

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**TUESDAY, 14 AUGUST 1900**

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"I am well assured that all matters which come under your consideration will be dealt with by you to promote the good government and welfare of the colony.

"LAMINGTON,

"Governor.

"Government House, 26th July, 1900."

#### DEATH OF A MEMBER.

HON. J. S. TURNER.

The PRESIDENT: I have also the melancholy duty, which I perform with the most profound regret, to announce to the Council that since we last met one of our members, the Hon. John Sargent Turner, died on the 30th July ultimo, and that his name, in accordance with the usage of the Council, has been removed from the list of members.

#### JOINT COMMITTEES.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, in reply to the Council's message of 24th July, intimating that they had appointed the Speaker, Mr. Chataway, and Mr. Jackson members of the Joint Library Committee; the Speaker, Mr. Moore, and Mr. Browne members of the Joint Refreshment Rooms Committee; and the Speaker, Mr. Annear, and Mr. Bell members of the Joint Parliamentary Buildings Committee.

#### CENTRAL AND NORTHERN DISTRICTS BOUNDARIES BILL.

FIRST READING.

This Bill, received from the Assembly, was read a first time, and its second reading made an Order of the Day for to-morrow.

#### PASTORAL LEASES ACT OF 1869 AMENDMENT BILL.

FIRST READING.

This Bill, received from the Assembly, was read a first time.

The POSTMASTER-GENERAL (Hon. J. G. Drake): I move that the second reading of the Bill stand an Order of the Day for to-morrow.

HON. W. FORREST: I do not rise to object to this motion, but to draw the attention of the leader of the Government to the fact that it is a most unusual thing to read a Bill a first time, and move its second reading the next day.

The POSTMASTER-GENERAL: It will not be taken to-morrow.

HON. W. FORREST: I am not opposing the motion, but merely suggesting that it would be better to fix the second reading for a later date.

Question put and passed.

#### PAPERS.

The following papers, laid on the table, were ordered to be printed:—

- (1) Additional regulations, of date 25th July, 1900, under the Defence Acts, 1884 to 1896.
- (2) Additional regulation, of date 31st July, 1900, under the Defence Acts, 1884 to 1896.
- (3) Immigration Agent's Annual Report upon Pacific Island Immigration.
- (4) Report of the Local Deputy Curator of Intestate Estates, Townsville, for 1899.
- (5) Annual Report of the Under Secretary for Mines for 1899.
- (6) Annual Report of the Trustees of the Queensland Museum.

### LEGISLATIVE COUNCIL.

TUESDAY, 14 AUGUST, 1900.

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

#### APPROPRIATION BILL No. 1.

ASSENT.

The PRESIDENT announced the receipt of a message from His Excellency the Governor, intimating that the Royal Assent had been given to this Bill.

#### PRESENTATION OF ADDRESS IN REPLY.

The PRESIDENT: I have to report to the Council that the Address, as agreed to by this Council on the 25th ultimo, has been presented to the Governor, and that His Excellency has been pleased to make the following reply:—

"MR. PRESIDENT AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

"I receive with much satisfaction your expressions of loyalty and affection to the Throne and Person of our Most Gracious Sovereign.

- (7) Report from the Joint Committee of the two Houses upon the management of the refreshment rooms for the years 1899-1900.
- (8) Report from the Joint Committee of the two Houses for the management of the Parliamentary Library.
- (9) Report from the Joint Committee of the two Houses for the management and superintendence of the Parliamentary Buildings.

## JOINT COMMITTEES' REPORTS.

The POSTMASTER-GENERAL: On behalf of the Joint Committees of the Refreshment Rooms, the Parliamentary Library, and the Parliamentary Buildings, I beg to lay their reports on the table.

Ordered to be printed.

## DEATH OF THE DUKE OF SAXE-COBURG AND GOTHA.

## MESSAGE OF CONDOLENCE.

The POSTMASTER-GENERAL: Since the Council last met the sad announcement of the death of His Royal Highness the Duke of Saxe-Coburg and Gotha, one of the sons of Her Majesty the Queen, has been received. At the time when the news was received the Council had adjourned until to-day, so that this is the first opportunity I have had of bringing the matter before you. I think it will be the desire of hon. gentlemen that a message of condolence should be sent to the august lady whose load of cares, already too great, has been increased by this latest sorrow. With the consent of the House I propose to move, without notice, the following resolution:—

1. That the Council desires to place on record an expression of the extreme sorrow with which it has received the announcement of the death of His Royal Highness the Duke of Saxe-Coburg and Gotha, and of its most profound sympathy with the sorrow of the Queen and her family under this fresh visitation of bereavement to the Royal House.

2. That this resolution be presented by the President in an address to His Excellency the Governor, requesting that the same be transmitted to the Secretary of State for presentation to Her Majesty the Queen.

Question put and passed.

## ASSASSINATION OF THE KING OF ITALY.

## MESSAGE OF CONDOLENCE.

The POSTMASTER-GENERAL: I have another duty of a similarly mournful character to perform, and that is to ask the Council to join in expressing their profound sympathy with the Queen of Italy in the loss sustained by her through the assassination of her husband, King Humbert. That is another event which has happened since we last met, and I think it would be the wish of the Council that we should join in our sympathy with the Queen, and our detestation of a crime which, I think, has deprived Italy of one of the best and noblest of the crowned rulers of Europe. I, therefore, beg to move, without notice, if it is the pleasure of the Council—

1. That the Council desires to place on record an expression of its profound sympathy with the Queen of Italy, the members of the Royal Family, and the Italian people under the loss sustained by them in the death of the late King Humbert at the hand of an assassin, and of the abhorrence with which they regard both the crime itself and the principles that have prompted its commission.

2. That this resolution be presented by the President in an Address to His Excellency the Governor, requesting that the same be transmitted to the Secretary of State for presentation to the Queen of Italy.

Question put and passed.

## STATE EDUCATION ACTS AMENDMENT BILL.

## SECOND READING.

The POSTMASTER-GENERAL: The object of this Bill is to amend the State Education Act of 1875, Part III., which is the portion of the Act which relates to compulsory attendance at school. Compulsory attendance is now in force in everyone of the Australian colonies, except West Australia. In that colony the principle is strongly favoured by the department, and a Bill has been introduced into Parliament, but it has not yet become law. In New Zealand also the same principle is in operation. In putting these clauses into operation we have the advantage in many respects of knowing where the other colonies have failed, and taking advantage of their experience. The Bill now presented to the House only deals with three matters, which, I think, may be regarded as defects in that portion of the Act. The first important clause of the Bill deals with the subject of provisional schools.

When the Government commenced to put into operation the compulsory clauses, it was discovered that they only referred to State schools and not to provisional schools. I do not know the reason why that part of the Act was made to apply only to State schools in the first place, but it will be very apparent to gentlemen who know the history of the colony, and have watched the operations of our education system. At the time when the Act was passed, it was not contemplated that the provisional schools would occupy the position they now do. It appears to have been intended in the first place that the provisional schools should be of a tentative or temporary nature, the State supplying the teacher on the condition that the parents in the locality where there were few children would find the school and furniture. However, in course of time provisional schools have become more numerous, and it has been customary to keep them as provisional schools after the attendance had reached the point which, according to regulation, would justify the establishment of a State school; and the disinclination in many districts to substitute State for provisional schools has been much intensified. By a change that has taken place in the last two years, in consequence of two resolutions passed in the other Chamber, as regards subsidies for buildings, and perhaps for furniture—though that is not a matter that has been quite settled—the provisional schools are now placed very nearly on the same footing as State schools. At the present time the subsidy of four-fifths is paid for the erection of provisional schools just as for State schools. The consequence is that there has been great inclination on the part of parents in many of the growing districts to keep their schools as provisional schools long after they ought to have been converted into State schools. We have now provisional schools with an attendance of fifty or sixty pupils, and really the only difference between them and the State schools is that in the State schools the teachers are classified, and in the provisional schools they are unclassified. So that it is an anomaly that under the Act as it stands at present we are able to enforce attendance at a State school and not be able to enforce it in a provisional school, where the attendance and accommodation may be as good as in the case of the State school. It is often more important that the attendance should be enforced in the case of provisional schools than in the case of State schools, because State schools will go on whether the attendance of the children is insisted upon or not, but there are a great many places in the colony where the very existence of a provisional school depends

upon the attendance. It may happen in an out-of-the-way place, where there are few children, one parent, having a family of five or six, and being neglectful of the true interests of his children, may refuse to send them to school, thus depriving the children of other parents of the benefits of education. So that I think, with regard to these small schools, there is more reason to insist upon attendance than in the case of State schools. The Bill therefore proposes that, in the 28th section of the State Education Act, wherever the words "State school" occur, the words "or provisional school" shall be inserted. By that means the law will be enforceable in respect of provisional schools as it now is in respect of State schools. The next point to which I have to draw the attention of hon. gentlemen is the provision with regard to the half-year. The necessity for that has arisen in this way: If hon. gentlemen will turn to the Act they will see that what is required is sixty attendances during the half-year, but there is nothing in the Act or regulations to say what a half-year is, and though it would generally be considered that the half-year would date from one vacation to the next, the defendant might set up the plea that the half-year began at some other period, and perhaps was not completed. Therefore he would contend that his opportunities for complying with the conditions of the law had not been exhausted. It is proposed therefore that the very natural division of the year from the first week in January to the last in June, and from the first in July to the last in December, should be adopted. The last portion of the Bill deals simply with a matter of convenience, and in order to justify it I should like, if I am not wearying the Chamber, to say a word as to the principle that I have gone upon in putting the compulsory clauses into operation. Seven attendance officers have been appointed, and their duty is to go round to the various schools and find out from the head teachers the names of the children who during the preceding half-year have not been complying with the Act. They then serve a notice to that effect upon the parent requesting that the child in future may be sent, or may be sent more regularly as the case may be, and afterwards, if that does not have the desired effect, they are instructed to see the parents, and, if possible, induce them to send their children to school. Everything else failing, of course the parent may be punished for refusing to comply with the law. My desire has been all the way through to keep the head teacher as much as possible out of it. The Act throws upon the Minister himself the onus of initiating the prosecution, because no prosecution can take place except under the hand of the Minister, and my desire has been that the attendance officers should be the agents of the Minister to enforce that portion of the law. I desire, as far as possible, to keep head teachers from being placed in the position of having to assist more than is necessary in enforcing the observance of the law upon parents. One thing that would have to be proved in the case of prosecution would necessarily be that the child had not attended the requisite number of days during the half-year, and though in nine cases out of ten it might be a matter that was not in dispute, still, being a criminal prosecution, nothing can be taken to be admitted, and it would be necessary that proof should be given. Therefore the

[4 p.m.] head teacher would have to leave his school and go into court to give evidence. I think that is very undesirable from two points of view. In the first place, the duty of the teacher is to teach, and he should be kept at that branch of the work as much as possible.

The other point is that I think by dragging the head teacher into court it might have a tendency to create some little ill-feeling or friction between him and the parents upon whose children he was endeavouring to enforce attendance. It is proposed then to adopt the form used by the London School Board. It provides that, for the purpose of proving that the child has not attended school, or has not attended the requisite number of days, the certificate of the head teacher shall be *prima facie* evidence. If a dispute is raised about it, and it is endeavoured by the defendant to prove to the contrary, then it may be necessary for the head teacher to go into court. I think, however, that that would be very undesirable, and hon. gentlemen will agree that in most cases a certificate by the head teacher will, in most cases, be as good evidence as if he went into the witness-box himself. These are the only three provisions of the Bill, and I trust it will meet with favourable consideration at the hands of hon. members. I am happy to be able to state—because I feel hon. gentlemen here are as much interested in the cause of education as I am—that according to the reports of the attendance officers the enforcement of the compulsory clauses is already having a very beneficial effect on the attendance at the schools. It is causing no ill-will or trouble that I can discover. The attendance officers report to me that not only are the parents generally pleased that this step has been taken, but even the parents of children who have not been in the habit of attending school in the past have expressed their satisfaction, have approved of the innovation, and have promised to send their children more regularly to school in future. I beg to move that the Bill be now read a second time.

HON. A. C. GREGORY: I only wish to make one short remark with regard to this Bill. I think when we come to the certificate of the school attendances it would be convenient if it were made a formal declaration before a justice of the peace. I think, perhaps, a document of that sort would be more effective than the certificate which is proposed, and I throw out the suggestion for the benefit of the hon. gentleman who has moved the second reading of the Bill.

HON. W. FORREST: I think the amendments proposed by this Bill are required, and I merely rise to make a suggestion for the consideration of the Postmaster-General. It appears to me that clause 3 requires some little alteration. That clause reads—

For the purposes of this part of this Act a half-year should be deemed to include all school days between the first school day in January and the last school day in June, or between the first school day in July and the last school day in December, as the case may be.

That would imply that a child could attend either one half of the year or the other, and I think, in order to make the matter perfectly clear, the word "and" should be substituted for the word "or."

HON. A. H. BARLOW: As I have administered the Education Act for a few months at a time, I may be excused for saying a word on behalf of the provisional school teachers, though I may not be strictly in order. A provisional school teacher is appointed and works up his school successfully; he may become very much liked, and when he has worked the school up to being a State school, he is turned adrift. The more he does the worse he is off. The greater success he is the more likelihood there is of his being superseded by a classified man. I recommend that matter to the attention of the hon. gentleman, because I know of many cases of great hardship that came under my notice during the few months I administered the office he now

holds. By clause 4 the head teacher of the school "at which the child attends, or should attend," has to issue a certificate. Now, in the case of the Ipswich district, which I know most about, there are half-a-dozen schools within a few hundred yards of each other, and to secure a conviction it seems to me it would be necessary to get a certificate from every one of those teachers. There are the North Ipswich, West Ipswich, Central Boys', and Newtown schools. A child might attend one of these schools, and it would be no use producing a certificate from the Central Boys' saying he had not attended there, because he might have attended the West Ipswich or Newtown school. If prosecutions are instituted without due care, the time of parents will be much wasted, and possibly costs might be given against the Crown.

The POSTMASTER-GENERAL, in reply: I desire to say that I am thankful for the suggestions which have been made, and will see that they are carefully attended to. With regard to provisional school teachers, who have been mentioned by the Hon. Mr. Barlow, I may say that cases of a similar kind have come under my notice, and I very much regret that our regulations require that when a school becomes a State school the teacher appointed to it must be a classified teacher. That is the difficulty. All the teachers in our State schools are classified, and the teachers whose services are availed of for provisional schools are men who, for some reason or other, have not become classified.

Hon. A. H. BARLOW: That is so.

The POSTMASTER-GENERAL: I regard the provisional school teachers, both male and female, as belonging to a most worthy class. In many cases they are doing most excellent work, but they do not as a rule seem to seek qualification for the purpose of becoming classified, and thus taking charge of State schools. It therefore often happens, as the hon. gentleman has pointed out, that first-class men work provisional schools up to being State schools, and then the position of head teacher is given to a classified man who is next in order on the list of those who are deserving of promotion. In that case we do not exactly turn the provisional teacher adrift. Provisional teachers are in continual demand, and in cases such as those mentioned they are offered other positions as provisional school teachers. Of course, he has got to wait then and do the perhaps uphill work of starting again in another district to work up another school. But that, unfortunately, results from the fact that the man has not, for some reason or other, obtained classification.

Question put and passed; and the committal of the Bill made an Order of the Day for to-morrow.

## MEDICAL BILL.

### SECOND READING.

The POSTMASTER-GENERAL: This Bill is intended to safeguard the interests of the public by ensuring that persons who practise as medical practitioners shall have the requisite skill and ability to enable them to perform those duties faithfully and well. It takes the place of the old Medical Act of 1867, which is repealed, and it contains also some new provisions. The most important feature, I think, because it is really the central matter, is the constitution of the board to carry out the provisions of the Bill. The board takes the place of the old Medical Board, which consisted of three persons, and the Bill provides for a board consisting of seven members, four of whom will be appointed by the Governor in Council for six years, with the proviso that half of them are to retire in the first place at the end of three years, and the others in rotation; and

three members who will be elected by the medical profession; that is, the medical practitioners who are on the register. You will notice that the members of the board who have been appointed by the Governor in Council, at the expiration of their time may not be appointed again for three years, but they will be eligible for election by members of the profession. So that on this board the interests of the public will be represented by the members who will be appointed by the Governor in Council, and the interests of the profession will be very properly safeguarded and looked after by the appointment of three medical gentlemen from amongst those on the register. The Bill then provides for registration. The board has no machinery for ascertaining for itself the qualifications of medical men who apply to be put on the register, but the Bill provides in the first place that every medical practitioner who is already on the register will go upon the register as of right, and then the board will place the name on the register of any medical practitioner who complies with the conditions prescribed in the schedule at the end of the Bill. That is to say, he must be a fellow, member, licentiate, or extra licentiate of the Royal College of Physicians of London, or hold any of the diplomas which are enumerated in the sentences that follow down to 12. I would draw particular attention to section 10, because it refers to a matter about which there is some little difficulty. It provides for the registration of medical practitioners who hold diplomas from

some British university or legally constituted and recognised university in Australasia or New Zealand, or such other university as the Governor in Council, on the recommendation of the board, may from time to time, by notification in the *Gazette*, bring under the provisions of this Act.

It is considered that under this every practitioner who can show by diploma that he is qualified, and has obtained a diploma in any part of Her Majesty's dominions, will be entitled to be placed on our register; and there is the additional provision that every person placed on the register must be of good fame and character. There is also a provision that for any infamous conduct a practitioner may be struck off the register. Then we come to a very important clause—clause 19—which provides penalties for any unqualified person attempting to practise as a medical man, or advertising himself as such. This is a clause that has had very great consideration, and I believe there are some differences of opinion, too, with regard to it. But the object, as hon. gentlemen all see, is to protect the public from the unscrupulous person who, without any skill or ability, endeavours to make money by pretending to be what he is not.

At the same time, it endeavours to leave the way open for any man who really has any skill, to devote that skill to the benefit of his neighbour. It is necessary that that should be carefully borne in mind in a country like this, where there are vast stretches of territory in which there is no medical practitioner, and where the first duty of a man who has any skill whatever would be to place that skill at the service of his neighbour. The Bill proposes to deal with that in this way: When a man has that skill, and is willing to devote it to helping his fellow-beings, he may do so to the fullest extent, but he must not do it for fee, hire, or reward. As soon as he commences to take payment for his services he comes within the Act. The 1st subsection provides that—

No person other than a medical practitioner shall be entitled to practise medicine or surgery in all or any one or more of its branches for hire, gain, or hope of reward.

Of course, the clause might be considerably strengthened. On the other hand, it might be

altered in the direction of weakening it. But this is an attempt to achieve the end of protecting the public from the unscrupulous person who has no skill, and at the same time to leave it open to anyone to place whatever skill or knowledge he may have at the service of his fellow-creatures without asking for payment. Then, any person who advertises himself as being a qualified man when he is not is liable to a penalty. That is a reasonable provision, which appeals to everyone, I think. A man who obtains money from another by representing himself to be something that he is not is clearly obtaining money under false pretences. Though he could not be got at under the common law, a man doing that, under the pretence of being a duly qualified medical man, may be punished under this Act. Hon. gentlemen will also notice that it is specially provided in the last clause that the Act shall not apply to any chemist or dentist or to any woman who is engaged in the business of a midwife. Then there are provisions with regard to *post-mortems*, as to which I need hardly take up the time of hon. gentlemen by referring to the details further than to say that where a *post-mortem* examination is considered necessary in the interests of justice, a justice may summon a practitioner to the inquest. The Bill also contains the usual machinery clauses with regard to meetings. I do not think it is necessary to refer to those. The Bill, as a whole, is an attempt, after a very great deal of consideration, to deal with a subject that certainly is of very great importance, and I commend it to the consideration of hon. gentlemen. I move that the Bill be now read a second time.

HON. W. F. TAYLOR: I was waiting for the Hon. Mr. Gregory to say something about the Bill, as he is usually the first to criticise any measure after it is introduced. But as he appears unwilling to do so, I presume we can hardly let the Bill go through without some little discussion on the second reading. This Bill is a marked change from the old Medical Act. That Act, as hon. gentlemen are doubtless aware, was simply an Act for the purpose of registering medical practitioners. If the board were satisfied, after examination of their credentials, that they were fit to be registered they were registered, and certain regulations were made with respect to those diplomas, degrees, or credentials. The Medical Board itself was simply a nominee board—nominated by the Government, and they were practically life members, because to my knowledge some of the members have been on that board for the last twenty years or more, and are likely to remain on it another twenty years if they live as long, or if the law is not altered. Practically the nominee members of the board are life members, but inasmuch as their functions were restricted to the registration of medical men applying to practise here, it did not very much matter. But this Bill goes a great deal further. It not only deals with the registration of medical practitioners, but it gives power to the board to erase the names of medical practitioners from the register. That is a very important innovation, and one which confers very great powers upon the board appointed to administer the Act in this respect. It is consequently felt by a large number of the medical men who have had an opportunity of expressing their opinion on the subject that, inasmuch as the Bill gives such great powers to the board, it should be fairly represented by the medical profession, and that the board should be elected by the members of the medical profession. With very few exceptions, that is the view held by the medical practitioners, and those few exceptions, I may mention, are the

members of the present Medical Board, who contend that, as the Bill is a public Bill to safeguard the public from illegal practitioners, quacks, and people of that stamp, the public should be represented to a certain extent on the board, and, therefore, that the Government should have the power of nominating certain members of the board. But, on looking through the Bill, I cannot see that the public are strongly interested in any part of it, with the exception of clause 19, which deals with illegal practitioners. But I may point out that this clause does not impose any duty on the Medical Board. It is a clause under which any person may prosecute—the police or any private individual. Consequently, as far as the board is concerned it has no more to do with this clause than any hon. gentleman present or any member of the community. The contention that the public should be represented on the board is, to my mind, a most fallacious one. I see nothing to warrant it. As a sort of compromise, a clause has been introduced whereby four members of the Board are to be nominated by the Government and three are to be elected by the profession. I notice that those four members are to hold office for six years and that two are to retire every three years, who are not to be eligible for reappointment for another three years. The elective portion of the Board, according to this arrangement, is in a minority, and it will always be in a minority, and consequently will really have no effective voice in the administration of the Act. It is, I consider, rather a left-handed compliment to the profession to allow them to elect three of the seven members of the Board. It is tantamount to saying to the profession, "Gentlemen, we do not consider you are qualified to elect all the members of the board, but we allow you to elect three out of the seven; we must retain the majority, because we do not consider you are capable of managing the business of the board." I really cannot see why the medical profession should not be allowed to elect all the members of this board. For the last sixteen years the chemists throughout the colony have been allowed by Act of Parliament to elect their own board and their own president, and, as far as I have been able to ascertain, it has worked exceedingly well, and has given rise to no hardship in any way. The Pharmacy Board carries out very important functions. In addition to being a registering board, it has exactly the same powers as are conferred by this Act, and some further powers because it is an educational body, which this Bill does not require from the board. I cannot understand why the Medical Board should be partly nominee and partly elective, while the Pharmacy Board is an elective board pure and simple. It is held that as it is an elected board it has no official standing. That may be so,

[4:30 p.m.] or may not. I can understand that being the case if a large sum of money is voted annually for the board to expend, but inasmuch as these boards get little or no endowment I do not think the official position can be urged very far, more especially when we are reminded of the fact that there are many societies that receive grants from the Government who have no official members on their boards. We have the Geographical Society, the Royal Society, and schools of arts which receive grants from the Government, and they manage their own affairs very well indeed. I contend that they do it much better than if they had Government representatives on their councils. Throughout the length and breadth of the colony we have hospitals managed by local committees, and I contend that they receive much warmer support from the public than those hospitals, such

as the Brisbane hospital, which is managed by a committee composed partly of nominated members and partly of members elected by the subscribers. We have only to contrast the financial position of that hospital with the children's hospital, which is managed purely by the subscribers, to see the difference which arises in this respect. But the official idea may be very easily got over by giving power to the Governor in Council to appoint the president of the board from among the elected members. If he was appointed annually he would then be an official in every respect, and that would answer all the requirements of those who have such a great regard for official position. As far as I am personally concerned, I think there is nothing in it. But there are some people who think there is a great deal in being an official and receiving an appointment direct from the Government, and not from the members of the body itself. My suggestion, I think, would get rid of the objection that has been urged in official quarters with respect to this matter. I do not wish to make any amendments which would retard the progress of the Bill, or which would tend to prevent it becoming law, but I make these remarks in the hope that the hon. gentleman who has introduced the measure may see the position which the bulk of the profession assume, and that he will see his way to so amend the Bill as to make it agreeable to the vast majority of professional men. The Bill in other respects is very good, and much needed. I do not know that I can say much about it. It is a Bill which does away with many of the defects of the present Act, and will, if it is passed with the necessary alterations in the constitution of the board, be an exceedingly good and workable addition to our laws. It will not press hardly on anyone. It allows full scope for those with charitable intentions, and those who have slight surgical skill to exercise it to the fullest extent so long as they do not charge for their services. It does not interfere with dentists or pharmacists. It conserves all the privileges of the pharmaceutical chemist; and it goes still further. It does not interfere with those women engaged in assisting other women in childbirth. I think, however, that the word "assisting" might be altered to the word "nursing," and when the clause gets into committee I shall move an amendment to that effect. There is a difference between the two. We have many qualified women who attend to midwifery cases and act as nurses. There are other women who act as medical practitioners to all intents and purposes, and I do not think the Bill is intended to cover cases of that sort. It is simply intended for those women who nurse other women during their confinement. If that word "assisting" is allowed to remain in the Bill it will give a legal status to those women who practise as midwives. I think that would be very deplorable, because some of those women are most ignorant, and do a great amount of mischief. I trust the second reading of the Bill will be passed, and that hon. gentlemen will give it every consideration when it gets into committee.

HON. C. F. MARKS: I will not detain the House by repeating the observations which have been made by the Postmaster-General and the Hon. Dr. Taylor. I would simply say that the principle of the Bill is one that pervades almost every phase of society nowadays. A man is not allowed to take charge of a vessel as master unless he proves his competency. A plumber, even, is not allowed to tinker with pipes unless he proves to the satisfaction of the waterworks board that he is competent to do so. There is nothing more in this Bill than an extension of that principle. No man is to be allowed to practise medicine or surgery unless he proves to competent judges that he is duly qualified. It is not sufficient for a

man to say that he is qualified. He will have to prove it. I consider it is fraud of the gravest type, which at times leads to the most pitiable results, for a man to profess that he is duly qualified as a medical practitioner when he has no such qualification. Many an unfortunate person has met his death through being led to believe by unprincipled people that they can relieve his troubles; whereas they simply rob him of his money, and aggravate the disease. The Bill is very necessary to put a stop to such fraudulent proceedings. On the other hand, those who possess skill, though not duly qualified, are not prevented, out in the back blocks for instance, where there are no doctors, from giving such relief as they can afford. They have a perfect right to do that so long as they do not charge a fee for their services.

HON. W. ALLAN: I do not see that in the Bill.  
HON. C. F. MARKS: The hon. gentleman can see it plainly in the first part of section 19. A person is prohibited from "practising medicine or surgery in all or any one or more of its branches for hire, gain, or hope of reward," but anyone can do so as long as he does not charge for it. The Hon. Dr. Taylor has made a very strong point about the constitution of the board. When the Bill was first drawn up, I believe the Government intended to nominate the board, just as the old board was constituted; and the present constitution meets his contention halfway. The hon. gentleman made some point of certain persons having been on the old board for twenty years. Well, I am the oldest member of the board but one, but I do not consider that any odium attaches to me on that account. I have been so many years on the board that I well know the necessity that exists for this Bill. At present, if a man is once registered, we have no authority to strike him off, no matter how much of a blackguard he may be. No matter how unprincipled he may be, if he has become legally qualified, and has been registered, we can do nothing with him. Unfortunately the medical profession is no exception to the general rule of life. There are black sheep in every fold. Therefore I consider that part of the Bill is very necessary indeed. I agree thoroughly with clause 25, which provides that persons registered under the Pharmacy Act, or dentists, should not be prejudiced or affected by the provisions of the measure. I hope all hon. gentlemen will assist in passing the Bill. The interests of everyone will be well conserved by the modified system of election of representatives. No doubt some persons would prefer to see all the members of the board elected, but the main thing is to pass the Bill, and that as quickly as possible.

HON. W. ALLAN: I do not want to take up too much time in discussing this Bill. We have heard what the Minister has had to say, and also the views of two very able medical gentlemen, and if the Bill is designed with the object of carrying out what they have stated it will no doubt receive the support of every member of the House. We all object to quackery and the unauthorised practice of medicine by men who are incapable of carrying out what they profess to be able to do. In reference to clause 19, it may be my dulness, but it does not seem to me to convey what is intended. It appears, according to my reading of the clause, that no man, if he is not a medical man, can attempt to afford temporary relief to a sufferer without rendering himself liable to a fine of £50, or six months' imprisonment. The clause says—

(1) From and after the commencement of this Act no person other than a medical practitioner shall be entitled to—

(i.) Practise medicine or surgery in all or any one or more of its branches for hire, gain, or hope of reward.

That is perfectly right, and a step in the proper direction. Then it goes on to say—

or advertise or hold himself out as being, or in any manner pretend to be, or take, or use the name or title, either alone or in conjunction with any other title, word, or letter, of a physician, doctor of medicine, licentiate in medicine or surgery, master in surgery, bachelor of medicine or surgery, doctor, surgeon, medical qualified registered practitioner, apothecary, accoucheur, or any other medical or surgical name or title;

and, thirdly—

or advertise or hold himself out, directly or indirectly, by any name, word, letter, title, or designation, whether expressed in words or by letters, or partly in one and partly in the other, either alone or in conjunction with any other word or words, or by any other means whatsoever, as being entitled or qualified, able or willing, to practise medicine or surgery in any one, more, or all its branches, or give or perform any medical or surgical service, attendance, operation, or advice.

It is the last two lines I object to—"or give or perform any medical or surgical service, attendance, operation, or advice." I think that must be read in conjunction with subsection 1.

The POSTMASTER-GENERAL: He is not to advertise himself as being entitled or qualified to do any of those things.

HON. W. ALLAN: To the ordinary lay mind it reads as if no person could "give or perform any medical or surgical service, attendance, operation, or advice" unless he is a duly qualified medical man. I think it is our duty to so alter that clause as to leave no room for doubt. At times people in need of assistance are fifty or 100 miles away from a medical man, and it would go hard with many a man with a broken limb if there was not someone handy to render first aid. In fact, very often mortification would set in before the injured person could reach a medical man. Of course, I speak subject to correction, but I think most laymen would read the clause as I read it. I notice by the schedule that apparently the only persons who can be registered here are those who are members of either a British or Australian college.

The POSTMASTER-GENERAL: Look at the last part of subsection 10—"Such other university as the Governor in Council, on the recommendation of the board, may from time to time, by notification in the *Gazette*, bring under the provisions of this Act."

HON. W. ALLAN: I presume that may cover it, but there should be some special mention of the Continental and American universities if they are meant to be included in the provisions of the Bill. I merely throw out these suggestions in the hope that they may be considered, and that we may pass the Bill in such a form as to be intelligible to everyone.

HON. A. H. BARLOW: I took some interest in this matter in the session of 1897, and drafted a clause which did not become law. I would like to direct the attention of the hon. gentleman in charge of the Bill to two points, with a view of having them considered in committee. By section 13, the board has power to remove from the register any person who has been guilty of infamous conduct in a professional respect, or if he has been convicted of an indictable offence. If, for instance, he was proved guilty of procuring abortion, or of being habitually so drunk that he endangered the lives of his patients, he would go off the register, but unless there is an appeal to the Supreme Court, I think that is giving too much power to the board. If he is guilty of infamous conduct, and he appeals to the Supreme Court, he will only blacken himself worse, and he will come out worse, and he will be ejected from the register. I do think this is giving too much power. Then with regard to the 19th clause I do not think it is clear that any person who "holds himself out

as being" a medical practitioner will come within the Act. I would suggest that it should read, "who holds himself or any other person as being," and so on. The subsection beginning at line 34 may apply merely to the publishing of advertisements and so on. I remember on one occasion going to the hotel at Toowoomba, where I ordinarily stop, being met in the doorway by a page, who said, "Do you want to see the doctor?" I said I felt pretty well, and did not feel inclined to see the doctor. I found out that one of the peripatetic diagnosticians was staying there, and that his servant was touting in the hotel passage for patients to go in and see him. And if the diamonds of the diagnostician were real, his practice was certainly a very profitable one. I commend this idea to the hon. gentleman—"who holds himself or any other person out as being"—and hope he will consider it as a lawyer, and also make it clear that in the 3rd section there will be an appeal to the Supreme Court.

HON. E. J. STEVENS: I think it will be admitted that the object of this Bill is to be highly commended. There is not the slightest doubt that something of the kind is very much required. Few of us have not seen cases where men's lives have been endangered and their health ruined through the practices of quacks of various descriptions; therefore a Bill of this kind, giving great power, is absolutely necessary for our well-being. But it is quite possible that the Bill may be too far-reaching in its effects, and that should be taken into consideration. As was pointed out by the Hon. Mr. Allan, clause 19 is not only a very stringent one, but it can be read in more than one way. With regard to what has fallen from the Hon. Dr. Taylor in connection with the formation of the board, it may possibly be that the Government, knowing the strong feeling held by the medical profession generally with regard to matters of this kind, thought that if the whole of the members were elected by the profession they would elect those who held the most extreme views, and that a board in the joint interests of the public and the profession would be likely to deal more fairly with the question generally. I think there is something in that point of view. There is a minor matter of detail I would point out in connection with the last paragraph of clause 7, which deals with giving notice of time of meeting, and in case of special meetings. There is no time stated when the meetings shall be held. That is, there is no time limit. Notice may be given to-day and the meeting held to-morrow, at which one or more members of the board might not possibly be present. In all commercial affairs the rule is that a certain number of days shall elapse between the notice of meeting and the holding of the meeting. And it is very necessary in this case; at any rate it would prevent any clamour which might otherwise be made that fair play was not being given in this direction. I do not think it could be held to be a hardship—it is merely a matter of organisation. With regard to clause 19, that portion of it will deal hardly with a large section of the community which refers to persons who afford medical or surgical assistance without any hope of reward or making any charge. Those who have lived in the Western bush know that sometimes it is not possible to obtain medical assistance from a duly qualified medical man for hundreds of miles. That is probably not so much now the case as in former days; still it prevails to a certain extent now, and it would be very hard if a man who had surgical or medical skill were called away from his business—whether a storekeeper, a chemist, or anything else—to go a distance of fifty or a hundred miles without

being able to charge a sum for it. I think it would be quite possible for an amendment to be worded in such a way as to provide for cases of this sort—but no penalty should attach if it were not possible to obtain proper medical assistance. There are hon. gentlemen here who must know that there is a good deal of force in what I say—hon. gentlemen who have lived in the back districts and know the hardships which many persons have been subjected to. It would require a man with an enormous amount of charity to undertake a long journey and sacrifice his business, when, if he made a moderate charge, he would be liable to be prosecuted for breaking the Act. The Act should not be made to cover simply the cities and places where the population is thick. I take it this is meant to apply to the whole colony, and it should be made to work as evenly as possible all over. As I said before, it is an Act that is very much required, and I hope to see it become law and put into practice in the very near future.

HON. W. FORREST: There is no man who has a greater contempt for quacks and quackery than I have, and I should like to see it brought to an end among the medical profession. At the same time, I must confess that I have been troubled with the same doubts that have been expressed by the Hon. Mr. Allan and the Hon. Mr. Stevens with regard to men who may practise or do some surgical or medical work anywhere, and particularly in the outside districts. I am doubtful whether they have the power to do that, or whether if they do they will not be liable to a fine of £50, or six months' imprisonment. I will give you an instance from my own experience. On one occasion I happened to meet with a young fellow in the bush who was suffering from a painful ailment which I knew would be inevitably fatal if not relieved within twenty-four hours. If there had been a doctor within twenty miles I would have driven over for him, but as there was no doctor within sixty miles I had to do the best I could. I did so, and he recovered. I afterwards explained what I had done to a doctor in one of the southern colonies, and he said, "There is not the slightest doubt you saved that man's life"; and I am perfectly certain I did. If this Act had been in existence I should have either not tried to save that man's life or rendered myself liable to a £50 fine or six months' imprisonment for doing so. It strikes me this clause means that if it means anything. There are one or two other things I might tell the House which have come under my notice. I have known some of the biggest quacks, as far as ignorance goes, amongst medical

[5 p.m.] men themselves. There are some medical men I have the most intense respect for and belief in, but I will tell you what I saw myself. There was a man suffering tremendous pain. I suggested cocaine. The doctor, a man holding a diploma, had never heard of cocaine except as used for the eyes.

HON. W. F. TAYLOR: Are you sure he was a doctor?

HON. W. FORREST: I am quite sure, because I took the trouble to inquire. That is one case. On another occasion I was travelling from England, and some time before we reached Aden a fellow passenger told me he felt ill. I advised him to see the doctor. He did so, but got no better, and by the time we reached Colombo he was no better. When there I remembered a man telling me what to do in such a case, and I took him to a chemist, obtained the medicine, and before we arrived at Albany he was all right. That was a man who had been attended to ten days by a doctor. These are cases that certainly shake my confidence. If there is power given

under clause 16 to erase from the list of medical practitioners men who are incapable, I should say it was a provision that is very much wanted, because that there are incapable men in the medical profession no one will admit sooner than some medical men themselves. Coming back to clause 19, I hope the Postmaster-General will look into this, and see that it is put beyond all manner of doubt, for if subsection 3 has not the meaning the Hon. Mr. Allan attaches to it, I scarcely know the value of language. With regard to the alteration in clause 25 suggested by the Hon. Dr. Taylor, I think an alteration would be advisable in it, but instead of striking out what he suggested I would add the word "nursing." Anyone who has lived in the bush must know the value that a woman accustomed to perform that sort of thing is to some poor woman in distress, and I would fifty times rather trust a woman with experience that way than I would trust a young doctor newly fledged.

HON. F. T. BRETNALL: I rise only to say I think there must be some little misapprehension as to the meaning of clause 19. I do not think clause 19 would affect in any degree such action as the Hon. Mr. Forrest has just been referring to. I think it would be in the power of any man, in any part of the country, if he had that power, to save the life of another man, or to render him any kind of service, either medical or surgical, so long as he made no charge for it. All that the 1st subsection of clause 19 provides is, that he shall not do it for hire, gain, or the hope of reward. Of course, in a case like that to which the Hon. Mr. Forrest referred, in which he was the happy means of saving a man's life, if that man subsequently showed his gratitude by sending him a cheque for ten guineas, and he had accepted that cheque, he would become liable under such a clause as this. The whole tenor of the hon. gentleman's remarks was that a man could not render any generous assistance of this kind in parts of the colony where no medical skill was available without rendering himself liable to the penalties imposed here. But I see nothing to prevent him doing it so long as he does not do it for hire, gain, or hope of reward.

HON. W. ALLAN: That is subsection 1. It is subsection 3 that we are talking about.

HON. F. T. BRETNALL: I am coming to that directly. I do not want to go into personal reminiscences, but I believe that at one time or another I have been the means of saving life where there has been no medical man available; and, in one case or more, I do not think I need hesitate to say, by medicine which had previously been prescribed for me by a duly qualified medical practitioner, I was able to pull out of the grave persons who had been given up by their medical attendants. So much for the skill of all medical practitioners. But that was done out of neighbourly kindness without hope of gain or reward. Coming to subsection 3, I agree thoroughly with the remarks made by the Hon. Mr. Allan, followed by the Hon. Mr. Forrest. There is a discrepancy between subsection 2 and subsection 3. Subsection 3 refers exclusively to the matter of advertising, and not of practising. It has no reference whatever to practising medicine or surgery. It has only reference to a man advertising that he is prepared to practise medicine or surgery, and if he do that with the hope of hire, gain, or reward, I think the words should come in here as they do in subsection 1. That is what is required in subsection 3. He cannot under subsection 1 practise for "hire, gain, or hope of reward," but under subsection 3 he can advertise that he is prepared to practise, saying nothing about the reward, but he may get it notwithstanding. If a man lives in the country, and thinks fit at his own expense to do what he can for his suffering

neighbours out of pure kindness, I do not think it should be made a criminal offence for him to advertise the fact. I think, therefore, that at the end of the subsection the same words should be inserted as are to be found in subsection 1—“for hire, gain, or hope of reward.” That would meet the objection which has been taken to clause 19. I would advise the Postmaster-General to look at that clause with a view of having such an amendment made when the Bill gets into committee.

Question—That the Bill be now read a second time—put and passed.

The committal of the Bill was made an Order of the Day for to-morrow.

The House adjourned at thirteen minutes past 5 o'clock.