Queensland

# Parliamentary Debates
[Hansard]

## Legislative Council

**TUESDAY, 16 OCTOBER 1917**

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# LEGISLATIVE COUNCIL.

TUESDAY, 16 OCTOBER, 1917.

The PRESIDENT (Hon. W. Hamilton) took the chair at half-past 3 o'clock.

## GOVERNMENT EXPENDITURE ON INDUSTRIAL ENTERPRISES.

SECOND PROGRESS REPORT OF EVIDENCE TAKEN BY SELECT COMMITTEE.

HON. P. J. LEAHY laid on the table minutes of evidence taken by the Select Committee on 12th and 15th October, and moved that the paper be printed.

The SECRETARY FOR MINES (Hon. A. J. Jones): At this stage I might say that I intend to give notice before the Council rises of a motion, and I would like the hon. member to postpone his motion until to-morrow, as my motion will have a bearing on this question.

Hon. P. J. LEAHY: You wish me to postpone my motion?

The SECRETARY FOR MINES: Yes. The motion that I intend to move has for its object the discharge from the business paper of the motion moved by the Hon. Mr. Leahy and a subsequent motion by the Hon. Mr. Brentnall.

Hon. P. J. LEAHY: The motion for the printing of this evidence?

The SECRETARY FOR MINES: Yes. I just rise to say that I am opposed to the printing of this evidence.

Hon. P. J. LEAHY: I fully expected that in view of the way in which the Government wanted to burke discussion.

The SECRETARY FOR MINES: The Government did not do anything of the sort.

Hon. P. J. LEAHY: They declined to produce the papers yesterday.

The PRESIDENT: Order! Order!

The SECRETARY FOR MINES: The Government are opposed to going on with the printing of this evidence, when it is quite unnecessary, on the score of economy.

Hon A. G. C. HAWTHORN: What! The Government talking of economy? (Laughter.)

The SECRETARY FOR MINES: However, it will be a matter for the Council, but I rise to offer my protest on behalf of the Government to the printing of the evidence that has been taken by the Select Committee.

Hon. P. J. LEAHY: You do not like the evidence.

The SECRETARY FOR MINES: Later on we will deal with the evidence.

Question put and passed.

## NEW MEMBERS.

The PRESIDENT announced that he had received from the Governor a letter, dated 12th October, intimating that His Excellency had been pleased to summon to the Council—

Randolph Bedford, Esq., of Brisbane;
Ernest Bracher Purnell, Esq., of Rockhampton;
Frederick Courtice, Esq., of Bundaberg; and
Thomas Nevitt, Esq., of Townsville.

Hon. P. MURPHY thereupon introduced Hon. R. Bedford and Hon. F. Courtice, who, having produced their writs of summons and oaths of allegiance, subscribed the roll, and took their seats.

Hon. E. B. PURNELL was also introduced by Hon. P. MURPHY, and, having produced his writ of summons, took the oath of allegiance and subscribed the roll.

### CONGRATULATIONS TO NEW MEMBERS.

At a later stage,

The PRESIDENT said: Before proceeding to the Orders of the Day, I may say that during my enforced absence several hon. members were called to this Council, and I desire on this occasion to offer them my congratulations. Some of them have been personal friends of mine for many years. They took a very prominent part in the Labour movement when it was not very popular to do so, and I am glad to see that their work in the early days of the movement has now been recognised, and I congratulate them on their appointment to the Council. (Hear, hear!)

## AUDITOR-GENERAL'S REPORT.

CENTRAL SUGAR-MILLS.

The PRESIDENT announced the receipt from the Auditor-General of his report on the accounts of central sugar-mills for the year 1916-17.

Ordered to be printed

## PAPERS.

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

Report of the Public Service Board for 1916;
Report of the Royal Commission on purchase by the Government of Wando Vale Station;
Progress report of Royal Commission of State iron and steel works.

## WAGES BILL.

RESUMPTION OF COMMITTEE.

(*Hon. W. F. Taylor in the chair.*)

On clause 48—"*Other remedies not to be affected or rights between parties varied*"—to which Hon. A. G. C. Hawthorn had moved the addition of the following paragraph:—

"(*c*) To limit or affect the provisions of the Industrial Arbitration Act of 1916, or of any award or agreement thereunder."

HON. A. G. C. HAWTHORN understood from the Minister that he had some suggestion to offer, so that probably the hon. gentleman would be able to say whether he would accept the amendment or not. He thought the amendment was a good one, and hoped it would meet with the concurrence of the Committee.

*Hon. A. G. C. Hawthorn.*

The SECRETARY FOR MINES: On Thursday last they had discussed the amendment at some length. Since the adjournment on Thursday he had given further consideration to the clause, and he would now suggest an amendment on clause 49 to read—

> "The remedies provided by this Act for the recovery of wages shall be deemed to be in addition to and not in substitution for any remedy for the recovery of unpaid wages due under an award, order, or industrial agreement provided by the Industrial Arbitration Act of 1916."

He suggested that the Hon. Mr. Hawthorn should accept the amendment he had read, as it would remove any doubts.

Hon. T. J. O'SHEA: What are the remedies provided by the awards?

The SECRETARY FOR MINES: The object of the clause was to clear up any confusion that might remain as to the court in which the worker could recover wages. Section 64 of the Industrial Arbitration Act provided that the worker might sue before the Industrial Court within sixty days for wages becoming due under an award. Clause 34 of the Wages Bill was a re-enactment of the old section in the Masters and Servants Act, which gave a general remedy for the recovery of any unpaid wages whatsoever; and that remedy might be exercised at any time within six months of the wages becoming due. He hoped the hon. gentleman would accept the amendment he (Mr. Jones) had suggested in place of the amendment he had moved.

HON. P. MURPHY rose to a point of order. He would like to draw the Chairman's attention to the fact that no notice of the amendment had been given to hon. members. He would point out that there were a number of new members in the Council who were not conversant with the practice of the Chamber.

HON. A. G. C. HAWTHORN: His amendment had been printed and circulated for the last fortnight. He was not raising any objection to the amendment suggested by the Minister, because the longer they had to discuss the matter the better, as it was a matter well worthy of discussion. The Minister's amendment would take them no further than the Bill itself, because it said what the Bill said, that it was to be an addition to the remedies under the Industrial Arbitration Act, whereas his (Mr. Hawthorn's) amendment said the Industrial Act and its awards should stand on their own footing, and anyone who was paid wages under an award under the Industrial Arbitration Act should not have the right to go from the Industrial Arbitration Court into a Police Court or some other court and say, "I want to sue under the Wages Act." He was sure that his suggestion would appeal even to those hon. members who were supporting the Minister. They would agree with him that it was better to have an industrial award under the Industrial Arbitration Act interpreted under that Act and not have it open to be interpreted under that Act or under the Wages Act.

Amendment agreed to.

Clause, as amended, put and passed.

The Council resumed. The CHAIRMAN reported the Bill with amendments, and the report was adopted.

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

## OPTICIANS BILL.

COMMITTEE.

*(Hon. W. F. Taylor in the chair.)*

Clause 1 put and passed.

On clause 2—"*Interpretation*"—

HON. C. F. MARKS: He would like to know whether the Minister proposed to accept the findings of the Select Committee on the Bill. If he was prepared to do so, he (Hon. C. F. Marks) would not insist on moving the amendments of which he had given notice.

The SECRETARY FOR MINES: Some time ago he had moved in the House that the report of the Select Committee be received, but he was not inclined to accept the whole of that report. To save time, if it met with the wishes of the Hon. Dr. Marks and others who thought with him, he might say that he would accept the report of the Select Committee with the insertion of the amendments indicated by him on Thursday last, and the deletion of the amendment suggested by a majority of the Select Committee, which would prevent an optician from practising optometry on those under the age of sixteen years.

HON. C. F. MARKS: The Minister having indicated that he was going for the whole thing, because that was practically the whole thing, he would move the amendments he had given notice of. He moved the omission of the words "practise optometry," on line 19, with a view to inserting the words "grind lenses of all varieties, to dispense oculists' prescriptions, and to sell spectacles." The objection of the profession, which numbered some 270 in this State, and which was practically confirmed by the whole profession in Australia, ought to have some weight with members of the Council. The point was that the medical profession held that the opticians were incompetent to recognise disease. The Minister should accept the findings of that body, which was the only body competent to give an opinion on the matter. From the information they had from the Government, or even from the Select Committee there were very few persons who were competent opticians. There were four opticians examined before the Select Committee, two of whom were uncertificated and had no education on the matter at all, and two of them had certificates from the Society of Spectacle Makers. It was a very old and worthy society, but it only went
[4 p.m.] as far as spectacle making. There was no question of education in health or disease at all. It had been shown very clearly to the Council that the matter was a very important one to the whole community, and he would have to call for a division unless the Minister agreed with him.

HON. E. W. H. FOWLES: Before the amendment was put, he would like to ask whether the word "twenty-one" in the previous line was quite in order? He thought that the Minister would find that it should be clause 22.

The SECRETARY FOR MINES: That could be altered later on, as the numbering of the clauses might be altered as the Bill was amended. He would be very glad if the hon. member would raise the point at the end of the Bill. He was opposed to the amendment moved by the Hon. Dr. Marks, and, although they all respected the opinion of a man qualified as the hon. member was, it did not follow that they should accept all the amendments that he might suggest. The Bill was introduced by the Government with a view to affording ample protection to the public against the charlatan and the quack who travelled throughout the country. The Select Committee appointed by the Council, consisting of the Hon. Mr. Fahey, the Hon. Mr. Leahy, the Hon. Mr. Parnell, the Hon. Mr. Stephens, and himself, had examined the following witnesses:—A. P. Greenfield, W. J. O'Sullivan, C. S. Fraser, J. Guilfoyle, Dr. Lockhart Gibson, Sir David Hardie, M.D., Dr. E. S. Jackson, and Dr. W. W. Hoare. The evidence given by the opticians was very much in favour of the Bill, and that given by the medical men was somewhat divided. As a matter of fact, he thought Dr. Hoare stated that he was quite willing that opticians should test the eye. The object of the amendment was to prevent opticians, whether qualified or not, from testing the eye. The effect of that, especially in a sparsely populated country like Queensland—and he asked hon. members to separate themselves from Brisbane in considering the Bill, and view it purely from a State point of view—would be that a great many people living in the country districts would not have the opportunity of getting their eyes tested. The Bill provided that a board should be appointed, and also a board of examiners, one of whom was to be an ophthalmic surgeon or a medical man who practised ophthalmology. Dr. Marks indicated that that would not be acceptable to him and several other members of the Council and to the medical profession, and they would not sit on that board. The amendment he had indicated was that in that event two opticians should constitute the board. The whole discussion might be confined to the present amendment, because the others were consequential. It was much better to have no Bill at all than to accept the amendment. The measure was introduced in the interests of the people, and if the amendment were carried, they would have to rely on the services of only a few oculists. Were there sufficient oculists in Queensland to test the eyes of the people of the State?

Hon. C. F. MARKS: There are.

The SECRETARY FOR MINES: He had lived in the city of Maryborough, and there were no oculists there, but under the amendment a person would not be allowed to go to one of the qualified opticians there. They would have to go to one of the few oculists in Brisbane. How many were there in Queensland practising ophthalmology outside Brisbane?

Hon. C. F. MARKS: That is a good word.

The SECRETARY FOR MINES: It was the correct one, and, as a matter of fact, the hon. member who moved the amendment did not practise it. There was only one in Brisbane who confined himself to the practise of ophthalmology—that was, Dr. Hoare, who gave evidence before the committee, and who was in favour of allowing opticians to test the eye.

Hon. C. F. MARKS: Not of children under sixteen.

The SECRETARY FOR MINES: That amendment, moved by the Hon. Mr. Parnell, was not discussed. The hon. member mentioned it at the tail end of a sitting, and, without any disrespect, he might say that he thought that if it had been discussed it would not have been included.

Hon. W. STEPHENS: Dr. Hoare recommended that.

The SECRETARY FOR MINES: Yes; they had evidence to prove that many medical men went to opticians to get their eyes tested and for glasses. Perhaps some of them gave evidence. However, he was opposed to the amendment, because the Bill was practically worthless if it were carried. He hoped the Council would have the good sense to accept the Bill as it was, or at any rate not vote for the amendment.

HON. C. F. MARKS: Dr. Hoare claimed to be a specialist, that was to say, he devoted his time to that and that alone, but it did not follow that he was any better man than their Chairman of Committees, who devoted his attention to that and other matters, or than Dr. Lockhart Gibson who gave his time and attention to that and other matters. He would like to give the Council and the Minister to understand that ophthalmology was part and parcel of the training of every medical man. He himself, so far back as the seventies, was a doctor. He could then and could now estimate the condition of the eye. Members of the Opticians' Society were not trained to recognise disease in any form unless it was of the most obvious kind, and that was where the risk came in. There were oculists in other parts of the country than in Brisbane. There was Dr. Davidson in Rockhampton, and if there were sufficient cases he had no doubt there would be other men. He had put before the Committee the point that the profession generally had made it as plain as they possibly could that there was great danger of allowing people who were not competent to judge of the diseases of the eye, to deal with the eyes of the rising generation or any part of the generation. If the Committee adopted the Bill, the responsibility would be with them.

HON. T. J. O'SHEA: He understood from the Minister that if the amendment were carried it would practically wreck the Bill. He had given some consideration to the Bill, and he thought it would be a pity to do that. He thought there was some good in it. Their only duty was to the public. The present condition of affairs was unsatisfactory and the Bill would bring about a better position, and he thought that order was better than chaos any day. The Bill would be the first step in the right direction. The very fact of excluding from their number the charlatans and quacks and the men who imposed on the public, the very fact of recognising opticians as a branch of a profession or calling, would be a stimulus to them to do better work in the future, and merit from the public the satisfaction and the recognition which the improved conditions would bring. Much as he regretted having to disagree with Dr. Marks, especially on a subject on which he was so well

informed, he thought the Council would be unwise in carrying any amendment which would have the effect of causing the withdrawal of the Bill.

Hon. R. SUMNER: Would it not be a bad thing if it were wrecked?

HON. T. J. O'SHEA: That would leave the opticians where they had been in the past.

The SECRETARY FOR MINES: At any rate, this Bill cannot make the position any worse than it is at present.

HON. T. J. O'SHEA: It could not, as it was now as bad as it was possible to be. Any man who chose to put out a plate and call himself an optician could foist his wares and his pretended knowledge on the public in a way that was not at all satisfactory. If the Bill were carried with the amendments which had been foreshadowed, it would improve the condition of affairs amongst the opticians, and thereby benefit the public, and that should be their first consideration. He would not do anything that was likely to wreck the Bill.

HON. I. PEREL: He had a little knowledge of the optical business, which he had acquired when a very young man. At that early period in his career he noticed all the evils with which the Bill dealt, and the dangers arising from quacks going around calling themselves opticians. Many people went to those quacks, thinking they were opticians. The time had arrived when they should bring before the public the fact that people who sold spectacles were not opticians, and that opticians were not oculists. He had gone through the Bill very carefully and had listened to the very fine arguments adduced by the Hon. Dr. Marks; but, if the amendment would wreck the Bill, he for one would not vote for the amendment, because the Bill had a great many good points in it. If any measure submitted to them contained ninety good parts and ten bad parts, it was a measure which should receive their support. In this Bill there were ninety good parts, and perhaps one or two bad parts. The Bill had been very carefully prepared, and was deserving of support. The opticians of Queensland were far in advance of what they were in his time, when an optician could only grind lenses to fit frames, whereas to-day he could make lenses. From his experience as a practical man he would rather go to an optician to have his sight tested than he would go to any doctor.

HON. R. BEDFORD: On the assurance of the Minister that the acceptance of the amendment would wreck the Bill, and depending generally on the fact that the board of examiners were to be efficient, he would unhesitatingly vote against the amendment. In the back country from one end of Australia to the other, where opticians could not readily be communicated with, he had seen cases of the most shocking sort resulting from the practice of quacks, and under the circumstances he was absolutely for the Bill as it stood and quite against the amendment.

HON. A. H. PARNELL admitted the Bill was a very good one, and it was not his intention to attempt to wreck it; at the same time, he would point out that, prior to the appointment of the Select Committee, they had only the testimony of the Hon. Dr. Marks and the Hon. Dr. Taylor to guide them, and the Select Committee was appointed to give an opportunity to the opticians to give their version. If the committee accepted the amendments which had been suggested to the Select Committee, the Bill would be even a better Bill than it was, because those amendments had been suggested by the Select Committee after hearing the evidence of a number of witnesses. He thought the Minister was open to correction when he said that Dr. Hoare said that even up to the age of forty years eyes should be tested by a medical man; the doctor did say that in no case would he allow the eyes of children up to sixteen years of age to be tested except by an oculist. He took it that the Government were looking after the welfare of the people in the matter. If that were so, why could they not send a medical man to examine the eyes of the children, especially in the far Western country? It had been pointed out by the Hon. Dr. Marks and the Hon. Dr. Taylor, as well as by medical witnesses before the Select Committee, that it was necessary that the eyes of children should be tested. A few years ago the Hon. Dr. Taylor was sent out by the Government of the day to visit the whole of the schools of the West, and to test the eyes of the children.

The SECRETARY FOR MINES: If this amendment is carried, the Government will have to do something in that direction.

HON. A. H. PARNELL: A few years ago nurses were supposed to be registered, and any woman who had been practising midwifery for twelve months, even although she had no hospital training, was allowed to practice as a midwife. According to the report that had been issued by the Commonwealth Government, there was great danger from allowing incompetent women to practice as midwives. Of course, such incompetent women generally attended on the poor. Women of means took good care to employ qualified midwives and doctors to attend them. According to the latest report, the number of deaths in childbirth was very much on the increase, showing the necessity for thorough training. The same thing occurred in connection with the dentists. Any dentist who had been practising for twelve months was allowed to put out his sign and pass himself as a qualified man. There were many eminent dentists in Queensland, but there was a large number of men who had no right to call themselves dentists at all. This Bill was going to bring about the same state of affairs in connection with opticians. It was going to allow a large number of men who were practically only working jewellers to pass themselves off as opticians who were licensed by the Government of Queensland.

Hon. G. S. CURTIS: Will they not have to undergo examination in the future?

Hon. C. F. NIELSON: Some of them.

HON. A. H. PARNELL: If the board of examiners had a medical man on it there might be some guarantee with regard to the qualifications of those who passed the examination; but if medical men refused to take a seat on the board, and it was to be composed of opticians only, then the examination would be a farce.

Hon. T. M. HALL: The medical men have declined to sit on the board.

Hon. W. STEPHENS: Not all of them.

HON. A. H. PARNELL: They should be given an opportunity to sit on the board.

There were many good points in the Bill: but he objected to men who had no training at all being allowed to put out their signs and say that they were properly qualified opticians. He hoped that a medical man could be induced to sit on the board.

HON. W. R. CRAMPTON felt satisfied that the adoption of the amendment would wreck the Bill, and he would be very sorry to see that happen. From his experience, he believed a Bill of the kind was absolutely essential. They had the evidence submitted by the Hon. Dr. Marks and others which could not be ignored; but, after having read the evidence and finding that out of 217 practising medicos in Queensland there were only ten practising as oculists, he was of the opinion that it would be very difficult for people in the West to have their eyesight tested if the amendment were accepted. He understood that before a man could practise as an optician he must pass an examination and have the qualifications prescribed by the board. It would be a great hardship if the people in the West were compelled to go to Brisbane or one of the other larger cities along the coast in order to consult an oculist, when in their own district they might be able to get the necessary attention from one who had passed the necessary examinations and had all the qualifications set forth in the Bill. If the Bill were passed, it would simply mean that the optical business would become a branch of the medical profession. Under the circumstances, he felt disposed to vote against the amendment.

HON. T. M. HALL: The arguments that had been advanced seemed to indicate that, when the business was carried on without any regulation whatever, the community got on fairly well; but the Bill would provide some safeguard, if not a complete safeguard, against unqualified men dealing with the eyes. If they only went one step towards safeguarding the public against charlatans and quacks, they would be doing something. The opticians would become a regulated body, to whose membership men would only be admitted by examination. If later on it was discovered that amendments were necessary in order to impose still further restrictions upon those who were practising as opticians he was quite sure that the Council would be prepared to make those amendments. He favoured any movement that would benefit, if only to a small extent, those who were at present under a great disadvantage. He intended to support the original clause.

HON. A. G. C. HAWTHORN: The position was rather an awkward one to a layman. They had the medical profession, or a portion of it, saying distinctly that opticians should not be allowed to practise under the Bill as drawn. On the other hand, the Select Committee, which had gone fully into the matter, had come to the conclusion that the amendment was not necessary; so what were hon. members to do under the circumstances? There was no doubt that the opticians' profession in Queensland required regulating. When he was Home Secretary he was so impressed with the necessity of having the eyes of children in the West tested, ophthalmia being so prevalent there, that he had suggested that the [4.30 p.m.] Hon. Dr. Taylor should go out West and make an inspection and report. That suggestion was accepted by the Cabinet, and Dr. Taylor made a report, which showed that ophthalmia was very prevalent in the West, and there was very great need for some supervision over the eyes of the children in the West. After that a medical man was deputed to go into the West for the purpose of examining the eyes of the children; but he understood that during the last year or two no medical man had been available who was capable of doing the work. That was a position that the Government ought to rectify, apart from the Bill altogether. It was absolutely necessary that there should be two or three qualified oculists whose duty it would be to examine children's eyes, particularly in the West. No matter what salary was paid, the expense would be well repaid by the advantage received by the children in the West. There were families in the West who were hundreds of miles away from people able to judge of the condition of the eye, and they were not in a position to send their children into the coastal towns. Those children ought to have some relief. The parents were living a very hard life, and they probably had not the money to enable them to do the right thing for their children's eyes, and it was the duty of the Government to do something for them.

An HONOURABLE MEMBER: State enterprise.

HON. A. G. C. HAWTHORN: It was not State enterprise. It was assisting the children of the pioneers of the West out of money provided by themselves.

Hon. A. A. DAVEY: The Government cannot get anyone to undertake the work.

HON. A. G. C. HAWTHORN: If the Government advertised he thought they would succeed in getting a man qualified to undertake that work. He was particularly interested in the evidence given by Dr. Hoare before the Select Committee. As reported on page 35 of the report of the Select Committee, he was asked—

> "I am referring to a qualified optician —one who has got a diploma or a certificate from distinguished oculists in England—and a high diploma, too. Would you prevent that man from testing the vision under any circumstances?"

and he said: "No."

That was the opinion of a man who was an oculist and one who had made a speciality of the work. Under all the circumstances, it seemed to him that the best thing they could do was to pass the Bill as recommended by the committee. The longer they deferred a Bill of that kind the more possibility there was of unqualified people taking up the business. He would like to see the Bill go through, because he recognised that something should be done, and if they found that the Bill was unworkable in its present form it would be easy enough next session, on further evidence from medical men and others, to amend it. Much as he disliked voting against the Hon. Dr. Marks, he regretted he would have to oppose the amendment.

HON. A. H. WHITTINGHAM: He agreed with the Hon. Mr. Hawthorn that the amendment put laymen in a rather awkward position. They had the testimony of some three hundred medical men who asked for a certain amendment and they also had the assurance of the Minister that if the amendment were agreed to the Bill would be

wrecked. Hon. members did not want to wreck the Bill if there were any good points in it, and no doubt there were some good points in it. People living in Brisbane had no idea of what a serious matter eye troubles were in the West. As the Hon. Mr. Hawthorn stated, some time ago a specialist was sent out West to examine the eyes of the children, and he regretted that that practice had been stopped. When the specialist went out he did a lot of good work and made many useful recommendations as to what should or should not be done in the schools in order to prevent the spread of ophthalmia. If the Bill was going to prevent quacks from practising the profession, then he would vote for it. He remembered very well when a quack dentist went out into the Central districts, pulled people's teeth out, took impressions for plates, took cash in advance, and that was the last they heard of him. They did not anticipate that quack oculists would pull people's eyes out, but they might do a lot of harm by the use of drugs. At present, he was rather undecided as to which way he would vote. It was very hard to turn down the testimony of medical men, and it was equally hard not to support the Government when they said the Bill would be wrecked.

HON. C. F. NIELSON: He had no intention of accepting the Minister's assurance that the amendment was going to wreck the Bill.

The SECRETARY FOR MINES: Under the amendment the optician will not be allowed to practise optometry.

HON. C. F. NIELSON: It did not say that at all. On the other hand he had no intention of supporting the amendment, because it left things exactly as they were. The only thing it did was to give an extra definition of optometry. It put that definition on a lower plane, so to speak, but it did not do away with the fact that later on the Bill provided that persons who practised optometry could measure the vision of the eye and prepare and sell lenses for the purpose of aiding vision. He could see no use in the amendment at all, and whoever prepared it could have had nothing more or less in view than the sentimental part. That was to say, they did not wish to give opticians the pleasure of being known as anything more than persons who ground lenses and dispensed prescriptions. He objected the other day to the adoption of the report of the Select Committee and gave certain reasons for doing so. Those reasons still held good. They had a Select Committee, at which three witnesses only were examined, and the evidence of those three witnesses was not at all conclusive that opticians should be licensed. There was not a single country optician invited or brought down to give his views on the matter. They had large towns in Queensland outside of Brisbane—Toowoomba, Warwick, Rockhampton, Townsville, and Maryborough—in all of which were men of unquestionably high repute and who were consulted by members of the medical profession. There was an attempt made in the Bill to try and block the man who was "taking down" the public. It was their duty to do that if they could, but in trying to do that they should not injure a number of properly qualified men—men who had become qualified either by experience or study or by serving under other qualified men and who have carried on the practice of optometry for a great number of years—men who were held in high repute not only by their own fellow-tradesmen, but also by members of the medical profession. One hon. member interjected that he saw no reason for the Bill. He must admit that until the Bill was produced in the Council he had never heard of any great call for the Bill. There had been no public demand for the Bill. The Bill, no doubt, had been brought in by the Government at the repeated exhortations of opticians in Brisbane, and if they were going to have the Bill at all—it might be quite debateable whether it was necessary to have any Bill at all—if they were going to have any Bill at all it was their duty to see that they did not injure anybody, particularly men in the country, some of whom were just as good as the best men in the city. He was not personally acquainted with the meaning of the various letters opticians got after their names, or what it meant if they belonged to the ancient society of spectacle makers, but it conveyed to him, at any rate, that they had specialised in that subject, and when they had done that, particularly when they had carried on that branch of business for a great number of years, and when they knew that medical men sent their patients to them and that they themselves go to them to get their vision tested and glasses supplied, nothing should be done to injure them in their business. They should do nothing to injure those people, and, if it were at all necessary that any Bill should be passed, then the position of those who had followed the profession must not be overlooked. The practice of optometry was defined as the employment of methods not being by means of drugs or medicine or surgery for the measurement of the powers of vision and the adaptation of lenses for the aid thereof, and the amendment left that exactly where it was. He was opposed to the amendment, but it really meant nothing.

The SECRETARY FOR MINES: The amendment meant everything to the Bill. The Hon. Dr. Marks agreed that the whole question hinged on it, and most of the others were consequential. If the words "practise optometry" were deleted from the Bill, the opticians would not be allowed to do what they were doing at present. The Government were there to do business, and if the amendment were carried they might as well carry everything which was moved and end the thing. Better have no Bill at all if the amendment were carried. Hon. members who were opposed to him on most things were with him on this. They had sat two or three days as a Select Committee, and decided that the practice of optometry should not be confined to oculists. The Bill could not possibly make the position in the State any worse than it was at the present time, and, in his opinion, it would make it a good deal better, because it would do away with a good many persons who were practising now.

HON. A. H. PARNELL: He was not there to take the part of the medical profession or the opticians, because both of those bodies were quite capable of looking after themselves. What he did want to do was to protect the general public, and members would see from Dr. Hoare's evidence that he was very sympathetic with the opticians, but nevertheless was most emphatic in his objection to any optician testing the eyes of a child of sixteen or under.

If the Minister was in any way prepared to accept the Bill with the committee's recommendations embodied in it, he would be only too pleased to support him. He did not want to wreck the Bill.

HON. R. SUMNER: He had perused the evidence taken by the committee, not once but thrice, and it appeared to him that if the Hon. Dr. Marks's amendment were carried, Greenfield and Co., or other people to whom they had been accustomed to go, would not be able to test the sight at all. He thought it better to leave things as they were and let the Bill go, in an extensive country like Queensland. From the evidence, he found that even medical men went to opticians to have their eyes tested. Even the Hon. Dr. Marks, he thought, would realise that if the amendment were carried it would prevent any optician from testing the eyes of any person. He hoped the day would come when they would be able to afford State-aided medical men to test the eyes of the children right throughout the State, but that time was not yet. There was another point in the Bill to which he would like to call attention. They were practically endeavouring to establish a monopoly for the opticians. He would like to see something in that Bill, and others of a similar description, whereby they could limit the charges to the public. An optician could charge £3 3s. or £4 4s., whereas another one would tell you that he could do the same thing for 5s. or 7s. 6d., and very often the patient found that the seven and sixpenny glasses suited him the better. In all Bills like that, whether they dealt with the registration of dentists or lawyers or doctors or opticians, they were practically enabling a close corporation to be formed, without attempting to limit their charges. He thought, nevertheless, that the suppliers of glasses should be registered, and he hoped the day would come when they would be able to go farther in the direction of the object of the Hon. Dr. Marks's amendment, and the State would provide medical men to look after the eyes of the people.

HON. A. A. DAVEY: He had a great regard for the medical views which had been expressed, but he recognised that the members of any profession were sometimes liable to err on the side of being too particular. He had in his mind the people living away from the centres of population, and he thought it would be a great mistake if the Council were to do anything which would deprive them of the services of the opticians. He supposed that the opticians were not all rogues and vagabonds, although there were some in every calling—except the one which he happened to be associated with himself. He would have thought that the doctors would have been satisfied if the people in the outlying districts had been protected from the use of drugs or anything of that kind. The measurement of the sight appeared to him to be a comparatively simple matter. Of course, he understood that the suggestion was that the opticians might be misled; that there might be some disease in the eye. If that were so, he did not know that the measurement of the eye and the consequent recommendation of a reasonably competent optician would really lead to the injury of the sight of the patient. He was told that the opticians could and did easily discover disease in the eye. The Hon. Dr. Marks said it would be difficult, that they only discovered the most obvious and serious diseases, but it was within the range of possibility that anything like a decent optician would, on recognising a disease, send his patient to an oculist, and, in fact, such an optician did. They could not have everything really perfect, but the Bill provided for some sort of examination. It rested with the Committee and the medical profession as to whether they would make that examination real and genuine. He hoped members of the medical profession would not refuse to act upon it, because their services would be very valuable.

There was no reasonable ground for objecting to the use of the word "optometry," which simply meant measuring the sight, but if the amendment were carried it would mean that nobody but the medical man would be allowed to measure sight or prescribe glasses. There were not sufficient oculists in Queensland to do that work, and it was better to protect the people so far as they could rather than leave them wholly unprotected, and the Bill really afforded a measure of protection to the people. He was told that the Government had
[5 p.m.] not been able to obtain an oculist in connection with the State schools. He did not know whether that was true or not; but, if it was the duty of the State to educate the child, it was equally the duty of the State to look after the health of that child. It was becoming more and more recognised as time went on that the most valuable asset a State had was its children, and he hoped the Government would lose no time in appointing a reasonable number of oculists to visit the schools throughout the State with a view to attending to the eyes of the children and to eliminating diseases of the eye, which were very prevalent in the West. On the whole, he thought they would do well if they negatived the amendment, regarding the Bill as being at least a step in the right direction.

HON. E. W. H. FOWLES regarded the Bill as a praiseworthy and bonâ fide attempt on the part of reputable opticians to weed their ranks of quacks and to lift their present uncertain occupation to the status of a regulated and recognised profession. The surveyors did that years ago; the chemists had done it; the doctors themselves had done it; the accountants had done it; and he thought the time had come for the opticians to do it. They placed great weight upon the medical opinion of the Hon. Dr. Taylor and the Hon. Dr. Marks, and he felt sure that, like true sportsmen, when the Bill passed, those hon. members would help to make it a thoroughly workable measure. It was well pointed out that it could not do any harm, and that it would control, and perhaps remove, the evils that flourished at present unregulated in their midst. He held in his hand a copy of the Opticians Bill that had been passed in Georgia, the thirty-eighth State in the American Union to pass such a measure. It was said that before it became law the medical men of the State were induced to withdraw their opposition and even to lend their active support to the measure. The only speech made in the House in favour of the Bill was made by a physician, and the Bill was recommended unanimously by three physicians to

*Hon. E. W. H. Fowles.*]

the Senate Committee. That Bill was practically a replica of the Bill now before the Committee. He supported the Bill for the reasons given by previous speakers, and also for the reasons that, while anybody in Brisbane could consult an oculist, it was quite impossible for the 670,000 people throughout Queensland to consult the eight or twelve distinguished oculists in the State, four of whom resided in Brisbane. He did not know how many quacks there were in the profession at the present time, but the Bill would undoubtedly weed out those quacks. The Select Committee went very carefully into the evidence, and they should pay considerable respect to the decision come to by the committee. He agreed with all the amendments suggested by them except one, and there were two others to which he would invite the attention of hon. members. If that were done, he believed it would remove a good deal of the opposition felt and expressed by the medical profession. He believed the Hon. Dr. Marks would accept one suggestion, and that was that, if any optician prescribed glasses for a client whom he knew to be suffering from any organic disease producing defective eyesight, he should be subject to a penalty.

Hon. A. G. C. HAWTHORN: How are you going to prove knowledge?

HON. E. W. H. FOWLES: It would be a salutary warning to hundreds of quacks if one were convicted of such an offence and sentenced to imprisonment for six months.

Hon. A. A. DAVEY: The doctors say that opticians are not able to detect disease.

HON. E. W. H. FOWLES: The evidence of the doctors before the Select Committee was that first-class opticians would know when a client was suffering from an organic disease which caused defective eyesight.

Hon. C. F. MARKS: They have no means of knowing; they are not educated to know disease any more than you are.

HON. E. W. H. FOWLES: Perhaps that difficulty could be overcome by prescribing a slightly higher standard of examination, and requiring opticians to have a more thorough knowledge of the eye and some acquaintance with the main organic diseases which led to defective eyesight. He had every confidence that, if the Bill went through, the medical profession would lend their invaluable aid to making the examinations a first-rate test, lifting up the standard of opticians so that the quack would be weeded out, and the distinguished members of the profession would be stimulated to even greater research in their own science, thus bringing up the average optician to a very much higher standard. The Hon. Dr. Marks confessed that the amendment would wreck the Bill, so that there was no need to discuss it.

Hon. C. F. MARKS: I did not confess that at all.

HON. E. W. H. FOWLES: I understood so. Well it would wreck the main purpose of the Bill, and would prevent opticians of great repute from testing eyesight.

Hon. C. F. MARKS: There would be nothing to prevent them going on as they are doing now, but it would prevent them practising optometry.

Question—That the words proposed to be omitted (*Dr. Marks's amendment*) stand part of the clause—put; and the Committee divided:—

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| ,, C. Campbell | ,, A. J. Jones |
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*Teller:* Hon. T. C. Beirne.

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Hon. C. F. Marks Hon. W. Stephens

*Teller:* Hon. W. Stephens.

Resolved in the affirmative.

HON. T. J. O'SHEA moved the omission, on lines 14 to 16, page 2, of the words—

> "'Ophthalmic surgeon'—A medical practitioner who confines his practice as such to ophthalmology and ophthalmic surgery."

He understood that the medical profession had unanimously decided that they would not permit one of their members to go on the board, and it would be a mistake to frame the Bill in such a way that a strike would prevent it from becoming operative. They had the assurance of the Hon. Dr. Marks that no medical man in Brisbane would accept a seat on that board

Hon. W. STEPHENS: He did not say that.

HON. T. J. O'SHEA: If the medical profession were prepared to send a representative to that board, he was quite prepared to accept the position, as it would probably be an improvement. The same practice was adopted in regard to the Dental Act some time ago, and he had made very careful inquiry in connection with it, and was told that the dentists were still working with medical assistance, but careful, thoughtful men who were not at all biassed had told him that if it were not for the provision in the Act they would not require a medical man on that board, as they could get along very well without one. The medical men were sacrificing themselves to some extent by going on a board in which they were not very much interested. If the Hon. Dr. Marks told him that the medical men were prepared to take a seat on the board, he would withdraw his amendment. He was told that there were only six men in Brisbane who would be qualified to sit on the board, and he did not feel disposed to place himself in the hands of six men who could decide whether the Bill should become inoperative.

HON. C. F. MARKS: As he had intimated to the Minister, having failed on the test question which, although the Minister said it was not very pertinent, was very necessary because of what was to follow, he would not move the other amendments standing in his name. He had no desire to wreck the Bill. As the Minister would remember, he had told him that there were many good points in the Bill. If his amendment had been accepted there would have been nothing to

prevent the opticians from going on as they were doing now, but what the Bill would do was to say that those men were competent to diagnose disease, which they were not. If they were educated up to it, well and good, but the objection of the profession was that those men were being entrusted with the health of the eyes of the public, which they were not competent to deal with. As to the question put by the Hon. Mr. O'Shea just now, he had received a letter as follows:—

> "Dear Dr. Marks,—May I say you would not be going too far if you told the members of the Council that the profession would object to any of its members sitting on the opticians' board. The Federal Council has said so, the Queensland branch of the British Medical Association has said so, and the Optical Society of New South Wales has said so also."

He thought that endorsed what he had said—that medical men would not sit on the board. What could one single medical man do on a board composed of six?

The SECRETARY FOR MINES: The board of examiners will consist of two only.

HON. C. F. MARKS: That was not the point. The board could appoint whom they liked as examiners, but it was a question of being a member of the board that controlled the proposed society.

The SECRETARY FOR MINES: The Hon. Dr. Marks had hardly stated the case correctly when he said that his amendment would not have interfered with opticians testing eyesight or practising optometry. What he (Secretary for Mines) understood was that had they carried the amendment suggested by the Hon. Dr. Marks, the opticians could not practise optometry, and that the practice of optometry would have been confined to oculists, who were very few in numbers in this State.

Hon. C. F. MARKS: There is nothing in the Bill to prevent them practising.

The SECRETARY FOR MINES: Nothing in it at the present time. The Hon. Mr. O'Shea had moved the deletion of the whole of the definition of "ophthalmic surgeon." He (Secretary for Mines) had three amendments to move—one in clause 4, one in clause 5, and one in clause 9. After the word "require" he proposed to insert the words—

> "provided that if no ophthalmic surgeon can be found who is willing to act as an examiner, the Governor in Council may appoint as the two examiners abovementioned two persons deemed by him to be competent opticians."

That would provide, in the case of a strike in the medical profession, for a board of examiners of two competent opticians, and in these times they had to protect themselves against strikes. If they could not get an ophthalmic surgeon to sit on the board, the Bill would become inoperative unless they inserted the amendments he had suggested. He would much rather that an ophthalmic surgeon did take a seat on the board of examiners, as it would be of advantage to the people, and he hoped the medical profession, because they did not get their way with one clause of the Bill, would not stand right out altogether. He hoped they would assist in making the Bill of some use to the people of the State.

HON. T. J. O'SHEA: He had no desire to press any amendment that he thought would be injurious to the Bill. He approved of the Bill and desired it to become law in some form that would make it of benefit to the public, but he would like it to be free from the eccentricities of mechanical breakdowns, and he was afraid it would not be if they had to depend on the medical profession for its effective working. He did not believe in forcing on to the board any man following that particular calling, and there were so few of them in Brisbane. The number had been variously estimated, but in Brisbane itself, which was the largest centre in the State, some people said there were four, and others said there were six. Six was the maximum, and it might be found that there were only four men who could fill the definition in the Bill. What was the use of the proviso? The Hon. Dr. Marks told him that it was useless, and he said the same provision in the Dental Act was cumbersome and useless.

Hon. C. F. MARKS: What is the use of quoting me?

HON. T. J. O'SHEA: They had to quote Scripture sometimes. He thought the Hon. Dr. Marks was very often correct, and if he (Mr. O'Shea) differed from the hon. gentleman on one point, that did not [5.30 p.m.] say that he should not quote him on another point. It would be better to let the Bill go through in such a form that there would be no difficulty in administering it when it became law. The medical profession did not want it; it would probably only mean friction.

HON. A. H. PARNELL hoped that the leader of the Government would stand by the clause. Later, if the medical profession declined to take a seat, the Government could provide a remedy by appointing two opticians to the board of examiners. When it actually came to the point, he believed there would be found a medical man who would sit on the board and help to make the Act a better Act in the interests of the general public.

The SECRETARY FOR MINES: He was sorry the Hon. Mr. O'Shea was pressing his amendment, because there was no doubt that the consensus of opinion was that it would be beneficial to have a medical practitioner on the board, not necessarily an ophthalmic surgeon. He believed there was only one person practising in Brisbane who could really designate himself an ophthalmic surgeon, whereas there were many medical men practising ophthalmology and other branches of medical science. If a medical man would not sit, then they would make provision for two opticians. Surely the Hon. Mr. O'Shea did not want to exclude the medical profession. They ought not to assume that the medical profession would stand out, but they gave them an alternative. If they did, the Government would provide for the position. Because they had carried an amendment in clause 2, it did not mean that they had no regard for the medical practitioner in the Bill at all. He wanted to get the benefit of his knowledge.

HON. W. STEPHENS: So far as he understood it as a layman, he did not care whether a doctor was on the board of four or not. He wanted a medical man to be one of the two who would set the examination papers. It did not matter who was on the board so long as they had ordinary, decent, intelligent fellows; the board of examiners

was the important body. Doctors told them that a medical man would not sit; but he would like to know what happened in Tasmania.

Hon. C. F. MARKS: That is the only instance, and he will probably be off it now.

HON. T. J. O'SHEA: He had referred to the Hon. Dr. Marks, and he was told that there was only one ophthalmic surgeon in Queensland who could fill the definition in the Bill. Why confine themselves to one man?

The SECRETARY FOR MINES: The Bill provides for a medical practitioner.

HON. A. G. C. HAWTHORN: The Hon. Mr. O'Shea would be unwise to press his amendment. They ought to leave the field as wide as possible, and if they could not get an ophthalmic surgeon they wanted the next best thing—that was, a man who was practising, amongst other things, ophthalmology. He did not take it as absolutely final that medical men would not go on the board in the future. He was sure hon. members would be only too glad to give them the opportunity to withdraw their opposition. They would certainly feel more confident if they made up their minds to go on the board; but if they did not, they would have to make some provision by which the business of the board could be carried on.

HON. A. DUNN: It seemed to him that the definition required amendment. It was desirable that provision should be made for a medical practitioner to take a place on the board, and the definition should read, "ophthalmic surgeon or medical practitioner." Then the other two lines following would be deleted—

> "who confines his practice as such to ophthalmology and ophthalmic surgery."

HON. C. F. MARKS: He would like the Minister to explain why he desired to have a medical man on the board. The committee had decided that it was not a question of medicine at all; that opticians were to be allowed to practise and deal with disease. So where was the occasion for doctors on the board?

The SECRETARY FOR MINES: Of course, he did not agree that the committee had decided that the opticians should practise medicine. According to the evidence before the Select Committee, there were very few cases—they had heard of none—where reputable opticians who had detected diseases of the body that affected the vision had not sent the patient along to a medical man.

Hon. C. F. MARKS: They are not capable of detecting it.

The SECRETARY FOF MINES: All the evidence was just the opposite—that they could detect a diseased eye. The business of an optician was built up largely on reputation.

Hon. C. F. MARKS: I admit that—very largely.

The SECRETARY FOR MINES: People who had practised for years could not possibly exist if they did not give some measure of satisfaction to the general public. He thought that the Hon. Mr. Dunn had not quite grasped the question. He (Mr. Jones) was standing for the medical profession having a seat on the board of examiners. The hon. member would find that "Medical practitioner" was also defined in the definition clause. The suggestion of the Select Committee was that in clause 9 the words "medical practitioner" should be deleted and the words "ophthalmic surgeon" inserted. It was for members to say whether that was acceptable or not. They could not possibly get an ophthalmic surgeon fulfilling the definition, and he held that they should make provision for a medical practitioner. The hon. Mr. Hawthorn put the case in a very few words—get an ophthalmic surgeon if practicable, failing him a medical practitioner, and failing him a qualified optician. They were providing for that by the amendment.

HON. E. W. H. FOWLES suggested that the shortest and the most satisfactory way out of the tangle would be to omit the definition of "ophthalmic surgeon" altogether in the clause they were dealing with, and then, in line 49 of page 2, in clause 5, substitute the words "medical practitioner" for "ophthalmic surgeon." Thus they would leave it to the Governor in Council to appoint somebody who knew something about the eye.

The SECRETARY FOR MINES: Well, move that.

HON. T. J. O'SHEA: He would accept the suggestion.

Amendment agreed to.

Clause 2, as amended, put and passed.

Clause 3—"*Act not to apply to medical practitioners*"—put and passed.

On clause 4—"*Constitution of board*"—

HON. T. J. O'SHEA: From a practical point of view, he had found that four was a most awkward number to have on a board. One would be chairman, and on every question they were liable to have a division. Sometimes they would have two members on one side and two on the other, and if the chairman had a casting vote, he and one other member would be conducting the whole of the business of the board all the year round. It was proposed, later on, to provide that, in the event of there being an even number on the board, in the absence of one or more members, the chairman would then have a casting vote, which was only right. The Bill was drawn on the basis of having four members on the board, which was a most awkward number. It should either consist of three or five members, and he thought five would be the most serviceable number. If they were all present, the chairman would not be called upon to give a casting vote. If there were only four present, he would have to give a casting vote, but that would be a very rare occurrence. He moved the omission, on line 32, of the word "four," with a view to inserting the word "five".

The SECRETARY FOR MINES: Provision was made for the board to consist of four members—an even number, it was true—but in another clause it was provided that, before any motion could be carried, there must be three members in favour of it.

Hon. T. J. O'SHEA: Where is that clause?

The SECRETARY FOR MINES: He had been looking for it, but could not find it at the moment.

HON. T. J. O'SHEA: Schedule I. provides that no business shall be transacted unless at least three members are present when business is transacted, and—

> "The chairman, or in his absence the chairman for the day, shall have a vote, and when there is an equal division of votes upon any question, it shall pass in the negative."

The SECRETARY FOR MINES: That was only right. They must have a majority. However, it was not a very vital point.

HON. T. J. O'SHEA: If the Bill were to become law as drafted, an adroit draftsman could frame any question in such a way that it would be carried in the way he wished. Why should they not adopt the procedure that had been followed for a century in connection with big business concerns? All that a member of the board would have to do to carry his motion would be to frame a negative proposition. With a board of five, the chairman would have a casting vote; but, with a board of four, if the chairman had a casting vote, he and one confrere could rule the board all the year round, which was a bad principle.

The SECRETARY FOR MINES: You want the chairman to have two votes?

HON. T. J. O'SHEA: He would only exercise his casting vote in the event of an equal division. A board of five was much more workable than a board of four. It was not a matter that in any way affected the principle of the Bill, but it would be conducive to harmony and good feeling. It was not right to be poking the chairman forward every twenty minutes to decide this or that question.

Amendment agreed to.

HON. T. J. O'SHEA moved the omission, on line 37, of the word "three," with a view to inserting the word "four." The amendment was consequential upon the amendment just made.

Amendment agreed to.

HON. T. J. O'SHEA moved the omission, on line 38, of the words "ophthalmic surgeon," with a view to inserting the words "medical practitioner."

Amendment agreed to.

The SECRETARY FOR MINES moved the insertion of the following words to follow subclause (2):—

> "Provided that, if no suitable medical practitioner is willing to act as a member of the board, the Governor in Council may appoint as the fifth member of the board a person deemed by him to be a competent optician."

In the event of a suitable medical man not being available the amendment provided that two competent opticians would constitute the board of examiners.

Amendment agreed to.

HON. T. J. OSHEA moved the omission, on lines 42 and 43, of the words "and appointed." As the Bill was drafted originally it was intended that the Governor in Council should always appoint one member of the board, but that idea had been dropped. The Bill later on provided for the election of the board, and therefore the words "and appointed" were surplusage.

HON. E. W. H. FOWLES: The medical practitioner would always be appointed by the Governor in Council.

Hon. T. J. O'SHEA: Only in the first instance.

HON. E. W. H. FOWLES: The Governor in Council would appoint the medical practitioner in every case.

Hon. T. J. O'SHEA: I propose to move the deletion of lines 49 and 50 of clause 5.

HON. E. W. H. FOWLES: That would cut out the medical practitioner altogether.

HON. T. J. O'SHEA: Only so far as the appointment was concerned. However, if it was desired that the Governor in Council at all times should appoint the medical practitioner to the board he did not see that there was any serious objection to it, but he did not think it was wise.

The SECRETARY FOR MINES: I do not think they could elect one.

HON. T. J. O'SHEA: Why could not the opticians elect their own medical representative? They were the best judges on the matter. Clause 5 read as follows:—

> "On or before the thirty-first day of January, one thousand nine hundred and twenty-one."

After that the board would be elected, and what was the necessity for bringing the Governor in Council into it then?

The SECRETARY FOR MINES: If you agree to the amendment the board will be elected right from the start.

HON. T. J. O'SHEA: No. Under clause 4 "the first board" shall consist of five persons, one of whom shall be chairman of the board and the members of the board shall, as soon as is practicable after the commencement of this Act, be appointed by the Governor in Council." But after 1921 the board would be elected, and that was why the words "and appointed" should be taken out.

The SECRETARY FOR MINES: Under the Bill the medical man is appointed.

HON. T. J. O'SHEA: Only in the first instance, and after 1921 the opticians should elect their medical representative. The men working for the profession would be better satisfied if they had the right to elect their medical representative, who was to be chairman of the board. There would be no back-door business about it. The men who were interested in the effective working of the Bill ought to have the right to elect the medical representative on that board.

HON. P. MURPHY: It was not only the opticians who had to be considered, as there were other interests as well. The Hon. Mr. O'Shea had put the case fairly for the opticians, but there was a third party to be considered; that was the public. If the medical representative was appointed by the Governor in Council that medical man would be more likely to have the interests of the public at heart than a medical man elected by the opticians.

Hon. C. F. MARKS: Don't you worry about the public, you have done them in.

HON. P. MURPHY: The opticians would elect a man agreeable to themselves, whereas if the Governor in Council appointed the medical representative they would appoint a man whom they considered would have the interests of the public at heart.

The SECRETARY FOR MINES: He would prefer the clause left as it was. As pointed out by the Hon. Dr. Marks, they might have some difficulty in getting a medical man to sit on the board at all. He admitted that it was more democratic to elect a man to the position, but in that case it was not altogether a matter of democracy.

Hon. P. J. LEAHY: It is a matter of efficiency.

The SECRETARY FOR MINES: If they could get a medical practitioner to sit on the board who would also be on the board of examiners, the Bill would be more perfect.

HON. C. F. MARKS: The clause was contrary to the principles of the Government; they objected to nominees and must have persons elected.

Amendment put and negatived.

Clause, as amended, put and passed.

[7.30 p.m.]

On clause 5—"*Constitution of subsequent boards.*"

HON. T. J. O'SHEA moved a consequential amendment on line 47, page 2, providing that four certified opticians should be elected by certified opticians, instead of three.

Amendment agreed to.

The SECRETARY FOR MINES moved the omission of the words, in line 49, page 2, "ophthalmic surgeon" with a view to inserting "medical practitioner."

Amendment agreed to.

The SECRETARY FOR MINES moved the insertion of the following words after line 50, page 2:—

> "Provided that if no suitable medical practitioner is willing to act as a member of the board, then, in lieu of the four certified opticians mentioned in subsection 1 (i.) hereof, five certified opticians shall be elected members by certified opticians."

Amendment agreed to.

Clause, as amended, put and passed.

On clause 6—"*Filling vacancy in first board*"—

HON. E. W. H. FOWLES moved the insertion of the word "competent" after the word "some" in line 34, page 3. That would bring it into harmony with line 38 of clause 4.

Amendment agreed to.

Clause, as amended, put and passed.

Clauses 7 and 8 put and passed.

On clause 9—"*Qualifications for registration*"—

HON. T. J. O'SHEA: The clause, as drafted, made provision for the registration of persons who, during the full period of three years next before the commencement of the Act, had been bonâ fide engaged in the practice of optometry in the State and who passed the examination. He thought it would be better to recognise as competent men who had been practising for five years and upwards and to register them without examination, but that men who had been practising for three years but less than five years should be registered only on examination. That was in conformity with what was done in other professions, and he thought it would be wise in this case. He, therefore, moved the omission of the word "three" in line 50, page 3, with a view to inserting "five." He would follow that amendment with a further amendment with a view to inserting in line 53 the words—

> "or (ii.) Who, during a lesser period than five years next before the commencement of this Act, has been bonâ fide engaged in the practice of optometry in this State."

The clause would then read—

> "Subject to this Act, any person of or over the age of twenty-one years shall be entitled to be registered and receive a certificate as a certified optician under this Act—
>
> (i.) Who, during the full period of three years next before the commencement of this Act, has been bonâ fide engaged in the practice of optometry in this State; or
>
> (ii.) Who, during a lesser period than five years next before the commencement of this Act, has been bonâ fide engaged in the practice of optometry in this State, and who passes to the satisfaction of two examiners to be appointed by the Governor in Council —one of whom shall be a medical practitioner, and the other a person deemed by the Governor in Council to be a competent optician—an elementary examination——"

HON. A. H. PARNELL: He did not see any force in the hon. member's argument. If a man had been practising five years he ought to be in a better position to undergo examination than a man who had been practising three years. He did not see any reason why a man who had been practising five years should escape examination and a man who had been practising three years should have to pass an examination. They should make the examination as stiff as they could, and only give the right to practise to men who were thoroughly qualified.

The SECRETARY FOR MINES: At that stage it would probably be just as well to take into consideration the suggestion of the Select Committee, who, on their proposed amendment in this clause, were unanimous. They suggested that after the word "optometry" the words "in the Commonwealth of Australia, including a period of twelve months" should be inserted. The clause would then read—

> "Subject to this Act, any person of or over the age of twenty-one years shall be entitled to be registered and receive a certificate as a certified optician under this Act—
>
> (i.) Who, during the period of three years next before the commencement of this Act, has been bonâ fide engaged in the practice of optometry in the Commonwealth of Australia, including a period of twelve months in this State——"

He did not see why they should raise the narrow lines between the States. There might be competent men practising in Sydney, and if they practised in Queensland for twelve months they would be qualified.

Hon. T. J. O'SHEA: The Bill will prevent them practising.

The SECRETARY FOR MINES: The clause dealt with people who were now practising optometry. They could either accept the Bill as it was or agree to the amendment suggested, but they should certainly at that stage discuss the committee's recommendation.

HON. R. BEDFORD: The effect of the amendment would be to create a close corporation for existing practitioners for two years longer than was proposed by the clause in the Bill. Seeing that examination was necessary before a man was to be admitted to practice, it should be quite as easy for a man who had practised for three years to pass that examination as for a man who had five years' experience. Therefore, he thought the clause should stand as it was.

HON. T. J. O'SHEA did not wish to alter the three years to five years unless the second amendment that he foreshadowed was likely to be adopted. If hon. members were of opinion that the clause as it stood would be better than if it were divided into two subdivisions, as he suggested, he would not press his views, seeing that a man who had been in practice for five years might reasonably be considered competent. In reply to a remark made by the Hon. Mr. Parnell he might say that he had been practising his profession for thirty years, and he thought he knew his business, but he would not like to be called upon to pass his preliminary examination again. He could not do it. In fact, he doubted if there was a judge on the bench in Queensland to-day who could pass the preliminary examination for solicitors offhand. (Laughter.) He had no doubt that an interval would be allowed between the passing of the Act and the date of the first examination, which would give the old practitioners an opportunity up their elementary knowledge in such a way as to pass the examination, which would give some of them a few restless nights. He had no axe to grind. He wanted the Bill to be as near perfection as they could make it, and he certainly thought his two amendments would improve the clause.

HON. T. M. HALL: By increasing the period of service to five years they would raise the standard in the direction aimed at by the Hon. Dr. Taylor. In all matters affecting the granting of professional certificates it was customary to have some such period as five years' service. A solicitor had to serve articles for five years, and to undergo very stiff examinations, before he could be admitted to practise; and in every institute of accountants in Australia men of five years' standing, provided they were of good reputation, were admitted as foundation members. Thereafter, all persons applying for admission had to pass an examination. He thought five years was preferable to three, because it would ensure greater efficiency.

HON. A. H. PARNELL objected to a man being allowed to practise, whether after three years or after five years' service, without passing an examination. It was proposed now that the man who had been practising for only three years must pass an examination, whereas they were going to whitewash the man who had been practising for five years, and allow him to practise without any examination.

HON. G. S. CURTIS: A serious injustice might be done to a man who had been practising as an optician for five years or more if he were compelled to pass an examination. He might be a thoroughly competent, practical optician, and yet not be able to pass a severe theoretical examination. If he could not pass the examination his living would be taken from him. The Hon. Mr. O'Shea had stated that he would not be able to pass the preliminary examination for solicitors offhand, and yet no one doubted the hon. member's ability in his profession. It might be the same with an optician who had been practising for a number of years.

Hon. A. A. DAVEY: He might be a bad optician all the same.

HON. G. S. CURTIS: Probably the difficulty might be overcome by adding a proviso that an optician who had been practising in the Commonwealth or in the State for not less than five years should not be required to undergo an examination.

Hon. T. J. O'SHEA: I have an amendment to that effect to propose later on.

HON. G. S. CURTIS: He thought it was a very reasonable amendment, and one which might prevent injustice being done to a number of men who have been earning an honest living for a number of years past, but who might not be able to pass a severe examination.

HON. P. J. LEAHY was in sympathy with the views expressed by the Minister, particularly with reference to the amendment suggested by the Select Committee that it should not be necessary for the whole period to be served in Queensland. Now that they had federation and the Federal spirit was supposed to be abroad, it was absurd to draw a distinction between the time served in Queensland and the time served in another State. It was likely that a man might have practised in Melbourne for a couple of years and then for health reasons be compelled to come to Queensland, where he might put in twelve months. Why should he not be permitted to qualify just the same as the man who had spent the whole three years in this State? He admitted that there were legitimate grounds for a difference of opinion as to whether it was more desirable that they should permit a man who had been practising for five years to carry on without examination, or whether they should compel a man who had been practising for three years to undergo examination. To his mind, to insist upon an examination coupled with at least three years' practice would make for greater efficiency than five years' practice without examination. (Hear, hear!) He certainly supported the views expressed by the Minister.

The SECRETARY FOR MINES rose to suggest a compromise. He thought they might accept the amendment substituting "five" for "three," as suggested by the Hon. Mr. O'Shea, so long as in a subsequent amendment they provided for the practice of optometry in the Commonwealth, including a period of twelve months in Queensland.

Hon. T. J. O'SHEA: I have no objection to that.

HON. W. STEPHENS: Was it proposed to do away with the examination altogether if a man had practised for five years? He understood that was the Hon. Mr. O'Shea's proposition.

Hon. T. J. O'SHEA: That is so.

*Hon. W. Stephens.*]

HON. W. STEPHENS: Well, he strongly objected to that; because a man had been a fraud for five years it was no reason why he should be allowed to be a fraud for the rest of his life.

HON. T. M. HALL: The regulations governing the profession were certain to provide that, before a man could be registered as an optician, he must have been carrying on business at a proper address and be provided with proper appliances. It was not likely that any man would be registered if he had been merely an itinerant peddler of spectacles.

HON. T. J. O'SHEA rather resented the remarks made by the Hon. Mr. Stephens, which might lead one to suppose that he (Mr. O'Shea) was a supporter of frauds.

HON. W. STEPHENS: Haven't you often got a fraud out of trouble in the courts. (Laughter.)

HON. T. J. O'SHEA: He would undertake to get the hon. member out of trouble, perhaps. (Laughter.) The Bill was not intended to protect frauds or to give them any imprimatur which would be detrimental to the public. He could give the Hon. Mr. Stephens the case of an old man who was over sixty years of age who had been practising optometry for thirty-five years and was a highly competent man.

Hon. W. STEPHENS: Are you an authority as to competency?

HON. T. J. O'SHEA: He knew that he was competent from the evidence before him, and he had some pretensions to being able to dissect evidence. It would be a cruelty to that man to insist upon his passing an examination before allowing him to continue in practice.

Hon. R. BEDFORD: It would be a greater cruelty to keep back a capable young man who had only three years' experience and not five.

HON. T. J. O'SHEA: Who is keeping back a capable young man?

Hon. R. BEDFORD: Then, you should let the clause stand as it is.

HON. T. J. O'SHEA: He was adopting the suggestion of the Minister, who had given the Bill some study, and he was adopting the further suggestion made by the Select Committee. The Minister had announced that he was prepared to accept the position of admitting men who had been practising for over five years without examination.

HON. A. H. PARNELL: He wanted to understand from the Minister whether men who had been practising for five years had to undergo any examination.

Hon. T. M. HALL: No.

HON. A. H. PARNELL: Then, he would divide the Committee on the question.

HON. E. W. H. FOWLES: The proposition was first, that the man practising for five years should be certified as an optician without any examination whatever. To him that seemed a little dangerous. Any man who had called himself an optician for five years and had done very little practice—it did not say how much; it did not say right or wrong; it did not say whether he was of good repute—was to have the door flung wide open. Surely opticians themselves would be the first to stand up against an amendment such as that, because the public would at once say that if that was all a man had to do, then the less they had to do with the Opticians Bill the better. Furthermore, there was another danger in the proposition. Why should a man who had called himself an optician for five years just before the passing of the Bill be called an optician for ever, while a similar man who from now started to call himself an optician, and did not do any more work——

[8 p.m.]

Hon. T. M. HALL: You must have a starting point.

HON. E. W. H. FOWLES: They ought to start with a high standard.

Hon. T. M. HALL: With five years' experience.

HON. E. W. H. FOWLES: Some men who had been practising only three years would have more experience than other men who had been practising five years. It was a very dangerous practice to give a man a certificate because for five years he had been calling himself an optician. After all, what man need be afraid of the examination? He had only to pass merely an A B C examination; not in mathematics, not in trigonometry, and not in any other ometry, but merely in optics, which he was supposed to know something about. He had simply to pass an elementary examination in optics deemed sufficiently comprehensive to reasonably safeguard the public against possible injury arising from ignorance or incompetence. If a man could not pass such an examination as that he ought not to be let loose on the public. Then it was proposed to have a second door by which people might enter, and the proposition was that anyone who had been practising any lesser period than five years might come in after passing an elementary examination. Any man could call himself an optician for one day, pass an elementary examination in optics, and then would become a certified optician under the Bill. He suggested that they should stick to the Bill as agreed to by the Select Committee. It would be pretty difficult to improve on that Bill. If a man could not pass an elementary examination on the very thing that he was supposed to know something about, then he ought not to be let loose on the public.

HON. I. PEREL: He hoped hon. members would not prevent the Committee doing a lot of good because of the supposititious statements they had heard. Why take away the trade of a man who had been making his living in the business for five years? He thought a man who had had five years' practical experience at optical work had gained sufficient experience to pass any ordinary examination that might be put to him. If the amendment were agreed to they would be no worse off than they were now.

Hon. A. G. C. HAWTHORN: They will have a Government certificate.

HON. I. PEREL: He wanted to protect the rights of elderly men who had been engaged in the business of opticians. He did not want to see their living taken from them. A practical man would understand his work just as much as the man who passed a theoretical examination. He for one would rather trust himself to an old practitioner than to a new one. The amendment was a very good one, and the Committee might

just as well let it go. He did not know that there was any absolute necessity for the Bill, but it was there and they had to do the best they could in connection with it. As the Hon. Mr. Murphy had remarked, there were other people interested in the Bill who had not been considered. He thought the opticians had been very well looked after. As for the medical men, he did not think they had been too well looked after, and as for the general public, he did not think they had received very much consideration at all. They had been listening to a long debate on the matter, which might be a very important one; but he thought it would be just as well if the Chairman introduced the Taylor system into the Council and speeded it up a bit. There had been a good deal of I.W.W. business that afternoon.

HON. G. S. CURTIS: It seemed to him absurd to ask a man who had been ten or fifteen years in the business now to pass an examination. There might be something in the argument of the Hon. Mr. Fowles that the examination was only an elementary one, but the Government having allowed men to carry on business for five years, it seemed absurd now to call upon them to pass an examination.

HON. R. SUMNER: There should be some provision to allow the old people in the business to continue. If they made the examination too stiff it might mean that they would push a lot of them out. Under the Boiler Inspectors Act they had to make provision for people who had been in the business for some years, otherwise a number of people would have been pushed out of their jobs. The same thing applied in regard to the Scaffolding and other Acts. It was only right and fair that they should make some provision for men who had been in the business for some time. He was sure that there were dozens of men driving engines who could not pass the preliminary examination, and yet they knew all about their engines. It might be the same in regard to men in the opticians' trade, and he hoped the Committee would do nothing that would push out men who had been a lifetime in the business simply because they could not pass an examination.

HON. A. A. DAVEY: He understood that the opticians were anxious that the public should be protected against fraud, and while he had every sympathy for the old man, he was of the opinion that the old man would be able to hold his own. It would be a positive danger to admit a man without examination merely because he had been practising for five years. It might be a simple practical examination which would be provided by the examiners. It was quite possible that under the amendment they would be thrusting on the public some people who had been perpetrating a fraud for five years. Under the amendment they would receive the sanction of Parliament to continue their fraud, and it would be far better to rely on the good sense of the board of examiners to see that the examination was simply a practical one, and he did not think any old man needed their sympathy in that direction.

The SECRETARY FOR MINES: What about leaving the Bill as it came from the other Chamber?

HON. P. J. LEAHY: He thought the Committee would be committing a grave injustice if they did not permit a man to practise, even although he had not spent the whole of his time in Queensland.

The SECRETARY FOR MINES: The opticians did not suggest to the Government or the committee, either in evidence or in any other way, that the amendment moved by the Hon. Mr. O'Shea should be adopted. While the advice and opinions of opticians and medical men were very valuable, members were there to bring their common sense to bear on the amendments. Perhaps the whole thing could be settled if the Committee deleted the word "State," and inserted the word "Commonwealth." They would then, of course, have to undergo an examination.

Hon. T. J. O'SHEA: To shorten matters I am prepared to take the Committee's suggestion.

The SECRETARY FOR MINES: And cut out the five years?

Hon. T. J. O'SHEA: Yes.

Amendment (*Mr. O'Shea's*), by leave, withdrawn.

HON. T. J. O'SHEA moved the insertion, after the word "optometry," in line 53, page 3, of the words—

> "in the Commonwealth of Australia, including the period of twelve months."

Amendment agreed to.

HON. T. J. O'SHEA moved the insertion of the word "practical," after the word "elementary," in line 3, page 4. That had been suggested by several hon. members.

HON. E. W. H. FOWLES: If they adopted the amendment they were limiting the discretion of the examiners. Would it not be better to make it practical in those cases where the examiners thought it best and written where they thought it best, or written and practical where they thought it best, in the case of unsatisfactory candidates? If they found a man excellent in theoretical work they might give him a short examination in practical work, and vice versa.

HON. P. J. LEAHY: An elementary examination might be a theoretical examination, and for that reason he thought the amendment would make for higher efficiency, and he took it that, after all, that is what they were aiming at. One hon. member, a few moments ago, made a pathetic plea for those who were practising, but the object that he and most other hon. members had in view was to protect the public. He thought the amendment would protect the public to a larger extent than the clause as it stood.

The SECRETARY FOR MINES: I accept it.

Amendment agreed to.

HON. T. J. O'SHEA moved the omission of the word "optics." in line 4, page 4, with a view to inserting the word "optometry." Optics was a very broad subject, and the Bill was an Opticians Bill, and the only professional branch of the work was optometry. They would be keeping the clause more in strict consonance with what had preceded it by accepting the amendment.

The SECRETARY FOR MINES: He was opposed to the amendment. He thought the word "optics" was the correct term. Optometry was an art and optics was a

science. The clause as it stood was acceptable to the opticians and the medical profession.

HON. T. J. O'SHEA asked the Minister for a definition of "optics."

The SECRETARY FOR MINES: The science of the eye. (Laughter.)

Hon. T. J. O'SHEA: You are getting into deep water.

HON. E. W. H. FOWLES: If they divided on the amendment, he would have the pleasure of again voting with the Minister. He took it that optics was the science which was the very foundation of optometry, the very thing an optician must know. If they went on whittling away the provisoes and safeguards, they would have a race of opticians who knew nothing about optics and very little about optometry. Anybody who liked to put up a sign would be able to do it with very little examination and claim the imprimatur of the State. If they made it simply optometry, they could put a few letters on the wall at six yards and ask him whether it was five yards or put a couple of the decanters in front of him, and ask him whether he saw four or two. (Laughter.) Optics included the laws of vision, and they might as well try to read without an alphabet as practise optometry without a knowledge of optics. They might as well regard a milkman as one who had never seen a cow.

Amendment agreed to.

HON. E. W. H. FOWLES: I called for a division. It will not be accepted by reputable opticians if it goes through like that.

Hon. T. J. O'SHEA: I can tell you just the opposite.

The CHAIRMAN: I did not hear the hon. member call "Divide."

Hon. E. W. H. FOWLES: I called for a division.

Hon. T. J. O'SHEA: After it had been settled.

The CHAIRMAN: The consequent question has been put since then.

The SECRETARY FOR MINES moved the insertion of the following words after the word "require," on line 12, page 4:—

> "Provided that if no suitable medical practitioner is willing to act as examiner, the Governor in Council may appoint as the two examiners above-mentioned two persons deemed by him to be competent opticians."

That was consequent upon a previous amendment.

[8.30 p.m.]

Amendment agreed to.

Clause 9, as amended, put and passed.

On clause 10—"*Persons selling spectacles to be licensed*"—

HON. T. J. O'SHEA moved the omission, on lines 35 and 36, of the words "or conduct eye-testing" with a view to inserting the word "optometry". The amendment would make the clause uniform with what had gone before.

Amendment agreed to.

Clause, as amended, put and passed.

Clause 11—"*Registration not to imply medical qualification, etc.*"—put and passed.

On clause 12—"*Restriction on medical or surgical practice*"—

HON. E. W. H. FOWLES asked whether the Secretary for Mines intended to adopt the amendment suggested by the Select Committee, prohibiting an optician from prescribing glasses or testing the eyesight of persons under sixteen years of age?

The SECRETARY FOR MINES: I want the clause to go through as it is.

HON. E. W. H. FOWLES: He had an amendment to submit which he thought would meet with the approval of hon. members. He moved the insertion, after line 14, of the following paragraph:—

> "or (*e*) Not being a medical practitioner, prescribes or supplies glasses to any person whose defective eyesight he knows or believes to be due to organic disease."

No harm could be done by the amendment, and possibly a lot of good would be done by it

Hon. T. J. O'SHEA: A lot of litigation.

HON. E. W. H. FOWLES: Well, that would do no harm to his hon. friend.

Hon. T. J. O'SHEA: I am not looking for work.

HON. E. W. H. FOWLES: The amendment would prevent a number of unscrupulous men from supplying or prescribing glasses for people who they knew, or believed, were suffering from organic disease which produced defective eyesight. It is strongly supported by Dr. Hoare in the Select Committee's report.

HON. C. F. MARKS: He would like to point out, as he had tried to point out the other day, that the amendment would be rather an iniquitous provision to insert, because the men whom it was proposed to authorise by the Bill had no means of knowing what disease was. They might be able to observe a deformity of the eye, but they were not educated to detect disease, and it would be unfair to penalise them in the event of their making a mistake.

The SECRETARY FOR MINES said he was opposed to the amendment and also to the other amendment suggested by the Select Committee. When the Bill was introduced in the Assembly by the Home Secretary, that clause was not in the Bill. It was moved by Mr. Macartney, a member of the Opposition, and was accepted by the Government. It was a drastic clause, and he did not think they should make it any more drastic.

HON. E. W. H. FOWLES: The clause meant that, if any optician knew that a client was suffering from organic disease—such as Bright's disease—which produced defective eyesight, then he should be liable to a penalty.

The SECRETARY FOR MINES: Who is to prove that he knows that his client is suffering from disease?

HON. E. W. H. FOWLES: That was purely a matter of proof. The amendment only provided that, if he knew, or believed his client was suffering from such organic disease, it was his duty to send him to a doctor.

The SECRETARY FOR MINES: Opticians do that now.

HON. E. W. H. FOWLES: The main objection to the present system was that

opticians were said to prescribe glasses in cases where customers were suffering from some disease. All the questionable cases that had been brought forward were cases where it was alleged opticians prescribed glasses for defective eyesight, although the trouble was due to some organic disease.

The SECRETARY FOR MINES: Travelling quacks might do that, not opticians.

HON. E. W. H. FOWLES: If the Minister voted against the amendment, he would be taking to his arms the travelling quack.

HON. A. G. C. HAWTHORN thought the remarks of the Hon. Dr. Marks furnished one of the best reasons why they should not accept the amendment, because the hon. member said that opticians were not able to diagnose disease. Apart from that, it would throw the onus of proof on the prosecution, and it would be very difficult for any prosecutor to prove that an optician knew that his client was suffering from some organic disease when he prescribed glasses. If they adopted the clause as it was passed by the Assembly they would be going quite far enough. He did not think they should even adopt the suggestion prohibiting opticians from prescribing glasses or testing the eyesight of persons under sixteen years of age. The clause as it stood went as far as was necessary in protecting the public.

Amendment put and negatived.

HON. P. J. LEAHY moved the insertion, on line 14, of the following paragraph:—

> "Or (*c*) Not being a medical practitioner, prescribes glasses or tests the eyesight of persons under sixteen years of age where the services of a medical practitioner are available."

The amendment was approved by a considerable majority of the Select Committee. The evidence given by the medical witnesses was that in cases even up to forty years of age opticians should not be permitted to prescribe glasses, but the Select Committee thought, with all due respect to the medical men, that that was taking a rather extreme view. It was recognised that there was a greater danger in the case of children than in the case of adults, because in the case of an adult the eye was formed, and that there was not so much danger in permitting an optician to prescribe glasses for an adult as there was in the case of a child whose eyes were not fully developed. For that reason they thought it would be a humanitarian thing to provide that children under sixteen years of age should not be treated by an optician but that they should have to go to an oculist. Knowing that that was the object, he thought the amendment should receive the support of hon. members.

HON. G. S. CURTIS: He presumed that hon. members were actuated by the desire to serve public interests, but when they knew that the Select Committee were absolutely unanimous on that point and considered it of the highest importance, he thought the amendment should receive the support of hon. members.

The SECRETARY FOR MINES: He was opposed to the amendment. The hon. Mr. Leahy pleaded for the support of hon. members on humanitarian grounds. He (the Secretary for Mines) would also appeal to hon. members on similar grounds. If the amendment were carried, the people in the country, and even in Maryborough and Bundaberg, and such places where there was no oculist practising and no ophthalmic surgeon, but where there were competent opticians, would suffer under a great disadvantage. In those places the opticians would not be allowed to test the eyes of children under the age of sixteen years, and many people who could ill afford it would have to send their children right down to Brisbane to have their eyes tested by oculists. Was that the right thing, on humanitarian grounds, to allow little children away in the Western and Northern parts of Queensland to have their eyes dragged out at school and in doing their home lessons, when there was an optician available who was competent to prescribe glasses and thereby give those children relief?

Hon. G. S. CURTIS: The medical men say the opticians are not competent to do that, and it might be better if the children were left alone.

The SECRETARY FOR MINES: The opticians said the contrary, and many other people also said the opticians were competent. He was satisfied that the opticians had proved that they were competent to test the eyes of children under the age of sixteen years. They did it every day, and what objection could there be? It was no use arguing that the opticians, when they observed a disease in the eye, or a disease of the body which showed symptoms in the eye, did not submit such cases to a medical man. They always did, whether it was the case of a child or of a grown up person. He hoped the Committee would not accept the amendment. It was one of the vital amendments that would destroy the Bill to a considerable extent if agreed to.

HON. P. J. LEAHY: The hon. member had used several arguments which were unanswerable, but at the same time they were not a complete reply to his remarks regarding the amendment. He admitted that in places where no oculist was available it might be better that children should go to an optician rather than not have their eyes tested at all. That difficulty could be got over by a slight alteration in the amendment to provide that in places where an oculist was available no child under the age of sixteen years should be treated by an optician. That would get over the whole superstructure of the argument that the Minister had raised on a very flimsy foundation. He would be quite willing to make the amendment read in this way—

> "not being a medical practitioner prescribes glasses or tests the eyes of persons under the age of sixteen years in places where the services of an oculist are available."

The SECRETARY FOR MINES: That is most inconsistent. If they do an injury where there is an oculist, they will do the same injury where there is no oculist.

HON. P. J. LEAHY: The suggestion he had made met the arguments of the Minister, and he hoped the hon. gentleman would accept the amendment. The hon. member said there should be no more objection to opticians testing the eyes of children under the age of sixteen years than to testing the eyes of adults. One reason was that the eyesight of children under sixteen years of age could not be tested properly without the use

of drugs, and he thought it was the opinion of most hon. members that it was a dangerous thing to allow opticians to use drugs.

Hon. A. G. C. HAWTHORN: It is prevented in the Bill.

HON. P. J. LEAHY: If opticians could not test the eyes of children under sixteen years of age without the use of drugs, which they were not permitted to use under the Bill, then they could not do it properly.

HON. R. SUMNER: According to the report of the Select Committee, doctors, like others, often disagreed. Dr. Hoare stated that one reason why an optician should not be allowed to examine the eyes of children under a certain age was because drugs were necessary. On the other hand, Dr. Gibson, who had had a very large experience, stated that he never used drugs on children. He would emphasise the fact that it would be a tremendous hardship to the children in the West if they were not allowed to get advice from the most practical man available. He saw a letter in the paper this morning in which the writer stated he hoped the children of the West would not be forced to come to Brisbane to have their eyes tested. The Bill was only a step, and he hoped it would go further some day. If they could provide competent oculists to do the work in the West, then he would support the amendment, but at the present time he was opposed to it.

HON. G. S. CURTIS: Dr. Hoare, when giving evidence, was asked the question whether he would allow an optician to test eyes except in the case of children, and he replied, "I think they should not be allowed to touch children. That is very important. If a child's eyes are badly treated, the whole future of that child is affected, and it is the next generation which has to run this country." It might be better for the child not to be treated at all than to be treated improperly.

HON. C. F. MARKS: He would like to draw attention again to the Minister's assertion with regard to the weight of the opticians' evidence. There were four opticians who gave evidence before the Select Committee. Two of them admitted that they had no certificates at all, and two of them had certificates from the Worshipful Society of Spectacle Makers. That was the only diploma they had. They claimed, and the Minister claimed, that those certificates, such as they were, were signed by a leading oculist of London. That was not the case. The gentleman who signed them was Dr. Johnson, who was now practising in Johannesburg. He was not a leading ophthalmic surgeon in London by any means. Then, as against that, the committee had the evidence before them of four medical men, all of whom informed the committee that the opticians were incompetent to examine eyes because of their inability to recognise disease. One of them, the junior man of the lot, a man who had only begun to practise ophthalmology in the last year or two, admitted that over sixteen years, or perhaps over forty years, the opticians might do little harm, but that they should be absolutely forbidden to examine the eyes of children under the age of sixteen years. In addition to that, the House had the advantage of the utterances of the Hon. Dr. Taylor, the senior ophthalmologist in Queensland, and what more evidence [9 p.m.] the Committee desired on the question as to whether there was competency on the part of the opticians he could not imagine. The question was one of disease, not a question of optometry at all. Opticians were not educated in any way to recognise disease. They never could recognise disease until they had been educated in the same way as medical men. A child, or even an adult, might lose the chance by not going to an oculist who could recognise a disease. An optician could accommodate him with lenses, and make him see better for the time being, but the chance of recovery then was small.

HON. B. FAHEY: He had refrained during the evening from participation in the discussion out of respect for his hon. friend in the chair, who was a very sound oculist of long experience, and his friend Dr. Marks, who also was opposed to the Bill. He was a member of the Select Committee, and perhaps he might be able to charge their worthy chairman, the Minister, with disloyalty to the members of the committee, because he was opposing their views. He would not do so, however, because the hon. member had been unusually accommodating that evening. They had as witnesses before the committee opticians who had diplomas of a very high order, and some celebrated medical men, and the conclusion he came to was that they might as well attempt to mix oil with water as attempt to reconcile the differences of opinion between them. He asked one medical man whether he would allow opticians to place certain letters on the wall at a certain distance with a view to ascertaining whether the patient could decipher them with one or both eyes, and he said, "No." Under those circumstances he had decided in favour of the opticians. Presumably the Government had the interests of the public in view when they brought down their Bill, and that was the object considered by the Select Committee. They must consider that there were recommendations made by the committee that any person under sixteen years of age should be compelled to consult an oculist. The presumption was that up to that age Nature endowed growing humanity with strength and vigor and healthy constitutions, and consequently, if there was anything wrong with the eyesight of a youth, the presumption was that there was something organically wrong. The conclusion the committee came to was that an oculist should be consulted. (Hear, hear!) That was entirely the reason why the committee came to that conclusion. Inconvenience might occur, as the Minister had suggested, but it was a great deal better that the eye should not be interfered with at all if an oculist was not available, and he thought the Council would do wisely and act humanely towards those youths if they carried the amendment. He was sorry he was opposed to the Minister on the subject, who had been more accommodating than usual, and he was wearing a pleasant smile, such as he had not known him to wear in that Council before.

An HONOURABLE MEMBER: He has backers now.

HON. B. FAHEY: The hon. member or his Government did not take the advice

offered by hon. members in that House, and he thought they did well to realise the necessity at last.

The SECRETARY FOR MINES: A friend of his, an eminent medical man in the State, who did not live in Brisbane—he need not mention his name—appealed to him and said, "Whatever you do do not allow this clause to be inserted in the Bill." He was referring to the amendment they were dealing with. He (Mr. Jones) had opposed it in Committee and he opposed it now, and he was not disloyal, as had been suggested, to the committee. They were not unanimous on several amendments. So hon. members would see that medical men differed. Why should they victimise the children of the poor people in Brisbane or elsewhere?

Hon. G. S. CURTIS: Dr. Hoare is in favour of it.

The SECRETARY FOR MINES: Dr. Marks had said that Dr. Hoare had been practising as an ophthalmic surgeon for only twelve months. He knew that Dr. Hoare was very keen on the amendment, and it was only he who had suggested it. Dr. Jackson did not suggest it, and he might say that Dr. Jackson did not say in his evidence that opticians were not competent to test the eye. Nor did anybody before the committee suggest the amendment but Dr. Hoare.

Hon. T. J. O'SHEA: He did not say sixteen, he said fifteen.

The SECRETARY FOR MINES: The hon. member who caught the remark thought he said sixteen, and moved accordingly.

Hon. P. J. LEAHY: Would you accept fifteen?

The SECRETARY FOR MINES: No. He was willing to accept the amendment moved by Mr. Macartney in the Assembly. It was quite drastic enough. He appealed to the good sense of hon members to make the Bill acceptable to the people of Queensland. Why bring all the little children away from the West, when they had the word of the opticians—reputable men—that immediately they discerned symptoms of disease of the eye they sent their children away. Medical men had to admit that.

Hon. E. W. H. FOWLES: That is not what Dr. Hoare said in question 569.

The SECRETARY FOR MINES: Take his own case. In 1909 he went to an optician, who said to him, "You do not want glasses; you must consult an oculist." He did not take his advice, unfortunately, and eight years afterwards he had to have an operation on the eye.

Hon. P. J. LEAHY: Did you not give the optician a testimonial? (Laughter.)

The SECRETARY FOR MINES: That was a story told outside the House. He hoped the good sense of the Committee would refuse to accept the amendment.

HON. P. J. LEAHY: He desired to alter his amendment to read—

> "not being a medical practitioner prescribes glasses or tests the eyesight of persons under sixteen years of age where the services of a medical practitioner are available."

He recognised the force of the arguments of the Minister in cases where medical practitioners or oculists were not to be had. There was a medical practitioner in almost every place. He supposed that expert knowledge was of some use after all. Dr. Marks and the Chairman had a great deal of expert knowledge, and they had the benefit of other expert knowledge on the Committee. Of course, he knew it was a popular fallacy that a member of the Assembly knew about most things and that members of the Council knew about all things. He did not accept that view. He thought all they could say about themselves was that they were a little bit less ignorant than they were in another place. (Laughter.) He did not profess to know everything himself, and he went for information to others. He had not the slightest doubt that the Minister and himself had the same idea, but he was doing something that, in his judgment, would be good for the children, and the Minister was wanting to do something that would be bad for them.

Amendment, by leave, amended accordingly.

HON. T. J. O'SHEA: He had refrained from taking part in that discussion up till then. He thought it would be a mistake if any amendment were interpolated in the clause. All the Acts of Parliament would not compel individuals to do what they could not afford to do. A large number of persons in centres where there were medical practitioners were poor and would not send their children to oculists. It seemed to him on reading the evidence—and he read it very carefully—that the only witness that mentioned the matter was one medical man. There were three others.

Hon. B. FAHEY: Only one of them was an oculist.

HON. T. J. O'SHEA: He had heard remarks made on the floor of that Chamber which would lead one to suppose that there were very eminent professional men called, and he agreed with that opinion, but only one out of seven or eight witnesses mentioned the matter of preventing opticians from testing the eyesight of children.

Hon. W. STEPHENS: Sir David Hardie also mentioned it.

HON. T. J. O'SHEA: He had not noticed that on reading through the evidence. It was merely a casual remark made by one medical witness, and evidently the Select Committee thought it might be a safeguard to the public. He thought the amendment would prove rather injurious than otherwise, as people could not be forced by legislation to do what was uncongenial to them or what they could not afford to do. The provision would be honoured more in the breach than in the observance, and he thought, under the circumstances, it would be wise to withdraw the amendment.

HON. A. A. DAVEY: One piece of information that was lacking was the proportion of children under sixteen years of age whose eyes were diseased. He took it that it was a comparatively small proportion.

Hon. E. W. H. FOWLES: I think the real reason was because the eyes of such children are still growing.

Hon. T. J. O'SHEA: The witness suggested that drugs might be used.

HON. A. A. DAVEY: Nature, probably, knew more about what the condition of the eye should be at the various stages of a child's growth than all the oculists in the world. Unless children's eyes were diseased, it appeared to him that it would be a very great injustice to deprive them of the opportunity of availing themselves of the services of a competent optician. Was it contended that a large proportion of children's eyes did not require some accommodation in the shape of glasses?

The SECRETARY FOR MINES: Under this amendment they will not be able to get glasses.

HON. A. A. DAVEY: While there were any number of places in Queensland where there was no medical man or oculist available, there were plenty of children everywhere. There were many places where there was neither a doctor nor an optician, though there might be an occasional travelling optician, and it would be a great hardship to a number of young people and also to their parents if they were precluded from consulting an optician.

Hon. G. S. CURTIS: Supposing they were improperly treated and their sight was destroyed?

HON. A. A. DAVEY: There was no absolute guarantee that they would be properly treated even if they went to an oculist. There were differences of opinion even amongst oculists. They should not do anything that would penalise people who were pioneering the outlying districts. A number of people had prejudices, and he did not know that they were not entitled to hold those prejudices. He had heard that a number of people in the West would not send their children to be examined by the oculist whom the Government had appointed to examine the eyes of the children in that part of the State. He went the length of saying that, as the State had undertaken the education of the children, it should also employ oculists to visit all the schools in the State, and compulsorily examine the eyes of the children attending those schools. (Hear, hear!) As the State had not undertaken that most important work up to the present——

The SECRETARY FOR MINES: We cannot get the men.

HON. A. A. DAVEY: That strengthened his argument. If competent men were not obtainable, it would be all the greater hardship if they prevented people in the West from getting some little relief. They had got along all right apparently so far, and no doubt they would continue to get along fairly well, but the Bill would be an improvement, as it would provide a better class of opticians of whose services the people in the backblocks could avail themselves. He was opposed to the amendment, and would rather see the clause passed as it stood.

HON. P. MURPHY considered the arguments used by the Hon. Mr. Davey were the strongest that had been advanced against the amendment. The hon. member practically asked what would become of the children under sixteen years of age whose eyes might not be diseased, but had become weak and required attention. In many cases their parents would not be able to afford to send them to an oculist, and they would be obliged to let the eyes of the children go without attention until they were sixteen years old, and perhaps by that time their sight might be gone, or, at all events, they might be beyond relief. That was a very strong argument against the amendment.

HON. B. FAHEY: There was one phase of the question on which the Minister had dwelt very much. That was the manner in which the amendment would incommode people who were living away from centres of population, particularly poor people who could not pay to send their children to a large centre where there was an oculist. He would remind the Minister that the late Government commissioned their worthy Chairman to go through inland Queensland exercising his profession as an oculist, and surely the present Government were not above following a good precedent. Brisbane was not the only place where oculists were practising their profession. There was not a centre of population, either inland or on the coast, where they would not get more than one oculist, and he did not think the inconvenience in that respect would be as great as was imagined by the hon. gentleman. Hon. members must also remember that only an infinitesimal minority of young people required glasses, and, when they required them, they should be able to go to a good man.

HON. P. J. LEAHY: He was as strongly of opinion as ever that the amendment was desirable, but he could see clearly that a majority of hon. members were opposed to it, and under the circumstances he did not wish to occupy time. He, therefore, begged leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 13 to 16, both inclusive, put and passed.

On clause 17—"*By-laws*"—

HON. T. J. O'SHEA moved the omission, on line 11, of the words "thereupon have the force of law," with a view to inserting the words—

> "be laid before both Houses of Parliament within fourteen days after such publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution disallowing any such by-law, of which resolution notice has been given within thirty sitting days of such House after such by-law has been laid before it, such by-law shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.
>
> "For the purpose of this section the words 'sitting days' mean days on which the House actually sits for the despatch of business: Provided always that if such by-laws are not duly laid before Parliament as hereinbefore prescribed they shall thereupon cease to have any force, effect, or operation whatsoever."

Amendment agreed to.

[9 p.m.]

Clause, as amended, put and passed.

Clause 18—"*Board may appoint registrar and examiners*"—put and passed.

On clause 19—"*Powers and duties of board*"—

HON. T. J. O'SHEA moved the omission, on line 39, of the words "also decide upon the restoration," with a view to inserting the words "may restore." That was really making the construction of the clause better and more effective.

Amendment agreed to.

HON. T. J. O'SHEA moved the omission, on line 40, of the word "of." That was a consequential amendment.

Amendment agreed to.

HON. T. J. O'SHEA moved the omission, on line 54, of the words "decide as to," with a view to inserting the words "prescribe, direct, or fix." That was purely a verbal amendment.

Amendment agreed to.

Clause, as amended, put and passed.

Clauses 20 to 22, both inclusive, put and passed.

On clause 23—"*Omission to take out annual certificate or license for more than two years*"—

HON. T. J. O'SHEA moved the omission, on lines 40 to 47, of the words—

> "for a period exceeding two years ceases to hold an annual certificate or license in force under the last preceding section, and afterwards applies for such certificate or license, shall not be entitled to receive one unless he first satisfies the board as to the circumstances under which he omitted or ceased to take out his certificate or license, and as to his conduct and employment in the meantime."

with a view to inserting the words—

> "having held a certificate under this Act, has ceased, for a period of at least two years, to hold such certificate, and afterwards applies for such certificate, shall not be entitled thereto unless he furnishes to the board a satisfactory reason for having omitted or ceased to obtain such certificate, together with proof of good character in the meantime."

Hon. members would appreciate the fact that the amendment was an improvement on the clause as drafted.

HON. E. W. H. FOWLES: I suggest that in front of the word "ceased" there be added the word "has," and in front of the words "two years" the words "at least."

Hon. T. J. O'SHEA: I will accept that suggestion with the permission of the Committee.

The CHAIRMAN: Is it the wish of the Committee that the amendment be put in the amended form?

HONOURABLE MEMBERS: Hear, hear!

Amendment, as amended, agreed to.

Clause, as amended, put and passed.

Clauses 24 to 26, both inclusive, put and passed.

On clause 27—"*Right of appeal*"—

HON. T. J. O'SHEA moved the omission, on line 52, of the word "two," with a view to inserting the word "six." The clause would then read—

> "No such appeal shall be entertained unless it is made within six months next after the notification to such person of the decision,"

etc. He could imagine a case occurring at Croydon where it might be very difficult to comply with that section if it were left at two months. No harm would accrue if it were made six months, and no one could complain.

The SECRETARY FOR MINES: I will accept that amendment.

Amendment agreed to.

Clause, as amended, put and passed.

Clauses 28 to 33, both inclusive, put and passed.

On Schedule I.—

HON. T. J. O'SHEA moved the omission, on line 54, clause 4, of the words "it shall pass in the negative," with a view to inserting the words "he shall have an additional or casting vote." That was on the question debated earlier in the evening as to whether it was preferable to give the chairman a casting vote or not. He certainly thought it was, as it would save a lot of chicanery or juggling with resolutions if they left the decision on all questions that arose before the board to a majority of the board present, and in the event of the board being even in numbers and evenly divided on the question, that the chairman should have a casting vote.

The SECRETARY FOR MINES: The Committee might accept the amendment, as it was consequential on the amendment carried previously. However, he would have much preferred to have the clause remain as it was originally in the Bill, but he recognised the necessity of the amendment now that the number of the board had been increased to five. He did not want to waste time discussing the point, as he wanted to get on to some other equally important business.

Amendment agreed to.

Schedule, as amended, put and passed.

Schedules II. and III. put and passed.

On Schedule IV.—"*Certificate to sell spectacles and eyeglasses*"—

HON. T. J. O'SHEA moved the omission of the word "spherical" before the word "spectacles" in line 14, page 12. It was merely a verbal amendment. Spectacles were not spherical, but lenses might be.

Amendment agreed to.

HON. T. J. O'SHEA moved a consequential amendment providing for the insertion of the words "containing spherical lenses" after the word "eyeglasses" in line 14, page 12.

Amendment agreed to.

The SECRETARY FOR MINES moved—

> "That the Chairman leave the chair and report the Bill to the Council, with amendments."

HON. A. G. C. HAWTHORN: Before anything further was done he would like to

have an intimation as to what they were likely to do that night. They had had an intimation that they were to go on with other business, but he would tell the Minister—and he thought the Council would agree with him—that they had done a very good day's work. It was then a quarter to 10 o'clock.

The SECRETARY FOR MINES: We have to make up for lost time.

HON. A. G. C. HAWTHORN: The lost time was not through their fault.

Hon. T. J. O'SHEA: You were marking time until you got your army.

HON. A. G. C. HAWTHORN: Although it had been asserted in the Press throughout the country that time had been lost through their not forming a quorum, the Government had been just as much to blame as they. Had they had one or two of their supporters there on those occasions there would have been no want of a quorum. Further than that, they had been days there without business. The House had attended regularly and been prepared to go on with business and had to go away without doing business. He wanted to suggest—and he was sure he would have the majority of the Council with him—the advisability of adjourning the House until to-morrow, after that business was through. He did not want the business to be taken out of the Minister's hands, but he merely intimated that they considered they had done enough that day. They had passed two Bills through Committee, and they were prepared to do necessary work. He hoped the Minister would meet them in an amicable and friendly way.

The SECRETARY FOR MINES: It was most unusual to raise such a point when he moved that the Bill be reported to the Council. Surely the hon. member might wait till the business of the House was called by the President.

Hon. A. G. C. HAWTHORN: You told us you were going on with important business.

The SECRETARY FOR MINES: He said that they wanted to hurry up with the Bill before them, in order to get on with equally important business. It was the intention of the Government—and he intimated that intention when moving the adjournment on Thursday last—to pass the Requisition of Ships Bill that day.

Hon. P. J. LEAHY: You kept it back yourself for days deliberately—at the bottom of the business-paper.

The SECRETARY FOR MINES: Not at all. The hon. member who raised the protest on this stage said that it was the Government's fault that they had no quorum. He came there on two or three occasions and there was no quorum formed.

Hon. T. J. O'SHEA: And you were glad of it.

The SECRETARY FOR MINES: Hon. members said, "Why did he not have his supporters there?" How many supporters did he have?

The CHAIRMAN: This discussion is very irregular. I have allowed the Hon. Mr. Hawthorn to go on, and the Minister to reply. I must now put the motion.

HON. E. W. H. FOWLES: Speaking to a particularly relevant point, he would like to suggest to the Minister the consideration of one clause which said—

> "This Act does not apply to any medical practitioner,"

and yet clauses 2, 4, 5, 9, 11, and 12 and some others referred to medical practitioners.

The SECRETARY FOR MINES: They had deleted the words "ophthalmic surgeon" right through the Bill and inserted the words, "medical practitioner." He purposed amending the Bill on the third reading to-morrow.

Hon. P. J. LEAHY: Can you make an amendment of this kind on the third reading? It is more than a verbal amendment.

The SECRETARY FOR MINES: They could recommit it to-morrow, or their mistakes could be corrected in another place.

Question put and passed.

The Council resumed. The CHAIRMAN reported the Bill with amendments.

The SECRETARY FOR MINES moved—That the report be adopted.

HON. A. G. C. HAWTHORN: I raised a discussion in Committee and got no satisfaction. I now ask the Minister what he proposes to do immediately this report is adopted and the third reading ordered. Does he propose to adjourn till to-morrow? I ask a fair question; I think I am doing a fair thing.

The SECRETARY FOR MINES: I propose to go on with the Requisition of Ships Bill, and, if hon. members want to get their trains and trams, we may take a vote on it.

Question put and passed.

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

## REQUISITION OF SHIPS BILL.

SECOND READING—RESUMPTION OF DEBATE.

On the Order of the Day being called for the resumption of debate on the second reading of the Requisition of Ships Bill—

Question—That the Bill be now read a second time—put; and the Council divided:—

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*Teller:* Hon. T. M. Hall.

Resolved in the negative.

MOTION—THAT BILL BE READ A SECOND TIME TO-MORROW.

The SECRETARY FOR MINES: I beg to move—That the Bill be read a second time to-morrow.

Hon. P. J. LEAHY: Are you in order in moving that just now?

The SECRETARY FOR MINES: Yes. If the hon. member has any doubts, I would refer him to page 357 of "May's Parliamentary Practice," where it says—

> "The opponents of the Bill may vote against the question—'That the Bill be now read a second time'; but this course is rarely adopted, because it still remains to be decided on what other day it shall be read a second time, or whether it shall be read at all; and the Bill, therefore, is still before the House, and may afterwards be proceeded with."

HON. P. J. LEAHY: The Minister must know that all he can do now is to give notice of motion. He cannot move the motion now, except by leave of the House.

The SECRETARY FOR MINES: When the Bill was before the House on a previous occasion there was a long discussion. Hon. members indicated their opposition to the Bill by their voices and their votes, and they accused this Government of not acting soon enough.

HON. A. J. THYNNE: I rise to a point of order. The second reading of the Bill has just been negatived on a division, and my point is that it is not open to the hon. gentleman to do more at this stage than to give notice of his motion for to-morrow.

Hon. E. W. H. FOWLES: Unless by leave of the House.

HON. A. J. THYNNE: One of the axioms of parliamentary practice is that you cannot move a motion of this kind without notice. The utmost the hon. gentleman can do is to give notice of motion asking the Council to order that the second reading stand an Order of the Day for to-morrow, but no definite motion can be made now.

HON. P. J. LEAHY: Speaking to the point of order, I may say that we all know that a Bill may be revived. It was done a few months ago in the case of the Commonwealth Powers (War) Bill. My objection is that the hon. gentleman cannot move this motion except by leave of the Council.

HON. R. BEDFORD: I am surprised at the Hon. Mr. Thynne raising a point of order and quibbles of this sort on a matter of the utmost urgency to the whole of the people of Queensland. I may be wrong so far as the mere forms of the House are concerned, but it seems to me that quibbles on matters or urgency like this are absolutely out of place.

Hon. P. J. LEAHY: Do you say it is a matter of urgency?

HON. R. BEDFORD: I do.

Hon. P. J. LEAHY: Then why did the Minister keep it at the bottom of the paper for five days?

HON. R. BEDFORD: I was not here, and I do not know. Am I in order, Mr. President, in speaking on the motion generally?

The PRESIDENT: The hon. member can speak to the point of order.

HON. R. BEDFORD: Of course, I have nothing more to say on the point of order.

HON. L. McDONALD: I desire to say a few words on the motion moved by the Minister—That the Bill be read a second time to-morrow.

Hon. E. W. H. FOWLES: The point of order must be settled first.

The PRESIDENT: I would like to hear some further expressions of opinion while I am looking up some of the authorities.

HON. E. W. H. FOWLES: The matter has been put very clearly by the Hon. Mr. Thynne, who has had over thirty years' experience in this Chamber. The Bill can certainly be revived again, but the Minister cannot spring a motion on us this evening such as he has done. The usual thing is to give notice of motion for the following day. By leave of the House he can, as everyone knows, bring the motion on at once, but only by leave of the House.

HON. A. G. C. HAWTHORN: The Minister, as has been said, can only submit this motion by leave of the House. It is all very well for him to say that he told us he was going to bring this Bill on to-day, but he placed it third on the list. We have already passed two Bills through Committee, and I consider we have done very well, indeed, and I for one do not feel disposed to allow the hon. gentleman any concessions of the kind that he has asked for. There is plenty of time to give notice for to-morrow, and that is the proper course to take. I hope the President will uphold us that the motion is entirely out of order, and that he will make the Minister bring his business on in a proper manner, and not endeavour by a side wind to gain a point. If he brings his business on in the proper way we will support him every time; but, if he attempts to gain a point by a side wind, I certainly will not support him.

The SECRETARY FOR MINES: I wish to know whether I am not in order in speaking to the motion.

HON. A. J. THYNNE: The motion is not in order, and you cannot speak on it at this stage. The question before the Council is the point of order.

The SECRETARY FOR MINES: I am quite within my rights in restoring the Bill to the business-paper because of its urgency. Whether we sit early or sit late, we will endeavour to get the Bill through, because we know that it is urgent, and we want to relieve the present situation.

HON. A. J. THYNNE: I rise to a point of order! Has the hon. gentleman any right, while the point of order is under discussion, to discuss the general question?

The PRESIDENT: I asked for an expression of opinion from hon. members to give me time to look up a few authorities.

HON. E. W. H. FOWLES: Standing Order No. 41 deals with the point of order.

The PRESIDENT: The Minister has the right of reply.

The SECRETARY FOR MINES: The point of order is that I am out of order in speaking to the motion.

HON. A. J. THYNNE: My point of order is that the hon. gentleman must adhere to the usual practice, and it is not competent

for him or any other hon. member to speak on the motion until the point of order has been decided.

The SECRETARY FOR MINES: The President invited an expression of opinion on the point of order.

Hon. P. J. LEAHY: But you are speaking on the general principle of the motion and are not addressing yourself to the point of order.

The SECRETARY FOR MINES: If the motion I have moved is in order, I take it, although I have already spoken on the second reading of this Bill, that I am in order in discussing the motion that I am now moving.

The PRESIDENT: The hon. gentleman is only in order in speaking to the point of order.

Hon. T. M. HALL: Can you enlighten us on the point of order? Show us, if you can, in the Standing Orders where you can do this sort of thing.

Hon. A. G. C. HAWTHORN: There is no Standing Order to provide for it.

The PRESIDENT: On page 236 of "May," it says—

> "An Order of the Day may be superseded by the vote of the House, as, for instance, where an amendment embodying an abstract proposition is substituted for the question—That the Bill be now read a second time, or for the question—That the Speaker do leave the chair for the Committee of Supply.
>
> "In such a case, if it be deemed expedient to revive the order for the second reading of a Bill (see page 359) a motion can be made to that effect at a subsequent sitting."

My ruling is that the hon. gentleman is out of order in moving the motion at the present time. He will be in order in moving that motion to-morrow.

Hon. A. J. THYNNE: On giving notice of his intention to do so.

The PRESIDENT: It is not necessary to give notice.

The SECRETARY FOR MINES: I beg to ask leave to move—That the Bill be read a second time to-morrow.

Hon. A. J. THYNNE: It is not necessary to ask leave.

## ADJOURNMENT.

The SECRETARY FOR MINES: I beg to move—That this Council do now adjourn. The first business to-morrow, after the Hon. Mr. Leahy's motion, will be the two motions of which I have given notice, then the Farm Produce Agents Bill in Committee, and the State Produce Agency Bill in Committee.

Hon. P. J. LEAHY: Are your two motions urgent?

The SECRETARY FOR MINES: Very urgent.

Hon. P. J. LEAHY: You are very much afraid of that Select Committee.

The SECRETARY FOR MINES: I am not afraid of the Select Committee.

Question put and passed.

The Council adjourned at twenty minutes past 10 o'clock.