Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

**TUESDAY, 28 AUGUST 1900**

---

2. If so, what is the area the department propose to resume?

3. What is the amount of money claimed by the lessees?

4. Has any time been stipulated by the lessees for the acceptance or otherwise of their offer?

5. Is he aware that certain farmers, lately arrived in the colony from Cheshire, are camped near this land waiting for it to be thrown open?

6. Who are the lessees of the Degilbo Run?

The SECRETARY FOR PUBLIC LANDS (Hon. W. B. H. O'Connell, *Musgrave*) replied—

1 and 2. An offer has been received for the surrender of the whole of the leasehold.

3. £7,000.

4. No.

5. The department has been informed that four Cheshire farmers are camped near the run awaiting the opening of the land.

6. The Union Bank of Australia, Limited.

### Duplication of Railway between Nundah and Sandgate.

Mr. ANNEAR, in the absence and at the request of the hon. member for Toombul, asked the Secretary for Railways—

1. What is the cause of the delay in completing the duplication of the railway line between Nundah and Sandgate?

2. Has the member for the district approached him on the subject?

The SECRETARY FOR RAILWAYS (Hon. J. Murray, *Normanby*) replied—

1. The work has been delayed in consequence of certain steel girders required not coming to hand.

2. Yes.

### PASTORAL FREEHOLDS, MITCHELL DISTRICT.

On the motion of Mr. W. HAMILTON (*Gregory*), it was resolved—

That there be laid on the table of the House a return giving the following information:—

1. The area of freehold land comprised in each pastoral holding in the pastoral district of Mitchell.

2. Date of purchase.

3. Name of purchaser or purchasers.

4. Price paid per acre.

5. Under what Act purchased.

### PAPERS.

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

(1) Report, for 1899, of the Government Resident at Thursday Island.

(2) Report on cost, circulation, etc., of the Parliamentary Debates.

## TUESDAY, 28 AUGUST, 1900.

The SPEAKER (Hon. Arthur Morgan, *Warwick*) took the chair at half-past 3 o'clock.

## QUESTIONS.

### Purchase of Degilbo Run.

Mr. ANNEAR (*Maryborough*) asked the Secretary for Lands—

1. Has any offer been received by the department from the lessees of the Degilbo Run for the resumption of portion of their lease for agricultural purposes?

## CENTRAL AND NORTHERN DISTRICTS BOUNDARIES BILL.

### Committee—Council's Amendment.

On proposed new clause 5—"Act not to prejudice validity of instruments"—

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*) said he did not see that anything substantial would be achieved by the amendment. Hon. members in the other Chamber, however, thought it would be an advantage; they might see in it an advantage which he did not see, but he did not profess to have all the wisdom in the world. The amendment did not affect the nature of the Bill or its usefulness, and under those circumstances he did not wish to do anything contrary to the wishes of the Council. He therefore moved that the amendment be agreed to.

Mr. McDONALD (*Flinders*): The hon. gentleman had said that he did not see any use for the amendment, and, though not in so many words, he gave them to understand that it was of no importance whether the amendment was accepted or not. Their legislation was already

sufficiently crowded with a lot of useless clauses, and he thought this clause should not be accepted. Believing that the amendment would be absolutely useless, the proper thing for the hon. gentleman to have done was to have refused to accept it, and then inform the Council that there was really no necessity for it. He hoped the hon. gentleman would do what he had suggested, and ask the Council to agree to drop the amendment out of the Bill.

The ATTORNEY-GENERAL: He always believed in being conciliatory, and if the members of the other Chamber thought there was something in the amendment which he could not see, he did not want to say to them, "Because I cannot see it, therefore you ought not to see it, and you shall not have it in the Bill." As no harm whatever could be done by the insertion of the amendment, he felt it was a graceful thing to defer to the wishes of the Council in the matter.

Mr. STEWART (*Rockhampton North*): The hon. gentleman had just given an additional reason why the necessity for the amendment should be clearly shown or the proposed new clause should be left out. The hon. gentleman was the principal legal authority of the colony, and he could not conceive why such a clause was sought to be inserted; and hon. members in another place, who were not supposed to be high legal authorities, thought it necessary to insert that clause. As the hon. member for Flinders had pointed out, their statutes were very much overloaded, and the necessity for conciseness and clearness in them was very great. Anything that would add to the vagueness or indefiniteness of Acts of Parliament, or to the difficulty of reading or interpreting them, should be avoided. If the clause was not necessary, why put it in? The only reason given by the Attorney-General was that he desired to be conciliatory. That was a very commendable desire, but if being conciliatory to members of another House meant adding to the expense upon the people of the colony, or doubt as to the reading of the statutes, a bar should be placed even upon conciliation, however much he was personally in favour of it under ordinary circumstances. He was willing to follow the lead of the Attorney-General, and as that hon. gentleman considered the amendment unnecessary, he would vote against its acceptance.

The CHIEF SECRETARY (Hon. J. R. Dickson, *Bulimba*) thought the matter was not being treated sufficiently seriously. As a layman, he considered the amendment a very valuable addition to the Bill, and would heartily support it. It might not be necessary, and in that he accepted the views of the Attorney-General, who had a much better knowledge of the legal construction of the Bill than he could pretend to have. But there was nothing the public mind was more sensitive about than anything affecting the security of titles, and to the lay mind it might appear that where a deed had been registered in the Real Property Office of the Central division for a portion within that division which, under that Bill, would hereafter be included in the Northern division, subsequent proceeding upon that title might be seriously affected by the change. That was the view he took, having some knowledge of the registration of land under the Real Property Act. The amendment made it perfectly clear that there need be no apprehension that such a title as he had referred to would be prejudiced by the transfer of the portion for which it had been registered from one division to the other. Though the clause might appear superfluous to the legal mind, he recognised that to the layman it would appear a valuable addition to the Bill.

Mr. FITZGERALD (*Mitchell*) did not think the amendment so useless as the Attorney-General supposed. He thought it was their duty to avoid litigation where possible and prevent any chance of misunderstanding. Suppose some proceedings were proposed to be taken with respect to a portion of land registered in the Central division, and a caveat were lodged in the matter. The proceedings could go no further under the caveat for a certain number of months, and if in the meantime the portion in question had been transferred to the Northern registration division, the question might be raised as to whether it would not be necessary that the caveat should be lodged in the Northern office. Then, again, with reference to bills of sale, they had passed very stringent provisions with regard to their registration, and if they were not registered in the proper district they were not worth the expense incurred in registering them. The question might crop up as to whether a bill of sale, properly registered in the Rockhampton division under the existing law, were so registered when the boundaries of the division became changed under the Bill, and it might be a question for the Full Court to decide whether the registration in Rockhampton was valid. All that the clause provided was that instruments now registered at Rockhampton should continue to remain, and that nothing in the Act should be construed to prejudicially affect them. He trusted the Committee would agree to the amendment, which would make the fact so clear that no doubt could possibly exist with regard to it.

Mr. McDONALD: He was not sorry he had brought the matter up, as it was turning out to be a very important question. First, they had the highest legal authority in the Chamber telling them the Council's amendment was a mere nothing—not worth talking about. Then they had the hon. gentleman's colleague, the Chief Secretary, telling them it was of vital importance to the Bill, and giving reasons for his opinion. And now they had another legal gentleman on that side—an ex-Attorney-General—who also stated that it was of very great importance. He agreed with the Chief Secretary that the matter was one which ought to be dealt with seriously, and not treated in the flippant manner it had been by the Attorney-General, who gave as his only reason for agreeing to the amendment that it would be an act of courtesy to the other Chamber. Such a statement was of itself anything but an act of courtesy to the other Chamber. If the amendment was a good one it should be accepted. Personally, he objected to the other Chamber interfering with any Bills passed by the Assembly; but, as under the existing state of things that body must be recognised, he would simply recognise it, as the Attorney-General had stated, as an act of courtesy, because they must. It was about time, now that they were getting federation, that that Chamber should be wiped out of existence. He was pleased to find that the Chief Secretary recognised the importance of the question, and would like to see the amendment agreed to; and under those circumstances, though he disagreed with the Council interfering with any legislation from that Chamber, he should offer no further opposition to it.

Mr. STEWART: They had had that afternoon another instance of the maxim that whatever lawyers touched they confused and confounded. They heard the present Attorney-General saying the new clause was not necessary, and the ex-Attorney-General saying that it was necessary, and the Chief Secretary agreeing with him. He himself was in a most serious quandary. Was the clause necessary, or was it not? If it was necessary it ought to be accepted; if it was not necessary it ought not to be in the Bill.

The Attorney-General, who was the leading legal authority in the colony, said it was not necessary. When they found that doctors differed, what were they, poor laymen, to do?

The HOME SECRETARY: Follow your own doctor.

Mr. STEWART: He was not disposed to follow his own doctor at the present moment. Laymen looked at things from a common-sense point of view. Lawyers were only too anxious to see quibbles in anything and everything. They throve upon strong points and grew fat upon disputation. Laymen had to apply the touchstone of common sense, and it would appeal to any man's common sense that that clause was not necessary. The ex-Attorney-General pointed out that there might be a difficulty about the validity of a title owing to the boundaries of a certain division being changed. Could any such difficulty crop up in any man's mind save a lawyer? At the present moment the colony was divided into three distinct divisions, and they all knew that legal instruments taken out in any division had to be registered in that division. The clause did not refer to any contracts now existing, but those contracts which might be made after the Bill was in operation, after the boundaries were changed. The new boundaries would therefore refer only to the new covenants. He thought that must be plain to any man's understanding; at least it was quite plain to him. But the legal gentlemen, when they came to examine any question, examined it with a microscope, and the more powerful the microscope, and the more flaws and blots and blemishes they found in it, the better they were pleased. He would like to have an authoritative statement on the matter. There were other legal gentlemen present in the Committee, one in particular of great weight, an ex-leader of the other House, and a gentleman who stood very high in the legal profession in Brisbane. He was sure they would be glad to have that hon. member's opinion on that knotty legal point. He would invite the hon. member to turn his intellect in its direction for a few moments, and let them have the benefit of his sage views.

Question—That the Legislative Council's amendment be agreed to—put and passed.

The House resumed. The CHAIRMAN reported that the Committee had agreed to the Legislative Council's amendment.

The report was adopted; and the Bill was ordered to be returned to the Legislative Council by message in the usual form.

## HEALTH BILL.

On the Order of the Day—Health Bill: to be considered in committee—being read,

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*) moved that the Speaker do now leave the chair.

Mr. FOGARTY (*Toowoomba*): I desire, on behalf of the local bodies, to make a protest against the consideration of the
[4 p.m.] Health Bill at this early stage. It is very well for the city and suburban local authorities; they probably have had sufficient time to go through the measure, but a very great number of the local authorities outside of Brisbane have not had sufficient time to do so. I desire, so far as my own people are concerned, to say that they are under obligation to the Premier for not forcing the matter on for discussion on Wednesday evening last. The Corporation of Toowoomba had a special meeting on Friday afternoon last, at which I and my friend, the hon. member for Aubigny, attended, and a sub-committee was appointed to go carefully through the Bill and make suggestions, but it appears that they have not yet had sufficient time to finish their work. And if that is the case with Toowoomba, which is easy of access to the city, what is the position of the other local authorities which are hundreds of miles away, and in some cases deprived of railway communication? The change proposed is a very radical one, and up to the present the Home Secretary has not provided any additional financial assistance. It is well known that several of the local authorities at the present time are not able to meet their engagements, and if the supreme being who is termed "the commissioner" under this Bill, chooses to levy an additional rate, I do not know how they are going to pay it.

The SPEAKER: Order!

Mr. FOGARTY: If a special rate is levied by this supreme being, the Government will certainly suffer in another way—in getting in the money which they should receive from the particular bodies, which are in so impecunious a position. It is not my place, and I do not think it is fair to name them. I think there are other matters of equally great importance to the Health Bill which could be proceeded with. I admit that legislation in this direction is needed, because the Central Board of Health has not sufficient powers. I say give them powers, but so far as the commissioner is concerned, who is to have supreme authority, I do not think that it is any great progress——

The SPEAKER: Order!

Mr. FOGARTY: Well, I suppose I am transgressing, but I am considerably handicapped, because I have given a promise, and my friend the member for Aubigny has given one likewise, that we shall endeavour to have that portion of the Bill amended in committee. At all events, the amendments suggested by the Municipal Council of Toowoomba, the Middle Ridge Shire Council, the Gowrie Divisional Board, the Rosalie Divisional Board, and the Jondaryan Divisional Board, cannot possibly reach us until this afternoon's mail, and I certainly think it is hardly fair that a most important matter like this should be forced upon us when we are not prepared to meet it. I was courteously furnished with a copy of the suggestions made by the executive of the Local Authorities' Association, and I handed it to the Toowoomba corporation. I also gave them two or three copies of the proposed amendments by the Home Secretary. I will say that if the Home Secretary will consider the interests of the local authorities as a whole, he will not proceed with this matter at this stage. If it is postponed until this day week, there will be ample time for every local authority in the colony to make their suggestions, because in cases where they would not be able to reach here by letter they could communicate by wire. A number of the hon. gentlemen in this Chamber who have probably had no experience of municipal, divisional board, or shire board life do not perhaps recognise the gravity of the situation; but if the local bodies had an opportunity of considering the Bill, there is no doubt that possibly they will throw some light upon matters that at the present time, owing to the want of knowledge in connection with local management, their representatives in this House have not sufficient knowledge of. I do not intend to delay the House; but I certainly protest against the matter being proceeded with now. I am only sorry that it is proposed to go on with it, and I shall be agreeably surprised if the Home Secretary will intimate, now attention has been drawn to the matter and he has been informed that sufficient time has not been given for its consideration by the different local authorities, that he will postpone it for a week. I repeat what I said at an earlier stage, that I am exceedingly grateful

speaking on behalf of my constituents, to the Premier for his kind and courteous conduct in connection with the postponing of this measure last week. I suggested that he should do so, and he readily fell in with it.

Mr. STEPHENS (*Brisbane South*): I think before you leave the chair, Sir, that the House is entitled to some explanation from the Government as to how they intend to treat this measure from a financial aspect. This is a large Bill, which affects all the local authorities, and if you read it carefully you will see that the financial question is not touched at all. I think it is only fair that in introducing this Bill the House and the country should know whether they propose to introduce a sister Bill to deal with the financial aspect of the matter. I do not do that with any idea of staying the progress of this Bill. I believe that the Bill will be an improvement in some matters, but at the same time it appears to me that the financial part of this Bill has been treated in a somewhat erratic manner, and I think we have a right to know from the Government what they intend to do. When I say "erratic," I am prepared to prove it. I refer to the fever epidemics and the hospitals. Under this Bill a good deal of money will have to be spent, and I think the Government should tell us what share they intend to bear. In the scarlatina business in Brisbane the Government took over the whole management, and the local authorities found all the money. Now, in the country districts some of the local authorities so managed it that the Government found two-thirds of the money, and probably the Government are not aware of that The way they did it was this: These local authorities took the matter in hand at an early stage, and went to the hospitals and arranged with them to treat the scarlatina cases. They got in additional donations which, with the Government endowment, covered all expenditure in connection with the scarlatina cases in those districts. In that way the Government were got at, and actually paid two-thirds of the cost, while the local authorities in Brisbane had to contribute the whole amount. I mention these things to show that at present there is no definite line, and I think, before you leave the chair, the Government ought to tell us whether they propose to give us any assistance, and put it in such definite form and shape that the local authorities will know what they are to expect from the Government. I think it would be better, if it were possible, to tell us at the present time, because most of the local authorities think it will be impossible to give effect to this Bill without increased financial assistance from the Government. They might tell us this before they proceed with the Bill, but, whether they tell us or not, I shall assist them in passing it, because there are really some good things in it.

The PREMIER (Hon. R. Philp, *Townsville*): I don't think this is the time to ask the question asked by the hon. member for Brisbane South. It should have been asked on the second reading. With regard to the plea for further delay put forward by the hon. member for Toowoomba, I don't think it is reasonable at all.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: The Bill was postponed for a week to allow the local authorities on the Darling Downs to further consider the Bill. It has been before the House over a month now. It was read a first time on the 25th July, the second reading was on the 7th August; now it is the 28th August; and yet we are asked to allow more time. At that rate we may go on till the end of the year before the Bill is passed. It is a very important measure, the Home Secretary is prepared to go on with it now, and I think we ought to do so.

HONOURABLE MEMBERS: Hear, hear!

Mr. McDONALD (*Flinders*): I agree with the hon. gentleman that we should go on with the Bill, which members have come here prepared to discuss. The other day there was considerable discussion in consequence of the Bill being postponed. With regard to the matter brought up by the hon. member for Brisbane South, Mr. Stephens, I think that matter can be dealt with when we get into committee. I think there has been ample time all round for the local authorities to send down the amendments they require to be put into the Bill. Unfortunately, a number of them have been dilatory, but that is their business, not ours. We should push on with the Bill.

Question put and passed.

COMMITTEE.

Clause 1 put and passed.

On clause 2—"Commencement of Act"—

Mr. FISHER (*Gympie*) said he did not know whether it had occurred to the Home Secretary that the 1st January might be rather early for a Bill of this magnitude to come into force. In all probability, it would be some time before it got through both Houses, and perhaps there might be only a month or two to provide all the necessary machinery, and appoint all the necessary authorities to carry it out. Would it not be better perhaps to alter it to the 1st April? (Oh, oh! and laughter.) His opinion was that the Bill should come into operation at the earliest possible moment; but he asked the hon. gentleman whether he did not think the 1st January would leave a very small margin of time to do the necessary preliminary work.

The HOME SECRETARY did not think so. He agreed with the hon. member that it was most desirable that this Bill should become law at the earliest possible moment, and he should like to make arrangements for the permanent appointment of a commissioner before the measure came into force, so that he could be here to administer the Act from the start. He thought it would be possible to obtain the services of a first-class man from England, and for him to take up his duties on the 1st January next. But, even if he could not, some temporary arrangements could be made for one or other of the medical gentlemen who were familiar with the working of the present Act to take up these duties. The secretary of the Central Board of Health, Dr. Love, had the whole matter at his fingers' ends, and probably he would be quite willing to undertake these duties temporarily; if not, some other medical gentleman could be found to do so; and, no doubt, Dr. Love would render valuable assistance in this connection. With regard to other matters, there would be no difficulty whatever.

Mr. FISHER: The Bill applies to distant parts of the colony.

The HOME SECRETARY: Yes, but they had the whole machinery for the working of the Bill already in existence. It was quite true that the Central Board of Health had not the direct power and authority that the commissioner would have; nevertheless, there were Government health officers and Government medical officers throughout the colony who would simply require reappointment under the Bill. There was no reason why they should postpone the operation of this measure later than the 1st January.

Mr. McDONALD thought the sooner this measure came into operation the better. He thought the Government had sufficient machinery to put it into operation before Christmas. However, the Government had set down the date as

the 1st January, and he was satisfied that the various local authorities would have full opportunities to get the Act into working order by that time.

Mr. FOGARTY thought some more reference should have been made to the financial position of the local authorities under the Bill, because when it came into force it would be such a burden on the property owners that it would be better for them to hand over their land to the local authorities altogether. It would be much better if they had no freehold estate at all. He thought the question raised by the hon. member for South Brisbane was a very important one. He had received instructions from the corporation of which he had the honour to be a member to move for financial assistance under the Bill; failing this, if the measure were accepted, twenty years hence would be quite time enough for it to come into operation. He recognised that it was the duty of the State to preserve the lives and health of the people, and he recognised that the local authorities would give loyal assistance to the State in bringing about such a laudable condition of affairs; but people who owned property should also be considered. A number of people speculated in land, and their land was not reproductive.

The CHAIRMAN: I would remind the hon. member that the Committee are now discussing clause 2. I trust that he will confine his remarks to that clause.

Mr. FOGARTY: There was no shadow of a doubt that unless financial assistance were given it would be utterly impossible for some of the local authorities to carry into effect the provisions of the Bill, and it was a great pity that the question had not been raised on the second reading. He would like the Home Secretary to give some slight glimmering of information as to the way in which he intended to render financial assistance to local authorities under the Bill. If no assistance was to be given, there was no need to place the measure on the statute-book, because some local authorities would not be able to carry its provisions into effect. He trusted that hon. members would agree with him that any man who had acquired property through thrift and industry, should not be compelled to pay more than he was able to pay. It was all very well for hon. members to say that the landlord would increase the rental to correspond with the amount of taxation, but he could not do that. He believed provision was made by which property could be taxed to the extent of 1s. in the £1, and under such circumstances how could people meet their engagements? With regard to this supreme individual, the commissioner, he hoped the good sense of the Committee would relegate him to the obscurity from which he ought never to have emerged.

Mr. GLASSEY (*Bundaberg*) was a little disappointed at the views expressed by the hon. members for South Brisbane and Toowoomba, who predicted that ruin and disaster would follow in the wake of this Bill, more particularly to property-owners. They put in a plea to make this Bill of such a nature that the burden of these people should not be increased. Hon. members generally believed that the time had arrived when some change was necessary in the health laws of the colony, and he thought that the extra cost when the Bill became law would be infinitesimal; that it would not be burdensome to property-owners. He had no wish to press for extra or exorbitant taxation, and he was sure that when the Bill became law, the gloomy forebodings and the dark shadows in the minds of those hon. members would disappear, and it would prove beneficial to the whole colony. He did not agree with the sentiments of the hon. member for Toowoomba with regard to the health officer who was to be appointed. That was one of the best provisions in the Bill. He would strenuously support the appointment of such an officer, and rather than limit his powers with a view of enforcing the law, he would extend them, in order to protect the health of the community.

Mr. ARMSTRONG (*Lockyer*): The hon. member for Bundaberg had treated the matter in the light and airy way peculiar to those hon. members who knew little of the difficulties of local authorities. The argument of the hon. member for Drayton and Toowoomba was a perfectly sound one, and had the hon. member for Bundaberg had a little more experience of the working of local authorities he would not think it was such an easy question for them to find the money. By precept they could be asked on the spur of the moment to find a great deal of money on the dictum of the health commissioner. Of course ways and means were very necessary for carrying out the measure, and if it was to be brought into operation on the 1st January next hon. members were entitled to know where the money was coming from. He rose chiefly to say that if he had been placed in possession of the amendments just circulated he would have supported the objection of the hon. member for Drayton and Toowoomba to going on with the Bill. The Premier lightly said that the Bill had been in their hands for a considerable period, and they might well discuss it. He was quite ready to discuss it, but not having expert knowledge he could not grasp all at once the effect of four pages of amendments.

[4·30 p.m.]

Mr. McDONALD: Some of them have been in our hands for days.

Mr. ARMSTRONG: One sheet reached him on Friday, but the other four sheets had only just been circulated. He took a great interest in the Bill, but with all due respect to the Minister he contended that it was not possible for a layman to grasp the meaning of all those amendments without study. He thought it did not reflect much credit on the department which was responsible for the introduction of the measure that it should be necessary to bring down eight pages of amendments.

The HOME SECRETARY: The hon. member was not correct in saying that eight pages of amendments had been sprung upon the Committee, because four pages had been in hon. members' hands for a week. When the hon. member had read the four pages first circulated, he would see that although at first they might look formidable they were simply a complete recast of that portion of the Bill to which they referred. The hon. member for South Brisbane, Mr. Tooley, had dealt at length with that portion of the Bill on the second reading, and it was thought that his suggestions were well worth considering. Instead, therefore, of printing a large number of small amendments, it had appeared to him, and to the Parliamentary Draftsman, that the simplest way to deal with the matter would be to recast that portion of the Bill, as it was a question of principle that was involved. Although the amendments occupied a considerable space on paper, yet as a matter of fact they were by no means lengthy in themselves. All that the Chamber would have to do, if it approved, would be to substitute those four pages for that portion of the Bill which they were intended to supplant. As for the other four pages, he would call the attention of the Committee to the fact that, with the exception of the first page and a-half, there was not one of the amendments which would be dealt with until they reached clause 90, and they would certainly not get there to day.

Mr. ARMSTRONG: That is satisfactory.

The HOME SECRETARY: The other amendments he might mention were the result of suggestions made to him by the department of the Government Analyst. Unfortunately that officer was away from the colony, and although he did not attach any particular blame to anyone for it, yet the suggestions did not reach him until after the Bill was in print and presented to the House. They were very largely verbal amendments, substituting the word "public" for "State" analyst, and so on. With the exception of an indemnity clause, they might be said to be almost formal until clause 90 was reached. As regarded the question of finance, he would point out, as the Premier had done, that this was not the proper time to discuss it, especially on a clause dealing with the time at which the measure should come into operation. No doubt he would not be in order in referring to the matter, but it was necessary to do so as a result of what had been said by those who preceded him. The question really was whether health rates should be endowed? He did not think that the local authorities need be at all afraid of the operation of the Bill, because the commissioner for public health would be clearly and distinctly under the thumb of the Minister and the Governor in Council.

Mr. GLASSEY: That is a weakness in the Bill, in my opinion.

The HOME SECRETARY: He thought it was a very happy compromise. The commissioner would have ample power to deal with local authorities, but would not be an irresponsible autocrat.

Mr. GLASSEY: I think he ought to be.

The HOME SECRETARY: It was a very large power to put in the hands of one man to make him absolutely irresponsible. He thought hon. members should in fairness accept what had already taken place as an indication of the desire of the Government, as no doubt it would be of any Government, to do a fair thing by the local authorities. He did not want to go into the question of finance, because he was prepared to deal with it later on, but he thought the action of the Government in regard to the plague, and the emergency created by it had been fairly liberal. Everyone would admit that they had come to the assistance of the local authorities very liberally.

Mr. FOGARTY: Will you give the same proportion of assistance in this case?

The HOME SECRETARY: Could they not leave that until they came to the portion of the Bill dealing with it? He was not aware that the local authorities had been very severely hampered in their efforts to conserve the public health. Of course, they had felt the pinch; but the Treasury had also felt it. He ventured to say that the expenditure by the Treasury with regard to the plague had been not less than £25,000.

Mr. STEPHENS: Have you met them every time they asked you?

The HOME SECRETARY: Yes, he thought he might say that; and only yesterday he had received information which would enable him to deal with another question upon which a deputation waited upon him, and of which the hon. member was a member. He had all the figures now that he had asked for, and he would see that no undue pressure was put upon the local authorities. No Home Secretary could allow the whole system of local government to break down by insisting upon the local authorities doing impossibilities, but until the question of whether the health rates should be endowed had been considered, not only by the Government, but by Parliament, he thought they might fairly leave the question of finance till a later period.

Mr. JACKSON: Is the expenditure that you mentioned for Brisbane alone?

The HOME SECRETARY: No; it was for the whole colony. It would include the purchase of land, the establishment of plague hospitals, and everything else. He might be overstating the amount, but not very much.

Mr. RYLAND (*Gympie*): The sooner the Bill came into operation the better, and the question of finance should not prevent it being brought into operation at the beginning of the year, because the public health was the first consideration. As regards the financial aspect, he hoped that the Government would pass a Local Government Bill during the present session, and that would be the proper occasion on which to deal with the question of finance.

Mr. McDONNELL (*Fortitude Valley*) hoped that the Bill would come into operation at the beginning of the new year. After their experience of the last few months, the sooner it came into operation the better, in the interests of the public health. Right throughout the colony they had been denouncing the Central Board of Health.

The HOME SECRETARY: Sometimes very unjustly.

Mr. McDONNELL: They had been denouncing the local authorities and the joint boards for making a muddle over the plague, and still they found hon. members getting up and advocating the interests of the property-holders at the cost of the public health of the community. Was the public health to suffer in the interests of the property-holders?

Mr. STEPHENS: Nobody said that.

Mr. McDONNELL: The hon. member for Toowoomba said it.

Mr. FOGARTY: He said nothing of the sort.

Mr. McDONNELL: That hon. member advocated the cause of the property-holders very strongly, and did not even want to discuss the Bill at the present time. He (Mr. McDonnell) thought the majority of the property-holders were in favour of some drastic change in the Health Act. He would like to point out that the Local Authorities' Association had been sitting for the last two days discussing the Bill, and drafting some amendments, and in a circular letter emanating from the president of that association—Mr. Nicol Robinson—it was pointed out that there was seventy-three local authorities represented on the association. Now, if anybody was authorised to speak in connection with that matter it was that association, and yet they did not ask that the Bill should be postponed, and that it should not be brought into operation at the beginning of next year. He was very desirous of seeing the Bill passed without delay, and he hoped the amendments that would be introduced would make it much better than it was at present.

Mr. FOGARTY thought it must be patent to all unprejudiced persons that he had taken a more comprehensive view of the question than those hon. members on that side who had charged him with taking a very narrow view, because he recognised the right of the freeholder as well as the right of the non-freeholder. The hon. member for Bundaberg and the hon. member for Fortitude Valley, Mr. McDonnell, evidently could not see that the freeholder had any rights at all. In fact, those hon. members would not surprise him if they advocated "Socialism in our time," and asked for an equal division of the world's goods. But, if they had such a division, it would not be very long before property would once more revert to the original holders.

Mr. GLASSEY: We might ask for an equal division of brains as well.

Mr. FOGARTY: He did not think the best friends of the hon. member could accuse him of having too much brains, although it was the opinion of the hon. member that the brains of the human race were centred in the person of Thomas Glassey. He had as much sympathy with the non-freeholder as those who proclaimed their sympathy from the housetop, but they had to consider all classes, and endeavour to act fairly and justly. He was very pleased to hear the conditional promise made by the Home Secretary that he intended dealing very liberally with the local authorities, and, in fact, the hon. gentleman had foreshadowed a substantial endowment to the health rates, when struck. With a considerable modification in the powers of the supreme being who was to be created by the Bill, he would be pleased to see the Bill placed on the statute-book. The first consideration of the Government should be to protect the lives of the people, and their efforts should be supplemented in that direction by all legitimate means by the local authorities. He should not have risen at all but for the misrepresentations of the hon. members for Bundaberg and Fortitude Valley.

Mr. STEWART (*Rockhampton North*): The hon. member for Toowoomba accused the hon. member for Bundaberg and the senior member for Fortitude Valley of having misrepresented him. Now, he had listened attentively to the speeches of all three hon. members, and he was distinctly under the impression that the hon. member for Toowoomba had not been misrepresented by the other two hon. members. The hon. member for Toowoomba had come forward nakedly and unshamedly as the advocate of the freeholder as against the non-freeholder. The hon. member propounded the extraordinary idea that smallpox, for instance, differentiated between a freeholder and a non-freeholder. He should be extremely glad if the hon. member would give the Committee a little more light upon that very abstruse question. New theories were being daily sprung upon the people, and that afternoon the hon. member for Toowoomba had propounded the very latest. According to the hon. member, disease fastened with more tenacity upon a freeholder than upon a non-freeholder. That was a most interesting problem, and he trusted that they would hear a great deal more about it before the Bill went through. But it appeared to him that the freeholder and the non-freeholder were equally interested in the preservation of the health of the community. The hon. member referred to the thrifty working man who had become the owner of his own dwelling. Was not the thrifty working man interested in conserving his own health, the health of his family, and the health of the community in which he lived? All the capital of the average working man lay in his thews and sinews, and so long as he had health and fairly good fortune he could earn a livelihood, but the moment disease attacked him he lost his earning power. If he did not belong to a benefit society he had either to hire a doctor—and doctors were very expensive necessaries—or to go into a hospital. As a matter of fact, the poor, thrifty working man, whose interests the hon. member seemed so desirous of saving from attack, was specially interested in the passage of that Health Bill. The hon. member had surely never reflected that even if the carrying out of the provisions of the Bill cost something, if it took a little money out of the pockets of the ratepayers, in the end that outlay itself would not only be saved, but the community as a whole would benefit by it. Was it not much better to have a healthy community than a diseased community? Was not the effective working power of a healthy community much greater than the working power of a sickly community, liable to plague, fevers, and all sorts of contagious diseases? The proposition was self-evident. And if they stamped out those diseases, would that not relieve the hospitals to a very great extent? They spent about £60,000 per annum in maintaining hospitals, and it was probable that they would be able to save as much of their contributions to the hospital fund by securing the improved health of the community as would pay the whole cost of carrying out this measure. The health of the community ought to be conserved at all hazards, for if they had health they had everything, but if they had not health they had nothing. The hon. member was not really the advocate of the poor working man, but of the owner of property, who desired above everything to get a big percentage for the money he had invested in that property. That individual usually went to live in the most healthy locality of the town or district in which he resided; he had a dozen or two dozen slum properties from which he derived a substantial income, and so long as he got his income from those dirty, filthy, reeking, noisome slums he did not care. This Bill proposed to stamp out those places with a big, heavy hoof, and it would have all the assistance he could give it. He was astonished to hear the hon. member for South Brisbane get up and want to know where the funds were going to come from.

Mr. STEPHENS: You misunderstood me.

Mr. STEWART: The hon. member ought to have expressed himself in such terms that no one could possibly misunderstand him. The hon. member certainly wanted to know how the expense of administering that measure was going to be met. The expense would be met just in the same way as the expense of administering any other measure was met—by dipping their hands into the pockets of the ratepayers. He supposed the hon. member for South Brisbane would like the colony, as usual, to pay Brisbane's share.

Mr. STEPHENS: No, I never asked for that.

Mr. STEWART: Brisbane was more lightly taxed than any other portion of Queensland.

Mr. REID: Because it is the most healthy.

Mr. STEWART: Not because it was more healthy, but because it was much nearer to the centre of government, and the people could earwig the men in authority on every possible occasion, and because——

The CHAIRMAN: The remarks of the hon. member are more in the nature of a second-reading speech than a discussion of the clause before the Committee. I hope he will confine himself to the question before the Committee.

Mr. STEWART: The hon. member who preceded him had transgressed at considerable length, and he thought that he also would have been allowed some latitude. However, as he had been ruled out of order, and as he had said nearly everything he wanted to say, he would conclude by saying that he thought the sooner the Bill was brought into operation the better.

HON. G. THORN (*Fassifern*) was fully in accord with the hon. member for Drayton and Toowoomba, and trusted the Home Secretary would give a promise that the local authorities would be subsidised in this matter to the extent of one-half of the rates, otherwise there might be some difficulty in getting the Bill through. Local government in this colony was only on its trial at the present time, and in a few years would be a dead letter, unless it got more assistance. The other day he went to the Home Secretary with a deputation of twenty public men to interview the hon. gentleman with

respect to endowments. It was understood when the Divisional Boards Act was passed that main roads and bridges would be maintained by the central Government, but such was not the case, and many local authorities were now mortgaged up to the muzzle, and could go no further. Outside Brisbane land was not so valuable, and there was not a large income from rates, but about Brisbane the land was valuable, and the local authorities could put on a special rate. The Home Secretary told the deputation to which he had referred that the local authorities about Brisbane received half the endowment because they had large bridges over tidal waters, which were liable to be damaged by cobra.

[5 p.m.] The hon. gentleman was wrong in that, because in the case of the bridges required in and around Ipswich there was as much difficulty with the cobra as there was about Brisbane. If the hon. gentleman would give the promise he mentioned, the Bill would go through smoothly. They would then know what they were about, and they would know also that the Bill was not being passed under false pretences. He was not speaking as a property-owner, but as one interested in the welfare of the whole colony.

Mr. MCDONALD: What do you mean by the Bill being passed under false pretences?

HON. G. THORN: Statements had been made that the local authorities would get so much with which to work the Bill, but a definite promise in black and white should now be given that they would get a subsidy of one-half what was required. If that promise was not given he saw many difficulties ahead.

Mr. FOGARTY wanted the Committee to clearly understand the position. If the Bill became law there was no machinery, and he understood it would not then be possible to introduce any, to give any financial assistance in carrying out its provisions, except through the Local Government Bill which had been on the stocks for a great many years, because under the existing local government law no endowment was payable upon health rates. If the Bill was accepted and became law, it mattered not how sympathetic the Minister or the Government might be, no financial assistance could be given until a new Local Government Act was passed.

Mr. HIGGS: That is why you want to alter the date?

Mr. FOGARTY: Yes, that was why he said the Committee should hasten slowly in passing the Bill. As the Home Secretary had given an indirect promise of financial assistance in the matter, he hoped that when that Bill was passed through Committee it would be recommitted, that some provisions might be introduced under which they would be able to obtain an endowment upon health rates. If the hon. gentleman could not see his way to do that, the Bill would press unduly severely upon a very worthy section of the community, and indirectly upon the whole community. There was sufficient material in the proposed new Local Government Bill to occupy the attention of Parliament for a whole session. They had been promised such a Bill time after time, but such promises were made apparently without any intention of carrying them out. He would ask the hon. gentleman in charge of the Bill to point out how financial assistance could be given upon health rates under the Bill without the repeal of portions of the existing Local Government Act.

The HOME SECRETARY sincerely hoped that the Committee would get back to the question as to when the Bill would come into force. They had had a disquisition upon cobra from the hon. member for Fassifern, and another from the hon. member for Toowoomba on local government finance; but he could say no more than he had said before—if health rates were to be endowed, it meant fresh legislation. The hon. member must remember that when the Local Government Bill was introduced by Sir Horace Tozer, it had been, by a general consensus of opinion at the time, deemed advisable that the question of finance should form the subject of another Bill, and should not be mixed up with the question of local government. If there was to be endowment upon health rates, there would have to be legislation for the purpose.

Mr. FOGARTY: Special legislation, outside of this Bill?

The HOME SECRETARY: Yes. This was not a finance Bill at all, any more than the Local Government Bill of 1896 was. Of course the House might deem it advisable even to increase the powers of rating. He could not go any further than he had gone with regard to the working of this particular Bill. Should it become law on the 1st January, he could only say that it would be administered on the same lines as those upon which the present Health Act was administered, and the local authorities need not fear that Bill one bit more than they needed to fear the present Health Act. Certainly for recalcitrant local authorities who would not do their duty——

Mr. FOGARTY: They may not be able.

The HOME SECRETARY: He was speaking of many who were well able, but would not do their duty. He referred to local authorities that did not utilise more than half their powers at the present time, and would not appoint a health officer when called upon, because it would cost them £30 or £40 a year. The hon. member, he knew, came from a district where all the local authorities were of a model type, and where those powers were not necessary to be enforced; but there were other districts where the local authorities did not act up to their duties as did those in and around Toowoomba.

Mr. FOGARTY: The Home Secretary admitted that it would require special legislation to give financial assistance. That being so, they knew exactly how they stood; and if the Committee chose to accept the proposal as submitted he could not help it; he had done his duty. But he wished it to be clearly understood, and that the daily and weekly papers would chronicle the fact, that no financial assistance could be given without special legislation. And, as far as he knew, it was not the intention of the Government to introduce legislation with that end in view.

Mr. STEPHENS hoped the Bill would become law, and the sooner the better. Those hon. members who had spoken against his views had either wilfully misunderstood him or they did not understand anything about local government. He did not say they could not carry on as they were doing at present. What he said was that the Government were giving assistance now in a somewhat erratic way. In some cases they got more and in other cases less, and his contention was that the sooner they knew exactly what they were going to get the better. Even now the hon. member, Mr. Fogarty, did not seem to understand that under that Bill he would be able to get the same assistance as he did under the present Act. At the plague hospital the Government had found the buildings and the land and given two-thirds towards the expense of carrying them on. He only wanted to have something definite. Under the Bill hospitals and other places had to be built; he wanted to know how much they would get in every instance. He would not like it to go forth that he was trying to get more out of the Treasury. He

had given a good deal of his time to local government, had always paid his rates regularly, and was willing to pay more if necessary. If it was for the benefit of the health of the people, he did not see why the people who did not own land should not pay something, and he was sure the people who did own land were willing to pay their proportionate share.

Mr. HIGGS: If the people who owned no property were expected to pay something towards maintaining the health of the community, it was only right to give them a voice in local government. He believed that if they had such a voice the present Bill would not be so necessary. The whole trouble appeared to be that aldermen were afraid of the commissioner, and wanted to delay the date of the enactment as long as they possibly could. In his opinion, it would be better to leave the date blank, so that when the Bill passed it might come into operation at once. The plague was still affecting Brisbane, and it might affect Queensland for a considerable time yet. It was quite true that aldermen gave their time without pay in most cases, the exception being where they ran a hay and corn store or a grocery establishment at which the municipal employees dealt. Probably in that way they got an indirect profit. Still the majority of aldermen gave up a lot of their time without any reward, and were deserving of consideration and gratitude. At the same time there was a great deal of reluctance on the part of aldermen to put their powers into operation, and the Bill would act as a kind of stimulant. The hon. member for South Brisbane must know how difficult it was to get aldermen to exercise their rights and privileges in the council. They feared the influences that might be brought against them at the next election, and as they wanted to be returned again without any opposition they were often inclined to back down and not to exercise their powers to the full extent. He hoped the opposition would not continue, and that they would get the Bill through and into operation as quickly as possible.

HON. G. THORN said he was not opposed to the Bill coming into operation at once if the Home Secretary would give a pledge that local authorities would be endowed to the extent of one-half under the Bill. He did not want this Bill to go through under false pretences, like the Local Government Bill. He gave the Home Secretary every credit for what he had done under the existing Act. He had done admirably, notwithstanding that some people connected with local authorities around Brisbane had abused him. But what the hon. gentleman proposed to do with the health authorities might be put in black and white. Then the Treasurer and his successors would know really how they stood. They would not be groping in the dark, as he contended many of the local authorities were doing at present.

Mr. FISHER said he did not think it was becoming for the hon. member to accuse the Government of trying to get this Bill through by false pretences. Whatever might be said against the methods of the Government, the Bill was certainly clear enough in itself. It was also clear that the country demanded that a Bill of this kind should be passed into law as early as possible, and the Government had submitted a Bill which, in their opinion, was the best in the interests of the public, or at least the best they could devise. If the hon. members objected to the Bill, they should have said so at the second reading. He was sure that the financial question would kill any Bill of any length dealing with local government. He desired that they should go on and make the Bill the best they could. Pressure could be brought to bear on the Government afterwards, to compel them to give some subsidy, and he had no doubt that the Government would give assistance to needy local authorities.

Mr. McDONALD said he rose to ask where they were. He had been listening very patiently, and had been under the impression that they were on clause 2, but he could not tell whether they were on that clause, or any other. From some of the speeches that had been delivered he would have thought they were on the second reading, and he entered his protest against this waste of time, especially on the part of members on the other side of the House. (Ministerial laughter.)

Mr. STEPHENSON: It is mainly on your own side.

Mr. McDONALD: Since he had been in the Chamber there had been very little talk on his side of the House. He must protest against hon. members getting up and making second-reading speeches upon a Bill which ought to be dealt with in a different fashion. He would like hon. members who opposed this clause to say what on earth they wanted. First of all they asked that a subsequent Bill should be introduced dealing with the financial question, and when the Home Secretary has assured them that such a Bill would be introduced, they were not satisfied. He trusted that hon. members would not continue this waste of time.

Clause 2 put and passed.

Clauses 3 and 4 put and passed.

On clause 5—"Interpretation"—

The HOME SECRETARY moved before the definition of "area," the insertion of the following definition—

"Analyst"—A State analyst or public analyst.

The object of this was to distinguish between the various analysts. Hon. members would notice that for the first time they used the word "State" instead of "Government." He thought that was better, seeing that under the Commonwealth Act they would be proclaimed a State instead of a colony, and he thought it was desirable that they should adopt that mode of expression. Under the Bill a public analyst would be a person who would be licensed as an analyst by the commissioner and registered, and no local authority would be allowed to employ one unless he were so registered.

Amendment put and passed.

The HOME SECRETARY moved the omis

[5·30 p.m.] sion of the definition of "'Drug'—medicine for internal or external use including tobacco"—with the view of substituting—

"Drug"—Any substance, vegetable, animal, or mineral, used in the composition or preparation of medicines, whether for external or internal use, including tobacco.

Mr. McDONALD: If the hon. gentleman omits "drug," how is he going to get it in again?

The HOME SECRETARY did not think there was any difficulty. Did the hon. gentleman mean to say that under the rules of the House a word in a sentence that had been omitted could not form part of another sentence proposed to be inserted?

Mr. McDONALD: Not in this case.

The HOME SECRETARY: The motion was that the word "drug" be omitted amongst others, with the view of inserting other words, which also included the word "drug."

Mr. McDONALD: It is not the proper way to do it.

Mr. HIGGS: It would have been better if the hon. gentleman had adhered to his published motion.

The HOME SECRETARY: I did.

Mr. HIGGS: It says here, "Omit the definition of 'drug.'"

Mr. McDONALD said the hon. gentleman was altering the definition of the word "drug." The word "drug" ought to stand part of the Bill. There was no occasion for the hon. gentleman to get heated.

The HOME SECRETARY: I am not heated.

Mr. McDONALD: The hon. gentleman was excited.

The HOME SECRETARY: Stick to the question, and let us get on.

Mr. McDONALD maintained that if the word "drug" was omitted it could not be put in again. When an amendment was moved on the second reading of a Bill the proposition was not to omit the whole of the motion, but to omit all the words except the word "that," with the view of inserting other words. However, if the hon. gentleman would not take friendly advice, he could take another course.

The HOME SECRETARY said he was not in the least heated. It was the hon. member who was offended. The hon. member said that if he did not like to take his advice, he could take another course; and he was taking another course. His motion was that certain words, being part of the clause, be omitted, with the view of inserting other words. Several words, including the word "drug," occurred both in the sentence to be omitted and the sentence to be inserted. The hon. gentleman's contention was that technically a word which occurred in the sentence to be omitted could not be included in the sentence proposed to be inserted. The absurdity of the thing was manifest.

Mr. McDONALD: That is not my contention. Don't twist it.

The HOME SECRETARY: That was the hon. gentleman's contention if it was anything. One hon. gentleman suggested that the motion should have been moved in another way—to omit the definition of "drug"—but that would have been totally out of order.

Mr. FISHER: "Drug" is the subject matter of the definition.

The HOME SECRETARY: That did not matter. It was simply one of the words to be omitted. It just happened to be the first word. It was not worth wasting time over.

Mr. McDONALD: He did not want to waste time. But he maintained that if they once negatived the word "drug" in this case they could not reinsert it. What the hon. gentleman ought to do was to omit the definition of the word "drug" and substitute the new definition. He was going to raise a point of order on the matter if the hon. gentleman insisted on the course he was adopting.

The HOME SECRETARY: I do insist.

Mr. REID (*Enoggera*) was astonished at the hon. gentleman adopting this course if he wanted to get through the Bill. The proper course for him to adopt was to move the omission of all the words after the word "drug," with a view of inserting the new definition. He asked to be allowed to omit the word "drug," and then he moved that it be reinserted. He could not do that.

The HOME SECRETARY: Yes, I can.

Mr. REID: Then the hon. gentleman would be acting in opposition to the rules of the House. He was astonished at the hon. gentleman not adopting the proper course, because it would facilitate business if he stuck to the forms of the House.

The HOME SECRETARY: Don't waste time.

Mr. McDONALD: You are wasting time.

The HOME SECRETARY: No; he was not wasting time. He had moved the omission of certain words with the view of inserting other words, and it was contended that that could not be done because one word included in the original clause was in the proposed amendment. He held that it could be done.

Mr. REID: Look at the rules of the House, and you will see.

The HOME SECRETARY said he knew the forms of the House as well as the hon. member did, and he was quite right, whether the word "drug" was included in the motion or not. He did not believe in being dictated to. However, it was a question for the Chairman to decide.

The CHAIRMAN: It appears to me that it is proposed to omit a whole paragraph of the clause with the view of inserting a new paragraph. That is an alternative way of dealing with the matter and I think that is quite in order. I cannot see any difficulty in the matter.

Mr. REID: It is proposed to omit the word "drug" and then insert it again.

Mr. FISHER thought it was unfortunate that the Home Secretary should adopt the course he had on a Bill of this kind, in which so many amendments would have to be proposed. By the rules of the House, if once a word was omitted it could not be inserted again. He would suggest conciliatory tactics——

The HOME SECRETARY: The Chairman has given his ruling.

Mr. McDONALD: No, he did not rule; he only gave an expression of opinion.

The HOME SECRETARY: He understood that the Chairman had given his ruling—a ruling which was entirely in accord with his (Mr. Foxton's) views—and therefore the matter could not be discussed any further, unless it was moved that the Chairman's ruling be disagreed to.

Mr. FISHER said he would not discuss any ruling the Chairman gave, except by way of the usual formal motion, and he would be sorry to do that. He suggested a conciliatory course. Hon. members are anxious to assist the hon. gentleman.

The HOME SECRETARY: Most unnecessary points are raised.

Mr. FISHER: He did not think so. The hon. member for Flinders was upholding the Standing Orders, and he thought he was correct in his contention. He thought some concession might be made, and he advised the hon. gentleman to be generous.

The HOME SECRERARY: I can only believe that this is done to waste time.

Mr. HIGGS moved, as an amendment, the omission of the words "Medicine for internal or external use, including tobacco," with a view of inserting the words—"Any substance, vegetable, animal, or mineral, used in the composition or preparation of medicines, whether for external or internal use, including tobacco."

The CHAIRMAN: I would remind the hon. member that that is the question already before the Committee.

Mr. HIGGS: The word "drug" is included in the motion before the Committee.

Mr. FISHER again appealed to the hon. gentleman to omit the word "drug" from the amendment.

The HOME SECRETARY: Why?

Mr. FISHER: Well, a point of order was likely to be raised if it was not.

The HOME SECRETARY: Well, the responsibility of raising the point of order will rest on the hon. member who raises it.

Mr. FISHER was sure the hon. member for Flinders was not raising the point of order with the object of wasting time.

The HOME SECRETARY: I can only believe that it is.

Mr. McDONALD: You are stating what is absolutely untrue.

Mr. FISHER: He could assure the hon. gentleman that he was altogether wrong. He thought it was unfortunate that such temper should be displayed at such an early stage of the Bill.

The HOME SECRETARY: So do I.

Mr. FISHER: Hon. members were anxious that this Bill should become law, but the hon. gentleman appeared to be assisting those who were not friendly to the Bill.

The HOME SECRETARY: You appear to be one of them.

Mr. FISHER: They were not on the Opposition side, but on the hon. gentleman's own side. He hoped the hon. gentleman would adopt a more conciliatory spirit.

HON. D. H. DALRYMPLE (*Mackay*): The hon. member for Gympie talked about conciliation, but he did not see that there was anything to conciliate about. The Chairman had decided that this was an alternative method; therefore, unless the Opposition wished to delay the procedure, it seemed to him that the alternative selected by the Hon. the Home Secretary should be accepted. The Chairman said it was in order.

Mr. REID: He did not say that.

HON. D. H. DALRYMPLE: The Chairman had decided that the present mode of procedure was perfectly correct. He supposed hon. members wished their statements to appear in *Hansard*, but some of them were not in accordance with facts.

The CHAIRMAN: I have already ruled that this amendment is in order in the way it has been put.

Mr. McDONALD: No one asked you for a ruling.

The CHAIRMAN: I have been asked to give a ruling, and I have given it. If hon. members disagree with that ruling they know the proper course to take.

Mr. McDONALD: That was not the time to raise the point of order; therefore he would not question the Chairman's ruling. He would wait until the motion was carried, and then ask whether words once defeated could be put in again. That was the difficulty he wanted the hon. gentleman to obviate. Before the hon. gentleman put his motion he tried to point that out.

The HOME SECRETARY: Not at all.

Mr. McDONALD: As soon as the hon. gentleman got up he wanted to prevent him making the mistake.

The HOME SECRETARY: You wanted to, and did not.

Mr. McDONALD: The hon. gentleman would not let him. In his high and lofty manner he waived it on one side. He was still of opinion that the Committee, having once defeated a certain thing, could not insert it again.

The HOME SECRETARY rose to a point of order. He was in charge of the Bill, and wished to put it through. The Chairman had decided the question, and it was out of order to discuss the ruling, unless on a motion that it be disagreed with.

Mr. McDONALD: That was not the proper time to raise the point he wished to raise, and he would not do it.

The CHAIRMAN: I ask the hon. member now to let this go, or move that my ruling be disagreed to.

Mr. McDONALD: That was not the proper time.

The CHAIRMAN: Then the hon. member cannot debate my ruling.

Mr. McDONALD: He was not debating the ruling. He was trying to point out the difficulties that were likely to arise through the question being put in its present form.

Hon. D. H. DALRYMPLE: You are disputing the ruling.

Mr. McDONALD: No, he was not.

Hon. D. H. DALRYMPLE: What you are saying is in consequence of the ruling.

Mr. McDONALD: It was quite probable that if someone else had drawn attention to the matter the hon. gentleman would not have taken it up as he had done, but because he had drawn attention to it the hon. gentleman wished to prove that he was infallible. That was a most delicate position for any man to take up. He admitted that the hon. gentleman was in charge of the Bill, and the only way in which he was ever likely to get it through was by treating members with courtesy.

The HOME SECRETARY: Do not lose your temper.

Mr. McDONALD: He had not. Like the junior member for Maryborough, Mr. Annear, he was as cool as a philosopher. He did not want to see any wrangling over the point, and he brought the matter up now because if it was not settled it would be brought up in the House.

The HOME SECRETARY: He had said before that if his attention had been drawn to the matter he should have been perfectly willing to have moved the motion in another form. It might have been done either way; but, having moved it in a particular way, it seemed to him that it could only be regarded as a waste of time to quibble over a thing of that sort. When the Chairman had ruled that he was in order, why should he alter the form of his motion simply to please the hon. member for Flinders? He was told that because he did not do that he did not show a conciliatory spirit. Should not those who talked like that act up to their precepts, and show a conciliatory spirit—seeing that the Chairman had ruled the matter in order—by letting it go? That was the common-sense way to look at it. Let hon. members apply to themselves the precepts which they were so ready to ask him to follow.

Mr. REID: We have pointed out the right way, and you will not follow it.

The HOME SECRETARY contended it was not the right way, and the Chairman had supported him. Why should he go to the trouble of altering the form in order to pander to the vanity of the hon. member for Flinders? The hon. member was so much in the habit of thinking he was correct upon every point of order that he raised that he did not like to think he had raised one that could not be sustained. He was not going to assist the hon. member. If the hon. member and the hon. member for Gympie were so anxious to have the point settled—an absurdly trivial point in any case—let them get it settled without further discussion. Everyone knew exactly what had to be settled.

Mr. FISHER: Very well, I will move an amendment and decide it.

The HOME SECRETARY: Let the question be put for the omission of these words or question the Chairman's ruling, if hon. members were going to carry matters so far.

Mr. FISHER: We do not want to do that.

The HOME SECRETARY : Then let them get to business.

The CHAIRMAN : This discussion is irregular. I have given my ruling that this amendment can be put either way—either to omit certain words, or to omit the whole of the paragraph with the view of inserting a new paragraph, as we will do presently when we come to a complete part of the Bill to be omitted. It would be absurd to say that we could not reinsert any of the words of that part again. This discussion is entirely irregular, and I must ask hon. members to speak to the question. The question is that the words proposed to be omitted stand part of the clause.

Mr. FISHER : I move as an amendment that the motion be amended by the omission of the word "drug."

The HOME SECRETARY : You cannot do that.

Mr. McDONALD : Yes you can. It is an amendment upon an amendment.

The HOME SECRETARY would point out that that was not the way to raise the point at all. He had already moved the omission of the word "drug." The hon. member could not move an amendment that the word "drug" should remain. He wished hon. members would get on with the Bill.

Mr. REID : They could have settled the matter a long time ago if the Home Secretary had been reasonable. All they wanted to do was to define what "drug" meant. What was the use of being obstinate.

The HOME SECRETARY : Who is being obstinate ?

Mr. REID : Not members on this side.

The HOME SECRETARY : It is pure vanity.

Mr. REID : It was vanity on the part of the Home Secretary.

The HOME SECRETARY : No, I said I was perfectly willing to move it either way.

Mr. REID : The hon. gentleman had wasted half-an-hour in doing absolutely nothing.

Mr. McDONALD would draw the attention of the hon. gentleman to his own drafting.

The HOME SECRETARY : No.

Mr. McDONALD : Did the hon. gentleman not draft the amendment ?

The HOME SECRETARY : Not that portion of it.

Question stated.

Mr. McDONALD : If the amendment was insisted upon in its present form he would rise to a point of order. He did not [7 p.m.] wish to waste the time of the Committee, but the Home Secretary seemed determined to insist upon moving the amendment in that form, so the whole onus for the waste of time would rest on the hon. gentleman.

The HOME SECRETARY was not going to waste any time. He had protested against the waste of time that had already taken place, which was caused by the hon. member. If it was finally decided that the hon. member was correct the Bill would have to be recommitted for the purpose of making the amendment, but he was perfectly satisfied that the ruling which the Chairman had already given was the correct one.

Mr. REID : The Chairman has not been asked for a ruling yet.

The HOME SECRETARY : He had asked for a ruling, and he was perfectly prepared to abide by the decision the Chairman had given.

Mr. HIGGS thought it was due to the Committee that, as far as possible, things should be done decently and in order. The Home Secretary had himself admitted that, if his attention had been drawn to the point before he moved the amendment, he would have moved it in a different way.

The HOME SECRETARY : It is quite immaterial. I am quite prepared to move it either way.

The CHAIRMAN : I think it would be more convenient to defer the discussion, as there is no point of order now before the Committee. The question is—"That the words proposed to be omitted stand part of the clause."

Mr. REID : What are the words proposed to be omitted ?

The CHAIRMAN : The words proposed to be omitted are the whole paragraph—

"Drug"—Medicine for internal or external use, including tobacco ;

and it is proposed to insert—

"Drug" — Any substance, vegetable, animal, or mineral, used in the composition or preparation of medicines, whether for internal or external use, including tobacco.

Mr. REID asked how it was that the word "including" was not to be omitted ?

The HOME SECRETARY : Where is the word "including" ?

Mr. REID : "Including tobacco." The Chairman left in the word "including" when he read the amendment just now.

The HOME SECRETARY : This is more waste of time, of course.

Mr. McDONALD objected to the hon. gentleman interjecting about a waste of time. The hon. gentleman could have avoided a great deal of waste of time if he had only looked at the matter in a right way, but he had got up, with his conceit, and in a way that certainly was not a credit to himself or to the Committee.

The HOME SECRETARY : That is for the Committee to judge.

Mr. McDONALD : The Committee had already passed judgment on the hon. gentleman and his action.

The HOME SECRETARY : I wish to get on with the business.

Mr. McDONALD wanted to get on with the business in a workmanlike manner, not in the manner in which the hon. gentleman desired to get on with it, which would continually get the Committee into trouble. The only reason why the hon. gentleman had not accepted the suggestion was because his vanity and conceit would not allow him.

The HOME SECRETARY : No ; because the Chairman says that I took the correct course.

Mr. McDONALD : The Chairman had never been asked for his ruling. He had first of all got up and said it was a matter of indifference which way it was put, and then he made some other statement, which he (Mr. McDonald) did not recollect. He wanted to avoid any waste of time.

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

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

Mr. McDONALD asked the Chairman's ruling as to whether, the word "drug" having been omitted, it was in order to move its reinsertion.

The HOME SECRETARY : That is not the only word that is to be inserted that is in the original definition. Why not take exception to all the words that are to be reinserted ?

Mr. McDONALD : He had told the hon. gentleman the position he would get into if he persisted, but he would not listen. If he had listened, he might have been a dozen clauses further on. He had no right to object to the other part of the amendment, as it was perfectly in order.

The HOME SECRETARY: What about the words "including tobacco"? They are in the new definition.

Mr. McDONALD: There was a certain definition of the word "drug," which it was desired to make clearer by the substitution of another definition. The word "drug," however, should have been omitted. The amendment provided, "To omit the definition of 'drug' and insert the following definition"——

The HOME SECRETARY: That is not what I moved.

Mr. McDONALD: He would remind the hon. gentleman that he had never moved in the matter at all.

The HOME SECRETARY: I moved the omission of certain words with the view of inserting certain other words.

Mr. McDONALD maintained that the word "drug" ought never to have been omitted.

The CHIEF SECRETARY: Is not this hypercritical?

Mr. McDONALD: It was nothing of the kind. It was merely trying to get the Committee to do work in a proper way; but the Home Secretary refused to accept the suggestion.

The CHAIRMAN: I understand the hon. member has asked me for my ruling as to whether, the word "drug" having been omitted, it is in order to insert the word again. I would refer the hon. member to the 86th Standing Order, which, I think, directs me in this matter. It says—

> When the proposed amendment is to omit words in order to insert or add other words, Mr. Speaker shall put a question, "That the words proposed to be omitted stand part of the question"; which, if resolved in the affirmative, will dispose of the amendment; but, if in the negative, another question shall be put, "That the words of the amendment be inserted, or added," which shall be resolved in the affirmative or negative.

The words omitted by the motion which has just been passed are—

> "Drug"—Medicine for internal or external use, including tobacco.

The words proposed to be inserted are—

> "Drug"—Any substance, vegetable, animal, or mineral, used in the composition or preparation of medicines, whether for external or internal use, including tobacco.

Hon. members will see that I am directed to insert the words, which have been moved by way of amendment, and I am following that direction. If it had been proposed that only the word "drug" should be omitted, I should agree with the hon. member's contention that it could not be inserted again without the Bill being recommitted; but, as the word in the amendment is in a different combination—in a different definition, and in a new paragraph—I consider it is in order to insert the word.

Mr. McDONALD felt inclined to move that the Chairman's ruling be disagreed to, and would make that motion were it not for the time it would take to discuss the matter. Certainly the Standing Order which the Chairman had read had no bearing on the question.

The CHAIRMAN: The hon. member cannot discuss my ruling, except on a motion that the ruling be disagreed to.

Mr. McDONALD moved that the Chairman's ruling be disagreed to. The Standing Order which had been quoted had nothing at all to do with the matter, and the ruling was certainly not in accordance with the Standing Orders. There was another Standing Order which distinctly stated that when a question had been disposed of it could not be reopened. The Committee having once decided that the whole of the paragraph be omitted, he questioned whether any of the words included in that paragraph could be again inserted without recommitting the Bill. The Home Secretary laughed, but he remembered the hon. gentleman laughing on one occasion before in that Chamber when a point of order was raised which was ridiculed and voted down by the majority, and next day they had to humbly come down to the House and ask it to reverse the decision it gave. Of course, as long as the Government had a majority in the House they could carry the procedure with them; they did not care a snap of their finger for the procedure of the House so long as they had a majority at their back. The Government should try to protect the forms of the House just as much as any individual member, and there was no one knew better than the Home Secretary that the form in which that amendment was proposed was wrong. Had the suggestion come from the other side of the Chamber, the hon. gentleman would have accepted it; but because it came from that side he would not lower his vanity by accepting it. He submitted that under the circumstances the word "drug" could not be reinserted except on recommittal of the Bill.

The HOME SECRETARY: What about the words "including tobacco"?

Mr. McDONALD: They had no right to be in the amendment either.

Question—That the Chairman's ruling be disagreed to—put and negatived.

Amendment put and passed.

The HOME SECRETARY moved that after the paragraph just inserted the following words be inserted:—

> "Expert"—A State or public expert.

Amendment put and passed.

Mr. STEPHENS moved the omission of the word "or" before the word "article" in the definition of the word "food." He proposed to insert the words "or liquid" after the word "article." Hon. members would see that the endeavour was to cover every class of food. The Local Authorities Association considered that liquids in tins—such as tinned soups, for instance—might not be covered by the definition as it stood. It was probable that the word "article" did cover everything, but if they put in the words "or liquid" there would be a certainty about it.

Amendment agreed to.

Mr. STEPHENS moved the insertion of the words "or liquid" after the word "article."

Amendment agreed to.

The HOME SECRETARY moved the insertion of the words "and any article intended to enter into or be used in the preparation of such food, and flavouring matters and condiments" after the word "water," in the 18th line.

Amendment agreed to.

Mr. McDONALD wished to amend the definition of the word "house." It was defined in the Bill to include "a school, also a factory, and any other building in which persons are employed." He moved the insertion of the words "or shearing or woolshed" after the word "factory," in line 19. It might be contended that the words "and any other building in which persons are employed" would cover a great deal, but if it was necessary to include a school or a factory, it was necessary that the words he proposed should be inserted, because that Bill should apply to a shearing or woolshed above all other places in the colony.

Amendment agreed to.

Mr. STEWART observed that under the definition of "house" Her Majesty's ships of war and those belonging to the Government of a foreign State were exempt from all control. That might be a matter of international agreement, but it appeared to him possible that a

warship belonging to Great Britain, or to some foreign country, might become plague-stricken, and enter one of our ports; and if they were to be exempt from control under the provisions of the Bill, a very dangerous loophole would be left open. He would like to hear what the hon. gentleman had to say upon the matter.

The HOME SECRETARY thought the danger which the hon. member apprehended was a very remote one. He was inclined to trust the discipline of Her Majesty's navy rather more than the discipline of the very best constituted local authority in the matter of sanitation or anything else. With respect to foreign ships of war, it would be rather difficult to legislate for them. That provision was in the Health Act as it stood, and, so far as he knew, it was in all Health Acts.

Mr. FISHER: What is the reason? What is the international law on the subject?

The HOME SECRETARY: The hon. member knew, he supposed, that a man-of-war carried the laws of the nation to which it belonged about with it.

Mr. HIGGS asked if he was to understand that the provisions of the Bill did not apply to the warships of foreign nations coming here? If so, the sooner they did away with the treaty that existed between this country and Japan the better. He was prepared to admit that the sleeping apartments on board of Her Majesty's vessels might be as cleanly as any apartments anywhere, but the customs and usages of Asiatics were not the customs and usages of the British people, and the sleeping accommodation of their vessels might or might not be of a very dirty character. He thought the Home Secretary might delete the words "or which belongs to the Government of any foreign State."

The HOME SECRETARY: If they could settle questions of that sort by passing Health Acts they would put an end to war-
[7·30 p.m.] fare. He should like to see one of those health officers boarding a foreign man-of-war and taking possession of her. Hon. members must surely see the absurdity of the thing.

Mr. STEWART: He did not see the absurdity of the contention. If a foreign man-of-war entered our waters it presumably came with peaceful intent. If it did not, it was outside the pale of law entirely. If a private vessel belonging to a company in the United States came into our waters it was subject to inspection, whereas a man-of-war of the same nation was not, although they were both on a peaceful errand. If the health officer was permitted to inspect the foreign trading vessel, why not the foreign man-of-war?

Mr. FISHER: A foreign man-of-war is foreign territory.

Mr. REID asked what was to prevent a foreign man-of-war with plague on board coming up the river?

The HOME SECRETARY: If a foreign man-of-war were to come here and wanted the accommodation of our quarantine station she would be afforded all the facilities that British vessels would receive at the hands of a foreign State under similar circumstances. But, as an hon. member had interjected, a foreign man-of-war was foreign territory. When the sailors came on shore they were responsible to the laws of Queensland, but on board their vessel it was absurd to say the colony had any power over them.

Mr. STEWART: If a vessel is in our territory, it cannot be in foreign territory at the same time.

The HOME SECRETARY: Yes, it could. Imagine what the effect would be if a foreign man-of-war came here to blow the place into smithereens, and all they had to do was to send a health officer on board and put her into quarantine. It would be first-rate, if they could only do it.

Mr. McDONALD: The difference of treatment between a foreign trading ship and a foreign man-of-war appeared to be owing to the fact that the one belonged to a private person or company and the other to the Government. Some further reasons ought to be submitted as to why a foreign man-of-war suspected to have disease on board should not be open to inspection by a health officer. It was not a matter of courtesy between States, but a question of danger to the health of the community.

The HOME SECRETARY: It is no use enacting what we cannot enforce.

Mr. GIVENS: If, as stated by the Home Secretary, they had absolutely no power over a foreign man-of-war, supposing a virulent form of infectious disease broke out on board a war vessel, could she be prevented from coming up the river, by enforcing the same regulations as were enforced against trading vessels? If not, it might lead to a serious danger to the public health of the colony. She might anchor in Garden reach and spread infection all over the district. Although the contention about foreign territory might be correct with regard to foreign vessels, he held that it was not correct as regards the vessels of Her Majesty's navy. He believed the vessels of Her Majesty's navy were subject in all respects to the same laws and regulations regarding public health as every other vessel; and even the sacred person of Her Majesty should be subject to exactly the same laws relating to the public health as every one of her subjects.

The HOME SECRETARY: Does the hon. member propose to put Her Majesty in this Bill?

Mr. GIVENS: There was no occasion, for the Queen was as amenable to the law as anyone of her subjects, and he failed to see why any of her vessels of war should be exempted from the operation of their laws. They ran a very great danger if they allowed vessels of war to be exempt from all health regulations.

The HOME SECRETARY thought he had made it clear that so far as anything outside the vessel was concerned she was liable to the laws of the country, but that on the deck of the vessel the laws of her own country would prevail.

Mr. GIVENS: But suppose she comes up any of our rivers?

The HOME SECRETARY: If she had infectious disease on board, she would come under their quarantine laws, and the movements of the vessel must be made in conformity with the laws of the colony. She probably would be removed to quarantine, and if she refused—if anyone would be so foolish as to do so—it would be an act of war.

Mr. McDONALD: The clause read, "'House' includes a school, also a factory, and any other building in which persons are employed," etc. He wished to move the insertion of the words "or live" after the word "employed." The reason why he had inserted shearing-sheds or woolsheds was that, owing to the insanitary condition of those places at different times, the amount of sickness that prevailed had been so great that in some cases a large number of men had died from diseases mentioned under the Act. The huts in which these men dwelt were places which ought to be inspected, but perhaps they would not come under the definition of the word "house." Of course if they would, there was no need for him to move the amendment.

The HOME SECRETARY: He thought they would, but if the hon. member wished to propose the amendment he would suggest that he should move the insertion of the words "dwell or" after the word "persons."

Mr. McDONALD moved his amendment accordingly.

Amendment agreed to.

The HOME SECRETARY moved the omission of the word "measles," on line 28. This had been suggested to him by the Queensland branch of the British Medical Association, to whom he had submitted the Bill for any suggestions they had to make. The word was in most Health Acts, but in Australia, and especially in Queensland, measles was a disease which was not regarded as anything like as dangerous as it was in colder climates. As a matter of fact it was not an uncommon thing for mothers to send their children, when measles were about, where they might catch the disease and get it over.

Mr. BRIDGES: Not many of them.

The HOME SECRETARY: He believed it was a very common thing. At any rate, he did not think the House could do better than take the advice of the medical body, which represented the medical profession throughout Queensland.

Amendment agreed to.

Mr. STEPHENS moved the insertion on page 4, line 15, after the word "owner," of the words "and in the case of mortgaged premises both the mortgagor and the mortgagee." In many cases the local authorities had had a good deal of trouble in getting rates for properties which had fallen into the hands of banks. The banks declined to take possession, so that for these purposes the land had practically no owner, and his proposal made the mortgagee to some extent the owner. It would be of great assistance to the local authorities, and he did not think it would do much harm, because whoever held property ought to carry the responsibilities which property entailed. He trusted that the Minister would accept the amendment.

The HOME SECRETARY: He knew that this was a matter which was regarded as of some significance and importance by the local authorities, and under the circumstances he saw no reason to object to it. In fact, he thought it was on the lines that were recommended by the Local Authorities Commission if he remembered rightly.

Mr. STEPHENS: That is so.

Amendment agreed to.

The HOME SECRETARY moved the insertion of the following definition before the definition of "Regulations":—

"Public analyst" or "Public expert"—An analyst or expert approved by the commissioner as such under the provisions of this Act.

Amendment agreed to.

Mr. STEPHENS moved the insertion after the word "applies," on line 28, of the words "also water channels constructed of stone, brick, or concrete, the property of a local authority."

Mr. RYLAND said that a water channel was a channel running alongside the street; a sewer was generally understood to be a big drain carrying away the sewage of a town. If the definition said that a water channel was a sewer, how would it apply as regards municipalities and towns? If the amendment was accepted, it would make a great change in the local government law as regards water channels and sewers. In looking over the Bill he found that the local authorities had to make sewers, and the householders had to make drains to connect with those sewers. If a water channel was made a sewer under the Bill, the householder would simply have to connect his drain with the water channel at the edge of the footpath.

Mr. STEPHENS said that Judge Harding had ruled that anything of this construction was a sewer, and this was only making it more simple. If people ran anything objectionable down their drains into the street the local authority would have a by-law preventing it. But a man living in a street would not be likely to let anything objectionable run into the water-channel under his nose, or in front of his shop.

Mr. FISHER said it had also been ruled from the bench that it was sufficient for a property holder to run matter into one of those open channels, and it was the duty of the local authority to take it away; so it both those decisions were good people could simply let their sewage go into the water channels, and the position would be worse than ever.

Mr. LEAHY: It must proceed along the channel a certain distance before it gets to the sewer.

Mr. FISHER: It had been ruled in Gympie that people could empty sewage into the open channel in the main street, and it was the duty of the local authority to take it away, to flush the channel and keep it clean.

Mr. FOGARTY was of opinion that if a concrete, stone, or brick channel was made a sewer, as proposed, there would be nothing to prevent a householder from polluting the place for miles round. The hon. member for Brisbane South would lead the Committee to believe that the local authorities were sufficiently safeguarded as far as the health of the place was concerned by their by-laws; but it was notorious that when a local authority went to court, it was discovered in nine cases out of ten that their by-laws were *ultra vires*. He would oppose the amendment.

[8 p.m.] The HOME SECRETARY: He was strongly of opinion that in many respects an ordinary drain or water-table was a sewer. It was well known to hon. members that in Melbourne for many years, and until quite recently, the whole of the sewage was in open water channels; hence the name "Smellbourne." But he was not aware that that system was unhealthy. In fact open drains were much safer to deal with than closed sewers. He was rather inclined to favour the amendment, because it would fit in with the succeeding clauses in Part III., which dealt with sanitary provisions with regard to sewage. It would safeguard any abuse in the interpretation of the term.

Mr. FISHER: It has been decided that the local authority must take the drainage away.

The HOME SECRETARY: Then the local authorities would have to erect, ventilate, and keep the drains in repair, so as not to be injurious to public health.

Mr. FISHER: That would be very expensive indeed.

The HOME SECRETARY: That might be; but was it not far better to compel a man to drain into a water-table of stone, brick, or concrete which could be kept clear and clean, than to allow him to run his drainage over the ground—that was, in cases where local authorities had not the means to tackle a complete system of sewerage? A great variety of conditions and localities had to be considered, and the amendment was worthy of consideration, because it would enable local authorities to meet their difficulties in regard to this question.

Mr. FISHER: Then another question arose: If there was an open channel, and subsequently a sewer was made through the street, they could not compel the owners of property to drain into the main sewer.

The HOME SECRETARY: I think so.

Mr. FISHER: Not according to decisions which have already been given.

Mr. FOGARTY thought the matter should be approached very carefully. It was a well-known fact that local authorities had considerable difficulty in dealing with refuse from hotels. In the early morning or late at night, offensive matter was frequently thrown into the open channels. As far as the municipality of Toowoomba was concerned, they had by-laws dealing with this

matter. They did not even allow impure bath water to be thrown into the channel. If the amendment of the hon. member for South Brisbane were carried, there would be nothing to prevent anyone from using any brick or cement or stone channel separating the footpath from the roadway for these purposes.

The HOME SECRETARY: Isn't that better than nothing.

Mr. FOGARTY: He was afraid that if they were used for general purposes it would have quite a different effect to what the Home Secretary thought it would. He hoped the House, in its good sense, would not accept the amendment of the hon. member for South Brisbane.

Mr. STEPHENS explained that he only wanted to make what was the present law perfectly clear.

Mr. FISHER: You are limiting them to stone, concrete, and brick.

The HOME SECRETARY: Yes, because, those when composed of those materials they could easily be kept clean. The difficulty that some hon. members saw with regard to the case of a man who had used an open drain being compelled to drain into an underground sewer was provided for in clause 41, which read—

When any house in the area has a drain communicating with any sewer, which drain though sufficient for the effectual drainage of the house is not adapted to the general sewerage system of the area, or is in the opinion of the local authority otherwise objectionable, the local authority may, on condition of providing a drain or drains equally effectual for the drainage of the house, and communicating with such other sewer as it thinks fit, close such first-mentioned drain, and may do any works necessary for that purpose.

Mr. FOGARTY: A local authority might erect a sewer in the principal street only, and when they carried out that work their funds might be exhausted. Then if a channel was not constructed to carry off offensive matter, what would be the condition of the neighbouring sections? It would be utterly impossible to live there. If the amendment were carried, that was what would probably occur, and he trusted the Committee would not accept it.

Mr. RYLAND: If they were going to call such things sewers, what would be the term used in a side drain where concrete was used? Would it be a sewer too? Although it would hold the same position in the street, still it would not be a sewer. He thought they should find some other term for it—it should be called a gutter, or something like that. In every Health Act there was always a distinction drawn between sewers and drains, and now it was proposed to so mix up the terms as to make them most confusing.

Question—That the words proposed to be inserted be so inserted [*Mr. Stephens's amendment*]—put; and the Committee divided:—

AYES, 34.

Messrs. Philp, Rutledge, Dickson, Foxton, Chataway, O'Connell, Dalrymple, Murray, Smith, Callan, Cowley, T. B. Cribb, Story, Forsyth, Stephens, Jenkinson, Keogh, Plunkett, Kates, Mackintosh, J. C. Cribb, Campbell, W. Thorn, Bridges, Armstrong, Stodart, J. Hamilton, Newell, Hanran, Bartholomew, Moore, Lord, Bell, and Annear.

NOES, 16.

Messrs. Dawson, Fisher, Reid, Turley, Dunsford, Lesina, McDonald, Kerr, Givens, W. Hamilton, Fogarty, Fitzgerald, Maxwell, Higgs, Ryland, and Stewart.

Resolved in the affirmative.

The HOME SECRETARY moved that before the definition of the word "street," the following be inserted:—

"State analyst" or "State expert"—An analyst or expert appointed by the Governor in Council under the provisions of this Act.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 6—"Repeal"—

Mr. STEPHENS said that the Local Authorities' Association wanted to know why section 21 of the Health Act of 1884 was not repealed and reinserted in this Bill. He supposed that the Minister's reason for excepting that section from the repealed sections in the 1st schedule was that it dealt with rating, and the hon. gentleman did not want to introduce the question of finance into the present Bill. Some of the local authorities thought it would be better to repeal the whole of the Health Act, and reinsert that section in the Bill.

The HOME SECRETARY: The hon. gentleman's surmise was perfectly correct. Section 121 of the present Health Act was somewhat out of place, as it dealt with rating. It was desirable to divide the subject of local government into three branches, as they were practically doing. At present it might be a little inconvenient to those who had to look up a particular provision dealing with rating to have to refer to the Health Act for it. He would like to be able to pass all three measures this session, though possibly that was too much to hope for; but when the finance Bill was introduced section 121 of the Health Act would find a place in that measure, and would then be repealed. There would then be the Local Government Act, the Health Act, and the Finance Act, each of which would be self-contained.

Mr. STEPHENS: Thank you.

Clause put and passed.

The HOME SECRETARY, in moving the insertion of the following new clause to follow clause 6:—

Every Joint Board for the Prevention of Epidemic Diseases, heretofore constituted by Order in Council under the provisions of section one hundred and thirteen of the Health Act of 1884, shall be and be deemed to have been lawfully constituted, and all things done or contracted to be done, and all proceedings taken, precepts issued, and obligations incurred by any such board under or in pursuance of the Order in Council constituting the same, shall be deemed to be and to have been lawfully done, contracted, taken, issued, and incurred; and every such board shall continue to exercise such powers and authorities and shall continue to be subject to such duties and obligations as are vested in and imposed upon it by such Order in Council until the Governor in Council by another Order in Council otherwise directs. This section shall take effect on and from the passing of this Act—

said that some hon. members would remember that it was under section 113 of the Health Act of 1884 that the whole of the joint epidemic boards had been constituted. Quite lately one of the component local authorities of the Joint Epidemic Board in Brisbane had raised the question legally as to the validity of the action which had been taken in constituting the board. There was no doubt that section 113 of the Health Act was particularly wide in its terms. It was to the effect that—

The Governor in Council may, if he think fit, by order authorise or require any two or more local authorities to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action, and of defraying the costs thereof.

The joint boards had been appointed under that section, and they had done splendid work. Few people would deny that it was very much preferable to the system that had been adopted in regard to the scarlet fever and measles hospitals, which had been established by the autocratic action of the then Home Secretary, of course, with the very best intentions.

Mr. REID: Who was Home Secretary then?

The HOME SECRETARY: Sir Horace Tozer. It was a very proper thing to do, and possibly it had not occurred to him to constitute joint boards under section 113 of the Health Act. At all events the joint epidemic boards had been appointed under that section, and had done

good work, and he was very surprised at any local authority now endeavouring to back out of its obligations. The particular local authority which raised the point had been a consenting party to the constitution of the joint board, and he really did not understand why it refused to recognise its obligation. The joint board had been a distinct benefit to it and to every other local authority about Brisbane, and probably to the whole colony. Although no case of plague had occurred within the jurisdiction of many of the component local authorities, yet there could be no doubt that the action of the board had had the effect of circumscribing the epidemic and battling with it, and it was very desirable that any question of validity should be set at rest. A considerable amount of money might be spent in legal expenses—in obtaining from the Supreme Court a decision as to whether the Order in Council under section 113 of the Health Act was *ultra vires* or not, and the simplest way to settle the question was by introducing what was called an "indemnity clause," making legal what had been done.

Mr. REID: Whether it was legal or not?

The HOME SECRETARY: Yes. He had very little doubt about it himself. It was more for the sake of preventing litigation that he introduced the clause. Of course, many people had found fault with the Joint Epidemic Board, both in Brisbane and in Townsville, and that was quite natural. Perhaps it would not have been a good thing if there were no criticisms of such public bodies. It might be a fact that some of those boards had "done
[8·30 p.m.] things they ought not to have done, and left undone things which they ought to have done," but on the whole they had done good work. He thought the clause was one which should commend itself to the Committee, with the addition of the words he had mentioned, providing that it should come into force as soon as possible.

Mr. BRIDGES (*Nundah*) thought the clause was one which should be viewed with a certain amount of suspicion, more especially by those members representing electorates in the vicinity of Brisbane. There was, as it was well known, a case pending in the law courts at the present time, and it would be unfair for the Committee to pass legislation which would be likely to prejudice that case.

Mr. FISHER: This clause is introduced to settle your case.

Mr. BRIDGES: It struck him that it was specially introduced to defeat the Nundah Board in fighting for what they considered was justice. He could not see why the Nundah Board should be singled out for a prosecution.

The HOME SECRETARY: Because they did not pay.

Mr. BRIDGES: There were several other boards, besides the Nundah Board, which had not paid. He did not want to block the progress of the Bill, or to waste time, but still he did not wish to see an injustice done to his electorate, or to any other electorate, and he would like some explanation as to why the clause was introduced. The Nundah Board had won their case in the police court, and notice had been given of an appeal to a higher court, and he thought they might let the local authorities concerned fight the matter out and not throw in their weight with the stronger body.

Mr. FISHER: From what he had read of the case against the Nundah Board he understood that the main question had not been touched upon yet, but that the matter was determined on a technical point in the police court. The clause was, however, one of those attempts which were sometimes made to pass retrospective legislation in regard to certain procedure in the law courts, and viewed from that standpoint it should not commend itself to members of the Committee. If the object of the clause was only to give a clearer definition of the law which would save money to the State and the local authorities, then it was one which should receive the support of hon. members, but in any case he should like to hear some explanation of the matter from the Home Secretary.

The ATTORNEY-GENERAL: He had been asked by his colleague, the Home Secretary, who was unable to be present at that moment, to reply to the remarks of hon. members. The hon. member for Nundah was in error in supposing that the clause was framed to meet the case to which he had referred. As a matter of fact, his colleague informed him, the clause was prepared for insertion in the Bill at the request of the local authorities.

Mr. BRIDGES: Which local authorities?

The ATTORNEY-GENERAL: Several local authorities had asked the Home Secretary to insert a provision of that sort in the Bill, and if no question such as that in the case of the Nundah Board had been raised, that clause would have been proposed just the same. The Home Secretary had pointed out that the action which he took, action which was very properly applauded to the echo by the people generally, was taken on the authority of the 113th section of the Health Act. Of course when the authority contained there was in such few words it was quite possible that some persons might imagine that there was a sufficient amount of ambiguity about it to warrant them in testing the action of the Home Secretary in the law courts. He had not familiarised himself with the particulars of the Nundah case; he had simply read the account which had appeared in the papers, and that stated that the information had been dismissed.

Mr. FISHER: Because it was not properly drafted.

The ATTORNEY-GENERAL: Probably not, but they could not found any assumption whatever on what had transpired in the police court. Nobody would deny that it was a proper thing to make such provision as was proposed to be made in the clause, because next week, or next month, or at some other time, what had been done in the case of the Nundah Board might be done by some other local authority. They might not dispute the right of the Governor in Council to have issued the order which was issued constituting the joint local authority under the provisions of the Health Act, but they might raise some other point. Were they to wait until this, that, or the other local authority forming a component part of the joint local authority for health purposes brought a test case—it might not be on the same point—by which the validity of the action of the joint local authority or the action of the Governor in Council in constituting the joint local authority would be called in question in the law courts, before taking legislative action to set the matter beyond all possibility of doubt? They wanted to do only what was fair and right, and the Home Secretary, in moving the Government to take the action they did under the 113th section of the Health Act did not only what was authorised by that statute, but what was fair and right. He could not conceive of anything fairer than what had been done, but, of course, there would be persons dissatisfied with the charge levied for carrying out the work which the joint authority was called into existence to do. There might be many objections on such grounds, but the thing itself was as fair as fair could be. That being so, it was not fair to the community as a whole to allow any doubt of that kind

to remain unsolved, when they had Parliament in session with authority and ability to settle the question, and avoid the necessity for recourse to the law courts. He could name many instances in connection with English and with Australian legislation where that kind of thing had been done. Why should they wait until the Nundah case was decided, and until some other local authority raised some other point, and that was decided? They were there to decide it now, and that was the proper time and place. So far as he knew the mind of the Home Secretary, that hon. gentleman was not in that clause aiming at the Nundah Divisional Board any more than at any other local authority.

The HOME SECRETARY: Hear, hear!

The ATTORNEY-GENERAL: It commended itself to the whole of the local authorities interested in the matter, and it was at their wish that the Home Secretary had had the clause prepared. Parliament was in session now, and when they had the opportunity of clearing away all doubts in connection with the matter it would be unreasonable if they did not take advantage of it.

Mr. FISHER thought the Committee would accept the clause if it were not retrospective.

The ATTORNEY-GENERAL: It must be retrospective, otherwise you leave the whole thing open to them.

Mr. FISHER: He thought not. They could make it apply to what transpired after the passing of the Bill, and then subsequent suits of the kind would be defeated. A very objectionable feature of the policy of the present Government was government by Order in Council. It had been stated with some force and with a good deal of truth, that the present Government was a Government by Order in Council, and now they found it necessary to give statutory authority to legalise a doubtful Order in Council. That was the position they were in now, and they were making the matter retrospective in a very important degree. He should like to say that he entirely agreed with the action taken in this matter on account of the great importance of the matters involved, and he believed that taking it all in all the local authorities and the country would save money by that legislation passing. But it was still a strange commentary upon the high legal standing of the Government that they should require to seek that authority to endorse their action with regard to Orders in Council. They should take the matter seriously to heart, and see if it was not better that they should obtain some extra legal adviser to keep them right.

Mr. BRIDGES would not so much object to the clause if it was proposed that it should take effect when the Bill came into force—after the 1st January.

Mr. DAWSON: It must come into effect the same time as the Act.

Mr. BRIDGES: No; there was specially added to the clause, in writing, that it should come into effect as soon as the Bill was passed.

The CHAIRMAN: The words added in writing are: "This section shall take effect on and from the passing of this Act."

Mr. BRIDGES: If the Home Secretary could see his way to withdraw the sting he would not object. He thought it was unfair to try to get the clause into effect, possibly before the question was decided in the law courts.

The HOME SECRETARY: This decides it.

Mr. BRIDGES: That was what he was afraid of. He did not want that to decide it. The Nundah Board had gone to some expense in taking up the position they had, and he did not think that Committee should come down and decide the point for them. If they were on good ground let them be, and if they had taken up a false position they would have to suffer for it. He trusted the Home Secretary would see his way to withdraw the part of the clause he had added in writing. If that were done he would withdraw his opposition, otherwise he would probably consider it his duty to call for a division.

The HOME SECRETARY: The hon. member's contention was that the Nundah Board, having already gone to some expense in employing lawyers, should be allowed to go to more to get satisfaction. That was all very well for private individuals, but the ratepayers would much prefer to have the question settled there inexpensively, to having to spend £200 to £300 in litigation; and, as the Attorney-General had said, it could be settled there and then. They were taking the precaution of putting the matter beyond all possible doubt as to what might be the construction of clauses 111 and 112 of that Bill in the appointment of combined authorities in the same way as those appointed under section 113 of the existing Act. As he said before, the 113th section of the present Act, though a small one, was very wide and general in its terms. He thought there could be very little doubt that there had been full authority for what had been done under it, and there was no doubt that it was very desirable that what had been done should be done, and that the power exercised should be continued and put beyond all doubt. If it was desirable at all that that clause should become law, it was desirable that it should become law that day if possible, and the sooner the better. There was no doubt of that unless the Nundah Board had money to spare and to spend on legal expenses for the sake of what the litigious old lady would say was "getting satisfaction out of the other people." He did not think the Nundah Board was constituted in that way.

Mr. BRIDGES: It was not only the Nundah Board that was concerned, for there were more than twenty local bodies around Brisbane subscribing to test that matter.

The HOME SECRETARY: Then return their subscriptions. I am sure they will be glad to have them back.

Mr. BRIDGES said they were not anxious to have them back. This clause would cover it all right, but he certainly thought that it was indecent on the part of the Committee to try and bring it into operation until the decision of the court was given. He did not think it would cost hundreds of pounds. He thought a matter of a few pounds would settle it.

The HOME SECRETARY: You never know when you get in the hands of the lawyers.

Mr. BRIDGES admitted he was in an awkward position, competing with a lawyer at the present time, especially when that lawyer had a barrister to assist him. He did not think he would have much assistance, but if the South Brisbane Council had not paid their precept he would have got some assistance from the back bench. He certainly objected to the addition. He thought that when these amendments were circulated they should be altered as little as possible, because when they read them they saw no harm in them, but when read to the Committee they found there was a slight addition, which materially altered the meaning. He was certainly opposed to the amendment.

Mr. STEPHENS said he was rather surprised to hear what he had heard. He could hardly believe his ears when he heard the Home Secretary advocating stopping litigation, and an intelligent man like the hon. member for Nundah advocating litigation. He could not understand it. The hon. member said they could settle it; but he asked them not to do so until they had had their fight out.

Mr. BRIDGES: You see your council paid their precept.

Mr. STEPHENS said he was a member of two or three, and some of them had paid and some had not. This plague business came along all at once, and the Government had to do something to deal with it, and they appointed this board. There had been a little trouble, but he thought that all parties had endeavoured to do what they thought was best, and if they did not all agree with what the Home Secretary had done, well, they must admit that he did what he thought was right. If the Nundah Board could stand out and not pay, then those who had paid would have to get their contributions back. The matter should be settled so that they could all make a fair start; and he thought, under the circumstances, that the best thing they could do was to pass the clause.

Mr. FISHER said the hon. member was an authority on local government, and he had told them that no doubt the Home Secretary did his best. Everyone would admit that in a case like the one in question the Home Secretary did his best; but that was not the question. The question was, Was what he did legal? Admitting that he had done his best, he was still bound to do it in a legal manner. What was proposed to be done now suggested that what had been done by the Governor in Council was of doubtful legality, and it was to be made legal. If the Government were responsible they should not quibble over the matter. They should take the Committee into their confidence, admit that what they had done was of doubtful legality, and ask the House to approve of it. He thought that would be the proper way. They should settle this matter as early and as decisively as possible, and thus save litigation.

Mr. BRIDGES said he would like the ruling of the Chairman on a point of order as to whether this clause was in order, inasmuch as it proposed to give effect to something at a date previous to the date on which effect was to be given to the Bill.

The HOME SECRETARY said he thought the remarks of the hon. member for Gympie deserved some recognition from him. He spoke of the Government quibbling. Now, there was no quibbling about it at all, nor had the Government, or any member of the Government, any doubt whatever of the validity of the action which was taken under that 113th section. Other people appeared to have doubts, but the Government had no doubts whatever. Other people appeared willing to risk their money on those doubts, but whether they would be upset was not for him to say.

An HONOURABLE MEMBER: Ratepayers' money.

The HOME SECRETARY: He presumed that they represented the ratepayers. He was assuming that they did. He was certain that the Government would be upheld if the legality of their action was tested.

Mr. CAMPBELL said it appeared to him that there was some ground for the objection taken by the hon. member for Nundah in this matter. Several boards, to his knowledge, had objected to the precepts, who contended that they were not rightly asked to pay. He had had to introduce a deputation to the Home Secretary some time ago with regard to this measure, and the matter came up as to whether the basis on which the precepts had been levied was a fair one. The hon. gentleman went into it thoroughly, and laid before the deputation a tabulated statement, showing how the thing would operate in different ways. The chairman of the Redcliffe Divisional Board contended that they were outside the area altogether, and he did not see why his board had been included. However they had been fixed, and there they were, and that was the very question that was involved in the present issue, as to whether it was legal to bring in that board, and also the Southport Board, which contributed nothing. He would like to know whether the basis on which the precepts were issued was to be reconsidered. He thought the basis was wrong himself. At any rate, it came very hard on a board like the Redcliffe Board.

[9 p.m.]

The HOME SECRETARY said the hon member was under a complete misapprehension. The precepts to which the hon. member referred were the scarlet fever precepts, levied by the Home Secretary on the local authorities all round Brisbane, extending as far as Southport. That was done under an action taken by Sir Horace Tozer, without fortifying himself by an Order in Council under the 113th clause; but that had nothing to do with the question now before the Committee. The deputation the hon. gentleman introduced was on a totally different subject, and had nothing at all to do with the plague precepts. He might inform the hon. member that the matter to which he referred had been decided by the Government, not on the basis which was at first decided, but on that which was desired by all the local authorities except North Brisbane—that was the relative values of the ratable property in each local authority—and the Government had undertaken to pay £1 for £1 on that expenditure, which would make it less for any one of the local authorities except North Brisbane.

Mr. CAMPBELL was very pleased to hear the explanation given by the hon. gentleman.

Mr. COWLEY (*Herbert*) understood the question raised by the hon. member for Nundah to be this: If this clause was passed, would it affect any action which the Nundah Board might have, or which the joint local authority might have against the Nundah Board? Would this be retrospective, or would it only take effect from the time the Bill became law?

The HOME SECRETARY: It depends on the nature of the action.

Mr. COWLEY did not know what it was. He understood that there was some action pending. If this clause was passed, would it prevent the joint board from recovering from the Nundah Board?

The HOME SECRETARY: The Nundah Board was one of the component local authorities forming the Joint Epidemic Board for Brisbane, under an Order in Council, which he held was a perfectly good document and not *ultra vires*. The joint board had issued on the Nundah Board a precept in terms of the Order in Council, and the Nundah Board had refused to pay. He did not know what grounds of defence it might have. He understood there was one ground which, when the case was brought into the small debts court, caused it to break down; that was that there had been two precepts constituting one debt over £50, and the Epidemic Joint Board chose to bring one action for one precept and another action for another precept, thus, according to the bench, dividing what should have been one cause of action—namely, one amount under two precepts. He understood also that counsel raised a question as to the validity of the Order in Council, but that the bench did not touch upon at all. The next action that would naturally be taken, assuming that the Nundah Board still continued in its intention of not paying the precept, would be for the joint board to issue a summons in the District Court or a writ in the Supreme Court to recover the amount of the precepts; and then it would be for the Nundah Board to defend upon any ground it chose, such

as "Not indebted" or that the precepts had not been properly made. It might also raise the question as to whether the joint board had been properly constituted to enable it to recover, or even to issue, precepts. This clause, if passed, would prevent that particular defence being raised—that was, the constitution of the joint boards throughout the colony would be rendered unassailable.

Mr. BRIDGES did not wish to detain the Committee much longer. Last session the then leader of the Opposition tabled a motion asking for something in connection with the Cambooya election. That matter was opposed—and he was one of those who opposed it—because the case was then under trial; and he thought there was some similarity in this case. The Home Secretary had put the case fairly. The Nundah Board was sued at the petty debts court for the first precept; but what he complained of was that many other boards were defaulters as well as the Nundah Board. The Nundah Board had been sued. The board contended that the joint board was illegally constituted. He also contended that, and he thought the Nundah Board was correct.

The HOME SECRETARY: Would you put your money on it?

Mr. BRIDGES said he would back his opinion, and he was of opinion that the Home Secretary would rather put his money on the side of the Nundah Board than on the side of joint board. It was somewhat unfair to have this clause in the Bill when a local authority is testing a question.

Mr. FOGARTY wished to know if there was any machinery at the disposal of the Home Secretary to compel local authorities to fall in line with the Joint Epidemic Board? The whole of the local authorities in the vicinity of Toowoomba, with one exception—a very wealthy board—were formed into a joint board, and the wealthy board were exempt from contributing. He asked if there was any such machinery as he had referred to?

The HOME SECRETARY: Yes.

Mr. FOGARTY: He was perfectly satisfied with the answer.

Mr. COWLEY wished to ask the Home Secretary this: He understood an action was pending—or assuming that an action was pending—in which the joint board was trying to compel the Nundah Board to pay a certain sum of money——

Mr. BRIDGES: Yes, in the District Court.

Mr. COWLEY: If the Bill became law, would the Nundah Board be robbed of their defence? If so, he did not think the clause should pass in its present form. If it was not to be retrospective, that would be another matter. The Nundah Board raised the question that the action of the joint local authority was *ultra vires*, and he wanted to know if this Bill would deprive the Nundah Board of the right of raising that defence.

The HOME SECRETARY: It was a question of public policy. Was the whole plague administration, on which large sums of money had to be spent, to break down merely because the Nundah Board wanted to rush into litigation?

Mr. BRIDGES: We have been forced into litigation.

The HOME SECRETARY: No. The Nundah Board was really asked to do a proper thing—that was to pay a precept. Otherwise, who was going to take the responsibility with regard to all the plague expenditure? Was each local authority to be a distinct entity, with its own plague hospital, its own administration, and its own inspectors? The whole object of section 113 was to avoid expenditure. The clause now before the Committee was a perfectly legitimate one. If the Nundah Board raised the objection that the Joint Epidemic Board was not properly constituted, they would go down and lose their money. That board should thank the legislature for stepping in and settling the matter for them. If the Nundah Board had suffered under any grave disability under the Order in Council, they had not been singled out—they had been treated just the same as other local authorities which had to contribute to plague expenditure. The plague hospital expenditure was a mere bagatelle compared to what the Government had had to pay in the matter. The argument raised was an absurd one. This money had been levied for the prevention of the plague. The real question was as to whether action should have been taken to resist the plague or not, and whether each local body should not pay its share of the expense.

Mr. DAWSON: That is very doubtful.

The HOME SECRETARY did not think there was any doubt about the matter at all.

Question—That the proposed new clause stand part of the Bill—put and passed.

Clauses 7 and 8 put and passed.

On clause 9—"Commissioner of Public Health"—

The HOME SECRETARY said he did not propose any amendment, but he thought it only right to mention that the Queensland Medical Association had intimated to him that a minimum salary should be fixed for the chief commissioner. If the salary was fixed, the commissioner might feel more independent. There might be something in that certainly, but he scarcely felt called upon to move an amendment because, honestly, he did not quite know what salary was likely to be paid. It certainly would not be less than £800. Possibly they might get a very good man for that, but he did not think that £200, or £300, or even £500, should stand in the way of their getting a first-class man. When the tremendous responsibilities of the man and his independent position were considered, he thought he should be paid a good salary. If they fixed the salary, it would appear among the schedule salaries, and, of course, that would make the officer more independent; but, on the other hand, if the salary was fixed at a certain amount, they might be prevented from getting the very man they wanted.

Mr. FISHER: What length of engagement do you propose to give him?

The HOME SECRETARY: He did not know, but if a good man was obtained he was in favour of giving him a long term of employment—not less than seven years. He had heard of one gentleman, a young man of very high standing, who held every possible qualification that could be desired, and who, he believed, would be willing to take the position at £800, as he was desirous of settling in Queensland. He was not now in Australia, though he had been here, and he (Mr. Foxton) had had no communication with him, but he believed he would accept the position.

Mr. FISHER: The point mentioned by the Home Secretary was well worthy of consideration, and the hon. gentleman had taken the right course in taking the Committee into his confidence. For his own part he was very much against high salaries; but considering the very great responsibilities of the commissioner of public health, and the fact that he should be a highly capable man, and eminent in his profession, it was necessary to pay him a substantial salary. He did not think they could get such a man for £800 a year, though he should be glad if they could. It was not always the men who were paid the most who were of the greatest value, and there might possibly be scientific men who would be willing to take such a post at a salary of £800, on account of their enthusiasm

for that particular branch of medical work, though if they went into private practice they might earn more. For his own part he would like to see the salary fixed.

The HOME SECRETARY: I think we had better leave the clause as it is.

Mr. FISHER: He trusted that the Government would be influenced by nothing but the public good in making such an appointment.

The HOME SECRETARY: I will take all sorts of care of that.

Mr. FISHER: And that they would not allow personal influence to be a factor in the making of the appointment.

Mr. STEPHENS: On reading that clause at first he, like a great many other representatives of local authorities, was rather frightened at the prospect of the appointment of what looked like a dictator; but, when they came to thoroughly understand the object of the appointment, most of them were rather glad that a man of that stamp was to be appointed. The commissioner would really be an adviser to the Government and to the local authorities, and perhaps that might lead to—he did not say it disrespectfully—the Home Secretary taking a little more interest in local authorities. So far he had had a great many other duties to attend to, but under federation he might possibly have less to do, and would be able to give the local authorities a little more attention. There were one or two things that he thought the hon. gentleman had been rather high-handed over, but now that they were going to have a Government department of health, so to speak, he trusted all difficulties would be removed. He hoped the commissioner would get a large salary and be made independent. He should no doubt be a man of tact, because if he came from the old country and tried to advise and instruct the local authorities, as well as enforce his decisions, he would have a very fair thing on hand. He believed if the commissioner was a highly qualified, tactful man, the local bodies would be only too glad to follow his advice, and he would not have much trouble in enforcing his authority. The local authorities should be thankful that they were getting a first-class expert who would guide them in the right direction. He would advise the Minister to engage the commissioner for a shorter term than he mentioned, so that if he did not suit he might be got rid of. On the other hand, he must have a reasonable appointment, or he would not feel secure. He thought the office of commissioner could be made very useful, and he had much pleasure in supporting the clause.

Mr. FOGARTY said that the clause provided that the commissioner should hold office during the pleasure of the Crown, and
[9·30 p.m.] therefore he could not be appointed for a definite period. It was possible that a man would be appointed who was not familiar with colonial conditions, and he might call upon the local authorities to carry out works that were entirely beyond their powers.

Mr. STEPHENS: He will soon get the sack, then.

Mr. FOGARTY: He would be in a position to levy rates in order to carry out those works.

The HOME SECRETARY: Only with the sanction of the Minister.

Mr. FOGARTY: He would also be in a position to dismiss the officials of a local authority.

The HOME SECRETARY: Only with the sanction of the Minister.

Mr. FOGARTY: The hon. gentleman advocated giving him a salary of from £800 to £1,300 a year, but he did not think it would be possible to find an expert who would fill the position with satisfaction to all concerned for that amount. Some of the local authorities were alarmed in connection with the appointment, and for a man who was capable of carrying out the duties of the office with satisfaction, £1,300 was not too high a salary. In 1895 there had been a scientific conference at Berlin, which was attended by the very best intellects in Europe, and, after sitting for seven or eight days, they broke up in disorder, because they were unable to agree. Now, if those mighty experts disagreed, it was quite possible that other medical men would disagree with the commissioner.

The HOME SECRETARY: That will not matter, because he will not mind what they say.

Mr. FOGARTY: True, but they were proposing to give too much power to one individual. He would have sufficient machinery at his disposal to enable him to compel indolent local authorities to do their duty in regard to sanitation. So long as he had the Home Secretary at his back he could do pretty well what he chose. There were centres of population in Queensland where a complete system of sewerage could not be initiated under a cost of £100,000, and yet the commissioner could insist on such a system of sewerage being undertaken. It would be entirely out of the power of the local authorities to undertake the work. The people were already taxed to the uttermost farthing, and the additional straw would break the camel's back. There were gentlemen connected with different local authorities who were quite as much experts in sanitary matters as the commissioner was likely to be. They had, perhaps, spent the best years of their lives in solving the problem of sanitation, and, although they might hold no diplomas, he would pay more attention to their opinion than he would to the opinion of a man who had just left college with the highest honours it was possible for him to gain. He had certainly no intention of dividing the Committee on the question, but he considered he had done his duty in expressing his opinion as an individual. He would be agreeably surprised if, later on, what he said with regard to the appointment was not verified, although he hoped it would not be.

Mr. KERR (*Barcoo*) was very pleased to hear the Home Secretary state that the medical fraternity had approached him on the matter of the minimum salary that was to be paid to the commissioner. Hon. members on that side of the Committee would certainly support the hon. gentleman in that. They believed in a minimum wage, but they could not forget that the medical fraternity were apparently looking after the interests of whoever was likely to be appointed to the position. Their union was apparently pretty strong. When hon. members on that side advocated the insertion of a minimum wage clause in Government contracts, they were told that the minimum would become the maximum. The hon. member for Gympie appeared to be greatly troubled about the salary that was to be paid, and thought it would not be enough for the position, but the hon. gentleman need not trouble his head about that, as the medical fraternity would see that the bread of the commissioner was pretty well buttered and that there was some jam on it also. He would rather that the Committee fixed the salary in the clause under discussion, but seeing that there was not a quorum present when they were discussing such an important Bill, and that the Home Secretary was the only Minister present, there was so much indifference displayed that it would be no use moving an amendment in that direction. He agreed with the hon. member for Brisbane South that the commissioner should not be appointed at first for a term of years, because they might get a man with good credentials, but who would

prove unfitted for the position otherwise. The officer who filled the position would have to come in contact with the local authorities, and he would require to be a man with a great deal of discretion, as the Minister could not watch the whole of his actions.

Mr. FISHER: The hon. member for Barcoo was good enough to say that he (Mr. Fisher) was afraid the commissioner who would be appointed would not get a sufficient salary. That was not exactly what he had said, but if the officer in question was only to get from £500 to £800 a year, he would certainly say the money was thrown away.

At twenty minutes to 10 o'clock,

Mr. CAMPBELL called attention to the state of the Committee.

Quorum formed.

Mr. FISHER wished to impress upon hon. members that the gentleman who was to be appointed to the position of commissioner of public health should be paid a salary equivalent to the amount earned by other gentlemen in the same profession. It would be perfectly ridiculous to fix the salary at £700 or £800 a year, when medical men to whom he would be in a position to dictate were in receipt of an income of £3,000 or £4,000 per annum. As was pointed out by the hon. member for Drayton and Toowoomba, this officer would have power to go into the office of a local authority and dismiss all their employees. But of course the Committee could correct that when they came to the clause dealing with the matter. It would be sufficient to give him power to dismiss all officers connected with sanitary affairs.

Mr. KERR: What would you suggest as a fair salary?

Mr. FISHER: Anything between £1,000 and £2,000. It was most desirable that the colony should get a first-class man, and a first-class man would not come out here for a few hundred pounds a year.

The HOME SECRETARY: You would probably have to pay a local man more than an imported one.

Mr. FISHER: Probably that was so, but in any case he thought the salary should be a respectable one.

Mr. ANNEAR (*Maryborough*) was sorry he could not agree with the hon. member for Gympie with regard to the salary to be paid to the commissioner of public health. Probably there was no town in the colony where it was more difficult to carry out a proper drainage system than the town of Rockhampton. About twelve months ago the municipality of that town invited applications for the position of town surveyor or engineer, at a salary of £400 per annum, with the result that they got as good a man as had ever come to Australia. He had been at Rockhampton only a few months, and if hon. members took up the Rockhampton *Bulletin* they would find in it three or four columns of a report by him on the drainage of Rockhampton. He was thought so highly of there that, so it was stated on reliable authority, if he gave notice to leave to-morrow the council would increase his salary by £400, or 100 per cent. more than the amount at which he was engaged. So that the hon. member for Gympie need have no fear but that the Government, if they invited applications for that position, would get a competent man for far less than £1,000 per annum. There was no greater competition in any profession in the colony than there was among medical men. In the city of Brisbane some of them would charge £1 1s., while others would charge 5s. for the same service. Of course, if they wanted to get the advice of the best men they would have to pay a good fee, just as they would have to pay a good fee for the opinion of a lawyer whose opinion they could rely on. He (Mr. Annear) would support the clause, and he was quite sure that the hon. member for Drayton and Toowoomba would find before long that they could get a competent man to carry out the duties appertaining to the office of commissioner of public health for far less than £2,000 a year, or even £1,000 a year.

Mr. FISHER thought that when the hon. member for Maryborough read his speech he would discover that he had given the very best of arguments why a fairly good salary should be paid to the officer in question. The hon. member started by saying that an engineer had been appointed at Rockhampton to take charge of the sanitary scheme of that town, that he had been very successful, and that, rather than lose him, the council would double his salary. The hon. member later on said that if they wanted to get good advice from a lawyer, or a physician, they must go to the men at the top of those professions. The commissioner of public health would occupy the pinnacle position of his profession in Queensland, and surely the hon. member would admit that he should get a high salary.

Mr. ANNEAR: I understood you to say that unless you fixed a high salary a professional man would not come to the colony.

Mr. FISHER: He stated earlier that if they wished to get a first-class man they must pay a respectable salary. Of course they could sometimes get excellent young men at a small salary—young men who had studied a particular branch of their profession, but, in his opinion, the salary should be something between £1,000 and £2,000. They might get as good a man for £1,000 as for £2,000, but he did not think they would get a man suitable for the position under £1,000. A difference of a few hundreds of pounds in a matter of that kind would be nothing so long as they got a proper man.

Mr. REID thought it was not a question of getting the best doctor from a purely medical point of view so much as it was a question of getting a man with good sanitary knowledge.

The HOME SECRETARY: Hear, hear! He must be an expert in sanitary science.

Mr. REID: He must thoroughly understand sanitary science, and a great deal better than the ordinary medical man. It was necessary also that he should be a man of character and decision, and one who, when he saw a thing was wrong, would see that it was righted. If they could not get such a man the salary paid would be thrown away. There were so many local authorities round about Brisbane—until the Home Secretary rose in his wisdom some of those days and assisted to create what was known as a "Greater Brisbane"—that the position of that officer would be a very difficult one to fill. So far as the salary to be paid was concerned, he agreed with the hon. member for Gympie, Mr. Fisher, rather than with the hon. member for Maryborough on that point. The hon. member for Maryborough, Mr. Annear, had told them that at Rockhampton they had got a surveyor and engineer who was willing to accept £400 a year, and who had done such good work that if he gave notice to-morrow they would give him £800. He proposed with that information to organise a strike up there, and get that man to carry it out successfully. As to whether they were going outside for this expert or not, it was rumoured that the Home Secretary already had a man for the position in his eye, or had him under review anyhow. He could not say whether it would be better to go outside the colony for such a man or not, but they might get a man from outside with such a grasp of the question from a sanitary point of view that it would pay to

import him, and he might in a little time be of as much use to Brisbane as the surveyor the hon. member for Maryborough talked about had been to Rockhampton.

Mr. FISHER: It is not only Brisbane. You people cannot get out of Brisbane.

Mr. REID only took Brisbane to represent the rest of the colony, but if the expert was to travel over the whole colony and dictate to each local authority what they were to do, his work would be greatly complicated and they would have to offer a good salary to bring the right man along.

Clause put and passed.

On clause 10—"Central Board of Health"—

Mr. STEPHENS moved the insertion of the following new paragraph after line 42:—

> At least one member of the board shall be a person who has had not less than three years' experience of local government as a member of some local authority.

The local authorities at first thought there should be two such members on the board, and that they should be elected members, but when they came to think that that was only an advisory board, and was constituted for the whole colony, it cut a good deal from their argument that those members should be elected. If he were to be elected to such a position, he should want to have some standing, and not be there simply to give advice to a man who could laugh at him, and take it or not as he chose. As it was only an advisory board, it was perhaps as well that it should be a nominee board. If it was going to be like the Traffic Board, or something of that sort, with executive power, there might be something in saying that it should be elective. He thought it only fair to the man who came here that one member of the board should have some knowledge of local government here.

Mr. FOGARTY was fully in sympathy with the idea of the amendment, but thought they should at least have two members on the board with a knowledge of local government administration. He thought also that three years' experience of local government was not sufficient, because it mattered not how studious a member of a local body might be it was utterly impossible for him to grasp local government in all its bearings within that time. He would suggest that the hon. member for South Brisbane should alter the amendment

[10 p.m.] with a view to substituting for the word "one," "two," and for the word "three," "five." Without reflecting on the members of local bodies, he was quite satisfied that three years' experience was not sufficient. What was more, he would like to see that no person who had not occupied the responsible position of chairman should find a seat on this board. It was astonishing the amount of information that a chairman collected during his term of office, and it was very unusual for a member of a local body to be elected to that high position before he had had three years' experience. If the hon. member did not feel disposed to accept his suggestion he would support the clause submitted, on the principle that half a loaf is better than no bread.

The HOME SECRETARY said he was prepared to accept the amendment moved by the hon. member for South Brisbane, but he could not accept that suggested by the hon. member for Toowoomba, that there should be two, because the whole board would only consist of five, and two of them must be medical men. The medical men would probably have had no experience of local government, though of course it might be possible to combine the two qualifications. It was also desirable, in his opinion, that there should be an engineer on the board for various reasons; and it was also desirable that there should be a lawyer.

Mr. FISHER: How are you going to get him on?

The HOME SECRETARY: Of course they would have to be paid.

Mr. FISHER: They would have to be local authority men.

The HOME SECRETARY: Of course they might be. If they were going to include persons holding all these qualifications, it would be necessary to get one or more of them overlapping. That was not impossible, but it might be somewhat difficult. He might mention that the medical profession were desirous that there should be three medical men on the board instead of two. Still he thought two were sufficient with a board of five.

Mr. FISHER: They have got the majority, what more do they want?

The HOME SECRETARY: If there were three medical men, he thought it would be necessary to have a board of seven, but he did not think with an advisory board that there should be seven. He thought five were quite enough.

Mr. FISHER: Three would be enough.

The HOME SECRETARY: There would be all sorts of questions come up for discussion, and it was very desirable that they should have an efficient board, and that the members should be men possessing a large range of knowledge. They should be able to give sound advice upon almost any question that they had to discuss. He was prepared to accept the amendment of the hon. member, because he thought it was a very admirable one, and it could be effectively applied without any increase in the number of members.

Mr. RYLAND said he thought that as the Local Authorities' Association represented the collective wisdom of the local bodies of Queensland, it would be a good thing if they were allowed to nominate one of their number to a seat on the board.

Mr. McDONALD said he did not think it was necessary that there should be a qualification of three years' experience on a divisional board. It was quite possible that a man who had been a less time on a divisional board would have as much information as a man who had been there for over three years. An expert might come along who had not had three years' experience, and still he might have more knowledge than a good many of those who had been a much longer time connected with local government. He thought it should be sufficient if a man were a member of, or had a knowledge of, local government.

Mr. LESINA (*Clermont*) said he agreed with the hon. member, that there should not be a limit as to the length of experience which the member appointed by the joint local authority had had in matters of this kind. He thought the amendment suggested by the hon. member for South Brisbane, Mr. Stephens, was a very good one, and ought to be adopted. He saw by this clause that the Governor in Council had power from time to time to appoint a number of persons, not exceeding five, to be members of the joint health board, but he thought that if the chairman of that board was chairman, *ex officio*, of the joint local authority, the joint local authority should have power to nominate another person to act jointly with this health authority. He did not think it would be necessary, in that case, to specify what amount of experience he should have. He could not see what objection the Minister could have to adopting the hon. member, Mr. Ryland's, suggestion that the Local Authorities' Association should be allowed to nominate one of their number as a member.

The HOME SECRETARY said he would be very glad, as a matter of administration, to consider any nomination made by such a body as the Local Authorities' Association; but that body had no statutory existence—it might be cut up into half-a-dozen associations during the next six months—and it would be inadvisable to import it into the Bill. The amendment providing that it should be a person with not less than three years' actual experience as a member, assured the fact that he would have some knowledge of local government; and it was not very likely that a person having only the minimum amount of experience would be chosen. His own idea of a member was a man in the prime of life, a vigorous man, a strong-minded man, a man of large experience in local government.

Mr. McDONALD said he did not think there was much danger in the clause, because the last paragraph provided that, "The members of the board shall receive such salaries and allowances as the Governor in Council, with the approval of Parliament, thinks fit." If the appointments were not good, objection would be taken when they were asked to vote the money. He thought that where appointments were to be made, as they were to be made under this Bill, it was as well that Parliament should have the right to discuss them by having to vote the salaries.

Mr. RYLAND: In one part of the clause he read that the duties of the board "shall be to advise the Minister and the commissioner," and lower down he read that the commissioner was to have a vote, and in case of an equality of votes he was to have a casting vote. Supposing the board was considering a very difficult question, and the five other members of the board voted against it, and the commissioner voted for it, then the commissioner could carry out his wishes in opposition to the other five. If it was merely an advisory board, and the commissioner was not to be bound by the majority, what was the use of the board voting at all?

The HOME SECRETARY: It did almost look like surplusage to provide for voting, seeing that it was only to be an advisory board, but it was perhaps just as well to put in black and white how their business should be conducted. The commissioner would be at liberty to either regard or disregard the advice of the board, but if he disregarded it he would do so on his own responsibility. It would be a serious matter for him to do, and before doing so he would probably lay the whole matter before the Minister, and probably the Minister would call the board together at his office and hear what they had to say. The board was provided in order that the commissioner should not act hastily on any matter on which he was perhaps ill-informed. He did not care how good a man was, there must be some point on which somebody else would probably know more than he did; and the wide range of experience the five members would be able to bring to bear on any question submitted to them by the commissioner would act as a brake on any arbitrary action.

Mr. FISHER: It looks like a farce.

The HOME SECRETARY: It would strengthen the commissioner, and would be an effective means of preventing him from doing rash things.

Mr. FISHER: Is it clear that the Minister shall not sit with the board or interfere with them in any way?

The HOME SECRETARY: The Minister would not interfere with them. The whole scheme of the Bill was that the commissioner should be the executive officer—that he should be an autocrat, responsible only to the Minister. If he was responsible to the Minister, the Minister must be supreme, and the Minister was necessarily controlled by Parliament, the representatives of the people. The Minister, with the commissioner, might override the advice of the board, but he thought it was extremely unlikely that they would do so. Of course, if they did do so they would be assuming great responsibility.

Mr. FISHER: The board was only an advisory board, and the commissioner was the executive head of the board. He wanted to guard against the Minister exercising influence on the members of the board. The Minister should be responsible to Parliament, however, but he should not go to the board meetings with a pre-conceived idea of policy and try and get the board to fall in with that idea. If that happened he would be able to shelter himself behind an act of the board. That was what he wanted to avoid. The Minister should not have the power to go to the board.

The HOME SECRETARY said he hardly followed the hon. member, but what about the Minister being able to require the board to go to him?

Mr. FISHER: After they come to a conclusion?

The HOME SECRETARY: It did not matter whether it was after or before they had come to a conclusion. If he were the Minister when a difficult question arose, and the commissioner told him that he would not take a particular course, he (the Minister) would very properly ask to hear what the board had to say on the matter. Of course the Minister would be responsible. He would want to have the best advice he could get, and he might invite the members of the board to his office to hear their views. The services of the board should be at the disposal of the Minister.

Mr. FISHER said he was very glad he had raised the point, because the hon. gentleman saw the importance of it, but the hon. gentleman did not quite grasp his point. A Minister might have views of his own, which he might desire to see carried out. The hon. gentleman said he would invite the members of the board to his office and endeavour to get them to come to his ideas of policy.

The HOME SECRETARY: I said nothing of the sort.

Mr. FISHER: Then what would be the use of inviting the members of the board to the Minister's office, unless to influence them?

An HONOURABLE MEMBER: You are putting words into the Home Secretary's mouth.

Mr. FISHER said he had no wish to do that. It was for this board to deal with the matters laid before them, and if there was any conflict of opinion the Minister should take the responsibility of approving of the board's recommendations or deciding otherwise. The Minister would be responsible to the country and to Parliament. If political influence was going to override this board, he would rather see the Bill thrown into the waste-paper basket. No Minister should run an expert board. He trusted hon. members would clearly understand that before they passed the clause.

The HOME SECRETARY: The hon. member had put words into his mouth which he had never uttered, probably not intentionally. He said the services of the board should be at the disposal of the Minister, and in the event of the commissioner not agreeing with the recommendations of the board, he would send for the board and hear what they had to say before he would back up the position of the commissioner. The proceedings would be of a private nature.

Mr. HIGGS: They are usually public.

The HOME SECRETARY: No. Trouble had been caused through the individual disagreements of the Board of Health being made public through the Press. Suppose the Press were present at Cabinet meetings. In some cases no

doubt, that would be good, and in other cases it would be bad. Matters might come before this board which would be of an extremely private nature, which it would be inadvisable to make public. The commissioner and the Minister would not act without full knowledge on any subject that might come before the board. The commissioner had two voices, and no doubt he had a controlling influence over the board; nevertheless, if the members of the board combined in a view contrary to his, he would be acting in a very arbitrary manner if he ignored their advice.

The CHAIRMAN: I would like to call attention to the fact that this discussion is irregular. Hon. members are now discussing the clause, but the amendment has not yet been disposed of. After the amendment has been disposed of, hon. members can speak on the clause as amended.

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

Mr. LESINA understood if this clause were inserted in the Bill that certain regulations would be drafted. He asked the hon. gentleman in charge of the Bill, if these regulations were not drafted, had the Minister power to direct that "the Board shall meet at such place and at such times as the Minister may direct." That appeared in clause 10 of the Bill. He would like to see it made compulsory that the board should meet at stated

[10·30 p.m.] intervals. According to the clause "the board shall meet at such places and times as the Minister may direct." Would it not be within the Minister's power to direct that they meet only once a year? Regulations should be drafted fixing the meeting times of the board.

The HOME SECRETARY: The Minister, of course, would have power to call the board together whenever he deemed it necessary. That could be done by an administrative minute. He could direct that they should meet every Tuesday, or the first Tuesday in every month, or he could call them together on an emergency.

Mr. HIGGS moved that on line 47, after the word "direct," the following words be inserted: "And all such meetings shall be open to the Press and to the public." It was proposed to make the Minister an autocrat. That was the weakness of the whole Bill. The commissioner was given certain powers, but they must be exercised under the Minister. Now, Ministers were amenable to influence, and he could imagine the case of a Minister who was the representative in Parliament of a municipality which did not carry out its duties, allowing streets and back yards to get into a deplorable state. The commissioner would desire to exercise his power under the Bill, and would have to go to the Minister for authority. The Minister would have in his mind's eye the whole of the aldermen, who would have a certain amount of political influence in the municipality, and he would naturally hesitate before giving the commissioner power to carry out his duties. It was desirable in all matters of that kind that there should be no star chamber business. Consider what had taken place in Brisbane during the last six months. They had the joint board exercising the power of quarantine in connection with certain establishments, and they found that where the establishment belonged to poor people it was quarantined, but in the case of large business establishments, the proprietors of which were wealthy, no quarantine was enforced.

The HOME SECRETARY: At whose instance was this?

Mr. HIGGS: At the instance of the joint board. Now, if such things were likely to take place under a board whose proceedings were open to the public, what was likely to be done when the proceedings of the health board were conducted in a star chamber manner? He would feel inclined to vote against the Bill altogether if the proceedings of the board were to be conducted in a secret manner, and he could conceive of no instance in which such a thing would be necessary.

The HOME SECRETARY: No doubt the Press would take him to task for opposing the amendment, but he could not help that, because he believed he was taking the proper course. The hon. member quoted the case of the Joint Epidemic Board, which he said quarantined the places of poor people while they did not quarantine the places of wealthy persons. But what did that prove? The proceedings of the joint board were open to the public, and so ought the proceedings of all representative boards to be.

Mr. REID: This is a representative board.

The HOME SECRETARY: No, it was not in any sense of the word. It was an appointed board, and was no more representative than the Under Secretary of a department. It would be absolutely impossible to conduct the business of the country if a reporter was always present at the interviews between a Minister and his Under Secretary.

Mr. DAWSON: That is not asked for.

The HOME SECRETARY: The very same principle was asked for; that was to say, that whenever the board tendered advice to the Minister the Press and the public were to be present.

Mr. DAWSON: The public should know what is going on.

The HOME SECRETARY: It was impossible to conduct business of a confidential nature if the public were to know all about it. If publicity was to be given to the way in which the business of the country was performed it would undermine the efficiency of the work which the Executive proposed to do. The proceedings of representative bodies were necessarily and properly open to the public to enable their constituencies to judge of their actions, but the board of health was to be a board to advise the Minister. Some of the communications that would pass between the Minister and the board would be of an extremely confidential nature, and it was undesirable that the public should know anything about them, at least for some time after. It would be very bad for the colony, for instance, if the public were made acquainted with every action of the Executive.

Mr. DAWSON: It would be bad for the Ministry.

The HOME SECRETARY: It would be bad for the country, because it would render government impossible. If the proceedings of the board were to be open to the Press and the public, it would be necessary for the Minister to obtain information about anything from the members of the board privately. The probability was that the board would do as was done by such boards as the Central Rabbit Board and the Meat and Dairy Board, and communicate to the Press immediately after its meetings whatever it was thought desirable the public should know; but it must be understood that the members of the board would be men who were specially chosen because of their fitness for such positions, and a certain amount of trust would have to be reposed in them. The board would have to be the best judge of whether its proceedings should be made public or not, just in the same way as Ministers very frequently gave information to the Press, and were only too glad to give it.

Mr. HIGGS was very sorry the hon. gentleman could not accept his amendment. The commissioner would have extraordinary powers. He could remove any medical officer, analyst, expert, or other officer of a local authority.

The HOME SECRETARY: He is responsible to the Minister for it.

Mr. HIGGS: The local authorities would really be on their trial, and they had a right to be tried before the Central Board of Health in open court. If the local authorities did not carry out the sanitary provisions of the Bill the commissioner might interfere and direct those provisions to be carried out.

The HOME SECRETARY: But the Central Board of Health might pass a resolution condemning what he did.

Mr. HIGGS: The commissioner and the Central Board of Health would meet in secret and try the defaulting local authority, and they had no power to compel——

The HOME SECRETARY: There is an amendment to that effect.

Mr. HIGGS: That did not in any way diminish the necessity for holding the meetings in public. He could see that it was impossible to have an elective board, and therefore they had to accept the nominee principle, and allow a nominee to represent the local authorities on the board, but that only rendered it more necessary that the meetings of the board should be open to the public.

The HOME SECRETARY: Every Under Secretary is a nominee.

Mr. HIGGS: He was subject to the approval of the Public Service Board, but there was no analogy between an Under Secretary and the Central Board of Health. There was more analogy between the meetings of Parliament and the meetings of the Board of Health. He did not care to adopt the rôle of prophet, but he was afraid there would be trouble from the meetings of that Central Board of Health being held in secret.

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

The House resumed. The CHAIRMAN reported progress, and the Committee obtained leave to sit again to-morrow.

## ADJOURNMENT.

The PREMIER: I move that the House do now adjourn. The business to-morrow will be the further consideration of the Health Bill in committee.

Mr. DAWSON: I should like to ask the Premier if he can tell us definitely when he will deliver his Financial Statement.

The PREMIER: I hope to deliver it on Thursday evening.

Question put and passed.

The House adjourned at eight minutes to 11 o'clock.