Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 29 AUGUST 1900

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WEDNESDAY, 29 AUGUST, 1900.

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

PAPERS.

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

(1) Regulation, dated 6th August, 1900, under the Defence Acts, 1884 to 1896.

(2) Return to an Order, relative to wages under the Factories and Shops Act, made by the House, on the motion of Mr. McDonnell, on the 16th instant.

PETITION.

BRISBANE HYDRAULIC POWER COMPANY'S BILL.

Mr. COWLEY (*Herbert*) presented a petition from the Brisbane Hydraulic Power Company, Limited, for leave to introduce a Bill to enable the company to supply water power on the high pressure hydraulic system to buildings, etc., for extinguishing fires, and for other purposes, within the city of Brisbane and its suburbs.

Petition received.

Mr. COWLEY stated that he had lodged with the Clerk certificate of the payment, required by Standing Order No. 292 to be made, to meet the expenses attendant on the Bill; and also the numbers of the *Gazette* and newspapers containing the notices required by Standing Order No. 287, to be given in relation thereto.

QUESTIONS.

STATE ADVANCES TO FARMERS AND SELECTORS.

Mr. KATES (*Cunningham*) asked the Treasurer—

Is it his intention to introduce, during the present session, a Bill to enable the Government to assist farmers and selectors by making advances to them on their securities at reasonable rates of interest ?

The TREASURER (Hon. R. Philp, *Townsville*) replied—

Yes, if the business of the House permits.

COST OF WORK ON SOUTHERN AND WESTERN RAILWAY.

Mr. KATES asked the Secretary for Railways—

What amount of money was spent during the financial year 1899-1900 on repairs (other than maintenance), easing grades, and straightening curves on the Murphy's Creek to Toowoomba section of the Southern and Western Railway ?

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

£12,565 18s. 4d.

MINERAL LEASES ON CHATSWORTH STATION.

Mr. W. HAMILTON (*Gregory*) asked the Secretary for Mines—

1. Are there any mineral leases granted on Chatsworth Station in the Gregory district ?
2. If so, what are the areas ?
3. Are they silver, copper, or gold leases ?
4. Who are the leaseholders ?
5. How long have such lease or leases been in existence ?
6. Is there any report in existence from any officer of the department relating to such leases ?

The SECRETARY FOR MINES (Hon. R. Philp, *Townsville*) replied—

1. Yes.
2. Applications for mineral leases—total area, 240 acres.
3. Copper.
4. 220 acres held by Ernest Henry and Alex. Kennedy, and 20 acres by George Hart.
5. From June, 1899, to July, 1900.
6. No.

REPORTS CONCERNING INDUSTRIES, ETC., SENT TO AGENT-GENERAL.

Mr. DAWSON (*Charters Towers*), for Mr. Lesina, asked the Premier—

1. Is the Agent-General for Queensland supplied with a periodical report dealing with the industries of the colony, summary of political events, etc. ?
2. Who is engaged in the compilation and writing of this report, if any ?
3. If the answer to No. 1 is in the affirmative, when was the present compiler engaged, and what remuneration is paid to him ?
4. Will he lay on the table of the House copies of the said reports since 30th June, 1899 ?

The PREMIER (Hon. R. Philp, *Townsville*) replied—

1. Yes.
2. Mr. J. M. Cross.
3. Mr. Cross was engaged on 11th May, 1899, and is paid 10s. per diem.
4. Copies of the reports are not retained in the colony, and are consequently not available.

Mr. FISHER : Then we shall have to go to London if we want to see the reports.

RAILWAY BRIDGE AT WOOLOOWIN STATION.

Mr. McDONALD (*Flinders*) asked the Secretary for Railways—

Who is responsible for the erection of the roadway bridge at Wooloowin station in its present position, which was nearly completed when it was found to be in the wrong place?

The SECRETARY FOR RAILWAYS replied—

The Chief Engineer for Railways is responsible.

Mr. McDONALD: Then he should pay for it out of his salary.

PRINTING RULES *RE* PATENTS, ETC.

On the motion of the ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*), it was resolved that the Rules dated 9th August, 1900, under the Patents, Designs, and Trade Marks Acts, 1884 to 1890, be printed.

VETERINARY SURGEONS BILL.

FIRST READING.

The House, in committee, having affirmed the desirableness of introducing this Bill, it was introduced, read a first time, and the second reading made an order of the day for Thursday, 20th September.

HEALTH BILL.

RESUMPTION OF COMMITTEE.

Clauses 11 to 14 put and passed.

Clause 15 having been verbally amended, on the motion of Mr. STEPHENS, was agreed to.

Clauses 16, 17, and 18 put and passed.

On clause 19—"Power of commissioner to act on emergencies"—

The HOME SECRETARY moved that after the word "accommodation," on the 19th line, the following words be inserted :—

For the inoculation of persons as a preventive against disease, for the examination, isolation, and accommodation of persons who are or are likely to be infected with such disease, or who have been in contact with persons affected, or suspected to be affected, with such disease.

Amendment agreed to.

On the motion of the HOME SECRETARY, the clause was further verbally amended on lines 35 and 37, and agreed to.

On clause 20—"Appeal to the commissioner"—

Mr. HIGGS (*Fortitude Valley*): The local authorities had suggested that [4 p.m.] there should be some provision in that clause for the right of hearing as well as for the right of appeal. An amendment to be proposed in the subsequent clause provided that any person aggrieved might address a memorial to the commissioner stating the grounds of his complaint, and that he must deliver a copy thereof to the local authority. That memorial might be put into the wastepaper basket, and nothing more heard about it.

Mr. STEPHENS (*Brisbane South*): It had been said that that clause was too drastic; but he would point out that it was the law at present, and had been since 1884, and he did not think that any harm had arisen from it. Under the amendment to be proposed in clause 21, both the person aggrieved and the board would have the right of appeal to the Minister, and if not satisfied with his decision, they could go to the Governor in Council.

The HOME SECRETARY: What the hon. member for South Brisbane said was quite correct. The amendment to clause 21 of which the hon. member had given notice was ample to meet the objection which had been raised by the local authorities. It was not likely that the commissioner would ever decide a matter without making inquiry into it, especially as it was provided that "the Governor in Council may, after due inquiry, make such order in the matter as to him seems just."

Clause put and passed.

On clause 21, as follows :—

All orders made by the commissioner in pursuance of this Act or any regulation shall, when confirmed by the Minister, be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as the commissioner may direct.

Mr. STEPHENS moved that the following words be inserted at the beginning of the clause, namely—

Subject to the right of appeal hereinafter mentioned.

Amendment agreed to.

On the motion of Mr. STEPHENS, the clause was further amended by the insertion of the following words at the end thereof :—

but no such order shall have any such effect until so confirmed.

Mr. STEPHENS moved that the following proviso be inserted at the end of the clause as amended :—

Provided that any local authority aggrieved by any order of the commissioner may address a memorial to the Governor in Council stating the grounds of its complaint; and the Governor in Council may, after due inquiry, make such order in the matter as to him seems just.

At first sight it might seem a little harsh on the Minister that if a local authority was not satisfied with his decision it might appeal to the Governor in Council, but it should be remembered that fresh evidence might be obtained afterwards. Even in our law courts the Chief Justice might try a case and give judgment, and there was the right of appeal from his decision to the Full Court, which might consist of two of his juniors. He did not think the amendment asked too much, and, as a matter of fact, the Governor in Council would do as the Minister suggested. He hoped the Minister would see his way to accept the amendment.

The HOME SECRETARY: There was no doubt, as the hon. member suggested, that the amendment provided for an appeal from what might be called Philip drunk to Philip sober, because in a matter of that sort the Minister was to a large extent the Governor in Council. If his colleagues came to a different opinion, by which the Minister's well-considered decision was overridden, he supposed that would mean that the Minister would have to retire; but he did not think there was the slightest probability of such a thing happening, because, whenever a serious matter was brought from the commissioner to the Minister, the latter would naturally consult his colleagues before finally giving his personal decision. He accepted the amendment more because it would give confidence to the local authorities than anything else, and would show them that the great powers of that "supreme being," as he was called by the hon. member for Drayton and Toowoomba, were not so dreadful after all. The Minister would not be such either. He had no objection to the amendment.

Amendment agreed to.

Clause, as amended, put and passed.

Clause 22 put and passed.

On clause 23—"Appointment of officers"—

The HOME SECRETARY moved that the following new paragraph be added to the end of the clause :—

The commissioner may approve of qualified persons as public analysts and public experts, and upon payment of the prescribed fee such persons shall be entitled to be registered by the commissioner as public analysts and public experts for the purposes of this Act.

He had mentioned before that it was desirable that there should be some sort of classification in this respect. No certificate was, he believed, obtainable in the colony before a man could practise the profession of a public analyst or of an expert. Under this new clause it was left to the commissioner to say what degree of knowledge a man should have to entitle him to practise as an analyst or public expert.

Mr. BROWNE: That might be included in the regulations.

The HOME SECRETARY: It could be so included. At any rate he thought the commissioner should decide as to whether a man was qualified to act in these capacities. Of course the fee would have to be prescribed by the regulations.

Amendment agreed to.

Clause, as amended, put and passed.

Clause 24 put and passed.

On clause 25—"General powers and duties of officers"—

Mr. BROWNE thought an amendment was necessary in the 2nd line of the clause, with regard to the words "health officers."

The HOME SECRETARY: Clause 23 provided that the Governor in Council might appoint medical inspectors, health officers, public vaccinators, and other necessary officers, and this clause was giving them power, subject to the commissioner, to exercise the powers vested in the medical officers of health who were officers of local authorities.

Mr. HIGGS: Who is a health officer?

The HOME SECRETARY: He was a Government officer. That was the distinction he mentioned on the second reading of the Bill. "M.O.H.," in England, was an abbreviation for medical officer of health for the local authorities, and this was merely bringing the law here into line with the English Act, as far as that designation was concerned. Many persons spoke of a medical officer as "M.O.H.," and it was necessary to draw a distinction between a health officer of a local authority and a health officer appointed by the Government.

Mr. BROWNE: A Government officer would still retain that title?

The HOME SECRETARY: Yes. The term "health officer" was used under the Quarantine Act, and there might be some confusion between a health officer under the Commonwealth and a health officer in a State. He did not think, however, there would be any great difficulty, because they would be acting under different authorities.

Clause put and passed.

On clause 26—"Officer may attend meetings of local authority"—

Mr. REID (*Enoggera*) asked by what authority could the commissioner empower an inspector to attend any meeting of a local authority?

The HOME SECRETARY: He would really be entitled to be present as a member of the public, but this would give him statutory right to be present. It would not, however, give him the right to take part in any meeting or to vote.

Mr. HIGGS: Would the hon. gentleman say whether a member of the public had any right to attend a committee meeting of a local authority?

The HOME SECRETARY: He had always understood so.

Clause put and passed.

Clause 27 passed with a verbal amendment.

On clause 28—"Appointment, remuneration, and duties of officers of local authorities"—

Consequential amendments were made in the 1st paragraph of the clause.

The HOME SECRETARY said he had other consequential amendments to move in the clause, but before doing so he wished to refer to a matter dealt with in the 1st subclause on the top of page 11, as follows:—

> Such medical officer of health shall be paid such remuneration, being not less than £10 for any year, as the local authority thinks fit. Such analysts, experts, inspectors, and other officers shall be paid such remuneration by way of fees or otherwise as the local authority thinks fit.

The suggestion had been made by the Queensland branch of the Medical Association that the remuneration mentioned there should be in the nature of a retaining fee, and not less than £10 a year. He thought also that the suggestion had been made in connection with those local authorities that there should be a limit, and that it should not be more than £100 a year. Of course, the whole thing was a matter of contract. He did not think there was much in the contention of the medical profession that this £10 would not be regarded as fair remuneration for all the work a medical officer of health would have to do. It was a minimum, of course, and necessarily so, because a medical man could not be
[4·30 p.m.] expected to accept less than £10 a year. If he said he wanted £30 or £40 a year, that had nothing to do with the Bill. There was not much in the contention of the Medical Association that the £10 would be regarded by local authorities as a fair thing. The association seemed to think that it would be more dignified to call it a retaining fee, and have a salary paid in addition; but there was not much in that, although he thought it fair to the association to mention the matter. He did not propose to move any amendment, but it was quite possible that that might be done in another place.

Mr. HIGGS: If the words "being not less than £10 for any year" were allowed to remain in the clause, that amount would be regarded as the minimum retaining fee, and that was too high for a retaining fee. There was a certain amount of honour attached to the position of medical officer to a local authority, and it carried with it a certain amount of indirect remuneration. They should not compel local authorities to pay a retaining fee of £10, because they might really not require the services of a medical officer at all. He thought those words might be omitted.

The HOME SECRETARY: Move their omission, then.

Mr. HIGGS moved the omission of the words "being not less than £10 for any year."

Mr. REID: It seemed to him that the whole subsection was unnecessary. If the amendment just moved by the hon. member for Fortitude Valley was agreed to, the paragraph would then read—"Such medical officer of health shall be paid such remuneration as the local authority thinks fit." What was the use of putting in such a provision, as no local authority was likely to pay more than it thought fit?

Mr. FOGARTY (*Toowoomba*) looked upon the £10 as a retaining fee, and he was of opinion that it was too high. A medical officer might be appointed in a large centre of population, and a number of local authorities surrounding that centre of population might wish to avail themselves of his services, but £10 would be an excessive fee for the small amount of work he would have to do.

The HOME SECRETARY: The reason for leaving the subsection in was that it would give local authorities power to devote their funds to paying the medical officers of health. It was usual in Acts of Parliament, where an officer was authorised to be employed, to give authority to pay him a salary.

Mr. SMITH (*Bowen*) thought it would be an improvement if at the end of the clause they added these words:—"Such medical officer of health shall be paid such remuneration by way of fees or otherwise as the local authority thinks fit." That would leave it optional with the local authority to fix the amount as it thought fit.

The HOME SECRETARY: That is the way we have got it now. It does not matter whether it goes in where it is or at the end of the clause.

Mr. REID: If it was in order to move an amendment on top of the amendment of the hon. member for Fortitude Valley, he would like to move the omission of all the words after "health" down to "fit." Then the paragraph would read, "Such medical officer of health, public analysts, inspectors, and other officers shall be paid such remuneration by way of fees or otherwise as the local authority thinks fit." It would remove the tautology in the paragraph if that were done.

Mr. HIGGS said that if the Home Secretary was agreeable he would withdraw his amendment and allow the clause to be amended as suggested by the hon. member for Enoggera.

The HOME SECRETARY said that he could not agree to that, as it was desirable that a distinction should be drawn between the medical officer of health and the other officers of the local bodies. It was desirable that medical officers of health should be paid salaries, whether the others were salaried officers or not. He knew of a case in which nothing had been said about salary when the local authority appointed a health officer. When the measles epidemic broke out, it became the duty of the medical officer to travel through the district in which he lived to every place where there was a case of measles. In some cases he had to travel fifty or sixty miles, and the fees which had to be paid to him very nearly swamped the whole revenue of the board for the year. That would not have occurred if he had been a salaried officer. It was very desirable that it should be made clear that medical officers of health should be salaried officers, if it was only in the way of warning local authorities to avoid committing the mistake that that particular board had made. At the same time it would not be fair to bind them down to the payment of a salary only. Analysts, experts, and inspectors were to be paid "by way of fees or otherwise."

Mr. REID: That would cover the doctor's salary, too.

The HOME SECRETARY: So it would, but he thought a distinction should be made in the case of the medical officer of health, to emphasise the necessity for placing him on a salary, and to avoid such a difficulty as occurred in the case he had referred to. If it came to a question of fees, those of a medical man would be greatly in excess of those of an analyst, expert, or inspector. As the hon. member for Fortitude Valley had said, the appointment as medical officer of health would carry with it a certain distinction. He would probably take that into account in stating the salary he would require, and he would take the good years with the bad. He wished the attention of local authorities to be drawn in the Act to the desirability of putting their medical officer of health on a salary, whatever it might be.

Mr. STEPHENS hoped the hon. gentleman would stick to the clause as it was. His experience was that that would be best. He had been a member of two or three divisional boards, and he knew that where a medical officer was given £5 or £10 a year there was a feeling created that himself, and the chairman, and clerk of the board belonged to the same concern; and, as a result, many a time the clerk or the chairman would call on the doctor and get a verbal opinion on many little matters that often saved big actions. All that was thrown in where what was practically a retaining fee of £5 or £10 was given. Where the medical officer was called upon to make a special written report upon any matter, it was of course paid for by fees. It was a good thing to fix some amount that the medical officer might know that he belonged to the concern, and the members of the board might know he belonged to them. If it was said that £10 was too much, there was a provision by which two or three boards might act together in such a matter, and they would hardly grumble at paying £3 10s. a year each for securing the services of a medical officer.

Mr. FOGARTY: Anyone who knew anything of the subject would know that it was necessary to appoint a health officer at a fixed salary, and the members of the local authority to which the Home Secretary referred could not have much business knowledge. In some places he knew, the people who brought the local authority into such a condition of affairs as the Home Secretary had referred to, would be quickly brought to book. He did not think a medical man would accept such a position without some clear understanding as to the remuneration attaching to it. He might mention that, from his experience, he thought doctors were very chary about accepting the position of health officer to any local authority.

The HOME SECRETARY: Of course, he preferred the clause as it stood, but he thought it was the desire of the Committee to accept the amendment of the hon. member for Fortitude Valley. £10 a year was little enough for any man to accept the onus of looking after the health of any locality. He was in the hands of the Committee, but as it was not a matter of any importance he would ask hon. members to decide it one way or the other, and he suggested that the amendment might be withdrawn.

Mr. HIGGS: A member of a local authority endeavouring to serve the ratepayers would want to economise in twenty different directions, and if he saw £10 or £20 being paid away in an uneconomical manner as a retaining fee to a medical officer he would think it a hardship.

The HOME SECRETARY: It is not a retaining fee. It is the minimum salary.

Mr. HIGGS: The medical authorities wished it to be considered a retaining fee.

The HOME SECRETARY: I do not adopt that.

Mr. HIGGS thought the local authorities should be left to fix the remuneration at whatever they thought fit. They had so far treated their medical officers fairly and generously.

The HOME SECRETARY: I never heard of one getting less than £10 a year.

Mr. HIGGS: The Brisbane Council paid £20; but they paid fees for reports on different subjects. A local authority might appoint a medical officer at a retaining fee of £10, and if he was called upon to make a report, that report might cost them another £15. It would be better to leave it to the local authorities to give what they thought fit.

Mr. RYLAND had no objection to fixing a minimum salary, but he was inclined to support the omission of the words as proposed by the hon. member for Fortitude Valley, because hon. members connected with local authorities appeared to assume that the amount fixed would be regarded as a retaining fee.

Mr. PLUNKETT (*Albert*) preferred the clause as it stood. He thought it desirable to fix the minimum amount of salary, and £10 could not be considered an excessive sum at all.

The HOME SECRETARY would appeal to the hon. member to withdraw his amendment on the general principle that what was proposed in the clause was a minimum wage. That ought to commend itself to the hon. member and his colleagues.

Mr. HIGGS: On the understanding that that would be the attitude of the Government generally towards that question, he would have great pleasure in withdrawing the amendment.

Amendment, by leave, withdrawn.

The HOME SECRETARY moved that in line 13, before the word "analyst," the word "public" be inserted. He would suggest—the hon. member for Flinders not being present—that as the same word had to be inserted six times in three lines, one motion should cover the whole, by way of saving time.

The CHAIRMAN: Is it the pleasure of the Committee that the question should be put in that form?

Mr. TURLEY: No.

Amendment agreed to; and similar amendments agreed to in lines 13, 17, and 23.

Mr. STEPHENS proposed, by way of further amendment, on line 28, to omit the words "the amount of" before the word "remuneration," with the view of inserting the words "a reasonable amount for his."

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

On clause 29—"Removal of officers"—

Mr. STEPHENS moved that after the word "authority," in line 39, the words "appointed for the purposes of this Act" be inserted. Without some such amendment the commissioner might come in and give the town clerk, or the city engineer, the sack.

Mr. HIGGS: One of the chief virtues in the appointment of the commissioner was the fact that he would have power to remove any officer connected with a local authority who did not carry out his duties. The addition [5 p.m.] of the words "appointed for the purposes of this Act" would mean, that if the commissioner thought the inspector of the Brisbane Municipal Council was not doing his duty he would have no power over him at all. Now, his (Mr. Higgs's) experience was that the city inspector had either too much to do, that he was under the influence of certain of the aldermen and would not carry out his duties, or that he of his own neglect or inability did not carry out the sanitation of the city as it should be. He had tried in his own little way to stir that gentleman up to do his duty; but he had found himself in a small minority. The gentleman had sufficient influence there to defy those of the aldermen who thought that he was not doing his duty, and the only officer who could have any power over him would be such a commissioner as they proposed to appoint under this Act. If they added the words to which he had referred, the commissioner would have no power over the city inspector, who had been in the employ of the municipal council of Brisbane for some fourteen years. He was not prepared to say what was the reason that the sanitary department of the Brisbane Municipal Council was not carried out as it should be, but it might be social influence. They saw in the paper occasionally where so and so had held an "at home."

Mr. STEPHENS: I think this is very unfair to your own council and to your own officer.

Mr. HIGGS: He did not think it was. He did not think if he did his best in the Brisbane Municipal Council to get the sanitary work carried out properly and did not succeed, for the reason that the city inspector was either incapable, or that he had too much to do, or that he was capable and was under the influence of certain aldermen who refused to direct him or who directed him not to carry out his work, it was his duty to the public to state the facts.

Mr. STEPHENS: Go to your ratepayers.

Mr. HIGGS: He had been to his ratepayers on the electric light question, and the ratepayers would not take his advice. (Laughter.)

Mr. STEPHENS: Well, leave the Council.

Mr. HIGGS: He would not leave the Council till they turned him out.

Mr. SMITH: What about majority rule?

Mr. HIGGS: The majority was sometimes wrong. (Laughter.) The majority of the Brisbane Municipal Council were wrong in refusing his advice, and the majority in that House were frequently wrong.

The HOME SECRETARY: Of course.

Mr. HIGGS: The object of this Bill was to give the commissioner power to override the local authorities themselves, and to go over the heads of the duly elected aldermen.

Mr. STEPHENS: In health matters.

Mr. HIGGS: This was a health matter. The city inspector was not appointed for the purposes of this Act. He had been in the council for fourteen years, and how would they deal with him if they put in these few words? The commissioner could not interfere with him.

Mr. STEPHENS: Could not he appoint him under this Act?

Mr. HIGGS: There was no provision for the appointment of sanitary inspectors and sanitary officers.

Mr. STEPHENS: The commissioner would make your council appoint him.

Mr. HIGGS: The council had already appointed an officer, and there was no clause providing that the local authority should reappoint him under this Act. The present officer had been there for years, and if that gentleman would only keep on smiling, there he would remain, probably for ever. You could criticise him as much as you liked; you could point out where certain nuisances existed; you could point out that certain defects were left unremedied, and that gentleman would smile and smile, and he would do nothing. He thought that the commissioner ought to be given power to override members and officers of the Brisbane Municipal Council, if he thought fit, in the matter of public health. He had no doubt that Mr. Lee-Bryce would be able to explain why it was that certain duties were not carried out as they should be carried out. He would probably throw the responsibility on the shoulders of certain aldermen. Now they placed the commissioner above the heads of aldermen in some respects, and why should not they allow him the power which it evidently was intended that he should have, the power that he might by order—that was with the consent of the Minister—remove any medical officer of health, inspector, or officer of any local authority?

Mr. FOGARTY: The commissioner should have no such power.

Mr. HIGGS: If the hon. member had his way this Bill would not be before the House at all.

Mr. FOGARTY: Not without financial assistance.

Mr. HIGGS: The fact remained that the municipal council, or certain aldermen, would not carry out the sanitation of the city as it should be carried out, and they had certain officers, who were influenced or in some way prevented from carrying out the by-laws of the council. The commissioner should have power to over-ride them if he thought that they were not doing their work, and if these words were added the commissioner would not have any power over the city inspector of the chief municipality in Queensland.

Mr. STEPHENS: You are wrong in your first ground.

Mr. HIGGS: He did not want to reflect on the council in which he occupied a very distinguished position. (Laughter.)

Mr. STEPHENS: As he had framed the amendment perhaps he had a right to explain what it really meant. He was rather surprised at the hon. member practically making an attack on his brother aldermen, and on an officer of his council. He was surprised at his action, although if he were outside, he probably would agree with a great deal of what he had said. Still he would not bring it up here. The hon. member seemed to miss the principle of the Bill, and the point in the amendment. The principle of the Bill was that the commissioner should have power over the council in all matters of health. If the council did not appoint a health officer, then the commissioner would appoint one for them. The commissioner had ample power to make the council reappoint an officer, and if the council had an officer, and did not reappoint him under this Act, the commissioner could make them do so. He was quite willing that the commissioner should have control over everything connected with health matters under the Act, but if, for instance, the South Brisbane Council had a road roller engineer in their employ, they did not wish the commissioner to have power to say, "You shall sack that man." Neither did they wish him to dictate to them what sort of an accountant they should employ. It was possible they might have a valuator who the doctor thought had valued his property too highly, and for that reason he might step in and say, "You must sack this man." It was only reasonable to limit the doctor's powers to matters connected with public health. He would certainly press the amendment.

Mr. GLASSEY (*Bundaberg*): When the Bill was first introduced he looked upon it as a most important step in the direction of protecting the health of the people, and he regarded the appointment of a health commissioner, which really meant the establishment of a department of public health, as a most necessary and advisable course to follow. He at all times had been extremely anxious to see the commissioner armed with very strong powers. He would leave him uncontrolled altogether, believing that the Minister would appoint not only a highly qualified man, but one who would exercise his powers with tact and discretion. But he was bound to confess that he was unwilling to arm the commissioner with such powers as were advocated by the hon. member for Fortitude Valley, Mr. Higgs, which would enable him to remove any officer employed by any local body irrespective of the opinions or desires of the local authority. He thought if the commissioner possessed such powers as enabled him to compel the local bodies to carry out the law that was the full extent to which they should arm him. No such drastic powers as those advocated by the hon. member for Fortitude Valley should be given to him. The hon. member reflected very seriously on the city inspector, a gentleman who, as far as he knew, was thoroughly competent and qualified to perform his duties. The very fact that he had been such a length of time in the employ of the city council was proof that he had the necessary qualifications for the position he held. If he failed to perform his duties, or did not possess the necessary ability to perform them, it was a very serious reflection, first on the city council for retaining him, and, secondly, on the ratepayers who returned men year after year who insisted upon retaining him. Mr. Lee-Bryce, he understood, had been thoroughly trained for the position he held in one of the best schools in the old country, and it was absurd to ask the House to pass a law giving such extraordinary power as that suggested by the hon. member for Fortitude Valley to the Commissioner of Public Health. If local authorities did not carry out the law in respect to matters relating to public health, it was quite sufficient that the commissioner should have power to do the work which they neglected to do, and charge them with the cost of it. That was the power given under the Local Government Act in the old country. What the Local Government Board did, in the event of complaints being made to them regarding the law not being carried out, was to see that the work was done, and charge the local body with the cost. That was done in the district from which he came, and he had had some share in doing it. The law was in that manner wisely and properly carried out, and he did not think it was quite fair for the hon. member for Fortitude Valley to make such sweeping assertions in regard to the city inspector of Brisbane, a man who held a very high position. If there was any dereliction of duty on his part, what in the world was the city council doing, or what were the ratepayers doing, in returning men who year after year perpetuated the evil? He thought the clause would be quite wide enough, and would give ample power to the commissioner, if the amendment suggested by the hon. member for Brisbane South was accepted.

The HOME SECRETARY hoped hon. members would desist from discussing city council matters in that Chamber. It might be a very vital matter to some hon. members, but the vast bulk of the people did not care two straws whether Mr. Lee-Bryce was a good or a bad city inspector. He deprecated the introduction of parochial politics into the Chamber. Even if the amendment were accepted, he did not believe the power given under the clause would be used once in fifty years, because the mere knowledge that there was the power to remove an officer who neglected his duty would have the effect of keeping the local authorities up to the mark. If there was a careless or incompetent man employed, who was being kept in his position by improper means or undue influence, then only would such a power be exercised; but the very knowledge that such a power existed would prevent abuse. After all, ratepayers were very largely judges of matters of that kind, and they might be relied upon to see that their representatives did their duty in regard to the officers they employed. There might be incompetent men employed; but unless the case was a glaring one he did not think the power conferred by the clause would be exercised. Still, perhaps it was desirable, in order to allay any misapprehension or feeling of uneasinesss on the part of local authorities or their employees, to introduce such a limitation as that proposed in the amendment. If the commissioner called upon a local authority to appoint an officer under the Bill, and they said such an officer had been appointed, the commissioner would know how to act, and would have the power to remove that officer. On the other hand, if they said that such an officer had not been appointed, the commissioner could say, "Either appoint that man or some other man to my satisfaction." Clause 28 gave the commissioner power to do that, and it was not intended that he should have power to remove officers who were not concerned in health matters.

Mr. REID: With regard to the remark of the Minister that he did not want Brisbane local affairs introduced into the House, he would point out that they only took illustrations from Brisbane just as they would from anywhere else. The clause, as it was proposed to amend it, gave the commissioner power to remove any medical

officer of health, analyst, expert, inspector, or other officer of a local authority appointed for the purpose of the Bill. He knew one of the aldermen in the city of Brisbane who owned a row of houses which were the most dilapidated and disgraceful dog-hutches one could imagine, and which had been condemned under the plague regulations. That alderman had kept his houses in that state through his influence in the council, and if an inspector had reported adversely on those houses, his days as an officer of the council would be numbered as far as that alderman was concerned. One report was made, but the action recommended was blocked, as was the action recommended in another case where the property was owned by an ex-alderman. Suppose there was trouble between a municipal council and the commissioner, and the council refused to sack their inspector, what would happen?

The HOME SECRETARY: The commissioner can step in and sack him.

Mr. REID: Supposing he was an officer who held other offices under the council, and only partially filled up his time in attending to sanitary matters, would there not be a complication then? Would the council, no matter whether it was a large or small body, have to appoint one special man under the Health Bill? How were they to deal with a case in which one man held several offices besides that under the Bill?

The HOME SECRETARY: A "Poo-bah."

Mr. REID: The commissioner would have trouble in getting over that difficulty. Then, again, there might be trouble in cases where the local authority said they could not afford to appoint a special man under the Bill. He did not object to giving the commissioner large powers, but it seemed to him that they were going a very long way in giving him power to interfere with appointments made by a local authority who were a representative body appointed by the ratepayers.

Mr. HIGGS did not agree with the Minister that they should not introduce parochial matters into the discussion. The reason why the Bill was introduced was that municipal councils had not carried out their duties.

The HOME SECRETARY: We are not here to discuss individual officers.

Mr. HIGGS: What did Dr. Taylor do in the other House? He referred to certain reports which had been made regarding premises in Brisbane, as a reason why they should pass a Bill of this character. As far as the remarks of the hon. member for Bundaberg went, that hon. member was in favour of the commissioner having those extreme powers, and if the hon. member found fault with him for saying that the commissioner should have power to discharge an officer who did not do his duty, he must also find fault with the hon. gentleman who was in charge of the Bill, and with clause 29. His (Mr. Higgs's) reason for objecting to the amendment was that he saw a difficulty in the way of the commissioner exercising his powers if the words proposed to be added were inserted. The hon. member knew that the Bill would not come into force until the first of next year. He would like the hon. gentleman to say whether the commissioner would have any authority over city and municipal sanitary inspec-
[5·30 p.m.] tors who were already doing sanitary work? He did not think he would. These officers had not been appointed for the purposes of this Act. It was a technicality. Hon. members seemed to deprecate his bringing forward the conduct of a certain municipal officer before the House, but he had brought forward facts, and he said that the sanitary work in Brisbane had been badly carried out; that the officer he referred to was receiving a good salary, and either he was able to do his work and was interfered with, or else he was incompetent. He had a staff of four sanitary inspectors under him, whose duty it was to go from house to house inspecting and reporting as to the condition of backyards, and so forth. The plague came along, and the council appointed a special gang to go throughout the city, and in one case the special gang took no less than fifteen cart loads of rubbish out of a backyard—rubbish that ought to have been removed—showing that the city inspector could not or would not carry out his duties. The commissioner under the Bill should be armed with the power to deal with that officer if he thought it necessary. He thought that in many cases the city inspector would welcome the appointment of a commissioner above the heads of aldermen. Everybody knew why the city inspector was interfered with in some cases. Say, a certain alderman represented a ward and a certain influential ratepayer was reported by one of the inspectors. The city inspector might feel inclined to caution or to summons him for creating a nuisance. Then the influential ratepayer would approach the alderman and say that he should not be treated in such a manner. The alderman might think that the inspector should not proceed further, and, probably, if the inspector forced the matter, he would have his salary reduced, or, indeed, he might be discharged. The result would be no prosecution in the case of an influential ratepayer. But some unfortunate ratepayer who allowed his goat to stray in the streets would be brought up in the police court and fined. He felt certain that, if the amendment of the hon. member for South Brisbane was carried, the commissioner's power would be cut from under him. He thought the proper amendment would be to strike out the words "or other officer," and that was suggested by the Local Authorities' Association.

The HOME SECRETARY: That is objectionable.

Mr. HIGGS: Surely analysts, experts, and inspectors would be comprised in the term "other officers," whom the commissioner could deal with. Otherwise, he thought the commissioner would have to go to the trouble of sending to every local authority in the colony and ask them to appoint medical officers, health officers, analysts, experts, and inspectors and other officers to carry out the purposes of the Act. If he did not do that, certain officers—sanitary inspectors—who had been employed by the city council for years would render him powerless if he wished to interfere in a case of dereliction of duty.

Amendment agreed to.

Clause, as amended, put and passed.

Clause 30, with verbal amendments, put and passed.

On clause 31—"Duty of analyst and expert"—

Mr. JENKINSON (*Wide Bay*) thought it would be as well to insert the words "by any local authority," on line 8, after the words "delivered or sent." Otherwise anyone might send or deliver a sample.

The HOME SECRETARY said there was a suggestion made by the Local Authorities' Association that it should only apply to samples sent through the commissioner or the local authority; but it must be borne in mind that anybody could purchase samples, and it would not be at all desirable to limit the clause in that way. He thought the Local Authorities' Association did not quite see the full force of the objection they raised.

Mr. STEPHENS: This matter was mentioned by the Local Authorities' Association, but it was pointed out that it would be better to let every

ratepayer have the right to buy samples and get them analysed on their own account, so their opposition to the clause as it stood was withdrawn.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 32—"Inspectors to carry out the instructions of medical officer of health"—

Mr. STEPHENS moved the omission of lines 37 to 41, inclusive. Under this provision the medical officer appointed by a local authority would have power to give directions to any of the inspectors. It had been thought by the Local Authorities' Association that if he had any orders or directions to give to the inspectors he should give them through the local authorities' office, so that the inspectors might get their orders through their own bosses. The Local Authorities' Association thought there was a good deal in this, and would like the amendment to be carried if possible.

Mr. HIGGS said this was not a compulsory clause. It provided that the medical officer of health "may" from time to time give any inspector his directions. He took it that the medical officer would only give those directions in case he found that his orders were being disobeyed. If he found that his orders were ignored by the mayor or the town clerk, or whoever he was in the habit of giving his instructions to, then he might go direct to the inspector himself and give his directions. If the inspector would not carry out his instructions, the medical officer would report the matter, he took it, to the commissioner, who would then exercise his power.

Amendment agreed to.

A consequential amendment was made in the 2nd paragraph of the clause; and clause, as amended, put and passed.

Clauses 33 to 39 inclusive, put and passed.

On clause 40—"Local authority may enforce drainage of undrained houses"—

Mr. STEPHENS moved the omission, in line 23, of the word "two," with the view of inserting "three." It was "three" in the present Act. At first he did not like the change from 200 to 300 feet, but he had discovered that 300 was preferable. In the report of the Local Government Commission it was "two," and that was probably where the Minister got the "two," but the Local Authorities' Association thought "three" would be much better. In many of the suburban districts it was thought that 200 feet would be rather too short as a limit.

The HOME SECRETARY had no objection to the amendment. The hon. member had truly stated that it was in consequence of the recommendation of the Local Government Commission that the distance had been reduced to 200 feet. The commission had taken sufficient time and sufficient evidence to enable them to arrive at conclusions which ought to be regarded as authoritative, but the hon. member for South Brisbane had himself been a member of that commission, and had had considerable experience in that sort of thing. He could quite understand that the commission had recommended 200 feet because they thought 300 feet was rather too far for a poor man.

Mr. STEPHENS: The commissioner can step in and see that a fair thing is done.

The HOME SECRETARY: He was quite prepared to accept the amendment, if the Committee desired it. It was merely out of deference to the recommendation of the commission that the reduction had been made.

Amendment agreed to.

Mr. RYLAND (*Gympie*) moved the insertion after the word "directs," in line 26, of the following—

or the local authority may require the drainage of such house to be otherwise disposed of as it directs.

In small towns and districts where the population was not concentrated, it was impossible for the local authorities to have a complete system of sewerage, and his amendment would give the local authorities power to make the householders or the owners of property dispose of their sewage in any way they might direct. The local authorities had no such power at the present time. If they had no sewers, they could not obtain convictions in the event of nuisances being committed. In the municipality which he represented people allowed waste water to lie on their premises, and nuisances were allowed to exist. The council thought there was ample provision to meet the case under clause 61 of the Bill, but under section 19 of the Health Act—which was clause 35 in the Bill—they found that the local authorities were compelled to initiate a proper system of drainage, and so they were unable to get any convictions. If the amendment was accepted, the local authorities might allow people to use the slops and waste water in their gardens in places where houses were surrounded by large pieces of ground. The Committee would do well to accept the amendment.

The HOME SECRETARY said that every effort he had made to assist the poor man in the clause would be negatived first by the insertion of 300 feet instead of 200 feet, and then by such a provision as that which the hon. member for Gympie proposed to insert. But increasing the minimum distance from 200 feet to 300 feet would be as nothing compared with the burden which might be cast upon the unfortunate owner of a house if he were compelled to carry the whole of his refuse and sewage some distance—it might be a mile. Was he to carry it on his back? Supposing he had not got a horse and cart, or a wheelbarrow? They had attempted in the Bill to lay down some limit to the liability of a man in meeting his public engagements in regard to his sewage and the disposal of it; but that also implied a duty on the part of the local authority to provide him with facilities for disposing of that sewage. If the amendment were accepted, a local authority would be able to say to a householder, "It is quite true we are not going to provide you with a sewerage system, but you will have to take your slops away to the river below the town, or empty them into such-and-such a place." That would be manifestly unfair. The local authorities had their duty to the householders as well as the householders had their duty to the public. He would feel disposed to oppose the amendment unless some stronger reason was advanced in support of it than had been given by the hon. member for Gympie.

Mr. RYLAND thought the Home Secretary should accept the amendment, when he considered the small percentage of the

[7 p.m.] population of the colony who were able to take advantage of a drainage and sewerage system. It was only in the thickly populated centres that that could be done. In small townships, and even in the suburbs of Brisbane, that was impossible; and, as a consequence, they found that people in those places had a place in their back yards where they were in the habit of throwing all their slops, and where they made a cesspool and a nuisance. In some instances they ran the waste water and slops out into the street channel, and let it lie there, saying that that was all they had to do with it, and that the local authority should come along and make their drain to take it away. The local authority inspector could not compel those persons to abate the nuisance. It was all right where the local authority had a sewerage and drainage system, or could provide tanks, receptacles, or covered places, but in outside places and small townships that was impossible. He was

endeavouring to provide a third alternative, in addition to the two provided for in the Bill, and if the Home Secretary considered his amendment too drastic he was prepared to modify it to read "or the local authority may require the drainage of such house to be otherwise disposed of so as not to cause a nuisance." That would meet the case. If they did not make the provision he suggested there, they could not make it after clause 61, which said that any person who kept swine so as to be a nuisance, or suffered waste or stagnant water to remain in any place for twenty-four hours, after notice to remove the same; or allowed the contents of any sanitary convenience to overflow or soak therefrom; or allowed any waste water to run from any premises so as to cause an offensive smell; or suffered any rubbish, filth, or unwholesome matter or thing to collect on any land abutting on a street, and lying below the level thereof—was to be liable to a penalty not exceeding £2, and to a daily penalty not exceeding 5s. They could not enforce that, and could not get a conviction under it, as it would be held that the local authority should have provided a sewer or tanks to take the waste water away. If his amendment was carried, either as it stood, or in the modified form in which he was prepared to move it, the difficulty would be met, and local authorities could then compel householders to remove the nuisances to which he referred. He had been informed by one hon. member that in one small place they provided a cart for the removal of such nuisances, but all authorities on sanitary matters held that the best way to dispose of waste water and sewage was to run it into the soil. It was hardly necessary for him to quote authorities on that point, but he might mention that of Dr. Parkes, and also G. Reid, M.D., who was president of the Birmingham and Midland Counties Branch of the Society of Medical Officers of Health. That gentleman had written enough on the subject, and held that the best way to dispose of waste water in connection with houses was to put it into the soil. On page 76 of his work on "Practical Sanitation" he said—

> Sewage when brought in contact with land in a fresh state is immediately attacked by the minute living germs (*bacteria*) universally present in the upper strata, and by these its organic matter is split up into various simple constituents, which, with the assistance of the oxygen and carbonic acid gas present in the ground air, unite with certain mineral bases present in the soil, and thus are transformed from organic unstable compounds, liable to putrefactive changes, into more fixed inorganic salts of an innocent nature.

On page 78 also, as showing the small piece of land which was capable of absorbing sewage, it was stated that the sewage of a parish with a population of 1,483 was absorbed by one acre of land. In small townships and suburban districts there were always plots of land with fruit trees and so on, where the sewage could be disposed without any expense to the householder and with actual profit in the way of production. He hoped the Committee would accept his amendment, either as he had moved it or in the modified form he had suggested.

The HOME SECRETARY: He did not intend to dispute the authorities quoted by the hon. member; in fact, he had not the slightest doubt that the principles laid down were thoroughly sound. What he did object to in the amendment was that the local authority, instead of doing its duty by carrying off the sewage from any premises, would be enabled to tell the people to carry it off themselves in barrels and otherwise. If refuse was to be conveyed along the public streets in barrels and tanks, the proper way was to levy a sanitary rate and have the local authority to do it. The amendment would cast upon the individual ratepayer a duty which ought to be done by the local authority.

Mr. JACKSON: And it would be taxing some people twice over.

The HOME SECRETARY: Of course it was, and he wondered the hon. member could not see that. What was to be done with that sewage?

Mr. RYLAND: Dispose of it in the gardens.

The HOME SECRETARY: That could be done now under the Bill as it stood. The hon. member had already quoted clause 61.

Mr. RYLAND: They could not get a conviction under that.

The HOME SECRETARY: The hon. member had told them the other night how brandy was made.

Mr. JENKINSON: This may be a subtle design of the hon. member to start a private still in every backyard.

The HOME SECRETARY: The hon. member must see he is giving rather too strict powers to local authorities, and, as the hon. member for Kennedy very justly remarked, it was really taxing the householder twice over.

Mr. RYLAND: It would rather be a saving of expense to the householder in small towns and outlying districts. Without it, where there was no sewerage system, it would be impossible to keep places clean. At present all the slops might be thrown into one place and a cesspool created, and a conviction could not be obtained. The inspector might call along and say a nuisance was being created, and order it to be removed. All they had to do was to dig a drain from the house over the footpath into the channel, and the thing was done, with the result that the last stage was worse than the first. It would not pay local authorities to provide sewerage for half-a-dozen houses along a mile of road. It would pay the local authorities to purchase such places and keep them without a tenant for years rather than spend thousands of pounds to make a sewerage system. But unless they did that they could not get a conviction against those people; and without some such provision as he had moved, the commissioner's power in those small places would go for nothing. If they looked up the statistics they would find that it was not in the centres of towns that typhoid fever prevailed most, but in the outskirts, and that was entirely owing to the nuisances he was speaking of and trying to prevent.

The HOME SECRETARY: All the hon. member's arguments about isolated districts fell to the ground completely, because that part of the Act would only come into operation where it was proclaimed, and that would only be in places which were ready for complete sanitary provisions. Selectors and people in country districts could not as a rule afford expensive drains, and they let their sewage run away and percolate into the soil as best they could. Those were not the districts to which Part III. of the Act would apply. It only came into operation in centres of population, and in cases of that sort, where there was a nuisance, it was not very much for the sanitary authorities to provide drainage. They had already laid down the principle that 300 feet was far enough to compel a man to take his sewage by drain, and they were not going to ask him to carry it half-a-mile in barrels and drums. He did not think the hon. member ought to press his amendment, and he was sure it would not find favour with the Committee.

Mr. BROWNE: He had intended to ask the hon. gentleman in charge of the Bill to omit this clause, because he thought that it was in outside places that this Act was so badly required. He would not say whether the amendment proposed by the hon. member for Gympie was a very

desirable one or not, but he would say that clause 40 was of no earthly use for a great many places in the colony. It did not refer merely to selections, but to a great many thickly populated places. For instance, he could point to Golden Gate, in his own electorate, almost in the town of Croydon itself. That was one of the most thickly populated places on the Croydon Gold Field; it was dead level for miles round; it was impossible to have even water-tables there, and it would cost a great many thousands of pounds to make a sewerage system. All slops and things of that sort were thrown out and were lying about, and they became a great nuisance. The divisional board there had made by-laws to compel the people, or to try to compel them, to make their places clean, or to have something like sanitary arrangements, but without success. There had been a great deal of sickness out there, and it all arose from the insanitary condition of the place, and the local authority found that they had no power to deal with it. They applied to the Home Secretary's office for advice on the matter, and they were referred to clause so-and-so of the Act. Their legal adviser pointed out the difficulties there were in the matter, and they had to leave it alone. They were not game to go to law with all those people. It seemed to him that they wanted some provision of this kind to give them power to direct that the drainage from each house should be disposed of in some way. The local authority, knowing the circumstances of the case, might hit upon some scheme, and they needed some power to enforce the law. At the present time they had actually none.

The HOME SECRETARY: Have they levied a sanitary rate?

Mr. BROWNE: He believed they had. They had some sanitary system; that was, they had the dry earth closet system. But it was not so much a question of a sewerage, as of some scheme for dealing with house slops which were thrown out, and which, left in the sun, became almost as much a nuisance as the sewage itself. He was not certain that the amendment proposed by the hon. member was the best one that could be devised, but it seemed to him that there would be no hardship in the local authority having power to direct that the drainage of houses, not otherwise disposed of, should be disposed of as it directed. It would give them power to compel the people who created a nuisance to conform to the Act, and do something towards obviating the thing. As for the idea of a system of a drainage or sewerage system for places of this sort, they might as well tell people to throw their drainage into the river Thames or anywhere else, because it was impossible to do it.

The HOME SECRETARY: He did not dispute what the hon. member had said about the Golden Gate. Wherever they had a dead level this difficulty existed. The question was whether the ordinary practice should not be followed of the local authority providing, by means of a sanitary rate or a special rate, the means of doing the work, instead of casting upon individuals the duty of carrying the stuff away. In every city they would find that by-laws provided that all kitchen refuse, garbage, and offensive matter should be placed in bins, to be carted away by the local authority. They were the proper people to do it, and it was not for the local authority to shirk its duty and say to the individual, "You have to cart this away." The usual practice was—and its fairness and justice appeared to be admitted by the general practice—each person collecting his own refuse and putting it outside his premises or where it could be carted away. He did not care where the locality was, the same principle should apply. Why should a man be compelled to carry away the sewage from his premises? He might not have the necessary utensils for doing it. He might be away working, and there might only be his wife at home. Was she to carry it?

Mr. RYLAND: He could put it on the fruit trees.

The HOME SECRETARY: The point was that it cast an undue responsibility on the owner, who was only ordinarily made responsible within the curtilage of this own premises. He contended that it was the duty of the local authority to provide what was necessary by means of a special rate, or a sanitary rate, and not cast the duty on the individual.

Mr. BROWNE: He was not saying that it should be cast on the individual at all. He was simply saying that at the present time the law was a dead letter, so far as carrying away the stuff was concerned. In saying that, he was not merely speaking of the Golden Gate, but of the whole of the country out West. In the case he had referred to there was a hotel with from fifty to eighty boarders, and the water from the bathroom simply ran out on to the ground, and there it lay, festering in the sun. What was the local authority to do? They had absolutely no power to compel anyone to do anything. It was not only a question of sewage, but of dealing with the refuse from the kitchen—the dirty stuff that was simply thrown out. Anyone who had had experience of divisional boards would know that in many places it was absurd for anyone to say that the divisional board should do this, that, and the other. The local bodies did their best, and if they called upon any man to do anything he could simply put his finger to his nose and say he had done his best, and if they did not like it they should do it themselves. The local authorities tried to enforce the law, and what did they get? When they asked the Home Secretary's Department for advice they were told to consult their solicitor, or they were referred to such and such a clause. If they consulted their solicitor they found thatthe people offending were not responsible, and so the thing still went on. And then they had to maintain hospitals, and there was an outcry about sick-

[7·30 p.m.] ness and plague, and so forth. He thought in a Bill like this they should try and devise some means of meeting the difficulty. The clause might suit a city like Brisbane, where there were sewers, but if the measure was to be a Health Bill for the whole colony, it should make provision for all places where there were no means of drainage, and they ought to give the local authorities some help in carrying out the duties imposed upon them. At present local governing bodies in the country districts were without power to prevent nuisances, if the residents liked to put up their backs and insist upon doing certain objectionable things.

Mr. HARDACRE: The objection he had to the clause was that if it stood as it was it either compelled local authorities to have a sewerage system or nothing, and the result would be that in most cases they would have nothing. He was quite certain that the clause would be a dead letter in most parts of the colony under any circumstances, and it seemed to him that it would be a wise thing to empower the Governor in Council to permit an optional system. In that case, if anyone had a scheme for getting rid of sewage, and it was thought a reasonable one, those in power could give authority for the system to be adopted, and it could not be adopted unless that consent was given.

The HOME SECRETARY: The hon. member would surely see that that part of the Bill dealt with places that had sewers and drains. They were not dealing with places that had not sewers and drains.

Mr. BROWNE: This part of the Bill is headed "sanitary provisions."

The HOME SECRETARY: Yes; but the subdivision dealt with sewers and drains. The only question was, who was to do the work? That was the whole question between himself and the hon. member for Gympie. He contended that if the individual was capable of doing the work, then, surely, it could be done by the local authority, which was formed for the purpose of doing that very thing. That was the proper plan, and not cast upon individuals who happened to be unfortunately placed on flat land the duty of carrying away their drainage.

Mr. HARDACRE: This does not apply to country districts.

The HOME SECRETARY: He had pointed that out; but the argument had been used that it was designed for country districts. That was the excuse which the hon. member gave for introducing the amendment. He certainly hoped the Committee would come to some decision quickly about it.

Mr. STEWART: It appeared to him that the hon. gentleman had not read the clause. It was a most extraordinary statement to make that the clause did not apply to places where there were no sewers and drains. He would ask the hon. gentleman to read the clause again, and he would find that it did apply to places where there were no sewers or drains. The end of the 1st paragraph of clause 40 said—

> Or if no such means of drainage are within that distance, then emptying into such covered place within that distance, and not being under any house, as the local authority directs.

That distinctly provided for places where there were no sewers, yet the hon. gentleman distinctly said that the clause did not refer to places where there were no sewers. The clause went further than that. It provided for cesspits being made where the local authority might not want cesspits to be made. It said if there was no such drainage, a covered place must be provided. That clearly meant the making of cesspits. The junior member for Gympie's amendment gave the local authority power to direct that the drainage should be otherwise disposed of if there were no drains, and he thought that was a most reasonable amendment. The municipality which he represented had no sewers, with the exception of one main one, so that, so far as the drainage or sanitation of the town was concerned, it really was of little value. Under that provision, the whole of the municipality which he represented would be dotted over with cesspits. But they did not want any cesspits. They wanted the night-soil to be taken away by the municipal authorities.

The HOME SECRETARY: That is not the amendment; that is just what I want.

Mr. STEWART: Then what did the hon. member for Gympie mean by "drainage"?

The HOME SECRETARY: I do not think you have listened to the discussion.

Mr. STEWART: He had, but it appeared to him to have become entangled. He thought at first that he was in favour of the amendment, but if it meant something else he did not know what opinion he should form. What did the hon. member mean by "drainage"?

Mr. RYLAND: What he meant by drainage was waste water, slops, and soapsuds, which at present were allowed to run into the nearest places, and form cesspools; and he wished to compel householders to dispose of that waste water in some other way—to put it on their gardens or on broken ground. Under the existing Act the local authority could not compel householders to dispose of their waste water in such a way as not to be a nuisance, as when any action was brought against them for that purpose it was pleaded that the local authority have neglected their duty in not providing a drain within 200 feet of the premises, and the result was that no conviction could be obtained. There were many places where the local authority could not afford to make a sewer; in some cases if the whole property in a street were put into the market and sold, it would not realise enough to pay for a sewerage system. In Gympie there was a limited sewerage system in the main street, but outside that, where the miners lived, there was no sewerage. The amendment was intended to apply to those places where there was no sewerage, and to give the local authority power to compel householders to dispose of their waste water by putting it on their gardens, about grape vines, fruit trees, etc. The clause, as it stood, was only legislation for Queen street and other main streets in a town. But outside Brisbane, within ten minutes' ride of the bridge, there were districts where there was no sewerage system, and would not be for fifty years, and if the Bill was not to apply to such places, it might as well be thrown into the fire. The amendment would really save the ratepayers the expense of a large system of sewerage where it was not required, and such a system was not required in outside places like Rosewood, Tiaro, or Isis. According to the best authorities on sanitation the best method of disposing of waste water was to get it into the soil and absorbed by vegetation, and the sewerage system was only a secondary system to be adopted where the other method could not be adopted. Was the Minister prepared to insert in some other part of the Bill a provision empowering the local authority to compel people to dispose of their slops and house water in such a way as not to become a nuisance?

The HOME SECRETARY: That is in the Bill.

Mr. RYLAND: It was not in. He had been over the Bill, and he found that it would not make matters one whit better than they were at present.

Mr. HARDACRE: The objection raised by the Minister to the amendment was that it was really a question as to who should bear the cost—the local authority or the individual. But that was not the question at all. The question really was as to the method by which the work should be done. The clause provided that the local authority might compel the owner or occupier of a property to take his drainage into a sewer or covered place.

The HOME SECRETARY: That is within a certain distance.

Mr. HARDACRE: Yes, within a certain distance, and the owner or occupier had to bear the cost.

The HOME SECRETARY: There are strict limitations to that; and it is an improvement of the property.

Mr. HARDACRE: The only question before the Committee was whether people should get rid of their drainage by the method proposed in the clause or by the method suggested in the amendment. He quite recognised that if they gave the local authority power to adopt a sewerage system or any other method at their own sweet will that might lead to an evasion of the law; but he thought that difficulty might be avoided by providing that it should be necessary to obtain the consent of the Minister to any optional method proposed to be adopted. They did many things by proclamation and regulation, and this matter might be dealt with in the same way.

Mr. JENKINSON: The clause is permissive, not imperative.

Mr. HARDACRE: It was imperative where the area was proclaimed.

Mr. STEPHENS: That is not so at all.

Mr. HARDACRE: Wherever an area was proclaimed, it was provided that the drainage must be dealt with in a certain way. As the clause stood, it would prevent many areas in the colony having any sewerage at all.

Mr. BRIDGES (*Nundah*) did not think the Minister had fully grasped the position. The amendment seemed to have more reference to bachelors' huts than anything else, for one single man after another on the other side had got up and supported it. He thought the hon. member for Gympie, Mr. Ryland, was simply wasting time. He had told the House on several occasions that he had travelled a good deal lately, and if he would throw the same energy into touring the colony and delivering a few lectures on this matter they might almost dispense with the Bill altogether, especially when this amendment seemed only to apply to bachelors' huts. At any rate, there had been sufficient discussion over the amendment, and it should be disposed of one way or the other. The Bill contained 170 clauses, and although a very serious clause had been inserted the previous night, which seemed to be aimed at him, he did not take up much time over it. They had spent an hour over the amendment, and it was time that they passed on to something else.

Mr. STEPHENS thought hon. members on the other side had not grasped all the conditions of the Bill. He gathered from their remarks that they thought that if there was no sewer, a local authority could not compel a man to remove household slops off his premises. He entirely disagreed with those hon. members when they practically contended that every man's back yard should be a sewage farm. He believed that any nuisance that existed should be removed, and under clause 66, subsection 6, power was given to any local authority to frame by-laws for the removal of all household refuse. They could call for tenders at so much per pan, at so much per day or per week, and the household refuse would have to be put in the pan and removed from time to time to a sewage farm or elsewhere.

Mr. McDONNELL said he knew a nuisance which was caused by two institutions in a district just outside Brisbane, and he thought the local authority concerned had approached the Minister on the matter lately. There was a drain there, and the whole neighbourhood had been polluted by the refuse from those two institutions. Under the clause as it stood the local authority would have no power to deal with that nuisance, but if the amendment was carried the local authority would be fully empowered to compel those people to deal with that refuse as they considered best. He thought the method suggested by the hon. member for Gympie would be the better one. If a sewer were constructed it would be at the expense of all the ratepayers to take away the refuse from these two institutions. Under the clause as it stood there was no power for the local authority to compel these people to abate the nuisance.

Mr. JENKINSON: They can frame by-laws.

Mr. McDONNELL thought it would be better if that power was distinctly stated in the Bill than in any by-law. The amendment would be a great improvement to the Bill.

The HOME SECRETARY: The hon. member for South Brisbane had very properly called attention to the fact that this came under subdivision V. The amendment really dealt with scavenging, and not with sewers and drainage. The hon. member wanted to have a system of scavenging where sewerage was not practicable, and he submitted that this was not the right place to insert the amendment. It should come in in clause 58, which read—

> A local authority may, and when required by the commissioner shall, itself undertake or contract for the removal of house refuse—

and they might insert there "liquid or solid"—

> the cleansing of sanitary conveniences, and the proper cleansing of streets, for the whole or any part of the area.

Then, again, clause 66 empowered a local authority to make by-laws with respect to drains and sewers, sanitary conveniences; also for the establishment, use, and control of receptacles for the deposit and collection of dust, ashes, rubbish, and other offensive matter, whether temporary or otherwise; preventing or regulating the deposit of filth, dust, ashes, rubbish, sludge, or other offensive matter upon streets and other lands and places under the control of the local authority. If the hon. gentleman [8 p.m.] would withdraw his amendment and move the two amendments he had suggested, he would have no objection. That would leave the matter in the hands of the local authority for the time being.

Mr. BROWNE was glad to find that the Home Secretary now recognised the position and its importance. It was all very well for hon. members representing metropolitan areas on local authorities to get up and talk as they did about members who had experience of local government in other parts of the colony. He believed the hon. member for Brisbane South, Mr. Stephens, was one of the best members of local governing bodies in South Queensland; at the same time, as a resident of South Brisbane for seven years, he could tell the hon. member that if the Act could be so easily put into force, it was a disgrace to the men controlling the municipal affairs of the place. There were plague spots in South Brisbane which would be a disgrace to any place. When hon. gentlemen with every facility to report matters to the Government, with large rates coming in, with hilly country easily drained—when they had such plague spots, and then got up and talked glibly about the Act and what members representing country districts ought to do, they did not know what they were talking about.

Mr. STEPHENS: You don't understand the Bill yet.

Mr. BROWNE: He might not understand the Bill; at all events the hon. gentleman was doing his best to make it not understandable by the general run of people. When they were dealing with an important matter like public health it was not sufficient to make the Bill only just applicable to a few places like Brisbane. There was a tremendous area of flat country, where it was all surface drainage, and where the local authorities had done their best in the matter. When they had made application to the Home Secretary's Department for advice they had been referred to clause so-and-so, or they had been told to consult their solicitor.

Mr. STEPHENS: You come to me next time, and I'll put you right.

Mr. BROWNE: If he wanted to know anything about charging the Government behind whom he sat with corruption or anything of that kind he would go to the hon. member, but not on a subject of this kind.

Mr. STEPHENS: You cannot say anything without being personal.

Mr. BROWNE: He thought the hon. member for Gympie, Mr. Ryland, had done good service in bringing this matter forward. The hon. member had been connected with local government for many years, and had taken a great deal of interest in the subject, as well as other hon. members. He advised the hon. member to

accept the suggestion made by the Home Secretary, and withdraw the amendment, with the view of moving the two amendments suggested by the Minister later on.

Mr. STEPHENS was sorry the leader of the Opposition had seen fit to be personal. If the hon. member wanted to be personal, he could be personal too. They all knew the hon. member was not in that state of health they would like him to be in, and it was necessary for him to live in a well-drained, healthy place, and that was why he picked South Brisbane for his place of residence, yet the hon. member came there and pitched into South Brisbane. He took what a man practised before what he talked about, and the fact that the hon. member went to live in South Brisbane went to show that it was a healthy place.

The HOME SECRETARY: Perhaps that is why he is in bad health.

Mr. FOGARTY: He knew the greatest portion of Southern Queensland, and he had no hesitation in saying that a watercourse on the Ipswich road, opposite the Blind, Deaf, and Dumb Institution——

Mr. STEPHENS: That is out of South Brisbane.

Mr. FOGARTY: Even if it was in the Stephens division, that would do. He had drawn the attention of a certain medical gentleman to it, and he had been told that it was impossible to move the local authority in the matter. It was a natural watercourse, studded with houses on both sides, and it served as a sewer for that densely populated district. He was surprised that plague had not made its appearance there long ago. It did not reflect any credit on the local authority concerned.

Mr. FISHER: He knew of his own knowledge that one of the channels quite near to one of the principal streets in South Brisbane was in a positively filthy condition about a month ago. The desire of his colleague was to improve the Bill and facilitate its passage, and he was glad that the Home Secretary had discovered, after a good deal of discussion, that the amendment was desirable, though this was not the place to put it in.

The HOME SECRETARY: No.

Mr. FISHER: Well, the hon. gentleman promised that, if the hon. member would withdraw his amendment now, he could bring it up again and he would accept it, and the leader of the Opposition understood that the amendment was practically accepted by the hon. gentleman. As, apparently, no such promise had been made, it would be well to understand exactly how the matter stood. He entirely disagreed with the Home Secretary when he said that it was a question not for the householder but for the local authority. The local authority could now direct the householder to do certain things.

The HOME SECRETARY: That is in the present Act.

Mr. FISHER admitted that, but that particular point had not been covered. The hon. gentleman last night had only read a portion of a clause, thereby misleading him—not purposely, perhaps. The hon. gentleman read a portion of the next clause when the hon. member for South Brisbane moved his amendment regarding open channels being used as sewers, when he (Mr. Fisher) said that it, subsequently, a new sewer was made, the connections would have to be made at the sole expense of the local authority.

The HOME SECRETARY desired that the hon. member should tell him exactly what he meant when he charged him with reading a portion of a clause for the purpose of misleading him.

Mr. FISHER: Not purposely.

The HOME SECRETARY: He did not like that sort of thing, and would like the hon. member to specify what it was he referred to, as he was not prepared to let such a statement pass.

The CHAIRMAN: The question is—That the words proposed to be inserted be so inserted. I trust hon. members will confine themselves to the amendment.

Mr. FISHER: During the discussion on the amendment moved by the hon. member for South Brisbane, he (Mr. Fisher) raised the point——

The HOME SECRETARY: What clause was it on?

Mr. FISHER: An amendment was moved by the hon. member for Brisbane South that a brick, concrete, or stone channel should be a sewer under the Act, and then he (Mr. Fisher) argued that that was undesirable, because people would drain into that channel, and, as it would be a sewer under the Act, if a proper sewer was afterwards made in the middle of the road, all the connections with that sewer would have to be made at the expense of the local authority. The Home Secretary then said there was power given in clause 41 to do that; but under clause 41 it had to be done at the expense of the local authority. An enormous expense would be imposed upon them if people were allowed to drain into an open channel, and subsequently they were compelled to connect with a proper sewer. That was very undesirable.

The HOME SECRETARY asked the hon. member to kindly tell him which part of the clause he had read, and which part he had not read?

Mr. FISHER: You read clause 41 down to "purpose," but you did not read the last paragraph—

> The expense of those works, and of the construction of any drain or drains provided by the local authority under the provisions of this section, shall be deemed to be expenses properly incurred by the local authority in the execution of this Act.

The HOME SECRETARY: He had not read the whole clause; but he assumed the hon. member knew sufficient about local government to know that it would necessarily be an expense chargeable to the local authority. He was not responsible for the profundity of the hon. member's ignorance with regard to those matters.

Mr. FISHER: He would reserve his reply to the hon. gentleman till they came to the next clause; but the hon. gentleman had no room for ignorance as he had so much presumption.

Mr. RYLAND understood the Home Secretary to tell him that it would be possible to insert his amendment in clause 66, but that clause gave local authorities power to make by-laws, so that he could not see how it could come in there. They could not make by-laws which were not in conformity with the Act, and the clause under discussion provided that the local authorities had to make proper sewers, and bring them within 300 feet of a man's premises, and, if they could not do that, then they had to provide tanks, or otherwise they could not proceed against householders for creating nuisances. They could not make a by-law in opposition to that clause. In Gympie they had followed the example of South Brisbane in regard to by-laws, and they had fallen in, as they found that they were not acting legally. They had to be very careful in considering that question, because anything they might do under clause 66 would not affect the clause now under discussion. It was also suggested that clause 58 met the difficulty, but, so far as he could see, it did not affect the matter at all. It referred to scavenging, cleansing, and removing garbage by the local authorities. The local authority might do that themselves, or have it done by contract. Of

course it would be immediately followed by a rate. That was very right in itself, but it did not meet the case he was dealing with. It would not meet the needs of small townships like Tiaro, the Isis, and Rosewood, and it would not meet the case of the outskirts of Brisbane, where there was no scavenging and no drainage. He wanted something put in the Bill by which the local authorities would have power in those places to cause any householder to abate a nuisance in the way that the local authority might direct, at very little expense to the householder. If the Home Secretary thought that was not the proper place to insert the amendment, and if the hon. gentleman was prepared to meet the case elsewhere in the Bill by some provision under which people could be compelled to abate nuisances where they were outside the 300 feet radius of a sewer, and there was no covered receptacle provided, he would be satisfied.

Mr. JACKSON (*Kennedy*) thought the hon. member might have accepted the compromise suggested by the Home Secretary. The hon. member proposed that the local authority "may require the drainage of such house to be otherwise disposed of as it directs," but he would remind the hon. member that there was no definition of "drainage" in the Bill, and it was doubtful whether the slops the hon. member referred to would be considered "drainage." It seemed to him that the party were going back on their general principles when they proposed to make the individual do something which the local authority should do.

Mr. BROWNE: We want the local authority to have power to compel the individual.

The HOME SECRETARY: Yes; to do its work.

Mr. JACKSON: If the local authority had not that power, it should have it; but hon. members would see that, by subsection 4 of clause 61, a person allowing any waste water to run from any premises so as to cause an offensive smell was liable to a penalty of 40s., and that gave ample power to meet the cases the hon. member for Gympie referred to. Then, again, the latter portion of the clause they were considering said—

> Or if no such means of drainage are within that distance, then emptying into such covered place within that distance, and not being under any house, as the local authority directs.

Under that the local authority had full power to compel the occupier of a house to run waste water into a receptacle, from which it could be removed by the local authority. He did not suppose the hon. member favoured the idea of each individual carting away his own slop water, because he must surely see that the local authority could do that work better than the individual. It seemed to him that the Bill as it was provided for all the hon. member wanted, and he did not feel inclined to support the amendment. If they were prepared to trust local authorities in that matter it might be all right, but the power proposed to be given them by the hon. member might be used in a wrong direction, and it might lead to some people being taxed twice over.

Mr. McDONNELL: If a local authority thought it right in the interests of the public health that people should be made to do a certain thing, it was right that it should be done at the expense of those who were endangering the public health. The whole of the people of a local division should not be asked to bear the expense of removing a nuisance caused by one person or one set of persons. Take the case of laundries, some of which were most fruitful sources of disease, the nuisance they caused could only be dealt with under the amendment proposed. There was no power under the clause as it stood to effectively deal with it. The amendment would not come in under clause 59, because then the expense would have to be borne by the local authority, and he did not think that fair at all. Under the amendment a local authority would have power, perhaps, to suggest a better system than that provided for in the Bill. That was, he thought, the right place for the amendment, which he hoped would be accepted.

Mr. RYLAND: The hon. member for Kennedy appeared not to understand the point under discussion, and he thought the Committee should discuss the question until they did understand it, because they would not have a proper Health Act until they disposed of that clause in a satisfactory manner. The hon. member for Kennedy thought the necessary power was given under clause 40, but it dealt only with cases within the 300 feet radius of a sewer, or where covered receptacles had been provided for waste water which the local authority would afterwards remove to some farm or other place. Was the hon. member going to tell the Committee that that system was going to be extended all over the colony, and that where they could not have either a sewer or the tank system, places were to be handed over to people to create what nuisances they liked? There were many places in the hon. member's electorate where they had neither sewers nor tanks. Once you got 300 feet away there was no provision made, and you could not get a conviction [8·30 p.m.] because it was imperative on the local authority to provide the sewerage and bring it within 300 feet of the property. The hon. member for Kennedy had pointed to clause 61, and seemed to think that under it there would be no difficulty in getting a conviction; but the same provision was in the old Act, under section 19, and when a case was brought before the bench, and the local authority were asked if they had made proper sewerage within 300 feet of the premises, and the answer was in the negative, the case was dismissed. His amendment got over that difficulty with a great saving of expense to the ratepayers. The question was a most important one. In a Health Bill it was no use legislating only for those within 300 feet of a sewerage system. They were legislating for the whole colony, he hoped, otherwise they might as well throw the Bill into the fire and get on with something else.

Amendment put and negatived.

Mr. STEPHENS moved that, after the word "level" in line 28, the words "and in such direction" be inserted.

Mr. FOGARTY: He was in perfect sympathy with the amendment, although in his opinion, and in the opinion of those for whom he held a brief, it did not go sufficiently far. He had been instructed to move a similar amendment, but the different local authorities, in considering the clause, were of the opinion that the proviso in section 26 of the Health Act of 1884 should follow that amendment. It would make the clause more complete, and he felt sure the Home Secretary would fall in with the suggestion.

The HOME SECRETARY: The hon. member had evidently not read the amendments of the hon. member for South Brisbane, or he would have seen that a proviso to the same effect was included.

Amendment agreed to.

Mr. STEPHENS moved the insertion of the following proviso after line 33 of the clause:—

> Provided that where, in the opinion of the local authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such new sewer and require the owners or occupiers of such

houses to cause their drains to empty therein, and may apportion as it thinks just the expenses of the construction of such sewer among the owners of the several houses, and may recover from such owners the sums so apportioned

Mr. FOGARTY thought that the clause should be made more comprehensive in the direction of empowering the local authorities to compel owners to fill up land.

Mr. STEPHENS: I have an amendment to that effect, and it is printed too.

Mr. BROWNE: He agreed with the new clause moved by the hon. member for South Brisbane, but it had just been said, Why compel the owner or charge the owner for doing something when there was another way of doing it? Here it was proposed to compel the owner to construct drains; and while he was perfectly in accord with it, he could not but ask, Why, if it were just to compel the owner to pay for the construction of a drain, was it unjust to compel the owner of an allotment to carry away stuff that could not be carried by a drain?

The HOME SECRETARY: He would tell the hon. member. He did not think the hon. member was in the House when the question of the 200 or 300 feet drain was being discussed, because they had amended the clause dealing with that. There was a limit within which the local authority could compel the householder to construct a drain. That was 200 feet in the Act and 300 feet in the present Bill. The commission of local authorities of 1896 recommended that the distance should be reduced to 200 feet, because of the great expense which would be incurred by the householder in constructing a drain 300 feet to connect with a sewer put in the centre of the street. The sewer was of no use unless the connection was made with it, and if the local authority went to the expense of constructing a sewer, it was not too much to ask the householder to connect with it, at a distance not exceeding 300 feet. That was a distinction which could be clearly drawn between the two cases.

Mr. FISHER: He did not see the soundness of the Home Secretary's reasoning. The hon. gentleman argued that asking a man to take away refuse by any other means than a drain would be tantamount to asking him to construct the drain. He submitted that this was on all fours with the case put by the hon. member for Gympie, Mr. Ryland. If a man was compelled to connect with a drain or sewer, why should not he be compelled to carry his other refuse to some convenient place appointed by the local authority?

The HOME SECRETARY: Not exceeding 300 feet.

Mr. FISHER: Would the hon. member confine the removal to a distance of 300 feet in a case of that sort?

The HOME SECRETARY: It is not analogous to this clause.

Mr. FISHER: The hon. member had said that it would be too expensive to carry out the removal by a cart, or some means of that sort.

The HOME SECRETARY: Probably much more so. In the one case there is only the first expense, and in the other a constant expense.

Mr. FISHER submitted that there would be a constant expense in connection with the sewer too. The hon. member was shifting his ground.

The HOME SECRETARY: Kindly keep to the present clause, not the one which has been discussed.

Mr. FISHER: There was an amendment now before the Committee, and the hon. gentleman should not lose his temper so often.

The HOME SECRETARY: Oh! that gag is played out. It is only a question whether two or more shall be joined together in making a connection with the sewer.

Mr. RYLAND: The Home Secretary had pointed out that these people had only to go to the expense of connecting with the drain, but who made the sewer? It was the ratepayers who had to contribute towards the making of the sewer as well as making the drain; therefore they had to pay for both.

Mr. JACKSON: There was a considerable difference in principle in the amendment moved by the hon. member for Gympie and the principle involved in the amendment now before the Committee. The leader of the Opposition and the member for Gympie, Mr. Ryland, had argued why should there be any difference between compelling a person to shift refuse and compelling him to build a sewer? In the one case it was proposed to make the occupier of the house—that was the tenant—go to the expense of removing the objectionable matter, and in this case it was the owner that the expense would fall upon. There was a great difference in the principle.

The HOME SECRETARY: It is an improvement to the property.

Mr. REID: So is the other.

Mr. JACKSON: Of course it might be argued that if the owner of the premises constructed the drain, he would immediately raise the rent, and in that way the tenant would pay for it; but there was a great difference in the principle of the two things.

Mr. BROWNE: Do not you know that there is a large part of the country where there is no such thing as an owner?

Amendment agreed to.

Clause, as amended, put and passed.

On clause 41—"Local authority may require houses to be drained into new sewers"—

Mr. FISHER: This was a clause to which he made reference last night when the hon. member for South Brisbane had inserted in the definition of "sewers" the words "also water channels constructed of stone, brick, or concrete, the property of the local authority." He then argued that if that was carried it would enable householders to drain into the side channels if they were made of stone, brick, or concrete, because they, under the Act, would be sewers. He held that that was bad in principle, and that there was no power in the Bill which gave the local authority power to compel owners to join their drains with the main sewer if it was subsequently made. The Home Secretary then directed attention to clause 41, and said that surely he had comprehension enough to know that that power existed under clause 41. The hon. gentleman pointed out that they had that power under clause 41, and he (Mr. Fisher) naturally withdrew his opposition. That was the point he wished to make clear. He accepted the hon. gentleman's statement on that point. Here was what the hon. gentleman said, reported in *Hansard*—

> 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. . . . . 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.

He said now, by implication, that he understood that he (Mr. Fisher) knew they could not do it.

The HOME SECRETARY: That is a misstatement altogether.

Mr. FISHER: He really had some doubt whether the hon. gentleman knew what he said when he was in a temper.

The HOME SECRETARY: The hon. member does not know what he says whether he is in a temper or not.

Mr. FISHER: At all events, those were the words that came across the Chamber.

The HOME SECRETARY: Let us get on with the Bill.

Mr. FISHER: The hon. gentleman must admit now that under that clause the local authority was saddled with the whole cost of any new sanitary scheme. There might be hundreds and thousands of buildings which were drained into side channels at the time a new sanitary scheme was inaugurated, and the whole expense of joining those drains with the main sewers would be thrown upon the local authority.

Mr. HANRAN: What do they get the rates for?

Mr. FISHER: They get the rates to be expended for the common good of the community.

Mr. HANRAN: To clean the town.

Mr. FISHER: Did the senior member for Townsville argue that special facilities should be provided by the whole area for draining the main streets?

Mr. HANRAN: Decidedly.

Mr. FISHER: That was the greatest grievance that the outside districts had. The outside ratepayers were being robbed to provide nice streets and channels for properties in the main streets, and the hon. gentleman said it was the duty of the outside ratepayers to provide the necessary funds to make good channelling for the large property-holders.

Mr. HANRAN: I say for the whole town.

Mr. FISHER: The hon. gentleman knew it was quite impossible to have a complete sanitary system for the whole town, and the contention of the hon. member was that the ratepayers should provide the money for providlng facilities in the main streets from which the outside ratepayers got no benefit whatever. He was surprised at the hon. member's contention.

Mr. HANRAN: It is a reasonable one.

Mr. FISHER: It was a reasonable one from the hon. gentleman's point of view and from the point of view of the Government, because it was in evidence that the greasing of the fat pig was part of their policy.

Mr. HANRAN: I asked what the ratepayers paid the rates for?

Mr. FISHER: They paid rates for common services, and for common purposes.

Mr. HANRAN: Isn't that one of them?

Mr. FISHER: Yes, but the hon. gentleman made this mistake. He did not see that the principal sewers would be in the main streets, where the principal property was situated. There would be no sewers in the outside districts; yet the ratepayers there would have to contribute towards the cost of the sewers in the town.

Mr. STEPHENS: It is £50 a foot inside the town, and £50 an allotment outside.

Mr. FISHER: It was perfectly clear that his previous contention was perfectly correct, and when the Home Secretary interjected last night it was quite evident that he had not read the clause.

Mr. RYLAND: With regard to the statement of the hon. member for South Brisbane that in one part of the town people [9 p.m.] paid rates on a valuation of £50 a foot, while in others they only paid on £50 an allotment, he would point out that there was no benefited area in connection with drainage, as there was in connection with water, lighting, and other rates.

Mr. STEPHENS: You ought to read the Act.

Mr. RYLAND: It was all very well for the hon. member to talk like that, but who made the property in the town worth £50 a foot? Was it the individual owner? No; it was the industry of the inhabitants of the whole district—the people who resided in the municipality, the people who came from outside to make their purchases, and the people who came to town by rail for a holiday, and the man who had to pay rates on the value of £50 a foot simply confiscated the value which accrued through the industry of those persons.

Clause put and passed.

On clause 42—"Building without drains"—

Mr. STEPHENS moved the insertion after the word "level" of the words "and in such direction."

Amendment agreed to.

Mr. STEPHENS moved that the word "two," on the 2nd line of the last paragraph but one, be omitted with the view of inserting the word "three."

Amendment agreed to.

Mr. REID wished to know how the clause was going to be carried out in outside districts where they had ordinary wooden buildings? As the clause now stood, it appeared that before a person erected an ordinary four or five-roomed house, proper drainage for it must be provided. In his opinion, provision should be made for effectual drainage before estates were cut up and sold, as at the present time many estates were wrongly cut up as far as drainage and streets were concerned.

The HOME SECRETARY: This was the same provision as they had in the present law, and, he supposed, it would work just as well as it did now.

Mr. REID: It did not work at all now.

The HOME SECRETARY: Oh, yes, it does work.

Mr. REID: They would be just where they were before.

Mr. STEPHENS: This new dictator will enforce it.

Mr. REID: This new dictator would be wire-pulled just the same as every other dictator. If the Home Secretary got his dander up, and the commissioner got his dander up, he should like to know who would back down? If the local authority got their dander up, and interviewed the Minister about the commissioner, the hon. gentleman would sit on the commissioner. He believed that in Melbourne people were compelled to have a system of drainage marked out on estates before they were sold, but in Queensland no local authority had the power to require the owners of estates to cut them up to suit the drainage system. They cut them up to sell, and the unfortunate people who bought them and the local authorities would have to bear the expense. There had been some talk about schemes for preventing floods to save property in Brisbane, which would cost millions of money, and why was that? Because there were so many people living on the low-lying grounds around Brisbane. If they were going to have good healthy land the hon. gentleman should take the bull by the horns and make the landowner submit plans to the local authority before the land was cut up, so that provision should be made for drainage. But there were so many landowners, and their influence was so great, that nothing of the kind could be done. It would help the Bill to go through if the hon. gentleman would say that something would be done in that direction.

The HOME SECRETARY: That comes under the Building Act.

Clause, as amended, put and passed.

Mr. STEPHENS said he had three new clauses, which he wished inserted after the clause just passed. The first was—

Where any land situated within 300 feet of any sewer is so low-lying as not to admit of being drained by gravitation into such sewer, the local authority may give notice to the owner or occupier, or both of such persons, to fill up such land within a time limited by the notice, so that the same may be so drained.

Any such person who neglects or refuses to comply with any such notice within the time therein specified shall be liable to a daily penalty not exceeding forty shillings, and the local authority may do the work required to be done, and recover from the person in default the expenses incurred by it in so doing.

Moreover, such expenses until paid shall be and remain a charge upon the land, notwithstanding any change that may take place in the ownership thereof.

If this clause were carried, it would assist the local authorities in and around Brisbane, and in all other large towns. There were a good many places where the land was flat, and in other places where there were low-level drains. Nuisances existed which the local authorities had no power to compel the owners of property to abate. This clause would get over that difficulty.

Mr. REID: This clause exactly bore out his contention. He had suggested that these owners should be compelled by the local authorities to fill up their land before it was sold. There were hundreds of families in and around Brisbane, who had taken up land with the desire to get a home; and the lower down a man took up land, the cheaper he got it. Instead of compelling people to fill up the land after they had lived there some time, it would be better that the land should be filled up before it was sold. Half the trouble had been caused through that not being done, and he thought it was not too late for the Minister to have a clause drafted to avoid this trouble in the future. The amendment of the hon. member for South Brisbane went in the direction he desired.

The HOME SECRETARY: He considered the proposed new clause a very valuable one. It might seem somewhat drastic, but it had to be borne in mind that this clause would not come into force until the local authority had made a sewer within 300 feet of the property, and that there was a portion of land that could not be drained into that sewer. It was a fair thing to compel the owners of property to fill up to the level of the sewer. Hon. members must be aware that there were numbers of allotments which had become pest spots for the want of filling up. It was not necessary that they should be filled up to the level of the street, but only so as to enable the surface water to drain into the sewer. It might be presumed that if a local authority put a sewer in a street of that sort it would considerably improve property in that street, and the owners of property there should pay their share towards the improvements.

Mr. REID: I would like if the hon. gentleman would answer my question.

The HOME SECRETARY: The hon. member had made a long speech; but he was not aware of any question the hon. member asked.

Mr. RYLAND: It was easy enough to fill small holes in the ground in flat country; but how would the provision apply in a place like Gympie? It said that if land would not drain into the sewer by gravitation it must be filled up. In Gympie there was a hill on one side of the street 20 or 30 feet high, and on the other side there was a great hollow.

The HOME SECRETARY: They would not run the sewer along the top of the hill; they would run it along the gully.

Mr. RYLAND: According to the legislation that had been passed there were three sewers in the main street of Gympie—the two water-channels and the main sewer along the centre of the street. He thought the hon. gentleman would agree with him there.

The HOME SECRETARY: No.

Mr. RYLAND: The consequence of this amendment would be that property owners would have to raise the great valley on one side of the street, so that anything would go into one of the three sewers by gravitation. The property owners on the eastern side of that main street would sooner forsake the property, and let it be jumped, than raise it to that extent. He thought it ought to be amended, so as to read something like this: "Where any land suitably situated within 300 feet of any sewer is so low-lying as not to admit of being drained by gravitation into such sewer or other suitable place." Where there was natural drainage, he did not believe in making them raise their land, so that it might be drained into the sewer by gravitation.

Mr. HIGGS (*Fortitude Valley*) asked whether the Home Secretary was prepared to accept the local authorities' suggestion that they might resume low-lying land for the purposes of public health. There was a quantity of low-lying land at New Farm, which was a nuisance in wet weather, but the Brisbane Municipal Council could not resume it and fill it up with street sweepings—which they would be very glad to do—because there was no provision in the Public Works Lands Resumption Act enabling them to do so.

Mr. STEPHENS: Did the municipal council want to speculate in the land—to be able to sell it again?

Mr. HIGGS: No.

Mr. STEPHENS: Then they had ample power to resume it under the Public Works Lands Resumption Act for any public purpose. They could resume it for a park or recreation ground, or any other public purpose, and only pay the actual value; but they could not resume it to sell it again.

Mr. HIGGS: In the case of the lands of which he spoke—at New Farm and Teneriffe—when it was proposed that the municipality should expend a considerable sum in resuming them, naturally the ratepayers in other parts objected to the creation of a park or recreation reserve there, but they would, no doubt, be willing to have those low-lying lands resumed and filled with street sweepings for the purpose of removing a nuisance. He wished to know whether the Home Secretary would accept the suggestion of the local authorities to remove any inconvenience or distress that might be occasioned by demanding that the proprietors of low-lying land should fill up their land to the level of the street.

Mr. REID said he asked the Home Secretary a question, and the hon. gentleman said he was not taking any notice.

The HOME SECRETARY: That is not correct.

Mr. REID: He did not put it in that way; but that was his meaning.

The HOME SECRETARY: An absolute misstatement. I said the hon. member had made a long speech, and I did not catch his question.

Mr. REID: He would put the question again. Both the Home Secretary and the local authorities seemed to him to have shirked the principal point of bringing in what he called the proper persons under this particular clause. The hon. gentleman had accepted the amendment of the hon. member for Brisbane South, by which power was given to drag in the occupier, and all that belonged to him could be seized.

Mr. STEPHENS: No. You read the last part of the clause. If the occupier declines to do it the owner has to do it, and if he declines to do it the council does it, and it is a charge on the land.

Mr. REID: The question he wished to fix again on the Home Secretary was this: If that or another clause could not be put in [9·30 p.m.] the Bill compelling landowners who were going to cut up estates to submit plans to the local authorities? He would give an illustration. The hon. gentleman knew as well as he did the low-lying lands between Taringa and Indooroopilly, which had been cut up and sold. The hon. gentleman passed them night and morning, and saw that the unfortunate people who had bought those lands needed only to take a hop, step, and a jump to land in a swamp. Those lands were covered at spring tides. He thought that the original owners, who held such lands for speculative purposes, ought to be compelled to fill them up before cutting them up for sale, and thereby save a great deal of expense in the future. He asked the hon. gentleman again whether it was not worth while putting that into the Bill? They should start before the land was cut up, instead of putting all the expense on the unfortunate owner or occupier. It seemed so sensible that he wondered the local authorities had not taken it up.

The HOME SECRETARY: I do not know what your question is now. If you ask it I will answer it if I can.

Mr. REID: He was trying to give reasons why it should be changed, but he would give no more reasons, but wait till the hon. gentleman had answered his question.

THE HOME SECRETARY: What is the question?

Mr. REID: The question was this: Before the owners of those low-lying estates sold them to the public, they should have to submit plans of the estates to the local authorities, so that they would see that the drainage of the estate fitted in with their scheme of sewerage. He thought he had made it clear enough now. If not, he would repeat his question.

The HOME SECRETARY: The hon. member had not asked him a solitary question. He had made a long statement about low-lying lands, but there was not a single question in the whole of it. He had followed the hon. member very closely, and he appeared to think that it was desirable something should be done, but he did not know what the question was which the hon. member wanted him to answer.

Mr. JENKINSON: He asks you if you will accept a clause embodying his suggestion.

The HOME SECRETARY: Was that what the hon. member wanted?

Mr. REID was astonished in one way, but not in another, that the hon. gentleman could not understand his question. He supposed the hon. gentleman had got a little bit exhausted after worrying the Bill for two nights, and between losing his temper and recovering it again, it was no wonder he was exhausted. It was only the hon. gentleman's opinion that he had not asked his question, and that did not count for very much with him. He would ask his question again: While the Health Bill was going through, those who held land for speculative purposes near the town should be compelled to fill it up before selling it to the public, and he asked the hon. gentleman if he did not think it wise at the present time to avoid expense in the future when a proper system of drainage was adopted, by compelling those people to have their land filled up and a plan drawn out before selling to the public by putting a clause in the Bill?

The HOME SECRETARY distinctly declined to answer any question that the hon. member might ask, on account of his demeanour. He was not compelled to answer the hon. member, and he would reserve his opinion to himself. The hon. member must learn that he had not the sole right to be rude, either to a Minister or to any member of the Committee, and that by being rude and offensive he was not likely to get answers to his questions. That was a perfectly fair position for him to take up. He had endeavoured to follow the hon. member through his long statement, and when he said that the hon. member had asked no question the hon. member gave him the lie direct, and was extremely offensive about it. The hon. member could hold his opinion, and he (Mr. Foxton) would hold his. In any case, the Health Bill was not the proper place to introduce the hon. member's views.

Mr. REID: The hon. gentleman had delivered a lecture. Perhaps he had been rude, and perhaps he had no right to be, but he had put his question several times, and the hon. gentleman said that he had asked no question. The question was more in the form of a suggestion. He had asked the hon. gentleman several times whether he was prepared to put in a clause to carry out the views he had expressed. If the hon. gentleman declined to do that, that stopped the matter. Whatever his own demeanour might have been, that certainly did not excuse the hon. gentleman's demeanour, or his leaving the Chamber when in charge of the Bill. During the two nights the Bill had been under consideration there had been scarcely an hon. member present on the other side. Perhaps he had been dense in the way he put his question, or the hon. gentleman might have been dense in taking it up, or perhaps they had both been dense, but he still believed his suggestion was a good one. The hon. member for South Brisbane knew, from his knowledge of the low-lying lands in his locality, that the suggestion was a good one. The hon. member for Fortitude Valley had pointed out the trouble that the Brisbane Municipal Council had at the present time over the low-lying lands at New Farm, and then there were the lands down at Breakfast Creek. One-half of the trouble arose from the original owners, who had held the land for speculative purposes, selling to their dupes—the public—and the local authorities should have power to compel the owners to submit a plan of the drainage of the estates before selling them, so as to give the local authorities an idea of the system. He had tried his best, with the language at his disposal, to make his question plain to the Home Secretary, and, if he had failed, he himself was to blame; but he certainly thought that any hon. member with common sense knew the trouble that was caused by cutting up and selling low-lying lands, and if there was not so much of the landlord-class of legislation, the matter would have been set right long ago.

Mr. HIGGS asked whether the Home Secretary accepted the amendment?

The HOME SECRETARY: I spoke upon it, and said I considered it an admirable provision.

Mr. HIGGS: He had not heard that. He saw that very great hardship indeed might occur under the amendment, and the difficulty pointed out by the hon. member for Enoggera was one which should be remedied. The low-lying lands he had referred to at New Farm had no doubt been sold in boom times, and the owners were probably induced to buy them through the glowing descriptions appearing in the papers; the eloquence, perhaps, of the firm of auctioneers of which the Chief Secretary was a member, through free lunches, and so forth. It would be a great hardship to the proprietors of those lands to be called upon to put some four or five feet of earth upon them throughout. To bring the low-lying land at Brown street to the level of the sewer would entail the carting of some hundreds of loads of earth. Under the amendment, if a person refused to fill up his

low-lying land, he would be liable to a daily penalty not exceeding £2, or the local authority might do the work and charge it to him, with the result that the proprietor might lose the land, as well as the money he had originally paid for it. If the hon. gentleman would accept the suggestion that the local authority might resume low-lying land for purposes of public health, they could give the owner a reasonable sum for it, and then fill it up with street sweepings or in any other way. He could not understand how the hon. member for Brisbane South could have proposed his amendment in that form.

Mr. STEPHENS: I cannot understand you sticking up for landowners and making the public find the money.

Mr. HIGGS: The hon. member had endeavoured to make out a case against the municipality of buying land and selling it again.

Mr. STEPHENS: I did not try to make out a case.

Mr. HIGGS: By interjection the hon. member had said the municipality should not be allowed to speculate in land.

Mr. STEPHENS: No, I said the law does not allow it.

Mr. HIGGS: It would be a very easy matter while the Bill was going through for the Home Secretary to accept a new clause, providing that the local authority might resume those low-lying lands for purposes of public health. Then, after they had filled up the low-lying area, they could sell the land again at its enhanced value, and that would pay the ratepayers for their original expenditure. He did not know that the local authorities would want to make money out of the transaction. It would cost the Brisbane Council £2,000 or £3,000 to resume the low-lying area he spoke of in Brown street, and perhaps another £2,000 to fill it up. The general impression was that the ratepayers would not consent to their spending £5,000 for a recreation reserve at Brown street, but there was also the opinion that if they could resume the land, fill it up, and then sell it again and get their money back, it would be a good business investment. The hon. gentleman would see that he could legitimately introduce such a clause in a Bill of that kind—to provide for the resumption of land for purposes of public health. That would certainly be better than to pass a clause which would inflict great hardship upon men who had probably been already imposed upon enough in being induced to buy these low-lying lands. He hoped the Home Secretary would remember his conciliatory attitude of last night and that afternoon and the success of it. There had been more members present on the Opposition side than on the Government side to take an intelligent interest in the discussion of the measure. In fact, if it had been left to members on the Government side there would have been a count out.

The HOME SECRETARY: He did not know why the hon. member's last remarks had been made, because his own experience had been that the more members there were in the Chamber the less progress they made.

Mr. REID: You would not have kept a quorum but for this side.

The HOME SECRETARY: He found that it was when they had not a quorum they made most progress. The hon. member for Fortitude Valley must surely see that what he wanted was an amendment—not of the Health Act, but of either a Local Government Act or a Public Works Lands Resumption Act, or both—to enable local authorities to become jobbers in land. That was what was wanted—that they might buy low-lying lands, fill them up, and then sell them for building allotments. That was not the matter they were dealing with now, but a totally different question. The question they were dealing with now was whether they should compel owners of land below the level of a sewer within 300 feet of that land to fill it up, so that storm water and stagnant water on the surface might be carried into the adjacent sewer by gravitation. It would only apply where a sewer had been made within 300 feet of the low-lying land. If a sewer had been made that would take the drainage from an allotment, it seemed to him a fair thing that the owner should be asked to fill up the land so that it might be drained by the sewer. He would be improving his land all the time.

Mr. HIGGS: He might not have the money to do it.

The HOME SECRETARY: But it was a question also whether the local authority should not have the power to step in and do it for him. The hon. member had himself proved that it would pay the local authority to do it, and why not the private owner?

Mr. HIGGS: He might not have the capital.

The HOME SECRETARY: But the local authority could do it and make the expense a charge against the land. The owner could then sell it at its enhanced value, pay off the charge, and pocket the balance. He could understand that it might be a very good thing for a man who had not the cash to improve his property.

Mr. KERR: The hon. gentleman had been hardly fair to the Brisbane Municipal Council in charging them with wanting to become land-jobbers.

The HOME SECRETARY: I did not, I beg the hon. member's pardon. That is another misquotation.

Mr. KERR: The hon. gentleman termed them "land-jobbers."

The HOME SECRETARY: The Brisbane Municipal Council was not even in his mind at the time. What he did say was that what the hon. member wanted was an amendment in other Acts, not in the Health Act, which would enable local authorities to become land-jobbers. He made no reflection on the Brisbane Municipal Council.

Mr. KERR: The hon. gentleman's remarks could be applied in no other sense.

The CHAIRMAN: The hon. member must accept the Home Secretary's denial.

Mr. KERR: That might be so, but what he had said was the impression conveyed to his mind. The hon. member, Mr. Higgs, was speaking on behalf of the Brisbane Municipal Council with respect to a place which was a nuisance; and the object of that council was not to make money, but to abate the nuisance. The object was deserving of consideration, and there was no doubt that the action of the municipal council was a step in the right direction. What the hon. member for Fortitude Valley asked was whether some clause could not be inserted in the Bill which would meet the object the Brisbane Municipal Council had in view.

The HOME SECRETARY: Surely the hon. member must have been asleep, otherwise he must have heard what he said, that what the hon. member for Fortitude Valley wanted was an amendment in the Local Government Act or the Public Works Lands Resumption Act, or probably in both, but not in a Health Bill. He hoped hon. members would not debate hypothetical clauses, but confine themselves to the actual clause before the Committee.

Mr. HIGGS: The Home Secretary must know they were not likely to get the Local Government Bill for some time.

The HOME SECRETARY: That is not the fault of this side of the House.

Mr. HIGGS: The hon. gentleman must know it was the fault of the Government. Instead of introducing public measures, during the whole of the six weeks we have been sitting, with the exception of the last two nights——

The CHAIRMAN: I must call the hon. member's attention to the fact that he is now digressing from the subject under consideration.

Mr. HIGGS: The Public Works Lands Resumption Act enumerated a number of purposes for which land might be resumed, but its framers had not the foresight to see that it might be necessary for municipalities to resume low-lying land for drainage purposes. That was not a suggestion coming from extreme Labour agitators, but from the Local Authorities' Association, and surely, during the passage of the Bill, the hon. gentleman might accept a clause of half-a-dozen lines to that effect.

The HOME SECRETARY: It would be time enough to discuss that clause when the hon. member moved it, but they were now on another clause altogether.

Mr. HIGGS: Would the hon. gentleman be willing to favourably consider it?

The HOME SECRETARY: He was not prepared to discuss it at the present time.

Mr. HIGGS: That clause had a very intimate relation to the one proposed by the hon. member for South Brisbane. However, he would let it go in the hope that the suggestion of the local authorities would be adopted later on. They had been very conciliatory on that side, and surely something might be conceded to them.

Mr. STEPHENS: Some of the local authorities had told him that they would [10 p.m.] like to have power to resume land under a by-law, and he brought the matter under the notice of the adviser of Local Authorities' Association, who was a barrister; and he said that under the Public Works Lands Resumption Act they had ample powers. He (Mr. Stephens) thought that it was absolutely necessary, but considering that the adviser of the association knew better than he did, he took his advice, and did not bring up a clause dealing with the matter. The hon. member was looking at the matter through Brisbane spectacles instead of from the point of view of the whole colony; but even taking his view, they had ample powers. If they wanted a piece of land, and it was low-lying, as a rule the owners would be quite willing to sell it. But if they were not the local authority could call on them to fill it up; and if they did not do so, they could give them notice that they intended to fill it up at their expense. That as a rule would bring the owner to terms. The council could offer to buy it at a fair price, but if the owner would not come to terms this would be a way of forcing him to do so. But there was nothing to stop people from coming to fair terms.

New clause put and passed.

Mr. HIGGS moved the insertion of the following new clause:—

> That local authorities may resume lands in order to effect drainage, and for such other purposes as may be deemed advisable in the interests of public health.

He did not think after what had taken place he need repeat his arguments in reference to this matter. He trusted that the hon. gentleman in charge of the Bill would accept the new clause. It would not in any way damage the Bill, or deteriorate it, and it might assist local authorities in maintaining public health. He did not think the term land jobbers or land speculators should be applied to the municipal council in this matter. He hoped the hon. gentleman who had moved the previous clause would give his support to this.

Mr. STEPHENS: I think is absolutely unnecessary.

The HOME SECRETARY: As he had stated before, in his opinion this was not the Bill in which the proposed new clause should be introduced. As a matter of fact, it was already law under the Public Works Lands Resumption Act. Section 2 of the amending Act was to the effect that land might be taken, subject to the provisions of the Act, by any of the following authorities:—The Crown, any local authority, any joint local authority, and any person authorised by any special Act. The purposes for which land might be resumed under this Act, among others, were for sewers, roads, viaducts, or for any public purpose or other work, or purpose of a like character; for the construction or erection of any public or other work which the constructing authority was authorised by any Act or resolution of Parliament to undertake, and for any other works incidental to the purpose. Surely that was wide enough! They had already power to resume land for the purposes of sewerage, and for any public or other work or purpose of like character. Surely that covered drainage! If the hon member said it did not, he had nothing further to say.

Mr. HIGGS: The clause had not been suggested by the local authorities without consideration. They had obtained legal advice and found they could not resume low-lying land for the purpose mentioned.

The HOME SECRETARY: For the purpose of filling up and reselling?

Mr. HIGGS: No. They could resume land if they wanted to put in a drain or viaduct, but not for the sole purpose of filling it up and selling it again.

The HOME SECRETARY: This clause will not help you.

Mr. HIGGS: They could resume the land for any purpose which might be in the public interest. The hon. gentleman said that that was not the place to propose such an amendment, but he must know that there was no chance of getting an amendment of the Public Works Lands Resumption Act.

The HOME SECRETARY: Why not introduce a Bill yourself?

Mr. REID: Because it will be talked out.

Mr. HIGGS: Seeing the opposition they were getting to their amendments, what prospect was there of getting such a Bill through? The hon. gentleman seemed to think that because the proposition came from that side that it was therefore to be shunned, but the clause really came from the most eminently respectable business people and lawyers associated with the Local Authorities' Association—not from the rag-tag and bob-tail of that side of the House, but from the elite of Brisbane. The hon. member for Brisbane South did not take the matter up because he thought the power already existed, but he was sure the hon. member would accept his assurance that the city council had spent money in getting legal advice on the subject and found they had no such power.

The HOME SECRETARY: The hon. member's amendment, whatever he might mean, was to the effect that he desired power to resume land for drainage purposes. In his speech he did not say a word about drainage, but spoke about resuming land for the purpose of filling it up. But no local authority resumed land merely for the purpose of filling it up. That was simply a purpose in itself. What was the purpose to which the land was to be put after it was filled up? That was the question the hon. member had to solve, and then only would he be able to find out whether there was power under the Public Works Lands Resumption Act to resume the land. The hon. member might just as well say that power was wanted to enable local authorities

to resume land for the purpose of fencing it; but what purpose was it to be used for after it was fenced?

Mr. HIGGS: After filling up we want to sell it.

The HOME SECRETARY: In that case the hon. member was introducing an amendment into the wrong measure. It would probably want to be an amendment of the Public Works Lands Resumption Act, but certainly as a matter affecting local authorities it would be better as an amendment of the Local Government Act. The amendment was one to enable local authorities to become buyers and sellers of land. That was a very large question which did not affect the question of public health at all. If it was desired to resume land for drainage purposes then there was already ample power to do so.

Mr. HIGGS: The position of the Brisbane Council was this: It might be necessary to make a cutting, but it would cost 1s. a load to transfer filling-in material from one spot to another in the city. Then, again, each week they had a quantity of filling-up material—street-sweepings—which cost them something to get rid of, and they wished to get the benefit of it. If they took that, and placed it on low-lying lands belonging to other persons, they were giving them a benefit to which they were not entitled, and were benefiting their land at the expense of the general body of the taxpayers. They found that they could not resume that land, fill it up, and abate a nuisance. Unfortunately the purpose for which they wanted to resume the land—namely, to abate a nuisance—was not mentioned in the Public Works Lands Resumption Act. The Home Secretary had tried to make out that the Brisbane Council wanted to job in land; but that was not so. They wanted to resume land simply to abate a nuisance, and they were not prepared to abate it by benefiting the property of the man who owned the low-lying land. The hon. gentleman would, he was sure, respect the opinion of Mr. Macpherson, who was the city solicitor, and he had told the council that they had no power under the Public Works Lands Resumption Act to resume that land.

The HOME SECRETARY: What for? That is the point.

Mr. HIGGS: To abate a nuisance.

The HOME SECRETARY: No, to fill it up and sell it again.

Mr. HIGGS: They wanted to fill it up because there was stagnant water lying there, and they wished to abate the nuisance.

The HOME SECRETARY: I will tell you how you can abate the nuisance.

Mr. HIGGS: There was a chance for them now to get some expert advice gratis, but he was afraid that the hon. gentleman wanted to get his Bill through. The hon. gentleman wanted to make out that the council desired to job in land, but that was not so. They wished to abate a nuisance, but at the same time they wanted, if they could, to do the thing on business lines; they did not want to fill up the low-lying lands for the benefit of the owners. The probability was that the low-lying land in Brown street, Fortitude Valley, which required filling up would not bring £20 for a 16-perch allotment. If filled up it would probably fetch £100 an allotment, and it would very likely cost £80 to fill it up, and it was only fair to the general body of ratepayers, if the council spent £80 in abating the nuisance, they should get that money back.

The HOME SECRETARY: If the object was to abate a nuisance, that could be done by compelling the owner to fill up the land, or, if he failed to do it, to have the work done and make the cost a permanent charge on the land. But the land could not be resumed for the purpose of ultimately making a profit out of it. The clause which had just been passed would enable the council to have the nuisance abated. The hon. member, however, in reply to an interjection, blurted out the real reason why it was desired to resume the land, and he was sure that that was the reason which actuated Mr. Macpherson in giving his opinion, and that was that the ultimate purpose was to improve the land by putting street sweepings on it, and then sell it again.

Mr. KIDSTON: Is that not a legitimate purpose?

The HOME SECRETARY: No, not under the law as it stood, and this was not the place to alter that law.

Mr. LEAHY: Would it be within the scope of the Bill at all?

The HOME SECRETARY: He did not think so, but he did not wish to raise that technical objection. The hon. member was trying, indirectly, to get, under the plea of health purposes, the right to purchase land, improve it by filling it up with street sweepings, which were of little value to the council, and then to sell it at a profit. He (the Home Secretary) was quite satisfied that when Mr. Macpherson gave his opinion it was on those facts, and not on the question as to whether land could be resumed for any of the purposes mentioned in the Public Works Lands Resumption Act. Land could only be resumed by the council for some public purpose, such as the erection of offices. If it was desired to resume land for the purpose of improving it and reselling it, that was a question which would come under the Local Government Act, and which would require a great deal of discussion. It would be entirely anomalous to introduce such a provision in that Bill, and he hoped the hon. member would not press it.

Mr. HIGGS: The hon. gentleman was certain that Mr. Macpherson's opinion was given because he knew that the main purpose was the selling of the land, but he (Mr. Higgs) was equally certain that his opinion was not based on that point.

The HOME SECRETARY: What was he told the purpose was?

Mr. HIGGS: He was told that there were certain low-lying lands which caused a nuisance, that water accumulated there and became stagnant, and that they desired to abate that nuisance.

The HOME SECRETARY: That can be done without acquiring the land.

Mr. HIGGS: It could not be done without inflicting very great hardship. The man or woman who owned the land had probably seen in the papers a double column advertisement, stating that it contained choice villa sites, and offering free trams and a free lunch; they had probably gone there in dry times when it appeared green, and paid £50 a 16-perch allotment. Now they found after experience of wet weather that it was worth only about £20 an allotment, and it would be a great hardship if the local authority told them they must put four or five feet of earth on the land.

Mr. JENKINSON: What would be the increased value of the land?

Mr. HIGGS: The value of the land might not equal the £20 he had mentioned, and the £80 it would cost to put material there to make it a residential site. The council had to dispose of street sweepings, and get rid of a
[10·30 p.m.] lot of filling-up material out of cuttings; and the clause he proposed was a perfectly legitimate one, because they wanted to resume this land, and utilise this material in order to abate a nuisance. If they could abate the Government in the same way, it would be a wise proceeding;

but unfortunately the Government seemed to be for a little while a fixture, until the people awoke to the occasion and saw that the country was about to be handed over to land-grant railway syndicates. He had proposed the clause because it was asked for by the Local Authorities' Association, which body had addressed a circular to him and to every member of the House. It was a copy of a letter which had been addressed to the Home Secretary himself. It read: "I beg to inform you that at a meeting of the executive committee of this association, held on Wednesday last, it was resolved to discuss the Bill clause by clause. I have the honour to submit various suggestions which the committee are strongly of opinion should be carried out." They were strongly of opinion that they should have the power to resume the land for such purposes—abating nuisances, drainage purposes, and such other purposes as were deemed to be necessary in the public interest.

The HOME SECRETARY: The hon. member for the Valley had taken this opportunity of quoting from a letter addressed to him; but he understood that a further meeting of that association had been held in consultation with the hon. member for South Brisbane, Mr. Stephens, who was the recognised representative of that body in the House, and who had been specially authorised to voice their views. That association had agreed to the amendments which the hon. member for South Brisbane had introduced, which they considered amply sufficient, so that the association was not behind the hon. member for the Valley in the matter.

Mr. HIGGS: I don't think that it so.

Mr. STEPHENS: Yes.

Mr. BRIDGES: It is correct.

Mr. HIGGS asked if hon. members had not received additional amendments from the association?

The HOME SECRETARY: Yes, relating to later clauses in the Bill.

Mr. HIGGS: He had received his mandate—his authority from the mayor of Brisbane, who had handed him the amendments, and had asked him to give them his earnest consideration.

The HOME SECRETARY: When was that?

Mr. HIGGS: About two days ago. The date of the hon. gentleman's letter was only the 27th August. Then the hon. gentleman got up and seemed to think that he (Mr. Higgs) had divulged some private communication, or that he had done something contrary to the code of parliamentary etiquette he was so anxious to maintain.

The HOME SECRETARY: I said nothing of the sort.

Mr. HIGGS: Of course, the hon. gentleman regarded himself as a Chesterfield, whose example they should all follow; but in this case it was an open letter, not a private communication.

The HOME SECRETARY: I never said it was a private communication. Don't put words into my mouth I never uttered.

Mr. HIGGS: He said it was a letter addressed to him; but the communication had been addressed to every member of the House. It was public property.

The HOME SECRETARY: The hon. member himself said it was addressed to me.

Mr. LEAHY: Get on with the Bill.

Mr. KIDSTON thought they were getting on with the Bill. He could not understand why the Home Secretary would not accept the amendment.

The HOME SECRETARY: Because it is not an amendment of this Bill.

Mr. KIDSTON: The hon. gentleman said this clause was not necessary, because the local authorities had already power to do what the hon. member who proposed it desired that they should have power to do. He seemed to think that the power of local authorities to resume land and to remove nuisances, and then resell the land, was objectionable. That was not at all objectionable. Local authorities should have power to resume land, possibly at a small cost, and make it high and dry and healthy for people to reside on; and even if they did make money out of it, was not that a good way of preserving the public health? Was not that desirable? If they only recouped themselves for all expenses, surely that would be better, in order to secure the public health, on what might be termed business principles, when it would cost the ratepayers nothing than that they should lose money by it. There were some legal authorities in and around Brisbane who were of opinion that the local authorities had no such power, and the local authorities through the hon. member for the Valley asked that such power should be distinctly given. He could not see why the hon. member objected to the clause giving that power. It would only be making sure that they would have that power. That was very desirable, and was a reason why the clause should be incorporated in the Bill.

Mr. RYLAND thought some more respect should be shown to the local authorities in connection with this matter. He had also received a communication from the Local Authorities' Association on the point, and as he believed they were right he felt bound in honour to support the amendment.

The HOME SECRETARY: This is the wrong Bill to insert the clause in.

Mr. RYLAND: It was only in keeping with the powers given to local authorities in other parts of the world. The local authorities here said they had not the power. This new clause would give them the power; and even if they had the power already, as had been stated, it would not be the first time that legislation overlapped in Acts of Parliament. Besides, the local authority could resume under the Act that would give them the best terms.

Mr. JENKINSON: In common with other members, he had received a circular from Mr. J. Nicol Robinson in connection with amendments which the Local Authorities' Association suggested should be incorporated in the Bill. Amongst others was one which was a suggestion in regard to section 66, not the clause under discussion; and all they asked was that they might be empowered to make by-laws for resuming land to effect drainage, make parks, and other purposes. In the Public Works Lands Resumption Act Amendment Act of 1888 they had power to resume land for parks, also for public or other works, which, he took it, included drainage.

The HOME SECRETARY: It mentions sewers.

Mr. JENKINSON: That included drainage. Subsection 1 said—

> For the construction or erection of any public or other works which the constructing authority is authorised by any Act or resolution of Parliament to construct or erect.

Under the existing Acts they had power to construct works in connection with sewers, so what else they required he did not know. He hardly agreed with the hon. member for Gympie, Mr. Ryland, about having the same power incorporated in several statutes. Our statute-book was already too large, and the attempt should be to consolidate and not to enlarge by running one power into several Acts. He agreed with the principle of the proposal of the hon. member for Fortitude Valley, Mr. Higgs; but he believed that the principle was already incorporated in our statute-book, and there was no necessity for repeating it now. He could not, however, agree with what the Home Secretary had very properly alluded to as the local authorities going in for land jobbing, and he did not think it was

intended, when the Local Government Act was passed, that the local authorities should spend the ratepayers' money in land speculations. If the hon. member persisted in his amendment, he would vote against it.

Mr. HIGGS assured the Committee that the majority of the Brisbane municipal councillors would be horrified at any suggestion that they should become land jobbers and speculators in a public capacity.

The HOME SECRETARY: What are they going to do with the land when they have filled it up?

Mr. HIGGS: That was a very secondary consideration. What the council wanted to do was to abate a nuisance.

The HOME SECRETARY: They can do that without buying the land.

Mr. HIGGS: Everyone knew that if a person was understood to be speculating in land—jobbing in land—he desired to make a profit out of his investment; but that was not the case with the Brisbane Municipal Council. The Chief Secretary would at once see the distinction between the two classes of persons—one wanting to resume land for the purpose of abating a nuisance, and the other buying land for the purpose of making a considerable sum out of the transaction.

The HOME SECRETARY: Cannot we come to a division now?

Mr. HIGGS: This was a very important matter.

The HOME SECRETARY: But everyone has had his say.

Mr. HIGGS: He would merely repeat that the amendment for which he asked was considered necessary, and that the land was required for the purpose of abating a nuisance.

Question—That the proposed new clause stand part of the Bill—put; and the Committee divided:—

AYES, 16.

Messrs. Browne, Ryland, Lesina, Fisher, Kidston, Kerr, Higgs, Hardacre, Maxwell, W. Hamilton, Reid, Dawson, Givens, Fitzgerald, Stewart, and McDonnell.

NOES, 25.

Messrs. Philp, Foxton, Rutledge, Dickson, Chataway, O'Connell, Murray, Leahy, J. Hamilton, Boles, Bell, Jenkinson, Stephens, Stodart, Story, Curtis, Newell, Dunsford, Turley, Bridges, Dalrymple, Bartholomew, Lord, Tooth, and Hanran.

Resolved in the negative.

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

ADJOURNMENT.

The PREMIER: I move that this House do now adjourn. The first business after tea to-morrow will be the Financial Statement, and I hope that after that we shall be able to finish the Health Bill.

Mr. BROWNE: Finish it?

The PREMIER: Yes. I would remind hon. members that the debate on the Financial Statement will begin on Tuesday, and it usually lasts two or three weeks.

Mr. TURLEY: We need not necessarily take the debate on the Financial Statement on Tuesday.

The PREMIER: It is usually done. If hon. members are anxious to get the Health Bill through, there is nothing to prevent them passing it through Committee to-morrow night. We can sit till 12 o'clock, if necessary, to finish it.

MEMBERS on the Government side: Hear, hear!

The PREMIER: A lot of time has been wasted to-night over the Health Bill. It is not a party question.

Mr. BROWNE: Hear, hear!

The PREMIER: It is a Bill that both sides desire to pass, so that it should go through quickly.

Mr. DAWSON: It would, if you would only curb the acerbity of the Home Secretary.

The PREMIER: I think the Home Secretary has exercised a great deal of patience. I think I should have lost my temper very much sooner than the Home Secretary has done. I hope the leader of the Opposition will assist me in trying to get the Bill through to-morrow night.

Mr. BROWNE (*Croydon*): I agree with two things that the hon. gentleman said—that this is an important Bill, and that it is not a party question. But I think that hon. members on both sides have taken up a good deal of time. So far as assisting the hon. gentleman to get the Bill through by not saying a word upon it myself, I can promise him my assistance.

The HOME SECRETARY: On this side the hon. member for South Brisbane and I are the only two who have spoken.

Mr. BROWNE: Several others have spoken. If the Premier will only look at the whole sheaves of amendments that the [11 p.m.] Home Secretary has to propose, he will see that they will take up the whole of to-morrow night in themselves, as the Financial Statement will take from 7 o'clock till nearly 9 o'clock. The hon. gentleman has only to look at the amendments the Home Secretary proposed to introduce.

The HOME SECRETARY: They have nearly all been dealt with.

Mr. BROWNE: There is one very large section of the Bill which the hon. gentleman has almost reconstructed.

The HOME SECRETARY: No, it is a mere alternative, and that is why it is put in that form. I explained that. It is very large—on paper only.

Mr. BROWNE: I am quite aware of what the hon. gentleman's object was, but I am pointing out that everyone may not look upon it in the same light. Some hon. members may differ from the hon. gentleman, like the hon. member for Brisbane South, on the question of compulsory vaccination.

The HOME SECRETARY: Then we can decide which set of clauses to have.

Mr. BROWNE: We can decide it, but the decision may take longer than the hon. gentleman anticipates. I can only say again that, so far as I am concerned, I am as anxious to get the Bill through as the hon. gentleman at the head of the Government.

Mr. HIGGS: Hear, hear! And you do not apply the gag, whatever they may do on the other side.

Question put and passed.

The House adjourned at two minutes past 11 o'clock.