Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 2 DECEMBER 1896

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LEGISLATIVE COUNCIL.

WEDNESDAY, 2 DECEMBER, 1896.

The PRESIDING CHAIRMAN took the chair at half-past 3 o'clock.

ADDITIONAL SITTING DAY.

On the motion of the POSTMASTER-GENERAL, it was resolved—

That unless otherwise ordered, this House will meet for the despatch of business at 3 p.m. on Thursday in each week, in addition to the days already provided by sessional order.

QUESTION OF PROCEDURE.

MARGINAL NOTES TO BILLS.

After the House had been put into a Committee of the Whole to consider the Public Service Bill—

The ACTING CHAIRMAN said his attention had been called to the fact that it was not the practice in other legislatures for the Chairman to read the marginal notes to clauses in Bills; and if there was no objection on the part of hon. members, he intended to proceed from to-day in that manner. The present system of reading all the marginal notes involved a great waste of time.

The HON. C. H. BUZACOTT understood the suggestion of the Chairman to be that instead of reading the marginal note to a clause when it was about to be moved, he would simply call the number of the clause. He would point out that there were times when, unless a member was particularly on the alert, he would be apt to pass by the opportunity of making amendments. If the Minister in charge of a Bill, when he was aware that a member intended to move amendments in particular clauses, would remind him of it, the proposed change would be right enough.

The POSTMASTER-GENERAL: The Chairman's idea, he understood, was that it was an unnecessary waste of time on his part to read the whole of the marginal notes, and the Chairman was quite correct in saying that it was not customary to do so in other legislatures, but to read the number of the clause only. If there was no objection, the course suggested would be a convenient one for the House, as in the case of clauses where there was a large number of marginal notes time was a very considerable element. With regard to the suggestion of the Hon. Mr. Buzacott that the Minister in charge of a Bill, knowing that some member intends to propose amendments, should call his attention to it, no doubt, as a rule, attention would be called to it. At the same time it would be too much to put on the Minister a responsibility which really the member himself who desired to move amendments ought to take on his own shoulders.

The HON. P. MACPHERSON did not see what they were going to gain by the proposed change. Sometimes the marginal notes were so curious that the reading of them extended their knowledge of the English language. There was no particular reason for the innovation.

The HON. A. NORTON thought the proposed change a very reasonable one. Although not much of their time was occupied in considering Bills, there was no reason why any portion of that time should be wasted. Members who took an interest in a Bill would watch the clauses as they came forward, and for that purpose the reading the number of the clause would be quite enough.

The ACTING CHAIRMAN: To show what was the practice in the House of Commons he would read what "May" said on the subject—

"The Chairman proceeds to read the number of each clause, which is the clause under the consideration of the committee, and to call on the members who have given notice of amendments."

It was therefore the Chairman's duty to watch the amendments that were likely to come before the committee.

The HON. P. PERKINS: It was no doubt distressing to hear all the trash contained in marginal notes, but it could not be very fatiguing, because as a rule they ran a Bill through committee in ten or fifteen minutes. He was of opinion that marginal notes ought to be read out by the Chairman. It would keep attention fixed to the particular clause to be considered, and could not cause very much delay or inconvenience.

The HON. A. C. GREGORY considered the suggestion a reasonable one. Marginal notes often contained a quantity of unintelligible verbiage and did not even explain the contents of a clause. Sometimes long interpretation clauses had attached to them in the shape of marginal notes a long string of words that could convey no specific idea to anybody who did not happen to be reading the clause at the same time. Again, some clauses—as in clause 32 of the Bill before them—contained no marginal note whatever. On every ground it would be advantageous to adopt the suggestion of the Chairman.

HONOURABLE MEMBERS: Hear, hear!

PUBLIC SERVICE BILL.

COMMITTEE.

Clauses 1 to 4, inclusive, put and passed.

Clause 5 passed with a verbal amendment.

Clause 6 put and passed.

On clause 7—"Recompense to members of board"—

The HON. P. PERKINS said the three members of the board had not as much work to do as would keep them from getting rusty. He thought one good man could be found who would do all the work.

Clause put and passed.

Clauses 8 to 11, inclusive, put and passed.

Clause 12 passed with a verbal amendment.

Clauses 13 to 34, inclusive, put and passed.

Clause 35 passed with verbal amendment.

On clause 36—"In special cases persons may be appointed without probation or examination"—

The HON. A. NORTON said it might be advisable that the Government should have power to appoint clerks of petty sessions as well as the officers named in the clause. They required a special training to fit them for their work, and it was desirable that they should be capable of rendering assistance to justices, who were not always very well informed on matters of law. The provision was originally included in the Bill, but was struck out by the other House.

The HON. A. H. BARLOW: There were so many peculiarities with regard to clerks of petty sessions that he was inclined to think it would be better to leave the clause as it stood, unless the hon. gentleman proposed to move an amendment.

The HON. A. NORTON was not inclined to move any amendment.

Clause passed with verbal amendments.

Clauses 37 to 41, inclusive, put and passed.

Clause 42 passed with verbal amendments.

Clauses 43 to 51, inclusive, put and passed.

Clause 52 passed with a verbal amendment.

Clauses 53 to 57, inclusive, put and passed.

Clauses 58 and 59 passed with verbal amendments.

Clauses 60 to 64, inclusive, put and passed.

Schedule passed with the substitution of "the Sovereign" for "Her Majesty or her successor."

Preamble put and passed.

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

The report was adopted; and the third reading of the Bill made an Order of the Day for tomorrow.

INEBRIATES INSTITUTIONS BILL.

COMMITTEE.

Clauses 1 to 3, inclusive, put and passed.

On clause 4—"Appointment of superintendent and officers"—

The HON. A. NORTON said this clause provided that the Governor in Council might appoint for every institution a superintendent and such other officers as he thought necessary. It did not provide for the appointment of a medical officer, though a later clause contained a reference to "the medical officer."

The POSTMASTER-GENERAL took it that in most cases the superintendent must necessarily be a medical officer. If the institution was sufficiently large, there might be a superintendent who was not a medical man, and a medical officer as well. Medical officers could be appointed under the clause whenever necessary; but if it were altered so as to provide for the appointment of a superintendent, medical officer, and such other officers as might be necessary, that would imply the necessity for having both superintendent and medical officer—two officers.

The HON. A. NORTON thought the Bill would be incomplete if the charge of an institution were left to a gentleman who was not a medical officer, unless he had a medical officer under him.

The HON. W. F. TAYLOR said the clause provided for the appointment of such officers as the Governor in Council thought necessary, and it went without saying that medical officers would be appointed.

The POSTMASTER-GENERAL said the rights of the patients and their protection should be considered in connection with this question, and from that point of view it would probably be wise, in most places where the Bill came into operation, to have a medical officer who would see that the patients were properly treated whatever the superintendent might do. At the same time he agreed that the clause gave power to appoint a medical officer if required.

The HON. A. NORTON said his objection was a technical one. A reference was made in the body of the Bill to "the medical officer," but no provision was made for the appointment of "the medical officer."

The HON. J. T. SMITH thought it would be a great pity if technical objections were allowed to jeopardise the passage of the Bill.

The POSTMASTER-GENERAL said the Bill had been passed by that Chamber three times, and was now in practically the same form as when it was passed last session. He put it to hon. gentlemen whether they should go back on their own work.

The HON. A. NORTON said there were several verbal blunders in the Bill that ought to be corrected.

Clause put and passed.

Clauses 5 to 14, inclusive, put and passed.

On clause 15—"Penalties for improper treatment of patients or supplying intoxicating drinks, &c."—

The HON. A. NORTON said there was one point in connection with this clause which he could not understand. It provided, amongst other things, that if any person without the authority of the superintendent, except in cases of urgent necessity, gave any intoxicating liquor or drug to an inmate, such person would be liable to a penalty. Why should any exception be made? Who was to be the judges of cases of urgent necessity except the superintendent or the medical officer.

The HON. W. F. TAYLOR: Cases might arise amongst patients requiring prompt treatment when the superintendent might not be at hand, and a glass of wine or whisky or brandy might probably prevent serious illness or save life. A certain amount of discretion should be given to subordinates in these matters. If it was not a case of urgent necessity the superintendent could deal with the matter. It was the practice to give the same discretionary power to nurses and assistants in these cases as to the dispenser at a hospital.

The HON. A. NORTON: In those cases there was a medical officer in charge. The present clause provided for acts done without the authority of the superintendent. No doubt when a superintendent left a retreat for any purpose he would appoint somebody to act for him during his absence who would be responsible to him. But the persons referred to in the clause were officers or servants or persons outside the retreat, and if they were allowed to administer intoxicating liquors or drugs under any circumstances there would be a great danger of destroying all the good the retreat was supposed to effect. Those retreats were established for a special purpose, to prevent the inmates getting access to drink. If that was not rigidly carried out the value of the institutions would be

destroyed. It appeared to him that the words "except in cases of urgent necessity" ought to be omitted.

The HON. W. F. TAYLOR did not think there would be much danger of abuse, considering that a person who administered liquor or drugs except in cases of urgent necessity was liable on conviction to a penalty of £20 or three months' imprisonment. That was quite a sufficient safeguard.

The HON. A. NORTON was anxious to prevent anybody who had no authority from the superintendent from doing so.

The HON. P. PERKINS would give a case where the administration of liquor prolonged a man's life. Many years ago, in Melbourne, he heard of an old acquaintance lying ill in the Prince Alfred Hospital. The doctor would not give him any stimulants. He and a friend visited the patient one day, taking with them a bottle of brandy and a bottle of whisky, which they placed clandestinely in the patient's bed. They were breaking the rules, but were not aware of it at the time. Some time afterwards the nurse of the institution informed him that the stimulant had been the means of prolonging the patient's life four weeks.

The HON. F. T. BRENTNALL: The object of the clause was to prevent any officer, servant, or other person employed in or about an institution doing certain things which ought not to be done. They must not, without the authority of the superintendent, bring any intoxicating liquor into an institution, nor administer any to an inmate except in a case of urgent necessity. That could not be done without some authority. If the superintendent was present, no officer or servant would dare administer either drug or intoxicating liquor to a patient. In the superintendent's absence somebody must be placed in an analogous position, and some discretion must be given to that person if an emergency arose to administer what it might be hoped would save life or alleviate pain. He did not think there was any danger in the clause. If they struck out the words they absolutely prohibited a person from saving life if life was in danger, and the chances were that the person who neglected that would be indicted for manslaughter.

The POSTMASTER-GENERAL: The clause put employees in institutions and people outside on exactly the same footing, and a nurse would be just as responsible for the unauthorised administration of liquor or drugs as an outside interfering person would be. She would have to satisfy the superintendent or the court that the case was one of urgent necessity, and that she took the proper course under the circumstances. If the words were omitted, the nurse would be absolutely prohibited from attempting to save life by such means.

The HON. A. NORTON: There was no doubt that in hospitals, in the absence of the medical superintendent, nurses were allowed to do certain things in cases of emergency, because they were authorised to do so. In the present case liquor or drugs might be administered by persons who had no such authority.

The POSTMASTER-GENERAL said there was a great distinction between a nurse employed in a general hospital and one employed at an inebriates' institution. In the general hospital there was no penalty consequent on a nurse giving a drug to a patient; but in this clause a stringent penalty was provided, and protection must be afforded to those who took the responsibility in cases of urgent necessity.

Clause put and passed.

Clauses 16 to 29, inclusive, put and passed.

On clause 30—"Proceedings on death of person detained"—

The HON. A. NORTON supposed this was one of the clauses that had been passed on three occasions. To show how possible it was to allow a Bill to go through and be "slummed" over and over again, he pointed out that the present tense was used in the four preceding clauses, while the future was used in this clause. The same tense should be used in all the clauses. Persons who drafted Bills should remedy such inconsistencies, and not leave it to Parliament to occupy the position of a schoolmaster correcting the essays of a lot of boys who had not learned to write English.

Clause put and passed.

The remaining clauses and the schedules were passed.

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 next.

The House adjourned at twenty-two minutes to 6 o'clock until Tuesday next.