

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 12 NOVEMBER 1884**

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## PHARMACY BILL.

On the motion of the HON. A. J. THYNNE, the President left the chair, and the House went into Committee to consider the Legislative Assembly's amendments to this Bill.

The HON. A. J. THYNNE said the Bill had been considered by the Legislative Assembly, and returned with certain amendments. The first was in clause 5—an amendment practically striking out an amendment introduced on the motion of the Postmaster-General. The clause as it first stood said :—

“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.”

That was the original provision for the qualifications of members of the board; but the amendment moved by the Postmaster-General required that a chemist and druggist, in order to be competent to hold a seat on the pharmacy board, must hold a certificate 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. There were very few chemists in the city holding the first qualification, and he would point out that, until the board was constituted, the college or board of pharmacy referred to in the amendment of the Postmaster-General could not be recognised; so that a great many desirable men who would be of great assistance would be excluded from the board. It was of considerable importance that the first board should have the confidence of the chemists as well as of the general public. One effect which would follow from the clause remaining as amended by the Postmaster-General would be that a few young men, who had recently come to the colony, and who were now in the position of assistants getting probably small salaries, would form the pharmacy board, and it would be rather awkward for men holding subordinate positions to have seats on the board. The men best suited to form and work the board were those who had, by long experience and high personal character, shown themselves worthy of public confidence. He therefore moved that the Committee agree to the amendment of the Legislative Assembly in clause 5.

The POSTMASTER-GENERAL moved that all the words after “that” be omitted, with a view of inserting the following :—

The Committee disagree to the amendments of the Legislative Assembly in clause 5, because the Bill provides for the examination by the board of pharmacy of persons desirous of being registered as pharmaceutical chemists, and it is expedient for the safety of the public, and in order to secure proper examination, that all members of such board should, before their appointment thereto, have proved themselves qualified to conduct the prescribed examinations by having passed a similar examination.

The Hon. Mr. Thynne had offered no argument whatever in favour of assenting to the amendment of the Legislative Assembly. The matter was very fully discussed by the Council when the Bill was under consideration, and there seemed to be an almost unanimous consensus of opinion that the persons entrusted with the examination of candidates wishing to become pharmaceutical chemists should prove themselves qualified before they were entitled to sit on the board. The Bill was not introduced in the interests of the chemists, but those of the public. According to the preamble, it was introduced because it was desirable to make better provision for preventing

## LEGISLATIVE COUNCIL.

*Wednesday, 12 November, 1884.*

Maryborough School of Arts Bill—third reading.—  
Pharmacy Bill.—Townsville Gas and Coke Company  
(Limited) Bill.

The PRESIDENT took the chair at 4 o'clock.

MARYBOROUGH SCHOOL OF ARTS  
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.

unqualified persons from representing themselves to be competent to practise as dispensing chemists and druggists. It was desirable to remove that facility, and that was the reason for the introduction of a provision which enacted that all persons must hereafter prove that they had been registered by competent tribunals elsewhere, or undergo a period of apprenticeship and prove their competency by examination. The clause provided that the board of pharmacy should consist of persons so qualified. Clause 22 laid down the following emphatic rule:—

“The board shall examine all persons, who shall present themselves for examination, under the provisions of this Act, as to their knowledge of the Latin language, botany, *materia medica*, pharmaceutical and general chemistry, practical pharmacy, and such other subjects as may from time to time be prescribed by the regulations.”

Those were subjects which the experience of learned societies elsewhere held to be necessary, and of which persons desiring to practise as pharmaceutical chemists should display a competent knowledge. But how on earth could the board of pharmacy be trusted with the conduct of those examinations unless the members thereof gave some evidence of their own competency? He had endeavoured to secure that the members of the board should consist of thoroughly competent persons when he moved the amendment which had been struck out by the Legislative Assembly. At that time he was under a misapprehension as to the state of the law in Great Britain. He assumed that the Act of 1852 was the only one in force dealing with pharmaceutical chemists, but subsequent researches had enabled him to discover that an Act was passed in 1868, extending the provisions of the Act of 1852, and recognising more strongly than the Act of 1852 the necessity for the examination of candidates by competent persons. The preamble contained the following:—

“Whereas it is expedient for the safety of the public that persons keeping open shops for the retailing, dispensing, or compounding of poisons, and persons known as chemists and druggists, should possess a competent practical knowledge of their business, and to that end, from and after the day herein named, all persons not already engaged in such business should, before commencing such business, be duly examined as to their practical knowledge, and that a register should be kept, as herein provided.”

The Act of 1852, which incorporated the Pharmaceutical Society of Great Britain, stipulated that the society's board of examiners should be the examiners under that Act to determine the qualification of pharmaceutical chemists; and that they should be competent to conduct examinations it was provided that they all should have a knowledge of the subjects on which the candidates were to be examined. There was some very serious evidence given before the Select Committee appointed to examine into the Bill. The Bill professedly originated with the chemists; and one prominent chemist, on being somewhat pressed to give an opinion as to the character of the examination of candidates, said he thought they should show some knowledge of the Latin language; and on being pressed to name the books, he stated, among others, that he thought “Euclid” would be a very suitable one. He believed that gentleman was a very good dispenser of medicine; but would that gentleman be competent to determine what line the examination should take under clause 12? All that they prescribed in the 5th clause was that every person presiding over an examination should himself be competent, and should have proved that competency either by being registered as a pharmaceutical chemist, or as a chemist and druggist under the Pharmaceutical Society of Great Britain, or any college or board of pharmacy

recognised by the board under the regulations. When the amendment introduced by him was adopted he was not aware there was a separate Pharmaceutical Society in Ireland, but it would be quite competent for the Legislative Assembly, if they insisted on retaining the clause in its present shape, to offer a suggestion by which additional gentlemen could be allowed to be placed on the board—for instance, members of the Pharmaceutical Society of Ireland and members of any Pharmaceutical Society of Great Britain. They could not now make that alteration themselves. He had no objection whatever to the insertion of any class of persons in the colony who had undergone an examination. All he desired to secure was that the members of the board of pharmacy, who were appointed from time to time under the Bill to conduct the examinations of future candidates, should have proved themselves to be competent men, and that was, he thought, all that the Committee and the country desired. But if they allowed the Bill to go forth in its present shape, any person who had been registered as a chemist and druggist under the existing Act—which was admitted to be defective, and which that Bill was introduced to do away with—would be at once placed in the position of being entitled to be elected to the board; and as the number of skilled pharmaceutical chemists in the colony was admitted to be very few, unquestionably the examination would practically become a farce. Those men would select men of their own body to occupy positions on the board, and the examinations would either be too hard or would be useless by not being sufficiently stringent. His experience was that the more competent the man was to examine candidates the more fair the examinations were likely to be. If they put in incompetent men they would try to make it a close corporation, and would make examination unduly stiff. He wanted to guard against both extremes, and to secure fair examinations; and they could not be fair unless the persons who were to conduct them were competent men.

The HON. A. C. GREGORY said he could not agree with the proposed amendment, as he thought that when they came to examine the Bill they would find that clause 5 only applied to the first board which was to be appointed.

The POSTMASTER-GENERAL: No.

The HON. A. C. GREGORY: The clause said:—“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” so-and-so. After the register was made it would be another matter. Then clause 6, which must be read in explanation of clause 5, said:—

“The first members of the board shall be appointed by the Governor in Council, and shall hold office until the thirty-first day of December, one thousand eight hundred and eighty-six.”

Now, taking clause 5, either as it originally stood or as it had been amended by the Legislative Assembly, the whole effect of it was simply to prescribe from whom the Governor in Council should select the first board. Under those conditions it was possible, if they passed too stringent a clause, that some few eligible individuals—it might be only one perhaps—might be technically deprived of the qualification which would enable the Governor to select them; and they certainly ought to be able to trust the Governor in Council to select the individuals from a large list as well as they could from a smaller one. Under those circumstances he really did not see what was the use of delaying the business of the country in insisting upon the original clause and rejecting the amendment

of the other House when that amendment in no way interfered with what could be done under the Bill. Even if the amendment which had been put by the Postmaster-General were carried, it would only have the effect of narrowing the powers of the Governor in Council.

The POSTMASTER-GENERAL said that the hon. gentleman was mistaken. The clause applied to the appointment of the first board, and every subsequent board. He would read the clause to the Committee in the form in which it stood when they passed it:—

“5. 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, who holds a certificate 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, or legally qualified medical practitioner; and so soon as such register has been made, and the fact so certified, must be a pharmaceutical chemist, who holds any such certificate or has passed the examination prescribed by the regulations, or legally qualified medical practitioner.”

He would have to detain the Committee again, so that they might thoroughly understand the matter. At present they had what were called registered chemists and druggists under the Medical Act of 1867. Hon. gentlemen, by turning to definitions in clause 3, would observe that a “registered chemist and druggist” meant a person registered as such under the Medical Act of 1867, and that a “pharmaceutical chemist” meant a person registered as such under the Bill. If they turned to clause 20 they would find that “any person who has attained the age of twenty-one years, and is a registered chemist or druggist,” could at once, and was immediately, when the Bill came into force, entitled to be registered as a pharmaceutical chemist under the Bill; he immediately got his status as a pharmaceutical chemist when the Bill had been passed and he had applied to be registered. The register was made up by the board under the provisions of section 13, as follows:—

“The board shall cause to be made and kept, a register, in the form in the first schedule, or to the like effect, of the names of all persons entitled to be registered as pharmaceutical chemists, and such registers shall be called ‘The Pharmaceutical Register of Queensland.’”

“So soon as a register shall have been made under this Act, the president of the board shall certify the fact to the Governor under his hand and seal.”

All that was necessary to be done to have the register constituted, was for those persons who claimed to be admitted—such as the chemists and druggists existing now—to apply. That would not take a month to perform. The register was then complete—as soon as the applications were made. The president would certify the fact to the Governor in Council, and then those men became pharmaceutical chemists. If the Bill remained in its present position, as it had been altered by the Legislative Assembly, every chemist and druggist in the colony who was now practising, however unqualified he might be, would become at once a pharmaceutical chemist, and be eligible for appointment to the original board, as well as to all subsequent boards of pharmacy. He thought that the Hon. Mr. Gregory need be under no apprehension as to the powers of the Governor in Council under the Bill. It was true that the first board was to last to December, 1886. The hon. member wished—and he believed they all wished—to secure that the first board should be composed of thoroughly competent men, and the Governor in Council had very large powers of selection under the Bill. Every man who was a pharmaceutical chemist, and who had passed an examination under the regulations here for future admission

as a chemist, was eligible to be placed on the original board as well as medical practitioners. At present he believed the board was almost, if not entirely, composed of medical men. Those men they knew had gone through a course of education, and had passed examinations to show their qualifications; and even if the board was originally composed entirely of medical men, the chemists and druggists would suffer no injustice, because they could only work under the provisions of the statute. If they were to assent to the amendments of the Legislative Assembly they would practically place in the hands of the present chemists and druggists the right to appoint themselves almost in perpetuity, or as long as they lived, the board of pharmacy under the Bill. How could they get from incompetent men a thorough examination? It was impossible. No men were capable of supervising examination unless they had some knowledge of the subjects about which the examination was held, and, therefore, he sincerely hoped that they would not be induced to waver from the decision that they gave very strong expression to on a former occasion.

The HON. A. J. THYNNE said he did not wish to detain the Committee any longer; but it was due to the gentleman whose evidence was taken before the committee in 1882, and who had been alluded to in such a direct way by the Postmaster-General, that he should call the attention of hon. members to what that gentleman's evidence was. The insinuation was that Mr. Moses Ward did not know—

The POSTMASTER-GENERAL: I did not mention any name.

The HON. A. J. THYNNE said his hon. friend used the words “a principal chemist,” and said the answer given by that gentleman was notorious. If it was a notorious thing, why did not the hon. gentleman mention his name? That gentleman was examined; and the question and answer which were given he would read to the Committee. It was a question put by the Hon. J. Macpherson:—

“I want your opinion. If you would only state what book you are acquainted with that you would recommend in Latin?”

The answer was—

“Cæsar. It is unnecessary to employ it, perhaps; but Euclid.”—

And the witness was at once stopped by the chairman—the Hon. B. D. Morehead—who was then Postmaster-General, and who did not allow him to finish his sentence. In a note added by the witness to his evidence, on revision, he said that in the examination at home it was also necessary to have a knowledge of Euclid and Greek. He thought it was a very improper course to try and pervert the meaning of evidence which a witness gave before a committee of that Chamber in that way. It was not fair, and it was not an open way of attacking a body of men who, he ventured to say, were as respectable and creditable a body of men as were engaged in any business or occupation in the colony. And he would further say that, taking the body of chemists and druggists of the colony, from end to end—let them be accused of being incompetent by the Postmaster-General or the medical men or not—the medical men were, perhaps, under greater obligations to them than they liked to acknowledge—they would get a better board ultimately by leaving the field enlarged, instead of having a narrow field with only a few men to select from. Was it because a man had passed an examination in Great Britain, with no practical knowledge of business, that he was to be foisted above men who had gained experience in their business during a period of twenty-five years?

He submitted to them, that, as a matter of practical experience, those who had lived here so long, and who had maintained their reputation as good careful business men, were more worthy of being entrusted with power than any new arrivals who might have passed examinations or got diplomas with or without examination. He certainly thought that the original clause, as passed by the Committee, was one which would cramp the operation of the board; and why should they not trust their chemists the same as in Great Britain and the other parts of the world? The same objection to the constitution of the board had been raised in Great Britain, and had been successfully combated.

The POSTMASTER-GENERAL: That is not so.

The Hon. A. J. THYNNE: The hon. gentleman said it was not so; but he would repeat the words he read from the statute, and which he (Hon. Mr. Thynne) noted particularly. The last statute in Great Britain made provision for the admission of men who were not then in business.

The POSTMASTER-GENERAL: I do not object to their admission being made by examination.

The Hon. A. J. THYNNE: The hon. gentleman had spoken about examination, for which he was much obliged to him. He had forgotten that the hon. gentleman, in reading clause 22, had omitted the latter part, which said "the board may from time to time appoint examiners to conduct examinations under this Act." The very facts the hon. the Postmaster-General referred to showed that in Great Britain they had allowed those men, who were in business when the Bill was introduced, to carry on business and to be registered as chemists. And the hon. gentleman had enabled him to show them that, under that part of the Bill, those men were not supposed to conduct the examinations personally, but they might appoint, as all boards had power to do, examiners who had to put questions to those candidates to ascertain their capacity.

The POSTMASTER-GENERAL said he had been accused of distorting evidence. He had done nothing of the sort. There was no single mention of mathematics or anything about Euclid in the previous portion of Mr. Ward's evidence. That gentleman was pressed about the class of examination that ought to be expected from candidates in pursuance of the provisions of a Bill, somewhat analogous to the present one, which was then before a committee of that House. He would read the whole questions leading up to that, in which reference to Euclid was made; and hon. gentlemen could judge for themselves as to what was in the mind of the witness on that occasion:—

"52. Are there seven chemists in Brisbane—I will narrow the question to this—who are competent to examine in the Latin language, botany, *materia medica*, pharmaceutical and general chemistry, practical pharmacy, and such other subjects as may from time to time be prescribed by the regulations? Yes.

"53. There are? There are.

"54. You yourself, Mr. Ward, have said that your Latin has got a little rusty—it is a long time since you went to school. I cannot quite understand that? Mr. Macpherson asked me which book I would recommend. I do not know what books they are using in the public schools now. I am very cautious not to mention until I know what books are in use, because my boys were at school in England, and when they came here I had to buy them new books entirely. The books used at school here were not the same as they had been using at home.

"55. By the Hon. P. Macpherson: But, Mr. Ward, I only want your opinion. If you would only state what book you are acquainted with that you would recommend? *Cæsar*. It is unnecessary to employ it, perhaps: but *Euclid*."

Then Mr. Morehead, really out of charity, so as not to allow the gentleman to put his foot in it, said, "That is neither botany nor *materia medica*." What conclusion could any sane man come to who read that evidence than the conclusion he had come to—that that gentleman thought that *Euclid* was a Latin text-book? He was very sorry that the gentleman's name had been introduced. He had carefully abstained from mentioning names himself; but the gentleman referred to admitted that he had got a little rusty. The Hon. Mr. Thynne had talked about respectability, but it was not a question of respectability at all. The gentleman in question was probably ten thousand times more respectable than he (the Postmaster-General) was. He had no doubt that he was a thoroughly respectable man. There were good and bad in every walk of life. It was not, as he had said, a question of respectability, but of educational status, that they were discussing. With regard to the position of affairs in Great Britain, his hon. friend Mr. Thynne appeared to be under the impression that persons there were constituted pharmaceutical chemists at once, but it was nothing of the sort. He (the Postmaster-General) pointed out some time ago, when the matter was under discussion, that a number of competent men in Great Britain, in order to get a status for themselves, constituted themselves into a society in 1843, and voluntarily fenced themselves with rules which prescribed that no persons should be admitted to their society unless they had gone through a course of education, and passed a certain examination. Upon complying with those conditions they were given a certificate of competency as pharmaceutical chemists; but it conferred upon those persons no public right or status. It was simply a certificate of competency from a thoroughly competent body. The Legislature did not step in until 1852, nine years afterwards, when they recognised the voluntary action of those persons who had associated themselves together for the purpose of securing competency. They were then given a recognised status, and the persons who were appointed examiners under the by-laws of the society were required to be men competent to conduct the examination. Then, in 1863, they again fenced round the conditions with regard to the appointment of those men. There were then two classes of men at home—pharmaceutical chemists, and chemists and druggists. The chemists and druggists were persons who had got, as it were, a mere smattering of the scientific part of the pharmaceutical chemist's business. Under this Bill they were leaving it open for the chemists and druggists, who had passed the lesser examination, to step into the superior station; and they dealt still more liberally with persons who were registered under the Act of 1867, by enabling them to become pharmaceutical chemists without undergoing any examination. All he insisted upon now was that those persons who conducted the examination in the future should themselves have passed an examination.

The Hon. A. J. THYNNE said persons who were now registered in the colony as chemists and druggists had had to produce some evidence of qualification to the board. The qualification might not in all instances have proved very suitable if examined into, but still they had to produce a certificate of service of apprenticeship. There might be instances in which some of those persons might not be able to pass an examination, but he knew a great many cases in which they would have been able to pass a very strict examination, and why should they be excluded from the board?

The HON. W. D. BOX said the question had been well talked out in committee before; and he could not help thinking that the conclusion they arrived at previously, was a wise one—putting in certain safeguards to ensure that they should have a properly qualified board. The hon. the Postmaster-General had given, to his mind, very satisfactory reasons why men who did not possess a certain qualification ought not to be chosen as members of the board that was going to manage and control the operation of the Bill. He therefore trusted that the Committee would continue to insist upon the alteration they had made in the Bill. Nothing that had been said had changed his mind on the question.

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

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The Hons. A. J. THYNNE, P. Macpherson, W. Pettigrew, A. C. Gregory, W. Forrest, and W. Graham.

NON-CONTENTS, 12.

The Hons. Sir A. H. Palmer, C. S. Mein, A. Raff, J. C. Heussler, J. Taylor, G. King, A. H. Wilson, J. C. Foote, W. G. Power, J. F. McDougall, W. D. Box, and F. H. Hart.

Resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put and passed.

The HON. A. J. THYNNE said the next amendment made by the Legislative Assembly was in clause 16. In the Bill, as passed by the Council, the words "deputy registrar" were used; the term should be "district registrar," and the Assembly had made the alteration, which was merely verbal. He moved that the amendment be agreed to.

Question put and passed.

The HON. A. J. THYNNE said the next amendment made by the Legislative Assembly was in clause 28, in which they had inserted an exception to certain provisions of the Bill, in the following words:—

"Any person representing himself to be a homœopathic chemist only."

That exception applied to the provisions of clauses 26 and 27. He might say that he did not quite approve of the amendment, because the provision was omitted from the Bill in that Chamber on the recommendation of the Select Committee appointed to inquire into it; and they acted upon the evidence given before them by Dr. Waugh, who was himself a homœopathic medical practitioner, and who recommended that homœopathic chemists should be placed upon the same footing as ordinary chemists. For the purpose of having the matter discussed, he moved that the amendment of the Legislative Assembly in clause 28 be concurred in.

The HON. A. C. GREGORY said the amendment was practically to admit any person who called himself a homœopathic chemist only to all the privileges of the Bill. If the term "homœopathic chemist" meant what they, in ordinary conversation, took it to mean, perhaps there would be no objection; but the actual fact of the matter was that the term "homœopathic chemist" did not restrict a man to dispensing medicines of any particular class, or in any particular form or quantity. A man might dispense, as a homœopathic chemist, just as large a dose of medicine as any other chemist, and there was nothing to prevent him from compounding medicine in any quantity, or of any quality. Under those conditions he could not divest himself of the impression that when making the amendment the Assembly did not thoroughly understand the question before it. He believed the real ground of the amendment was one of this nature:—He understood that someone who

was the head of an establishment from which homœopathic medicines—as they were termed—were dispensed did not himself possess the qualifications that would be required under the Bill from ordinary chemists, and, it being a seeming case of hardship to those who had taken the amendment in hand, they desired to relieve the individual in question from the disability that would follow upon him if that particular clause were struck out. But there must be, in connection with every piece of legislation, some persons who must suffer for the benefit of the whole, and consequently he thought that they ought not to agree to the amendment, and that they should strike out the words "or any person representing himself to be a homœopathic chemist only," because practically it would nullify the Bill from beginning to end. He moved as an amendment that this House disagree to the amendment of the Legislative Assembly in clause 28.

The HON. A. J. THYNNE said he was under a misapprehension as to the correct form, when he moved that the amendment be agreed to; he would therefore, with the consent of the Committee, withdraw his motion, to allow that of the Hon. Mr. Gregory to be put.

Motion, by leave, withdrawn.

The HON. A. C. GREGORY moved that the Committee disagree to the amendment of the Legislative Assembly in clause 28, introducing the words "or any person representing himself to be a homœopathic chemist only."

The POSTMASTER-GENERAL said he was a member of the Committee to which the Bill was referred, and he was somewhat surprised when he found that Dr. Waugh considered all persons engaged in the dispensing of homœopathic medicines would have to submit to an examination similar to that enacted for pharmaceutical chemists. He (the Postmaster-General) believed in homœopathy, and he should certainly prefer getting his homœopathic medicines from a person who dispensed homœopathic medicines only. Greater care was required in their manipulation, as the homœopathic chemist often dealt with very important poisons. It was a popular idea that homœopathy meant minute doses only, but that was not an accurate idea, for the strength of the dose was a matter that varied with the practitioner himself. He thought at first that it would be wise to retain the provision originally contained in the Bill; but, in deference to Dr. Waugh's opinion, he concurred in the advisability of striking out the words relating to homœopaths. There was, until recently, but one person carrying on business in the colony as a homœopathic chemist only, and, as soon as the Bill became law, he would be precluded from carrying on the business, and must sell to a person registered as a chemist under the Act. Perhaps his case would be met by adding to the clause the words "and who is engaged in dispensing homœopathic medicines only." Clause 28, which was a penal clause, provided that if any person represented himself as a person competent to practise as a pharmaceutical chemist under the Act, or used any words that would induce the public to be deceived into the belief that he was a pharmaceutical chemist under the Act, he should be liable to the penalties provided. Then there were certain exceptions. A person would not be liable if he represented himself to be a homœopathic chemist only, because then he would not profess to make up compound medicines. Homœopaths took each drug simply by itself, and therefore, as only one drug was being handled at a time, there was less liability to danger than in the case of a compound prescription. There would



be less danger in allowing an unlicensed homœopathic chemist to sell medicine than in allowing an unlicensed pharmaceutical chemist to do so.

The HON. A. C. GREGORY said he would withdraw his motion in favour of the one suggested by the Postmaster-General.

Motion, by leave, withdrawn.

The POSTMASTER-GENERAL moved that the Committee agree to the amendment in clause 28 with the following amendment—namely, the addition of the words “and who at the time of the passing of this Act is engaged in selling or dispensing homœopathic medicines only.”

The HON. W. FORREST said that, from his point of view, the motion was only shutting the front door and opening the back door wider; because all that a person would have to do in order to escape the penalties would be to stick on his window a notice to the effect that he was a homœopathic chemist only. Clause 27 provided that, under certain circumstances, any person practising as a pharmaceutical chemist should be liable to a penalty. One of the penalties provided was imprisonment for six months. But any person practising as a homœopathic chemist would be able to do with impunity everything for which another man would be penalised. He hoped the Committee would negative the motion, and show that they had not gone out of their senses altogether.

The POSTMASTER-GENERAL said the hon. gentleman was under a misapprehension. The 26th clause provided—

“From and after the day notified by the Governor in Council by proclamation as provided by the second section of this Act, it shall not be lawful for any person not duly registered as a pharmaceutical chemist under this Act to assume or use the title of pharmaceutical chemist, pharmacist, chemist and druggist, dispensing chemist or dispensing druggist, or other words of similar import, or to use or exhibit any title, term or sign, which may be construed to mean that he is qualified to perform the duties of a pharmaceutical chemist, pharmacist, chemist and druggist, dispensing chemist, or dispensing druggist.”

In other words, he was not to use any expression calculated to mislead the public into the belief that he was registered under the Act. If the amendment of the Legislative Assembly were slightly modified, as proposed, any person after the passing of the Act engaged in the occupation of homœopathic chemist, and selling homœopathic medicine only, would not be liable to prosecution for representing himself to be a homœopathic chemist only. There was only one person who would come under that description; and persons in the future who wished to practise as homœopathic chemists would not be able to do so without proving their competency as chemists under the Act. Those now engaged in selling or dispensing homœopathic medicines only would not be liable to prosecution if they represented themselves to be homœopathic chemists only.

The HON. W. FORREST said he still dissented from the explanation given by the Postmaster-General. Clause 26 provided for the infliction of penalties; clause 27 provided that those penalties should apply to any corporation, or any person aiding or abetting corporations; and clause 28 went on to exempt certain people. Amongst the rest, there was “any person representing himself to be a homœopathic chemist only, or any person engaged in vending homœopathic medicines” as suggested by the Postmaster-General.

The POSTMASTER-GENERAL: I did not use the word “or.”

The HON. W. FORREST said he was only giving the sense of the amendment. But the

amendment distinctly said that he should not be liable to the penalties provided in clauses 26 and 27.

The HON. A. J. THYNNE: That one man will not be liable.

The HON. W. FORREST said he did not know the man, but he objected to the principle of the amendment. If it was necessary to protect the public by preventing certain people from selling medicines, he did not see why any person should be exempted from the penalties attached to a breach of the law, either at the present time or in the future.

The HON. A. H. WILSON said he quite agreed with the Hon. Mr. Forrest. There was not the slightest doubt that that person, whoever he might be, was to be allowed exemption, and might afterwards sell what drugs he chose without danger to himself. If there was a clause to say that he should be allowed to dispense only homœopathic medicines there would not be so much objection.

The POSTMASTER-GENERAL said that was exactly what the clause provided; the Hon. Mr. Forrest was still under a misapprehension. The amendment of the Legislative Assembly assumed that if a man represented himself to be only a homœopathic chemist he was liable to the penal provisions of clause 26. He (the Postmaster-General) as a lawyer, had grave doubts whether he would be so liable, because, if a man represented himself to be a homœopathic chemist, he questioned whether a court of law would hold that he was representing himself to the world as a pharmaceutical chemist; and he wished to avoid doubt on that question. When a man professed to be a homœopathic chemist, he simply intimated to the world that he dispensed and sold homœopathic medicines only, and nine hundred and ninety-nine persons out of every thousand would not be misled into believing that such a man was a dispenser of ordinary drugs. But, to put the matter beyond the region of possible doubt, the Legislative Assembly inserted their amendment. The Bill did not provide that homœopathic chemists should undergo examinations and be registered like pharmaceutical chemists; and he thought they would be acting unfairly if they refused to allow anyone to continue a business which had hitherto been the source of his maintenance.

The HON. W. GRAHAM said it was most extraordinary that any legislative body should be asked to alter a Bill to suit one particular individual. If the business of the homœopathic chemist referred to—he knew nothing about the gentleman—if his business were ruined he might get the Postmaster-General to apply for a pension, or for some remuneration; but to bring up a Bill to save one particular man, and prevent any other man starting in the same line to compete with him, was a most extraordinary thing. He did not think that the hon. the Postmaster-General had told them that he was a believer in homœopathy, and took some of those things. No doubt he was sufficiently careful of himself.

The POSTMASTER-GENERAL: I did not say that at all.

The HON. W. GRAHAM: The hon. gentleman had argued that, because those men did not make up compound medicines, it was therefore perfectly safe.

The POSTMASTER-GENERAL: I said nothing of the sort. I said it was less liable to danger. That is not “perfectly safe.”

The HON. W. GRAHAM: Well, less liable to danger; but he totally differed from the hon. gentleman. He looked upon it that the

medicines of those people—although they did not make up compound medicines—did not want compounding to be poisonous; for they were quite bad enough already. His opinion was that the great safeguard they gave those people who took three drops was, that if they took the whole bottle it would not make much difference. There was a certain amount of safeguard in that. It was a most extraordinary thing, in bringing in a Bill, that it should be acknowledged it was to save one particular man. He had never heard of such a thing being done before.

The HON. A. RAFF said, referring to what the Hon. Mr. Graham had said, he thought if the hon. gentleman looked at the previous clauses in the Bill he would see that it protected the rights of those who were already chemists and druggists; and the clause which was proposed to be inserted only protected, in the same manner, the rights of a person who was at present occupying himself as other chemists and druggists were doing. It was not a clause inserted, as it might be said, to meet the wishes of one individual.

The HON. W. GRAHAM: It has been said.

The HON. A. RAFF: It protected the right of those who were already in practice in a certain position, just the same as a previous clause in the Bill provided that registered chemists and druggists should be admitted without examination and continue to be chemists.

The HON. W. GRAHAM said he would point out that it had been said, and it had been used as an argument why the clause should pass, that it would only apply to one individual. If it applied to many persons he supposed it would not have been proposed. That was one of the arguments that had been used.

The POSTMASTER-GENERAL said there might be a dozen such individuals, but the one who had been referred to was the only one that the Hon. Mr. Gregory and he were aware of.

The HON. A. C. GREGORY said he thought, in this matter, if they turned to the general provisions of the Bill they would see its practical effect would be that any person who had been practising as a chemist would get on the list and on the register; but technically the homœopathic chemist would get excluded; but if he happened to have the term "homœopathic chemist" in front of his shop he would thereby be able to practise along with the others. Still he believed there were some dozens of chemists who were otherwise technically disqualified on the very same principle as the disqualification of that homœopathic chemist; therefore they were letting in some dozen or two chemists without any difficulty, and why should they not let in one homœopathic chemist or two or three of them? There might be one or more, but he did not know more than one. It must be understood that he was not a believer in homœopathy, but at the same time he did not see why other people should not believe in it. No doubt they had good and sufficient reasons for believing in it. The real difficulty at issue was because the term "homœopathy" in its strict meaning was so very different from the way in which they were in the habit of constantly using it. Homœopathy, in its true signification, meant any mode of applying medicine on the principle of "like cures like." If a man had a fever, he should select and take medicines which would have the effect of inducing feverish symptoms; and when the symptoms of the medicine went off so also did the actual symptoms of the disease. That was really the meaning of the term "homœopathy." He was not speaking unadvisedly upon matters of that kind, because, at

the time that homœopathy first came in vogue, he was engaged a good deal in a public dispensary where he learnt a little about what medicines were, and how they were compounded; and although he should not care to go up to pass an examination as a chemist—either pharmaceutical or homœopathic—still he knew a little about those matters and had compounded medicine pretty frequently, although he was not licensed to do so. Under the circumstances it would be seen that he was not in any way prejudiced in favour of homœopathy; but at the same time he thought that whether one individual or many might be in a position to be affected by the Bill, it was only fair that they should be liberal in their mode of dealing with them. In the case he happened to know, the provision would destroy the business of a man who had conducted it for a great many years in, as far as he knew, a most satisfactory manner. The persons who had dealt with him had been very large in number; therefore it was not as though they were a select few who had taken a fancy to a particular individual; and there was no doubt that the individual in question had done the community a great deal of good, because he had prevented them from swallowing quite so large a proportion of medicines as they otherwise would practically have been inclined to do. However, he would not take up the time of the Committee any longer. He thought there were very good reasons why they should adopt the view taken by the hon. the Postmaster-General.

The HON. W. FORREST said he disagreed with the proposed amendment confining the operation of the clause to those who, at the time of the passing of the Act, were engaged in selling or dispensing homœopathic medicine only; because by it a person would be able to evade all the provisions of the Act.

Question put and passed.

The HON. A. J. THYNNE said the next amendment of the Assembly was the omission of clause 29, which provided:—

"A pharmaceutical chemist who is not a legally qualified medical practitioner shall not be entitled to charge or recover any remuneration for services rendered as a medical practitioner."

He might explain that the clause as it stood was neither good nor bad. It did not improve the Bill or injure it, and he looked upon it as so much surplusage. It was already provided by the Medical Act that no person should be allowed to charge for medical services unless he was a duly qualified medical practitioner, and it was unnecessary to repeat that provision. He moved that the amendment of the Legislative Assembly be agreed to.

Question put and passed.

On the motion of the HON. A. J. THYNNE, the CHAIRMAN left the chair, reported that the Committee had agreed to some of the amendments of the Legislative Assembly and rejected others; and the report was adopted.

On the motion of the HON. A. J. THYNNE, the Bill was ordered to be returned to the Legislative Assembly with the following message:—

MR. SPEAKER.—The Legislative Council, having had under consideration the amendments made by the Legislative Assembly in the Bill intitled, "A Bill to establish a Board of Pharmacy in Queensland, and to make better provision for the registering of pharmaceutical chemists, and for other purposes," beg now to intimate that they disagree to the amendments in clause 5, because the Bill provides for the examination by the board of pharmacy of persons desirous of being registered as pharmaceutical chemists, and it is expedient, for the safety of the public, and in order to secure proper examination, that all members of such board should, before their appointment thereto, have proved themselves qualified to conduct the prescribed examination by having passed a similar examination;



agree to amendment in clause 28 with the addition at the end thereof of the words "and who at the time of the passing of this Act is engaged in selling or dispensing homeopathic medicines only," to which addition they invite the concurrence of the Legislative Assembly; and agree to the other amendments made by the Legislative Assembly.

TOWNSVILLE GAS AND COKE COMPANY (LIMITED) BILL.

On motion of the HON. P. MACPHERSON, the President left the chair, and the House was put into Committee of the Whole to consider this Bill in detail.

The various clauses and the preamble having been agreed to without discussion, the CHAIRMAN left the chair, and reported the Bill without amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

The House adjourned at nine minutes to 6 o'clock.

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