referred to again appeared in this clause. Such a thing in a town was objectionable in the extreme. There was no use arguing the point any further, for anyone who considered the health of the city must know that fermentation would take place, and foul gases, poisonous in the extreme, would arise from those places. He therefore moved the omission of the words "or if no such means of drainage are within that distance, then emptying into such covered place within that distance, and not being under any house, as the local authority directs."

The POSTMASTER-GENERAL said the Bill was intended to apply to the whole of Queensland, but he was afraid the hon. gentleman could not see anything outside the four corners of the municipality of Brisbane. He seemed to think that every local authority could by some magic construct a complete system of sewerage throughout its district. In a city like Brisbane such a provision would not apply, but even in the suburbs of Woollongabba there was not a system of drainage or sewerage. Clause 43 compelled the local authority to see that no cesspool was kept so as to be a nuisance. If the local authority failed to do so the central board could step in, and even the local ratepayers could compel the local authority to have the nuisance abated. He joined issue with the hon. gentleman in regard to the scientific manner in which he drained his house. Though the filth might not be seen, because it percolated through the soil, it was just as dangerous to health; and, though the hon. gentleman might not suffer, his neighbours, to whose property the filth would find its way, would have great reason to complain. It was fortunate for the inhabitants of William street that the hon. gentleman's late residence was on a slope towards the river, so that they escaped the ill effects they might otherwise have experienced from his system. The reason why Warwick was so unhealthy was because of the porous nature of the soil, which allowed the filth to percolate into the wells. And if the hon. gentleman lived many years—which he hoped he would—he would find that typhoid would be the result of the system he carried out at his present residence. As the Hon. Mr. Gregory had pointed out, fermentation would take place; and he would remind the hon. gentleman that gases from large bodies of superficial water were not so much to be dreaded as those contained in small pipes suddenly escaping. A large number of people in cities like London and Paris got their living by picking up what they could in the large sewers; yet they never suffered from typhoid.

The HON. W. PETTIGREW said he had to learn a good bit yet; but he thought the Postmaster-General had to learn something likewise. It might be that poisonous gases existed in the soil; but it was one of the grand laws of nature that what was objectionable to the animal system was life to the vegetable system. And he had to learn a little more before he would believe that foul matter contained in water was advantageous to the community. Of course, if the Committee objected to the omission of the words, he could not help it—he had done his duty. It must be remembered, however, that Brisbane was one of the coolest towns in the colony. And as for Warwick, he was aware that the people had suffered from drinking foul water—drinking their own urine, they might say; but nothing of the sort took place at his house. He supposed the grapes which grew there absorbed some of the gases, but he never heard of anyone objecting to the grapes yet.

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided:—

CONTENTS, 10.

The Hons. C. S. Mein, A. C. Gregory, J. C. Heussler, J. Swan, W. Graham, F. H. Hart, W. Aplin, W. G. Power, W. D. Box, and A. Raff.

NON-CONTENTS, 2.

The Hons. P. Macpherson and W. Pettigrew.

Question resolved in the affirmative.

Clause put and passed.

Clauses 27 and 28 passed as printed.

On clause 29, as follows:—

"Any person who in any municipal district without the written consent of the local authority—

1. Causes any building to be newly erected over any sewer of the local authority; or
2. Causes any vault, arch, or cellar, to be newly built or constructed under the carriage-way of any street;

shall forfeit to the local authority the sum of five pounds and a further sum of forty shillings for every day during which the offence is continued after written notice from the local authority.

"A local authority may cause any building, vault, arch, or cellar, erected or constructed contrary to the provisions of this section, to be altered, pulled down, or otherwise dealt with as it thinks fit, and may recover in a summary manner from the offender any expenses incurred by the local authority in so doing."

The POSTMASTER-GENERAL moved the omission of the words "the carriage-way of" in the 44th line. The words were applicable in England, where the owners of property were also the owners of the pathways; but in the colony the pathways belonged to the municipal authorities; and if the words were retained it might be considered that the owners of property had a right to demand power to construct cellars underneath the pathways of streets.

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

Clauses 30 to 36, inclusive, passed as printed.

On clause 37, as follows:—

"It shall not be lawful to erect any house, or to rebuild any house pulled down to or below the ground floor, without providing for such house, a sufficient water-closet, earth-closet, or privy, so constructed as to secure privacy.

"Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding twenty pounds."

The HON. W. PETTIGREW said he had a proposition to make in reference to that clause, and that was that the word "water-closet" in the 1st paragraph be struck out. He thought he had already said sufficient that evening in favour of such an amendment. If the word was struck out provision would still be made for a system which was far less objectionable than the water-closet. They never knew where the abominations connected with a water-closet would end. They knew the beginning, which was that a person got rid of his filth and gave it to his neighbour. He thought the best course to pursue was to omit the word "water-closet" from the Bill entirely. That was not a measure relating to Brisbane alone; it related to the whole of the colony. In the city the earth-closet system had been carried out as well as possible, but he admitted that there was still room for improvement.

The HON. W. H. WALSH said it appeared to him that that was a very mixed clause altogether. He did not understand it. It said, "It shall not be lawful to erect any house, or to rebuild any house pulled down to or below the ground floor." That might be understandable by some hon. members, but it was not clear to him. And the clause went on to say, "without providing for such house a sufficient water-closet, earth-closet, or privy, so constructed as to secure privacy." What was the meaning of that? Would the hon. gentleman in charge of the Bill explain what that meant? And while he was putting that question as to the construction of the clause, might he also ask the hon. the Postmaster-General, if it was not beneath him, to define the difference between water-closets, earth-closets, and privies?

The POSTMASTER-GENERAL said he really failed to see why the hon. gentleman could not understand that clause. It was as intelligible and as clear as possible. It provided that "it should not be lawful to erect" any new house without providing the conveniences to which the hon. member had referred, or to re-erect "any house pulled down to or below the ground floor" without making provision for those conveniences. He really did not think the hon. gentleman could be serious in asking him to define the difference between the words he had mentioned. He almost felt inclined to refer him to some other gentleman who knew more about them than he (the Postmaster-General) did. He would not again go over the ground as to the relative merits of the earth-closet and the water-closet systems, but would ask the Committee to at once come to a decision on the amendment proposed by his hon. friend.

Question—That the words proposed to be omitted stand part of the clause—put and passed; and clause passed as printed.

Clauses 38 to 40, inclusive, passed as printed.

On clause 41, as follows :—

"Any local authority may, if it thinks fit, provide and maintain in proper and convenient situations urinals, water-closets, earth-closets, privies, and ashpits, and other similar conveniences for public accommodation"—

The HON. J. C. HEUSSLER said he would like to make a few remarks on that clause. He did not wish to oppose it or move any amendment. It had struck him that the Government, when selling town lands in allotments, might assist corporations by allowing a lane down the centre of each block, on which all necessaries required by the people who built on the land could be erected, and where the residents could deposit their rubbish, which could easily be removed afterwards by the scavengers. There need only be a small lane through the whole of the block; and such a provision he was sure would prove a great convenience. Perhaps the Hon. Mr. Gregory, who had had a great deal of experience in laying out streets, could suggest how it could be effected, or whether it was possible to insert such a provision in that Bill, or whether they should wait until the Land Bill came before the Committee. When that measure came before them he would endeavour to present his idea in a better form. He dared say that hon. gentlemen would see the force of his argument.

Clause put and passed.

On clause 42, as follows :—

"Every local authority shall provide that all drains, water-closets, earth-closets, privies, ashpits, and cesspools within the district be constructed and kept so as not to be a nuisance or injurious to health.

"A local authority may make by-laws for regulating the construction and situation of drains, water-closets, earth-closets, privies, ashpits, and cesspools."

The HON. W. H. WALSH said he would ask what was the meaning of this part of the clause—

"Every local authority shall provide that all drains, water-closets, earth-closets, privies, ashpits, and cesspools within the district be constructed and kept so as not to be a nuisance or injurious to health."

The POSTMASTER-GENERAL said clause 42 was one of the mandatory clauses of the Bill, which directed local authorities to do certain things. The words were, "every local authority shall provide that all drains, etc., be constructed and kept so as not to be a nuisance or injurious to health." As he had pointed out on one or two occasions, the scheme of the Bill was this: Local authorities were entrusted with the regulation of sanitary matters within their districts. They were directed to perform certain duties, certain other matters under the Bill being left discretionary with them. Where they were directed to perform duties, and neglected to perform them, the Central Board of Health could call upon them to perform those duties; and if they failed to do so, the board could then appoint someone to do the work. The 44th clause provided that—

"A local authority may, and when required by order of the Governor in Council on the recommendation of the board shall, itself undertake or contract for the removal of house refuse from premises, the cleansing of earth-closets, privies, ashpits, and cesspools, and the proper cleansing of streets, either for the whole or any part of the district."

The 15th clause enacted that—

"Where complaint is made to the board that a local authority has made default in enforcing any provisions of this Act, which it is its duty to enforce"—

Wherever the word "shall" was used it imposed a duty which ought to be enforced—

"The Governor in Council on the recommendation of the board, if satisfied after due inquiry that the local authority has been guilty of the alleged default, may make an order directing the local authority to perform its duty in the matter of such complaint, and limiting a time for such performance."

Then a subsequent part of the clause provided that—

"If such duty is not performed within the time limited in the order, the order may be performed by writ of *mandamus*."

That was, by an order from the Supreme Court directing the local authority to perform its duty.

"Or the board may appoint some person to perform the duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the local authority in default; and any order made for the payment of such expenses and costs may be removed into the Supreme Court and be enforced in the same manner as if the same were an order of that court."

Then the last part of the section provided :—

"Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, have all the powers of such local authority other than (save as hereinafter provided) the powers of levying rates; and the board may from time to time by order change any person so appointed."

Provision was also made that, if the local authority failed in the performance of its duty, the persons interested might secure performance of it by some other person appointed by the Central Board of Health, who would have all expenses and the cost of performance refunded out of the local authority's coffers. A subsequent part of the Bill provided that the central board might step in and borrow money, which would have to be repaid in the same manner as loans to municipal bodies.

The HON. W. PETTIGREW said the effect of the Bill would be to render towns uninhabitable. If the people had those cesspits and filthy drains to clean out, and local authorities were

called upon to pay first one expense and then another, residence in towns would be rendered impossible. One good effect would be that people would have to go and reside in the country, instead of congregating in towns, and the railways would benefit by having to carry them away.

Clause put and passed.

Clauses 43 to 45, inclusive, passed as printed.

On clause 46, as follows :—

"When a local authority does not itself undertake or contract for—

The cleansing of footways and pavements adjoining any premises;
The removal of house refuse from any premises; or
The cleansing of earth-closets, privies, ashpits, and cesspools, belonging to any premises;

it may make by-laws imposing the duty of such cleansing or removal, at such intervals as the local authority thinks fit, on the occupier of any such premises.

"A local authority may also make by-laws for the prevention of nuisances arising from filth, dust, ashes, and rubbish, and for the prevention and keeping of animals on any premises so as to be injurious to health."

The POSTMASTER-GENERAL said there was a misprint in line 13, which he proposed to amend by omitting the words, "the prevention and," and inserting "preventing the."

The HON. W. H. WALSH said the clause appeared to be a very extraordinary one. It commenced by saying that when a local authority did not itself undertake or contract for the cleaning of footways and other things ; and it wound up by saying that a local authority might make by-laws. What had a local authority, under that clause, to do with making by-laws ? He could not conceive that the clause had been taken from the English Act. The latter provision ought to be a separate clause altogether.

The POSTMASTER-GENERAL said there was no inconsistency in the clause. Under it a local authority would be able to make its own arrangements for the cleansing of footways and pavements adjoining any premises, the removal of house refuse and so on ; but where it was incapable of doing so, from want of funds or sufficient appliances, it might make by-laws prescribing the mode in which the owners should do the work themselves. It might also make by-laws for preventing nuisances of a somewhat analogous nature, such as those arising from filth, dust, ashes, and the keeping of animals.

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

Clauses 47 to 53, inclusive, passed as printed.

On clause 54, as follows :—

"It shall not be lawful to let or occupy or suffer to be occupied as a dwelling any cellar (including, for the purposes of this Act, in that expression any vault or underground room).

"Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act."

The HON. W. H. WALSH said he certainly thought the hon. the Postmaster-General would have something to say on this clause. It seemed of a most extraordinary nature. Surely it was not a crime for a man to live in a cellar, if he thought fit to select that as his place of residence ! If he (Mr. Walsh) chose to convert a certain portion of his premises into what might be termed "a cellar" by the myrmidons of the law, surely he ought not to be held to be self-criminated, and liable to a penal jurisdiction of that kind ! If such laws were passed, Queensland would not be fit to live in in a short time ; it would be a land of slaves, and not a land of freedom, as they had hitherto boasted it had been. To say that because a certain official or local court chose to consider, for instance, that part of his residential place was a cellar, and hence he should be condemned for living in it, or allowing other persons to live in it, was perfectly monstrous. If the measure required them to determine what were pestilential cellars, or what other part of the house —whether the topmost rooms or the lowest— were injurious to health, let them do so. But simply to say that because a portion of a house was termed a cellar, it should be condemned as uninhabitable, and that those who used it or let it should be liable to pains and penalties, was very much like infringing upon the liberty of the subject. He had a cellar under his house, and he could say that it was the pleasantest, and certainly the coolest and most healthy portion of it ; and yet under this clause, if he were to allow a lodger or a friend to sleep in it, he should come under those woful penalties :—

"It shall not be lawful to let or occupy, or suffer to be occupied as a dwelling, any cellar (including for the purposes of this Act, in that expression any vault or underground room).

"Any cellar, in which any person passes the night, shall be deemed to be occupied as a dwelling within the meaning of the Act."

Why, if his hon. friend the Postmaster-General did him the honour of asking for a night's lodging, he should certainly relegate him to his cellar, which was the coolest and pleasantest part of the building. He thought the clause should be struck out. He could quite understand what was aimed at ; but the framers of the Bill were too comprehensive or too indefinite in their description.

The HON. A. C. GREGORY said it was most important that they should retain the clause, because they knew that serious results might happen from two different causes through persons occupying cellars. Probably the Hon. Mr. Walsh's cellar might be one of the most dangerous parts of his house, because, no doubt he kept his wines there ; and any individual who remained there all night would probably be liable to the suspicion that he had availed himself of the opportunity. Speaking seriously upon the matter, there was no doubt that any room of the kind referred to—the floor of which was sunk below the ground, where there was not sufficient ventilation — must be unhealthy. Further than that, if they looked into the structure of buildings of brick and stone in Brisbane they would discover that one of the greatest defects in them was that the ventilation underneath the floor was very inadequate. While they lived in houses erected upon tall stumps, like bird-cages, they heard very little about diseases such as had been rampant of late years ; and if hon. gentlemen would acquaint themselves with the condition of the lowe parts of buildings, such as he had mentioned, they would ascertain that the atmosphere was in a mouldy and most unhealthy condition. The ventilation, as a rule, was not adequate ; two or three grates were put into the foundation under the floors ; and the moment a carpenter, when called upon to make repairs, lifted a board, a mouldy smell of decomposed vegetable matter and other things arose, which really surprised one unless they had some practical experience of it. He therefore thought it advisable that they should legislate against people living in cellars, which were undoubtedly prejudicial to health.

The HON. W. H. WALSH said that, while he did not wish to deny the wisdom of the Hon. Mr. Gregory, he still thought it was a very extraordinary clause. It converted rooms in their houses which they might consider most wholesome and useful into objectionable ones ; and it did more than that. Even if persons from choice should pass a night in one of those rooms, according to the latter portion of the

clause, it would be converted into an uninhabitable and improper place. He considered the clause highly improper, and thought it ought to be struck out altogether.

The POSTMASTER-GENERAL said he might point out that the experience of Great Britain had shown that living in cellars or underground rooms was injurious to health. The 71st clause of the English Act said—

"It shall not be lawful to let or occupy, or suffer to be occupied, separately, as a dwelling, any cellar (including, for the purposes of this Act, in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act."

Provision was also made that such places already occupied should be rendered as little injurious as possible. If such provisions were necessary in the old country where the climate was not so trying, they were much more necessary in the colony.

The HON. W. H. WALSH said the clause was arbitrary and entirely unsuitable to a new country where there was abundance of room. The Postmaster-General had quoted the English law on the subject; but he thought the school to which the hon. gentleman belonged rather set an example to, than followed the example of, the old country. The idea of the provision being required in the colony because it was required in a place like London with such a dense population was not all applicable.

The HON. W. PETTIGREW said he could inform hon. gentlemen from experience that a room partly underground on the side of a hill was very agreeable on a hot day; but, as stated by the Hon. Mr. Gregory, without proper ventilation it was most objectionable. Several cases of disease, caused by people residing in such places as those included in the clause, had been reported to the municipality of Brisbane, and he thought the Hon. Mr. Walsh might let the clause pass.

Clause put and passed.

Clauses 55 to 57, inclusive, passed as printed.

On clause 58, as follows:—

"A person shall not keep a common lodging-house or receive a lodger therein, unless the house is registered in accordance with the provisions of this Act, nor unless his name as the keeper thereof is entered in the register: Provided that on the death of a person so registered his widow or any member of his family may continue to keep the house as a common lodging-house for not more than four weeks after his death, without being registered as the keeper thereof."

The HON. W. H. WALSH said there was something new in the clause, he thought, and he hoped the Postmaster-General would explain.

The POSTMASTER-GENERAL said that on the second reading of the Bill he pointed out that the clause was a novelty in the law in the colony, and that it was adapted from the English Act, where no definition of the term "common lodging-house" was given. The question of defining the term was fully discussed, both in another place and in Great Britain, but it was considered better to leave it undefined. If hon. members wished to have the definition included in the Bill, he had one which he had adapted from the health provisions of the city of Chicago, and which would come properly in the 68th clause.

Clause put and passed.

Clauses 59 and 60 passed as printed.

On clause 61, as follows:—

"A local authority may from time to time make by-laws—

(1) For fixing, and from time to time varying, the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein;

(2) For promoting cleanliness and ventilation therein;

(3) For enforcing the giving of notices and the taking of precautions in the case of any infectious disease occurring in a common lodging-house; and

(4) Generally for the good conduct of common lodging-houses."

The HON. W. H. WALSH said the representative of the Government might show the virtue of the clause. It might be a most salutary clause, but neither its necessity nor its value had been shown.

The POSTMASTER-GENERAL said that similar provisions were in existence in Great Britain; and any hon. gentleman who went round the streets of Brisbane must have observed that the time had arrived long ago when some provision should be made for the regulation of lodging-houses. In Albert street, for instance, there were some places of the most offensive and disreputable character, and the clause provided that the local authorities should be empowered to make by-laws applicable to such places.

Clause put and passed.

Clauses 62 to 67, inclusive, passed as printed.

On clause 68, as follows:—

"For the purposes of this Act the expression 'common lodging-house' includes, in any case in which only part of a house is used as a common lodging-house, the part of such house so used."

The POSTMASTER-GENERAL moved the omission of all the words after the word "lodging-house" in the 2nd line of the clause, with a view of inserting the following:—

"Means and includes any house or building or portion thereof, respectively, in which persons are received or lodged for hire, or are harboured, for a single night, or part of a night, or for less than one week at a time, or any part of which is let for any person to sleep in for any term less than a week."

The HON. A. C. GREGORY said that as the amendment stood it would include hotels, and it would be better to state distinctly that the term should not include them.

The POSTMASTER-GENERAL amended the motion by the insertion after the word "building" of the words "not being a licensed public-house."

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

Clauses 69 and 70 passed as printed.

On clause 71, as follows:—

"(1) Any premises in such a state as to be a nuisance or injurious to health;

(2) Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit, so foul or in such a state as to be a nuisance or injurious to health;

(3) Any animal so kept as to be a nuisance or injurious to health;

(4) Any accumulation or deposit which is a nuisance or injurious to health;

(5) Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family;

(6) Any factory, workshop, or workplace, not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities, generated in the course of the work carried on therein, that are a nuisance or injurious to the health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of persons employed therein; and

(7) Any chimney (not being the chimney of a private dwelling-house) sending forth smoke in such a quantity as to be a nuisance;

shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by this Act.

"Provided that a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business

or manufacture, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purpose of the business or manufacture, and that the best available means have been taken for preventing injury thereby to public health."

The HON. A. C. GREGORY said, in reference to the definition of nuisances, he saw that "any chimney (not being the chimney of a private dwelling-house) sending forth smoke in such quantity as to be a nuisance shall be deemed a nuisance." It would be somewhat difficult to define how much smoke that would be; and, further than that, it had been found that smoke, although it might be a nuisance to some people, was one of the great disinfectant elements in the atmosphere. Until late years it was supposed that smoke was an unmitigated evil, and they had Acts of Parliament saying that no coal smoke should be allowed to be sent forth. There were several other things referred to in that clause as nuisances, to which he need not allude. He wished to direct attention to another matter, and one of considerable importance — the subdivision of land. He was however afraid it could not be very well introduced into that Bill. If it were possible to have some regulation with regard to the space of ground upon which people should be permitted to erect their dwellings inserted in that measure, much good would be accomplished. They had seen that the system had lately become rife of cutting up land into such small portions that it was hardly possible to build a decent residence upon them; and where the purchasers could just put up their buildings, no space was left for the proper conveniences which ought to be attached to them. He feared that they could not conveniently deal with the subject in that Bill, but probably by drawing the attention of the Government to the matter—which they were no doubt cognisant of from other sources—something might be done in the way of special legislation. There was no doubt that many people considered any such legislation as would be necessary an infringement upon their rights, and claimed that they should be allowed to deal with their freehold land as they thought fit, that they ought not to be interfered with in any way, and that they should not be compelled to build their houses any particular way. But in all civilised communities, as the social system advanced, everyone must surrender their individual liberties to some extent, in order to benefit the whole community. Of course if a man went about like a blackfellow he required little, and was free to do pretty much as he liked. But as communities were formed men must surrender some part of their liberties with the view to secure the protection of the whole community; and therefore as they advanced to their present high state of civilisation it was not unreasonable to require people so to construct their residences or so to subdivide their lands that they should not interfere with the public health. The health of one individual was not his property alone, but belonged to the whole social community. He would strongly urge the Government if they could see their way, either this session or early next session, to introduce a measure prohibiting persons from cutting up land into unreasonably small allotments, on which houses were built that were hardly fit for a pig to live in.

The POSTMASTER-GENERAL said his sympathies were entirely with the hon. gentleman in the remarks he had made respecting the size of allotments into which it had been the practice to cut up land sold for the purpose of dwellings. He would be very glad to see a law passed something similar to the one in force in New South Wales, which not only restricted the size of allotments, but also provided that all streets should be at least a chain wide. That law had been working very well in the adjoining colony for some years past. The Bill was, he believed, introduced by the late Minister for Justice. It was really a pleasure to go to places that had been subdivided under the provisions of that Act. It would, he thought, be quite impossible for him to make any alteration in the Bill before the Committee in the direction indicated by the hon. gentleman, but he would be very glad to co-operate with him or any other hon. member of that Committee who might bring in such a measure as was necessary to meet the case. At all events he would discuss the matter with his colleagues, and if a Bill was not introduced by a private member, the Government might see their way to bring forward a measure dealing with the subject at some future date. In the meantime he could not make any promise.

The HON. W. PETTIGREW said he was very glad to hear the remarks made by the Hon. Mr. Gregory, and hoped the hon. gentleman would act on the suggestion of the Postmaster-General and introduce a Bill and get it passed by the Council that session. The hon. gentleman had the ability to do so, and he (Hon. Mr. Pettigrew) believed the Postmaster-General would give his assistance to pass it through the House. For his (Hon. Mr. Pettigrew's) part he would be extremely well pleased to see it done. As far as Brisbane was concerned the land was all cut up, but the way people were now cutting up allotments in the neighbourhood of the city was outrageous. Some of the allotments were actually only eight perches in area, so that there was no room on them for any of the decencies of life. He hoped the Hon. Mr. Gregory would introduce a Bill this session.

Clauses 72 to 131, inclusive, passed as printed.

On clause 132, as follows:—

"No justice shall be deemed incapable of acting in any case arising under this Act by reason of his being a member of any local authority, or by reason of his being, as one of several ratepayers, or as one of any other class of persons, liable, in common with others, to contribute to or be benefited by any rate or fund out of which any expenses incurred by such local authority are, under this Act, to be defrayed."

The HON. W. H. WALSH said he saw very great impropriety in the clause, the first part of which provided that no justice should be deemed incapable of acting in any case arising under the Act by reason of his being a member of any local authority; and in a previous part of the Bill it was provided that any two justices could act. The idea that a justice might sit on a local board, and—perhaps from personal feeling—be one of those who instigated a case being prosecuted, and then being allowed to sit on the bench and adjudicate upon that case was quite un-English. He trusted the Postmaster-General would see the indelicacy—or rather the indecency—of such a proceeding, the danger of which was repugnant to the ideas generally of Englishmen who loved to see fair play.

The POSTMASTER-GENERAL said it was quite possible, under the clause, for a member of any local authority to be a justice of the peace who had to adjudicate in a matter in which the local authority was specifically concerned, and therefore he thought there would be no objection to striking out the words, "A member of any local authority, or by reason of his being." Of course it was highly desirable to maintain the other words of the clause, because justice could not be carried on if all persons interested in a rate were prevented from sitting on th bench. The matter had been brought unde his notice by the remarks of his hon. friend

Mr. Walsh, and at the present moment he could not see why the words he referred to had been inserted. However, if they did anything wrong the Legislative Assembly could put it right. He moved that the words he had mentioned be omitted.

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

Clauses 133 to 139, inclusive, put and passed.

On clause 140, as follows:—

"Notices, orders, and any other documents required or authorised to be served under this Act may be served by delivering the same to, or at the residence of, the person to whom they are respectively addressed, or, if addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

"Or they may be served by sending them by post by a prepaid letter, and if served by post they shall be deemed to have been served at the time when the letter would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, or other document was properly stamped and addressed and put into the post.

"Any notice by this Act required to be given to the owner or occupier of any premises may be addressed to him by the description of the 'owner' or 'occupier' of the premises (naming them), in respect of which the notice is given without further name or description."

The HON. W. D. BOX asked the Postmaster-General if he were satisfied that the notice in regard to unoccupied lands within the municipality was sufficient? He believed that, according to the present Act, notice had to be placed on the land or premises.

The POSTMASTER-GENERAL said the provision was quite sufficient. The clause provided that if the owner or occupier of the land could not be found the notice might be placed upon the premises.

Clause put and passed.

Clauses 141 to 147, inclusive, passed as printed.

On clause 148, as follows:—

"The forms contained in the schedule to this Act may be used for the purposes for which they are respectively applicable."

The HON. W. H. WALSH said this seemed a most extraordinary clause. He had never seen anything like it before. The schedule attached to the Bill was according to practice, but he did not see the necessity for the clause. It was a new system of Bill-constructing, for which, perhaps, the Postmaster-General could give a reason.

The POSTMASTER-GENERAL said that if hon. gentlemen would look over the forms contained in the schedule they would find that there was nothing alarming in them. The first was the form to be used in calling on a person to abate a nuisance within a specified time. The next was the form of summons requiring a person to appear before the local court, in order that the justice of the peace might step in and require a nuisance to be abated. The third was the form of an order for the abatement or the prohibition of a nuisance where a person had refused to obey the direction of the local authority. The next was the form used in calling on a local authority to abate a nuisance. The next was a form of order to permit the execution of works by the owner of property. And the last was the form of order for the admission of the officer of the local authority to inspect. It was necessary to have those forms in order to facilitate the execution of the provisions of the statute. They might be multiplied with advantage, but those inserted were those which would be in common use.

The HON. W. H. WALSH said he did not take exception to the forms contained in the schedule, but he did say that there was something extraordinary in the clause. Of course the forms would be used for the purposes for which they were intended; but there was something more than they could see in the clause. There was something new in it, and he took exception to passing such a clause without some explanation—which the Postmaster-General had not yet given. The hon. gentleman seemed to shirk the objection he took, and gave the Committee a discursive statement as to the value of the forms. He objected to a single unnecessary clause being passed.

The POSTMASTER-GENERAL said the schedule would be unintelligible without some reference in the body of the Bill. In framing Bills it was common to use the expression "in the form contained in the schedule" or words to the like effect; and that expression was repeated in every clause having reference to the schedule. But in the Bill before the Committee there was no special reference in the various clauses to the schedule; hence it was convenient to insert the clause now under discussion. The hon. gentleman was mistaken when he said such a clause was new. It was quite common, especially in modern Acts. They had already adopted it in the Patents, Designs, and Trade Marks Bill, and in the Insanity Bill; and if it were not included now, the schedule would be inoperative.

Clause put and passed.

Schedule put and passed.

The House resumed, and the CHAIRMAN reported the Bill with amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

The House adjourned at half-past 9 o'clock.