

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 21 JUNE 1892

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DEATH OF MEMBER.

The PRESIDING CHAIRMAN said: The melancholy duty devolves upon me of announcing to the House the decease of the Hon. W. Graham; and I now direct that an entry to that effect be recorded in the register of the members of this Council.

The SOLICITOR-GENERAL (Hon. T. J. Byrnes) said: Hon. gentlemen,—The subject of the sad announcement which has been made by the Presiding Chairman to us formally has been known to us for some time past; and I am sure I am only re-echoing the sentiment of every hon. member when I say what a great loss each and every one of us feel in the death of the Hon. W. Graham. He was an hon. member who did not trouble the House very much in the course of debate; but on account of his long experience in this country, his varied avocations, and his natural shrewdness of temperament, he was a man who could always give good advice to his fellow members and to Ministers in this Chamber. Each and every one of us regret the loss of one who was a friend to each and every one, and who, though not taking an ostentatious part in the debates of this Chamber, was still capable of doing good service.

The HON. A. C. GREGORY said: Hon. gentlemen,—After what has fallen from the Solicitor-General, I feel that there is very little for me to say, except that we have always felt that in the Hon. W. Graham we had a sound and staunch member, who was able to assist us in our deliberations. I feel sure that hon. gentlemen on this side fully respond to what has been said by the Solicitor-General, and that both this side and the other side of the House fully and equally deplore the loss we have sustained.

CHAIRMAN OF COMMITTEES.

The SOLICITOR-GENERAL said: Hon. gentlemen,—I beg to move, without notice—That the Hon. F. H. Hart be Acting Chairman of Committees for this day.

Question put and passed.

BRANDS ACT AMENDMENT BILL.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, intimating that the Assembly had agreed to this Bill without amendment.

CRIMINAL LAW AMENDMENT BILL.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, intimating that the Assembly had agreed to this Bill with certain amendments, and requesting the concurrence of the Council in those amendments.

On the motion of the SOLICITOR-GENERAL, the consideration of the message was made an Order of the Day for Tuesday, 5th July.

DENTISTS BILL.

FIRST READING.

The HON. W. F. TAYLOR presented a Bill to provide for the registration of dentists qualified to practise in Queensland; and moved that it be read a first time.

Question put and passed; and the second reading of the Bill made an Order of the Day for Tuesday, 5th July.

LEGISLATIVE COUNCIL.

Tuesday, 21 June, 1892.

Absence of President.—Death of Member.—Chairman of Committees.—Brands Act Amendment Bill: Message from the Legislative Assembly.—Criminal Law Amendment Bill: Message from the Legislative Assembly.—Dentists Bill: First reading.—Indecent Advertisements Bill: Committee.—Leprosy Bill: Committee.—Adjournment.

The House met at 4 o'clock.

ABSENCE OF PRESIDENT.

The CLERK said: I have to inform the House that I have received an intimation from the President that, through indisposition, he will not be able to attend in his place this afternoon.

The CHAIRMAN OF COMMITTEES (Hon. T. L. Murray-Prior) thereupon took the chair as Presiding Chairman.

INDECENT ADVERTISEMENTS BILL.
COMMITTEE.

On the motion of the HON. W. F. TAYLOR, the Presiding Chairman left the chair, and the House went into committee to consider this Bill.

Clauses 1, 2, and 3 passed as printed.

On clause 4, as follows:—

“Any advertisement relating to syphilis, gonorrhœa, nervous debility, or other complaint or infirmity arising from or relating to sexual intercourse or sexual abuse shall be deemed to be printed or written matter of an indecent nature within the meaning of section two of this Act, if such advertisement is affixed to or inscribed on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or other thing whatsoever, so as to be visible to a person being in or passing along any street, public highway, or footpath, or is affixed to or inscribed on any public urinal, or is delivered or attempted to be delivered to any person being in or passing along any street, public highway, or footpath, or is thrown down any area, or is delivered at any house.”

The HON. A. C. GREGORY said that, although the general principle of the clause might be good, there was the peculiarity that so long as certain advertisements only appeared in newspapers there would be no offence; but if a newspaper containing those advertisements was put on a board outside the newspaper office in the customary manner, that would be an offence against the Act.

The HON. W. F. TAYLOR said he thought it was generally admitted that newspapers ought not to publish indecent advertisements. In fact, he saw no excuse for their doing so, except to make money out of them. He had been told that it was a very difficult matter to avoid taking them at times, but that was not found to be the case in the old country. One never saw such advertisements in the *Times* or the *Daily Telegraph*, or any of the other leading newspapers in England. If the leading newspapers in the colony would set a good example and refuse to take those advertisements, it would probably prevent a good deal of crime which was at the present time committed and was the direct effect of those advertisements. His attention had been drawn to a case tried in Sydney recently, from which it appeared that in consequence of those indecent advertisements a crime was committed, and the crime was proved against the accused, who was sentenced to seven years' imprisonment. The judge, in passing sentence, said that those crimes were the direct effect of the manner in which those indecent advertisements appeared in the newspapers and were circulated. It was a very difficult matter to prove to hon. gentlemen the one-hundredth part of the evil done in that way, but he mentioned that case to show one which had come to the surface of the many hundred cases that were never made public. The law recognised the fact that newspapers should not publish indecent advertisements. Last year a clause was inserted in the Post and Telegraph Act providing that the sender of any newspaper containing or having written on its cover any indecent advertisement should be liable to a fine of £100. If that was the case so far as the Post Office was concerned, surely it was no great hardship to newspaper proprietors if they would publish those advertisements, and if they displayed those advertisements before their doors, that they should come under the operation of the clause.

Clause passed as printed.

Clause 5 passed as printed.

The House resumed; and the ACTING CHAIRMAN reported the Bill without amendment.

The report was adopted; and the third reading of the Bill made an Order of the Day for Tuesday, 5th July.

LEPROSY BILL.
COMMITTEE.

On this Order of the Day being read, the Presiding Chairman left the chair, and the House went into committee to further consider the Bill.

On clause 3, as follows:—

“The Governor in Council may, by proclamation, appoint any place to be a lazaret for the reception and medical treatment of lepers.”

The ACTING CHAIRMAN said: The question was that clause 3, as read, stand part of the Bill; since which it was proposed that the clause be amended by the insertion after the word “any” of the words “separate ward of a hospital, or any other.” The question now is that the words proposed to be inserted be so inserted.

The SOLICITOR-GENERAL said he had had the opportunity of consulting with the hon. gentleman who moved the amendment, and had shown to that hon. gentlemen further amendments which he (the Solicitor-General) intended to propose at a later period of the Bill. Those amendments would really carry into effect pretty well what the Hon. Mr. Gregory was aiming at, inasmuch as they would provide for the establishment of private lazarets; and therefore the hon. gentleman might probably see his way to withdraw the amendment now before the Committee.

The HON. A. C. GREGORY said that, having had the opportunity of consulting the hon. gentleman who had just spoken, it appeared to him that it would perhaps be more convenient to adopt certain modifications subsequently, and to withdraw the amendment he had moved. He would, therefore, with the consent of the Committee, withdraw his amendment.

Amendment, by leave, withdrawn; and clause passed as printed.

On clause 4, as follows:—

“When there is reason to believe or suspect that any person in any house or premises is suffering from leprosy, the householder or occupier of the house or premises shall immediately report the case, in writing, to the nearest police magistrate, who shall forthwith forward the report to the Minister.

“And when any case of leprosy or suspected leprosy comes under the observation of a medical practitioner, he shall forthwith report the case, in writing, to the nearest police magistrate, who shall forthwith forward the report to the Minister.

“If any person by this section required to make a report fails to do so as hereby required, he shall be liable to a penalty of one hundred pounds.”

The HON. A. C. GREGORY moved the omission of the words “or suspect.” It would be sufficient to require the householder or occupier to report the case if he had reason to believe that anyone residing in his house was suffering from leprosy; but if the words “or suspect” were left in, a person might sometimes avail himself of such a vague expression to make it very inconvenient for persons who were not suffering from leprosy at all.

The SOLICITOR-GENERAL said he had no objection to the amendment.

Amendment agreed to.

The HON. W. F. TAYLOR moved that the word “Minister,” in line 8, be omitted, with the view of inserting the words “secretary to the Central Board of Health.”

The SOLICITOR-GENERAL said he must oppose the amendment, because it would alter the whole framework of the Bill, which had been drawn to give the Minister complete control over any case of leprosy, and the hon. gentleman was proposing to alter one of its most salient points. He thought that principle of the Bill had already been agreed to by the House, but they were asked to say that the secretary of the Central

Board of Health was to be the person to whom such cases were to be reported, and that he should be the arbiter, and not the Minister. The Minister had the machinery by which his wishes could be given effect to, and the Bill proposed to give him legal authority. He should oppose the amendment.

The HON. W. F. TAYLOR said that up to the present time the Minister had not had complete control of those cases until they had been finally dealt with, and he failed to see why the Minister, who was not a medical man—he had never known a Colonial Secretary here to be a medical man—should be placed in a position, simply because he was Colonial Secretary, to judge by the medical evidence brought before him as to whether a person was suffering from leprosy or not. The regulations under which lepers had been detained had been issued by the Central Board of Health, and approved by the Governor in Council, and one of them read as follows:—

“When there is any reason to believe or suspect any person in any house or premises is suffering from leprosy, the householder or occupier of such house or premises shall immediately report, in writing, such case to the Secretary of the Central Board of Health.”

The Central Board of Health took action in the matter, and they, as a medical body, were in a better position to judge of the value of evidence brought before them than the Colonial Secretary, who would have to submit any evidence he received affecting such case to some medical expert. It would save a great deal of trouble if the matter were reported, in the first instance, to the Central Board of Health. Not long ago a man was detained in Rockhampton, it having been certified by two medical men that he was suffering from leprosy. But it was discovered in a short time that he was not suffering from that disease, which showed it was not an easy matter to determine whether a man was a leper or not. In the metropolitan district of New South Wales it was necessary to report to the secretary of the Central Board of Health; and as this was a medical subject, it should be dealt with by medical men.

The HON. T. MACDONALD-PATERSON said he noticed that in clause 7 it was provided that reports upon the condition of lepers should be forthwith forwarded by the medical officer to the Minister and the Central Board of Health, and he thought that the information required by the clause before them should also be furnished to the Central Board of Health. If the Solicitor-General compared the two clauses, he would probably come to the same conclusion that he (Mr. Paterson) had—namely, that the words “and the Central Board of Health” should be added to the 1st paragraph. He thought that reports concerning suspected lepers should reach the Central Board of Health contemporaneously, at least, with the Minister.

The SOLICITOR-GENERAL said the amendment moved by the Hon. Mr. Taylor simply excised the Minister altogether, and put the Central Board of Health in his place. He should not have the same objection to the amendment in the form suggested by the Hon. Mr. Paterson, and if it were put in that form he would not oppose it.

The HON. W. F. TAYLOR said with the permission of the Committee he would withdraw his amendment.

Amendment, by leave, withdrawn.

The HON. W. F. TAYLOR moved that the words “and a copy thereof to the Central Board of Health” be added after the word “Minister,” at the end of the 1st paragraph.

Amendment agreed to.

On the motion of the HON. T. MACDONALD-PATERSON, the word “supposed” was substituted for the word “suspected,” in the 1st line of the 2nd paragraph.

On the motion of the HON. W. F. TAYLOR, the words “and a copy thereof to the Central Board of Health” were added after the word “Minister,” at the end of the 2nd paragraph.

The HON. A. C. GREGORY said he had intended to move a reduction of the penalty, but instead of that would move that the words “not exceeding” be substituted for the word “of,” between the words “penalty” and “one hundred.”

Amendment agreed to.

Clause, as amended, put and passed.

Clauses 5 to 10, inclusive, passed as printed.

The HON. A. C. GREGORY moved that the following new clause be inserted, to follow clause 10:—

When a person who is suffering from leprosy has sufficient means to provide for his proper maintenance and attendance by a medical practitioner, he shall not, except with his own consent, be removed to a lazaret, but may be ordered to be detained in such place and under such medical supervision and treatment as may be appointed by the Governor in Council. All the provisions of this Act relating to lazarets shall apply to every place in which a person suffering from leprosy is ordered to be detained.

New clause put and passed.

The two remaining clauses were passed as printed.

The House resumed; and the ACTING CHAIRMAN reported the Bill with amendments.

The report was adopted.

On the motion of the SOLICITOR-GENERAL, the third reading of the Bill was made an Order of the Day for Tuesday, 5th July.

ADJOURNMENT.

The SOLICITOR-GENERAL said: Hon. gentlemen,—In accordance with previous notice, I beg to move that the House do now adjourn until Tuesday, 5th July.

Question put and passed.

The House adjourned at 5 o'clock.