Queensland

# Parliamentary Debates
[Hansard]

## Legislative Council

**TUESDAY, 18 SEPTEMBER 1900**

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## LEGISLATIVE COUNCIL.

TUESDAY, 18 SEPTEMBER, 1900.

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

### CENTRAL AND NORTHERN DISTRICTS BOUNDARIES BILL.

ASSENT.

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

### PAPERS.

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

(1) Despatch notifying prolongation of the treaty between Great Britain and Montenegro.

(2) Despatch and enclosures respecting prohibition of sale of arms, ammunition, and liquor to natives of the Caroline Islands.

(3) Despatch transmitting the Commonwealth of Australia Constitution Act.

(4) Report of the Official Trustee in Insolvency, Townsville, for the year 1899.

(5) Report on visit to harbours in Europe and the United States by E. A. Cullen, Engineer.

(6) Report on water-power privileges by Mr. Cullen.

### HEALTH BILL.

SECOND READING.

The POSTMASTER-GENERAL (Hon. J. G. Drake): The Bill of which I am now moving the second reading has for its object the conservation of the health of the people of the colony. For a long time past it has been the general opinion that sufficient attention has not been given to matters relating to the public health; and the recent visitation of the bubonic plague to the colony, though it fortunately did not take so severe a form as it did in some of the other colonies, has, I think, attracted public attention more particularly to this subject. The measure that I am submitting to the approval of the Council is practically a re-enactment of all the measures that have been on the statute-book up to the present time with regard to the public health. It may be said, therefore, to practically consist of several measures in one cover. Up to the present time matters of public health have been left to a board of health consisting of five men who were nominees, and, though they have no doubt given very good advice upon health matters, it seems that they have lacked executive authority to give effect to their good advice. The object, then, of this measure is to create an authority which shall be capable of forming a correct judgment with regard to those matters, and also shall have the power of putting their advice into practical shape, and enforcing it if necessary. The measure may at first sight appear to be somewhat complicated. It certainly is voluminous. But I think when we come to discuss the measure we shall find that the complexity is more in appearance than in reality. I propose to avoid, during this second reading discussion, as far as possible, the small details of the measure, and to deal more particularly with its general features, in order that it may be clearer to hon. gentlemen when the Bill gets into committee. I would point out, first of all, the method in which it is proposed that the Bill shall come into operation. The whole of the Bill will not come into operation on the 1st January, 1901. A discrimination is made in different parts of the Bill. Some of them will come into force on the date fixed in clause 2. Other parts of the Bill will not come into operation until they are proclaimed, and they will be proclaimed as applying to certain areas or parts of areas in the colony. If hon. gentlemen will turn to clause 3, which gives the division of the Bill into parts, I would point out that the particular parts which will not come into operation unless they are proclaimed are —Part III., sanitary provisions; Part IV., dwellings; subdivision 4 of Part VII., relating to vaccination; and Part VIII., relating to infant life protection. The other parts of the Bill come into operation from the 1st January, 1901. The most important matter is, of course, the authority that is to be created to take the place of the Central Board of Health, working under the Minister. As hon. gentlemen are aware, at the present time there is a Central Board of Health consisting of five members, three of whom are medical men, and of which the Minister in charge of the Act is the *ex officio* chairman. It is proposed now that the administration of this very important measure shall be in the hands of a commissioner, details of whose appointment are given in clause 10. He is to be appointed by the Governor in Council, and is to hold office during the pleasure of the Crown. He is to be a medical practitioner, and an expert in sanitary science, and under the Minister, who is to be charged with the administration of the Act. As we go through the Bill hon. gentlemen will see that in all matters the action of the commissioner will be subject to the approval of the Minister. We may as well at once recognise the fact that very great powers are being placed in the hands of one man. The object of that is to obviate the uncertainty and weakness of administration that have been manifested in health matters in the past. There is to be a Central Board of Health, who will advise the commissioner. This central board is to consist of any number of persons, not exceeding five, exclusive of the commissioner, and of this central board the commissioner is to be an *ex officio* member, and its chairman. The composition of the Central Board of Health is given in clause 11. It is not unlike the present board. There are to be two medical practitioners, and it has been decided as advisable that one member

of the board at least shall have had three years' experience in working out the details of our system of local government; he must have been for not less than three years a member of some local authority. The next eight clauses refer to inquiries, regulations, and so on; and then we come to a very important clause—clause 19, which states the powers given to the commissioner in the case of a default by a local authority. In ordinary cases under this measure, the commissioner, with the advice of the central board, will inform the local authority what is necessary to be done, and the local authority will be the executive to carry out any instructions that may be given. But in case a local authority makes default—not doing what is required of it—the 19th clause gives the commissioner power to make an order directing the local authority to do its duty in the matter within the time limited by the order, and if such order is not performed within the time limited the order may be enforced by writ of mandamus, or the commissioner himself may do the act, or cause it to be done. It will be observed, therefore, that very great powers are given there to the commissioner, and he also has power to make and levy a rate sufficient to defray the amount of indebtedness that had been incurred by the local authorities refusing to carry out the order of the commissioner. Even greater power than that is given to the commissioner in cases of emergency. Clause 20 provides that—

(1.) In any emergency, of which the commissioner shall be the judge, the commissioner, in addition to all other powers vested in him, may—

(i.) Exercise, undertake, and perform any or all of the powers and duties vested in or imposed upon a local authority by this Act or any regulation;

(ii.) Make regulations for the abatement and prevention of nuisances; for the protection of water used for domestic purposes from pollution; and for securing the healthfulness of persons collected in any encampment or otherwise;

(iii.) Define the limits of any locality which is, or is likely to be, subjected to a visitation of endemic, epidemic, or infectious disease; provide and manage hospitals or other places for the treatment of persons affected with such disease;

and so on; and he also has power—the same as is given in clause 19—to raise by a levy sufficient to cover all the costs and expenses incurred under his direct orders. An appeal is given in the 21st clause. That is to say, if a local authority has been directed to do a certain thing, and in doing it causes, in the opinion of any person, an injury to that person, the person who claims to be injured may appeal to the commissioner. I said, speaking about the power of the commissioner, that his orders were to be approved by the Minister. Clause 22 provides that—

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

And an appeal is given by the local authority to the Governor in Council, if the local authority considers itself to be aggrieved by the order made by the commissioner. Any private person may appeal to the commissioner; any local authority may appeal to the Governor in Council. It is hardly necessary to refer in detail to the subdivision which refers entirely to the appointment of officers, and the conditions under which they may be appointed and removed. Those matters can better be considered when the Bill gets into committee. It is hardly necessary, I think, to speak of them at length here. Now, the next part of the Bill—Part III., sanitary provisions—is one of the parts that will not come into operation until it is proclaimed by the Governor in Council, and then only in such area or part of an area as may be defined in the proclamation. Nearly the whole of this part is a re-enactment of clauses that have been in operation already, and it gives power to make and maintain sewers and for cleaning sewers. It gives to the separate owners and occupiers of land the right to drain into sewers provided by the local authority, and it gives the local authority power to enforce the drainage of houses that at the present time are not supplied with proper drains. Of course it is necessary that the sewers should be constructed first, and then the local authority will have power to compel the private occupiers to drain into these sewers. There are stringent provisions preventing persons from building houses or rebuilding them unless they make provision for suitable drains or that the drainage may be carried off in the sewers made by the local authority. There is a provision with regard to filling up low-lying land, and a provision also with regard to dwelling-houses on low-lying lands, which is somewhat similar to a clause which I have had under consideration in connection with the Building Bill. No doubt when that clause is being discussed hon. members will make reference to the Building Bill. There are also provisions with regard to chemical works and refuse. That, of course, is a very important matter in connection with the public health. Where buildings are used for the purpose of carrying on particular kinds of trades, and chemical refuse has to be disposed of, it is to be carried away and disposed of in such a way as not to create a nuisance or endanger the public health. Subdivision 2 deals with the disposal of sewage, and subdivision 3 provides for the erection of sewage works. Subdivision 4 deals with sanitary conveniences required in houses that are already built, and, in the case of houses to be built afterwards, the occupiers have to provide proper sanitary conveniences. The interpretation clause gives the definition of what is comprised under the term "sanitary convenience." Subdivision 5 contains very full and ample provision for the cleansing of streets and the removal of refuse. The local authority, of course, undertakes to see that that work is carried out, and the commissioner may authorise the local authority to use any land of which it is possessed, either within or beyond the area, as a place for depositing or disposing of refuse or the contents of sanitary conveniences. I think hon. gentlemen will agree that the disposal of sanitary matter is of the very greatest importance to public health. Subdivision 6 gives power to make by-laws in connection with various matters such as sewers, sanitary conveniences, cleansing premises, and so on—in fact, for all the purposes that are separately dealt with under Part III. The next part of the Bill is one of those parts that comes into operation only when it has been proclaimed by the Governor in Council. I refer to Part IV., relating to dwellings. The local authority has power, in the case of houses that are unfit for occupation, to require the owner or occupier to purify, repair, or alter the same so as to render it fit for use or occupation. In the case of filthy or unwholesome houses the local authority has power, by giving notice in writing to the owner or occupier, to whitewash or purify the same. There is also a provision preventing the erection of buildings on ground filled up with filthy matter of any kind. Subdivision 2 deals with cellars. No person shall let or occupy as a dwelling any cellar. I do not know whether at the present time that is a very common thing in Queensland. I should hope it is not. It is hardly necessary

in a country like this, with its abundance of land, that people should live in cellars, but I presume it has been found necessary to put such a provision into the Bill to prevent the practice. Subdivision 3 has attracted a good deal of attention, and relates to common lodging-houses. I draw hon. gentlemen's attention to section 75, which defines a common lodging-house as—

> Any house, tent, or edifice (not being the premises of a licensed victualler under the provisions of the Licensing Act of 1885, or any Act amending or in substitution for that Act), in which persons are ordinarily harboured or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any term less than a week at one time.

I think it is generally admitted that there should be supervision kept over lodging-houses that are occupied by persons who simply stay there for one or two nights. Possibly the inhabitants are among the poorest class of people, and it is only right that there should be some supervision in the case of houses of that description. In making the definition which I have read, the obvious desire is not to interfere at all with what are known as boarding-houses where people are accommodated the same as they would be at an inn, and where there is no sale of intoxicants. It is not intended in any way to interfere with them, but to provide a register of these common lodging-houses and make them subject to inspection and see that the people who are compelled to live in these places are afforded facilities for living under healthy conditions. There are also very stringent provisions in regard to infectious diseases which may occur in these lodging-houses. All infectious diseases have to be reported, and if the keeper of the house fails to notify the existence of disease he is liable to a penalty not exceeding £5, and to a continuing penalty of 40s. per diem for every day he fails to make a report. The local authority
[4 p.m.] has power under these provisions to make all the necessary by-laws for carrying out the provisions with regard to lodging-houses. Part V., is a portion of the measure which comes into effect on 1st January next. It deals with nuisances and offensive trades. The 79th section is practically a definition clause, and it defines as follows what a nuisance is within the meaning of the Act :—

> Any premises in such a state as to be a nuisance or injurious to health;
>
> Any pool, ditch, gutter, watercourse, or sanitary convenience, so foul or in such a state as to be a nuisance or injurious to health;
>
> Any animal so kept as to be a nuisance or injurious to health;
>
> Any accumulation or deposit which is a nuisance or injurious to health;
>
> Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family;
>
> Any factory, workshop, or workplace, not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities, generated in the course of the work carried on therein, that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of persons employed therein; and
>
> Any chimney (not being the chimney of a private dwelling-house) sending forth smoke in such a quantity as to be a nuisance.

Those are the nuisances liable to be dealt with, as provided by the Bill. The local authority is required to inspect from time to time in order to detect these nuisances, and to serve notice in the same manner as notice is served in respect to other matters dealt with in the Bill upon the persons who are primarily guilty of allowing the nuisances to exist. Where a nuisance is discovered, the local authority has to make complaint before a justice, and the justices who hear the complaint, if they are satisfied that the nuisance does exist, may make an order—

> Requiring such person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to execute any works and to do any things that may be necessary for that purpose; or
>
> Prohibiting the recurrence of the nuisance, and directing the execution by such person of any works necessary to prevent the recurrence; or
>
> Both requiring abatement and prohibiting the recurrence of the nuisance.

And provision is made for a penalty not exceeding £5. There is a provision with regard to the sale of manure, and also a provision ensuring that manure and other refuse of that kind shall not be allowed to stand for more than a certain time, which may be decided by the order. Subdivision 2 deals with offensive trades. That is an important matter, because it is practically admitted in this measure that there are certain trades which cannot be carried on without a certain amount of offence being given to the public. The object of the clause is to reduce the unpleasantness of these trades to a minimum, and to ensure as far as possible that the nuisances that arise in connection with them shall be as little injurious to public health as possible. No one in the first place is allowed to establish an offensive trade without the consent in writing of the local authority.

Hon. B. D. MOREHEAD: With their consent a noxious trade can be established?

The POSTMASTER-GENERAL: No person is allowed to establish a noxious or offensive trade without receiving the consent of the local authority. I said before that it is admitted that certain trades cannot be carried on without being to a certain extent offensive, and the object is not to prevent those trades from being carried on, but to endeavour to so control them that they shall not be injurious to public health. The law may be set in motion in the case of an offensive trade either by the local authority when satisfied, on the report of the medical officer of health, or by two medical practitioners, or by any ten inhabitants of the area, and if such complaint is made, the local authority is bound to cause a complaint to be made before a justice. If it appears to the justice who hears the case that the trade, business, or manufacture is a nuisance, or causes any effluvia, the person offending shall be liable to a penalty not exceeding £5, and on a second or any subsequent conviction to a penalty of double the amount imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of £200.

Hon. B. D. MOREHEAD: Like the horseshoe nail.

The POSTMASTER-GENERAL: Yes, that is exactly what I was thinking of at the time. Then there is a proviso to which I wish to draw attention, because it is intended to mitigate the apparent severity of the clause. The proviso says—

> Provided that the justices may suspend their final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the justices think to be practicable and order to be carried into effect for abating such nuisance, or preventing the injurious effects of such effluvia.

The 3rd subdivision gives power to make by-laws with regard to the keeping of swine or animals injurious to health, or poultry; by-laws with regard to the removal of dead, dying, or diseased animals found on any street or lane; also with regard to overcrowding and defining the localities within which noxious or offensive trades shall not be established or carried on; licensing and regulating noxious or offensive trades, businesses, or manufactures, and the

prevention of nuisances arising from smoke, ashes, soot, filth, dust, or rubbish. Part VI. is practically a re-enactment, with such amendments as time has shown to be necessary and desirable, of the Sale of Food and Drugs Act. The 1st subdivision provides for the inspection of food, and gives power to the local authority to order the destruction of unsound food. It also gives power to issue a search warrant to search premises where it is supposed that unsound food may be stored. Subdivision 2 is practically the Food and Drugs Act which we have now in operation, with one or two amendments which have been suggested as being calculated to improve the measure. Subdivision 3 also I need hardly speak about, because it is a re-enactment of the Bread Act at present on our statute-book. If I may go back for a moment to subdivision 2, which, as I said before, is a re-enactment of the Food and Drugs Act, I would like to direct the attention of hon. gentlemen to page 6 of the Bill, because there is a very important subsection to clause 9. It has been pointed out, in connection with the Food and Drugs Act, that in a great many cases where convictions have been had against small traders, they have been entirely innocent of any unlawful intention, seeing that they have purchased the goods as being wholesome, and they have had no means of finding out that they are not so. The proviso to clause 9 is as follows :—

> Provided that in any action brought by any person for a breach of contract on the sale of any food or drug, such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty adjudged to be paid by him under the provisions of this Act, or any regulation or by-law, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he proves that the food or drug, the subject of such conviction, was sold to him as and for a food or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; but the defendant in such action shall nevertheless be at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was not incurred or was unreasonable.

That, I think, will be found a protection to persons who are found selling food that has been adulterated, but that has been adulterated by some person before it came to the hands of the person who is actually offering it for sale. Part VII., dealing with infectious diseases, is a portion of the Bill the great importance of which has become apparent since the colony has been suffering from the visitation of this bubonic plague. Fortunately, Queensland has escaped very well. I hope we may say Queensland has escaped without very much injury; and perhaps it has been the means of awakening public feeling, and causing a great many places to be cleaned that would not have been cleaned but for the alarm created on that occasion. I think, also, we may say that the very mild attack that Queensland has suffered is, perhaps, to a great extent due to the energetic steps taken by my hon. colleague, the Home Secretary, at once to combat it. It is to be hoped the provisions included in this measure will be such as will enable the commissioner and the local authorities at any time, if the colony should be attacked in the same way, to take measures which will prevent the disease from making any considerable headway. If hon. members will turn to the interpretation clause, they will find "infectious diseases" to mean—

> Bubonic or Oriental plague, smallpox, cholera, diphtheria, membranous croup, erysipelas, scarlatina, scarlet fever, the fevers known by any of the following names—typhus, typhoid, enteric, relapsing, continued, or puerperal, and also any other disease which the Governor in Council, on the recommendation of the commissioner, from time to time by notification in the *Gazette* brings under the provisions of this Act, either generally or with respect to any particular place.

It is impossible, of course, for us to foresee what particular diseases may visit this colony. I believe that if a measure of this kind had been passing through the legislature last year no one would have even thought of including bubonic plague, which now occupies the most prominent place; and for all we know some other strange disease with a new name may be the next one that will attack the colony. Clause 116 provides that—

> The local authority may and shall, if required by the commissioner by order so to do, provide hospitals or temporary places for the reception of persons in the area affected with infectious disease, and for that purpose may—
>
> (i.) Erect, maintain, and manage such hospitals or places of reception;
>
> (ii.) Contract for the use of any such hospital or part of a hospital or place of reception;
>
> (iii.) Enter into an agreement with any person or body having the management of any hospital for the reception of persons affected with infectious disease.

And clause 117 gives the commissioner power to require the governing body of any public hospital to enter into reasonable arrangements with a local authority, or with two or more local authorities, for the reception into such hospital of persons affected with infectious disease; so that in case of a visitation of disease, and the hospitals erected under this Act are insufficient, there is power given to compel the persons who have charge of local hospitals to allow a portion of their accommodation to be made available for the purpose. The local authority is then empowered to cleanse premises where there has been some case of infectious disease, to destroy bedding, clothing, and buildings, and to provide and maintain conveyances for carrying infected persons from their homes to the hospital. It is within our very recent experience that difficulties have arisen in connection with those matters. The measure makes it perfectly clear what powers are possessed by the local authority, under the instruction of the commissioner, to remove infected persons to hospitals, to prevent clothing or articles that may be a serious source of danger from being exposed, and to destroy wearing apparel, bedding, buildings, and so on, that might become a source of infection. Provision is also made with regard to providing temporary shelter for persons suffering from infectious disease previous to their removal to the hospital. Subdivision 3 requires persons in houses where anyone is discovered to be suffering from an infectious disease to report at once in order that preventive measures may be taken. Clause 133 provides a penalty in the case of any failure to report a case of smallpox or disease resembling smallpox. Subdivision 4 relates to vaccination. That is one of the parts of the Act that will not come into operation until it has been proclaimed. It makes infant vaccination compulsory within six months after birth, but provides a "conscience clause"—I think it is called—the same as is found in the English Act now. It is in clause 148—

> Provided that no parent shall be liable to any such penalty if within four months from the birth of the child he files in the office of such registrar or deputy registrar a statutory declaration under his hand made before a justice of the peace that he conscientiously believes that vaccination would be prejudicial to the health of the child in respect of whom the notice aforesaid has been given.

Part VIII., infant life protection, is another part that comes into operation only when proclaimed. Hon. gentlemen will see at a glance that it is designed in order to put down the practice of what is called baby-farming; at all events to ensure that in cases where infants are put out to nurse they are properly treated, and

that there is nothing in the nature of foul play. It requires that every house where infants are nursed in that way must be registered, and information must be given as to the children that are in it, and in case of the death of any child there an inquest is to be held within twenty-four hours afterwards. Provision is also made for punishment of any offence against that portion of the Act. The miscellaneous provisions in Part IX. come into operation from the 1st January, 1901. They deal with notices of action, the protection of the commissioner or local authority from personal liability, and compensation to persons who may suffer any loss through the operations of the Act. It also makes provision for by-laws. Clause 166 makes provision for model sets of by-laws. That, I think, is a very useful provision. It has always seemed to me, in the case of a Bill of this kind, a matter that the Government might very well undertake. The Governor in Council might prepare model by-laws much of the same nature as the model articles of association at the end of the Companies Act. If adopted, they will tend to secure something like uniformity in the by-laws of the local authorities, and in a great many cases will save them from making by-laws which are not intelligible and might give rise to litigation afterwards. Clause 169 provides that the penalty for wilfully violating any regulation or order made by the commissioner relating to infectious diseases, or wilfully obstructing any person acting under the authority or in the execution of any such regulation or order, is to be £100 or imprisonment for any period not exceeding six months. The penalty is a very heavy one, but it is necessary, if the provisions of the measure are to be given effect to, that a very heavy penalty should be imposed on persons who wilfully obstruct the officers who are charged with carrying out those matters. The remaining clauses of the Bill do not, I think, call for any particular comment. I presume that in committee there will be a great many matters of detail to which attention will have to be given, and I propose, if the Council see fit to agree to the second reading to-day, to move that the committal of the Bill be taken, say, next Tuesday, if that will not be considered too soon. I beg to move that the Bill be now read a second time.

HON. C. H. BUZACOTT: I have to express my obligation, as a member of the Council, to the Postmaster-General for the way in which he has endeavoured to explain this very intricate and voluminous Bill. It is, in fact, a series of Bills, and I think the Government were exceedingly courageous in having ventured to submit to Parliament a measure of this sort—a measure so extremely complicated and dealing with so many subjects which may be regarded as dissimilar to a large extent. I think, however, that as the Bill has gone through the other House, and has come before us at an early period of the session, we may well take the measure as it stands and endeavour to comprehend its objects and scope, and make such improvements in it as we think are required. I feel that it is a very difficult thing to discuss a measure of this sort. Even the Postmaster-General has failed, I think, to point out in a great many of the clauses of the Bill the alterations made in the present law. For this Bill not only re-enacts a number of separate Acts already on the statute-book, with modifications, but it is a compilation from the Health Acts of 1884 and 1886 and the Imperial Health Act of 37 or 38 Vic., and to this compilation are added a number of new clauses. I think if the Postmaster-General had given the Council, in a rather more succinct form than he has done, the modification which the Bill makes in the existing law, we should understand better than we do now its objects and scope. However, I quite admit that a measure of this sort cannot be explained in a comparatively short speech such as is generally made in this House, where it is not incumbent upon us to go so closely into the provisions of a measure of this sort as it would be in the other Chamber. At the same time, when one regards the extreme importance of this measure, how it interferes with the liberty of the subject, how many new provisions are incorporated in it, one can feel that Parliament is exhibiting a good deal of temerity in giving effect to the measure without very exhaustive consideration. I should like to refer to the preliminary provisions, and I have to complain of the extreme deficiencies of the interpretation clause. An interpretation clause is a necessary evil in an Act of Parliament. It is held by the best modern authorities that no interpretation should be inserted which is not absolutely necessary to the explanation of an Act of Parliament. The most modern English Acts distinctly separate the interpretation portion from the enacting portion. They make as little of the interpretation clause as possible. Here the attempt seems to be to include nearly everything possible in the interpretation clause. In another part of the preliminary of the Bill there are enacting clauses referring to subjects in the different parts which ought, I think, to have been included under those parts, because it is confusing, if you examine those portions which appear to refer to the subject, to find that in another part there are qualifying sections. However, that is a matter of detail; but, while commending the Government draftsman for the improvement that has been made in the work he has laid before Parliament, I do think he might make a further improvement by examining and following the most perfectly drawn English statutes. They would, I think, protect us, and get over the fault I complain of. Perhaps, after all, the most important part of this Bill is the new centre of administration proposed. Instead of a medical board of five members, who seem to have no authority except authority to talk, we are to have a commissioner, who will be, in fact, the representative of the Minister. In addition to that, we are to have a medical board, which is to be, I think, almost entirely consultative. That is exactly what I presume the existing board has been in practice, though the Health Act contemplates that they should exercise power. I call attention to the appointment of the commissioner. As he will represent the Minister, his authority will be open to remonstrance and other public influences, which will protect the public from any abuse of authority. I think it must be manifest to anybody who has taken any interest in local government in Queensland that what is needed is a central directing authority, which shall exercise a sort of benevolent despotism over the actions of local authorities. They want stimulation, and they want guidance, and sometimes they need to be checked, and I think the commissioner, who will be a man of exceptional powers and experience, is a most desirable officer. I cannot, however, approve of the perpetuation of the Central Board of Health. I do not think it is needed. Where I think medical advice is needed is in the local administration. Why, hon. gentlemen, what have we seen recently in different parts of the colony? We have seen health officers, well-meaning men, actuated by the highest motives no doubt, enforcing the law in a way which at times have been very unjustifiable. At other times they have not shown the same strictness; in fact, there has been reason to complain that either through their inability, or through influence, the execution of the law has not been equitable

[4·30 p.m.]

do not say they have not been impartial, because I believe the desire has been to be impartial, but certainly when you compare one case with another, and one set of circumstances with another, the actions of the local health officers have been extremely inconsistent one with the other. There is a weakness also about this Bill which I do hope will be removed by giving local authorities larger powers than they now enjoy. They are authorised, for example, by this Bill to construct drains and sewers, and the powers of local authorities may be imposed by the Act upon joint local authorities. Well, there is no power whatever for a joint local authority to raise money to construct sewers and drains. All they can do is to issue precepts upon the component local authorities of the areas for which they act. There is another defect in the system, I think. The members of joint local authorities are chosen from and by the existing local authorities. The effect of that has been, in some instances, that the local authorities send their worst men to represent them. They have chosen men who are known to be the most incapable members of the local authority to sit on the joint board. At the same time there have been citizens—men of public spirit, and education, and activity—who would be only too desirous, had the opportunity been offered to them, of taking part in carrying out the Health Act. If the Joint Local Authorities Act were so altered that, in case of an authority so constituted, the members could be chosen by the ratepayers instead of by the respective local authorities, I think we would get a greatly improved class of men on the joint boards, because there are men who will undertake the functions imposed by the Health Act who will not take up the work imposed upon aldermen and members of divisional boards under the Local Government Act. I do not speak in this matter from supposition, but from practical experience. For instance, some of the most competent men in Rockhampton, when the late epidemic of bubonic plague broke out in the town, would have been quite willing to go upon the joint board had it been possible to appoint them, but the Act as it at present stands provides that only members of local authorities can act as members of joint boards. A very short Bill would remedy this fault, and I hope the Government will see their way, perhaps before the close of the present session, to make that provision. I may point out also that in England one of the newest statutes relating to health enables a local authority to appoint and delegate its powers to a committee, and that committee need not necessarily be members of its own body. I am referring now to the English Diseases of Animals Act of 1894, a clause in which provides—

> A committee may consist wholly of members of the local authority, or partly thereof and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified, as the local authority think fit.

The POSTMASTER-GENERAL: Do you approve of that?

HON. C. H. BUZACOTT: That would be a very useful provision.

The POSTMASTER-GENERAL: A rather dangerous provision, I should think.

HON. C. H. BUZACOTT: If such a provision existed in the law of this colony the services of highly qualified men, or even experts, might be called in to act on committees of local authorities, and no doubt they would very greatly assist in the execution of the law. I will not occupy the time of the Council by a lengthy disquisition on this measure, or attempt to combat the provisions set forth by the Postmaster-General. I have looked very carefully through the Bill, and I think, although the powers which it conveys are drastic, yet we may accept most of them. The re-enactment of the Food and Drugs Act and the Sale of Bread Act I fully approve of, and the new provisions, so far as I have been able to examine them, are on the whole unobjectionable. I think this measure, with all its faults, will do the Parliament of Queensland very great credit if passed, and will do a great public service. I reserve to myself the right of supporting any alteration which may be proposed in committee, and I have very much pleasure in giving my hearty support to the motion for the second reading.

HON. W. F. TAYLOR: The history of health legislation in this colony during the last sixteen years is somewhat interesting. In 1883 or 1884, an epidemic of typhoid fever raged about this town, and I think through most parts of the colony. At that time our Health Act was not very stringent. In fact, it left the local authorities—and there were very few of them then—the right to do very much as they pleased. There was a board called the Central Board of Health, but it had very little power, and what power it did have it had very little opportunity of exercising. As the outcome of this epidemic of 1884 the Health Act of 1884 was instituted. At the time it was introduced I had an interview with the then Premier, Mr. Griffith, and I deprecated anything in the shape of panic legislation. However, it was imperative that something should be done, and the present Health Act was the outcome of the efforts of the Ministry in that direction. Shortly after my return from Europe I was asked by the Premier if I would take a seat on the Central Board of Health, and I refused to do so on the ground that the board had no executive power, and that as an advisory body merely it could do little good. I pointed out that the advice could be taken or not, as the Minister pleased, and that really the board was of no earthly use. It was pointed out to me that the board had power to do a great deal of good merely as an advisory body, and that a great deal would depend upon the secretary as the executive officer as to what good purpose the board would serve. Ultimately I consented to be appointed, and took my seat on the board, and it was my constant endeavour to point out the desirability of some legislation which would give us power to regulate health matters. According to the present Health Act there is little or no power given to the board, and in fact at that time it was so constituted that it could not meet without the consent of the Colonial Secretary, now the Home Secretary. Whenever the board met the consent of that gentleman had to be obtained, and later on this led to a rather disagreeable occurrence. During the time Mr. Tozer was Colonial Secretary the board met very infrequently. In fact, on one occasion there had been no meeting for over four months. On one occasion the then secretary, Dr. O'Doherty, had some important business to bring before the board, and he endeavoured to obtain the consent of the Colonial Secretary to the calling of a meeting. That gentleman was out of town at the time, and the matter being somewhat important he took upon himself the responsibility of calling a meeting. The board did not meet again for three or four months, but when it did meet, to the surprise of its members a memorandum was read from Mr. Tozer to the effect that he had noticed that the board had met without his consent and if they did so again they would get no fees. This was rather a slight, in face of the fact that the board were trying to do their duty to the public, and they were very much annoyed at such a communication being received, more especially myself and the Hon. Dr. Marks, who were both at that time members of this Council, as well as

members of the board, and who did not receive any fees as members of the board. We felt very much annoyed at being accused of holding meetings for the purpose of drawing fees, and I therefore moved a resolution stating that the board did not meet for the purpose of drawing fees, but for the purpose of endeavouring to do their duty to the country. This led to rather an amusing reply from the Home Secretary, who said that he was glad to notice—I may mention that this occurred in 1893—that in the present depressed times the board had agreed to forego their fees. However, that was not the intention of the board, and they soon made it clear. That sort of treatment so annoyed and disgusted me that I made up my mind to resign. I had been on the board for eight years, and during the whole of the time nothing satisfactory had been done. The opinion of the board was ignored on all matters of importance, and I believe, with the exception of one very important matter, a work which the board succeeded in having carried out before I became a member—the Stratton drain—no really good work was done. I may by one example illustrate the inability of the board to accomplish anything useful. Under the present Act, if the board think a certain nuisance should be abated, their duty is to call upon the local authority to abate it. Failing the nuisance being abated the board can refer the matter to the Governor in Council, who may, after due inquiry, cause the nuisance to be abated. Then, failing the abatement of the nuisance by the local authority, the board may step in. Well, a notorious nuisance existed for a long time in Queen street in what is known as the arcade. It was so notorious that no one who was in the habit of visiting the locality, could fail to notice it. The board wrote to the city council, requesting them to have the nuisance abated, and no notice was taken of the communication. They wrote again and again, and no notice being taken, they ultimately referred the matter to the Governor in Council. The Governor in Council, seeing that the matter was somewhat urgent, wrote to the local authority. The man who was the author of the nuisance was called upon to abate it, and failing to do so, he was brought before the magistrate. However, to the surprise of everyone, one of the aldermen went into the box and swore that he did not consider it a nuisance at all. The nuisance continued to exist, and ultimately the man abated it on the solicitation of his friends; but the Central Board of Health, the Governor in Council, and the local authority were all powerless to cause this flagrant nuisance to be abated. That was the condition of the Health Act at that time. Some time after this—the board not having met for about four months—I received a most piteous letter from a female patient of mine living in Enoggera terrace, stating that a filthy drain in front of her house had caused a great deal of sickness in her family, that several of her children had had diphtheria, and that one had had to undergo an operation for tracheotomy. She said she had written repeatedly to the Ithaca Divisional Board to have the nuisance abated, but had received no reply, and she looked to me, as a member of the board, to see what I could do to get the nuisance abated. As the board had not met for so long, I naturally concluded that it was not the intention of the Minister to let it meet again. I sent this letter on to the Minister, as *ex officio* chairman of the board, and charged with the administration of the Health Act, requesting him to take immediate steps to have this nuisance abated, as it was a source of great danger to this woman and her family. The reply I got was rather characteristic. I was informed that the woman had not pursued the proper course laid down by the Act; that she had not in the first instance applied to the local authority; and this in face of her letter that she had written repeatedly to the local authority, and had received no reply. So far from the Central Board of Health being moribund, he believed it was as active as ever, and could do as good work as ever when called upon to do so. To make a long story short, this sort of business so disgusted me that I resigned, and Dr. Marks followed suit. Since then I have had nothing officially to do with health matters, but the condition of affairs, and the perfect inability on the part of the board to do anything, was shown by the recent outbreak of bubonic plague. We had full warning that the disease was coming here. It was in full fling in Sydney for over two months before it made its appearance here, and what was done during the whole of that time to prevent the occurrence of plague in Queensland? Almost absolutely nothing. True, a joint board was formed, but those gentlemen spent a great deal of their time—about four weeks—looking about the country for a suitable site for a plague hospital; and as a matter of fact within three or four days of the outbreak of the plague here there was no plague hospital to receive a patient.

The POSTMASTER-GENERAL: It was there in time.

HON. W. F. TAYLOR: It was, fortunately; but had time been taken by the forelock—had strong measures been instituted by the Home Secretary—I do not wish to criticise him any more than is absolutely necessary—had he given instructions to the Central Board of Health to do what was necessary, I do not hesitate to say that in all probability the plague would never have come here at all. So far from the Home Secretary being deserving of any praise for what he did in the matter, I consider he certainly muddled things very much, at the commencement at all events. There was no authority. The Minister charged with the administration of the Act did not step forward and administer the Act as he should have done. The consequence was we had an outbreak of bubonic plague, which, in the opinion of many medical men, should never have occurred.

The POSTMASTER-GENERAL: He seemed to me to be the only man who did anything.

HON. W. F. TAYLOR: He did precious little. Then, coming to this Bill, it appears to a certain extent to be the outcome of the panic caused by the bubonic plague. The fact of there being no head to the Health Department was so very apparent to everyone that it became a perfect scandal. The newspapers were constantly crying out about the fact that there was no person to appeal to. The Home Secretary would not assume any responsibility; the Central Board could not. All they could do was to advise, and they did advise as to where the plague hospital should be, the search for which extended over six weeks. Whether it is a suitable one or not I cannot say. It cost £3,000, and what good it will be when the plague is over I do not know. That is a matter for the Government to decide. We appear now to have gone from one extreme to the other. We have jumped from there being no responsibility at all to creating a sort of autocrat who will be able to do all sorts of things on his own responsibility, and who apparently is responsible to no one, and yet, as a matter of fact, can do nothing without the consent of the Minister. He has the Minister at his back the whole time. If hon. gentlemen will look at clause 22 they will see it provided that all orders made by the commissioner shall, when confirmed by the Minister, be binding and conclusive—

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

So that everything the commissioner is called upon to do in the exercise of the powers conferred upon him must be confirmed by the Minister himself.

Hon. C. H. BUZACOTT: That is a matter of form.

HON. W. F. TAYLOR: It is distinctly a matter of fact. Then we have a caricature of our Central Board of Health. In times past that body has received a fair amount of abuse. It has been a sort of buffer between the Government and the people, and if anything went wrong it has had to bear the blame. Here we have another Central Board of Health with similar powers. It is only an advisory body. So that we have this curious state of affairs: A Minister who shifts his responsibility on the commissioner, a commissioner who shifts his responsibility on the Central Board of Health, and a Central Board of Health who will shift their responsibility by saying they are only an advisory body. Can nonsense go further than that? Is it not playing with the question of health legislation? We have got the commissioner. What can he do without the consent of the Minister? Absolutely nothing. Then the strange part of it is that although the Minister has full power of confirmation, he has no [5 p.m.] power of initiation. We shall be worse off under this Act than under the old one, because under the old Act the Minister had power to initiate. Contrast this Bill with the Health Act now in force in Victoria. There they have a Health Board which is formed in this way: The Governor in Council appoints two medical practitioners to the board, one of whom is the medical inspector, and one is also appointed by the Governor in Council to be the chairman of the board; and seven representative members are elected by the councils of municipal districts specified. I agree with the remarks of the Home Secretary that it is not possible in a colony like this to follow that procedure and have the members of the board elected by the local authorities throughout the colony; but the appointment of two medical men, one of whom is medical inspector, is perfectly correct in my opinion. The powers of this board are very large. The chairman is the executive officer—that is, the inspector—but the board has a very free hand, and the Minister assumes responsibility. It is provided in the Victorian Act that—

> All powers, rights, and authorities vested in the board shall, whenever he deems fit, be exercisable by the Minister, and when so exercised shall, if so ordered by the Minister, supersede any direction, notice, or order of the board, and every officer, whether a member of the board or not, and every servant of the board, shall at all times obey any order or direction of the Minister; and such officers and servants, for the purpose of carrying out such orders and directions, shall have all the powers of the board whether conferred on the board by Act, regulation, by-law, or otherwise. All orders, directions, authorities, consents, receipts made or given, or purporting to be made or given, by such officer or servant in any way relating to the purpose in respect of which he was authorised by the Minister to act, shall by all courts, officers, and persons whatsoever be deemed, and taken to have the same force and effect as if such orders, directions, authorities, consents, or receipts (as the case may be), had been made or given by the board.

There is a real, live board. That is the sort of board I should like us to have, with a qualified inspector, and with a Minister responsible to Parliament and the country for the due performance of the provisions of the Health Act.

The POSTMASTER-GENERAL: That is what you have got in the present Bill.

HON. W. F. TAYLOR: We have got nothing of the sort. We have got precisely what I have stated. Then it is provided in the Victorian Act that the board may make regulations, by-laws, orders, etc.; that the Minister may order the board or any council to make regulations, by-laws, orders, etc., and that if such order is not complied with within two months, to the satisfaction of the Minister, the Governor in Council may exercise all the powers of the board or council. What power is there in this Act for the Minister to exercise? None whatever. Just to show what power the commissioner has, and what power the Government have, in this measure, I will refer to clause 12, which says—

> The commissioner may from time to time cause to be made such inquiries as are directed by the Governor in Council or by this Act, and also such other inquiries as he thinks fit in relation to any matters concerning the public health in any place, or any matters with respect to which his sanction, approval, or consent is required by this Act.

He may do so if he likes. He can set at nought the direction of the Governor in Council.

The POSTMASTER-GENERAL: He has the Minister over him.

HON. W. F. TAYLOR: Not in this case. The Minister cannot initiate anything. If he asks the commissioner to do anything, the commissioner may from time to time do it, as he thinks fit. I am afraid that in this respect the Act will be worse than the one we have. Apart from the administrative portion of the measure, I have no hesitation in saying it has been carefully prepared, and is a very good measure indeed; and if it is properly administered by a Minister who will assume responsibility, it will be a success. So strongly do I feel on that subject, that I intend to move, in committee, amendments embodying what I have read from the Victorian Act. It is absolutely necessary that the Minister should have power to initiate, and should not be allowed to shirk his responsibility to Parliament and the country, as he can do under the Bill as it stands. I will not go through the details of the Bill. They have been sufficiently explained by the Postmaster-General, and they will again come before us in committee. There are many things in the Bill that will have to be amended. In the Assembly, unfortunately, we have no sanitary expert, but what they did under the circumstances they did extremely well. As a matter of detail, I am glad to see the provision with regard to sanitary conveniences in clause 56, the object being to ensure a certain amount of privacy. A more disgraceful state of affairs in that respect I do not think exists anywhere than in this city. I have only one remark to make with respect to proprietary medicines, referred to in clause 94. I think all those patents should have their composition clearly written on their labels. I propose when the Bill is in committee to move the insertion of the words "provided that the formula of proprietary medicines and the specification of the patents be printed on the labels thereof." That is most essential. I do not see why we should permit people to sell these secret remedies, which may be very harmful, unless we know what they contain. It is high time we made a provision of that sort. I do not wish it to be inferred that my remarks upon this Bill are made in any captious spirit. I have made health matters a study for many years, I have served on the Central Board of Health, and I know what the requirements of the colony are; hence my reason for stating that unless we have an Act which can be administered properly and quickly we will fail to attain the object which is so much to be desired. I am quite certain that what I have said will be borne out by the operation of the Bill if no amendment is made. If the Minister is to shirk all responsibility and shift it on to the commissioner, and if the commissioner can shift it on to the Central Board of Health, and the Central Board of Health can

shift it on to the fact that they have no executive power, then the old state of affairs will be perpetuated, or indeed made worse, for instead of having two authorities, the Central Board of Health and the Minister, we will have three, including the commissioner, who will each be evading responsibility. I commend to the Postmaster-General the quotations which I have read from the Victorian Act relating to the functions of the Minister under the Health Act of that colony. I think if he will consider the matter carefully and seriously he will come to the conclusion that some such provision should be made in this Bill. With that exception I consider the Bill is a very good one, and I shall have very much pleasure in assisting all I can in passing it into law.

HON. A. C. GREGORY: I do not wish to occupy the time of the House, and therefore I shall be as brief as I can. This is a very comprehensive Bill, and no doubt the principle upon which it is based is that medical men shall be the principal guides in matters relating to public health. No doubt, with a board composed chiefly of medical men, the commissioner himself being a medical man, they will view the matters with which they have to deal from a medical point of view, but when we get beyond the purely medical view of a subject, and come to the practical administration of the Act, and consider the works that have to be accomplished under it, perhaps medical men are not altogether the best authorities on what should be done, or how it should be done. I can understand the commissioner saying, "I have power to force this to be done, and it shall be done," but then the question comes in, where are the funds to come from? This Bill unfortunately goes too far in one respect. It makes the medical commissioner take up the functions which should be the functions of a different class of men. He is to decide where a drain is to be put in, and he is to decide what class of drain it is to be. He may decide that certain work ought to be done, and the local authority may be perfectly convinced that the works are necessary, but they cost a great deal of money, and the money is not available. Practically the commissioner would be under the necessity of becoming the local authority. What would he know about the necessity of draining one place or another? He may know that it ought to be drained, but he is not at all likely to know where it should be drained to, or how it should be drained. The works that he considered indispensable might cost an immense amount of money and be totally beyond the means of the local authority. Take the case of Brisbane, for instance. At least £200,000 or £300,000 would have to be spent in order to supply the drains that ought to be constructed if we could afford to construct them. But would that justify us in appointing a commissioner to say where those drains ought to be, and how they should be built? True, you may say it would come round eventually to the Minister to decide, and he, not being a medical man, would be to some extent a check upon the commissioner. Possibly he would be a check in all very large matters, but unfortunately there are so many minor matters that the commissioner would be left to decide. This Bill not only empowers the commissioner to say there must be a drain put down, but he can say where it is to be constructed, and how it is to be constructed. There is to be no one to supervise or direct him. He has the sole power of decision. No doubt he would employ architects and various tradesmen to do the work, but he would be at their mercy to a great extent, and he would often run into two or three times the expense which the work would cost if carried out by people acquainted with the business. Upon that point I think I shal possibly move in committee an amendment restricting the power of the commissioner as to levying rates, because, as it now stands, whatever argument may be used, practically you will find that the Bill does not limit him. Although at present the local authorities have only power to levy rates up to 2d. in the £1 on the capital value, still the Bill could easily be construed as giving the commissioner power to go beyond that. I do not for a moment think that medical men would not be desirous of doing everything which was likely to lead to the better health of the community, but we cannot raise all the funds that are necessary to carry out all the works we desire at once. Out of their annual revenue the local authorities have to bear the expense attaching to the maintenance of their staffs, they have to maintain the public roads at a very heavy expense, and they have also to see to the drainage of their divisions. The drainage, I would point out, can only take a certain portion of their funds, and I think it would be highly injudicious and improper to pass a law which would give a person who is not an expert in business of that kind the power to spend the money of other people on sanitary improvements. I admit there are cases in which it might be advisable to have power to force the local authorities to do their work, because they are not always guided by the most accurate rules. At times they are exceedingly lavish in their expenditure, and again they are stubbornly obstinate in refusing to do anything. Therefore I do not disagree with the Bill in so far as it gives power to bring the local authority within reasonable bounds, but certainly as it stands now some amendment will have to be made. If that is not done we shall be compelled to deal with amendments to the measure at a very early date. The Bill is exceedingly elaborate and the interpretation of course becomes correspondingly difficult. At present we are in the condition of having a Board of Health, an Epidemic Joint Board, and the Home Secretary, who are all exercising certain powers in regard to the question of public health. That is not a desirable arrangement at all. A house divided against itself cannot stand. Therefore, some measure like this Bill is necessary, but at the same time I do not think too much power should be placed in the hands of an irresponsible individual. Under all the circumstances I do not think it necessary for me to go fully into a discussion of the details of the Bill. There are a great many details of course which have to be dealt with, and perhaps it would be better to leave their consideration until the measure gets into committee.

HON. C. F. MARKS: I will not detain the Council long, for I should be guilty of tautology if I repeated what has been dealt with so fully by the Hon. Dr. Taylor. I would ask the last speaker to remember that whilst the doctors are generally held up to contumely——

HON. B. D. MOREHEAD: I do not think so.

HON. C. F. MARKS: The commissioner must be an expert in sanitary science. I would ask the hon. gentleman to remember what course of training is necessary for a man to become an expert in such a science. His are special qualifications and require a special course of training. I think he will find that a medical sanitary expert has to understand all forms of local government, or the engineering part of local government. I am also sorry to hear from the Hon. Mr. Gregory that matters relating to health come behind everything else. He speaks of the financial matters having been left out of consideration, but I always understood that health came even before finance, and I hope he will take that view of the question.

HON. W. D. BOX: I should not have troubled the House but that an hon. gentleman asked me before he left to draw the attention of the hon. gentleman in charge of the Bill to clause 11, which provides that at least two members of the board, exclusive of the commissioner, shall be medical men, and that at least one member of the board shall be a person who has had not less than three years' experience of local government as a member of some local authority. The Hon. Mr. Thynne asked me to call attention to the fact that in his opinion there was hardly one person in the colony of Queensland who had the qualification required by the Bill.

The POSTMASTER-GENERAL: Three years' experience?

HON. W. D. BOX: Three years' experience, and at the same time being a member of a local authority. I only desire to call attention to the fact because I was asked to do so. The Bill, to my mind, is something like the Building Bill. It is forcing on a small and growing community a perfect form of measure which would be applicable to a city like London or Manchester. I have no doubt that in committee there will be a great deal said about it, and we, fortunately, shall have the assistance of two men, the Hons. Drs. Marks and Taylor, whose opinions I value. I should like also to draw attention to the disease erysipelas being included as an infectious disease. I have had erysipelas, but had not the slightest idea that it was a dangerous infectious disease. When we get into committee, I shall ask the medical members of the Chamber to give me their opinions upon that matter. I think we are getting on splendidly with Bills, which are certainly a little in advance of a community like ours.

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

The committal of the Bill was made an Order of the Day for Tuesday next.

The House adjourned at twenty-eight minutes to 6 o'clock.