Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 28 AUGUST 1879

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ERRATA.

Page 67, column 1, fifteenth line from bottom—*read* "horses worth £500," *for* "five hundred horses.'

Page 197, column 1, twelfth line from bottom—*read* "enure" *for* "ensue."

Page 197, column 2, twenty-first line from top—*read* "enured" *for* "endured."

Page 224, column 1, twenty-fifth line from top—*read* "ten" *for* "four."

Page 226, column 2, twenty-seventh line from top—*read* "the old" *for* "his own" country.

Page 243, column 2, fifth line from top—*read* "first three items" *instead* of the words printed.

Page 317, column 1, thirteenth line from bottom—*read* "not" *for* "but."

Page 324, column 2, eighteenth and nineteenth lines from top—*read* "but every title must be endorsed with the encumbrance, which, in future transfers, would involve an expense," &c., *instead* of the words printed.

Page 366, column 2, twenty-eighth line from top—*read* "none" *for* "one."

Page 391, column 2, sixteenth line from bottom—*read* "recess" *for* "session."

LEGISLATIVE COUNCIL.

Thursday, 28 *August*, 1879.

Leave of Absence.—Lunacy Bill.—Health Bill.—Life Insurance Bill.

LEAVE OF ABSENCE.

On the motion of Mr. GREGORY, leave of absence for a fortnight was granted to the Honourable W. F. Lambert.

LUNACY BILL.

The POSTMASTER-GENERAL moved the second reading of "a Bill to Consolidate and Amend the Law relating to the Insane." He said he wished to call the attention of the House to the great importance of the subject. He was sure that any matter which related to the well-being of that unfortunate section of humanity which was suffering not only in body but in mind would secure from every honourable member of the Council the most heartfelt sympathy, and that no effort would be spared to pass into law any measure which appeared calculated to improve the condition and to alleviate the sufferings of those unfortunate persons. The Acts in force at the present time affecting the insane numbered twelve. They began in the reign of Edward II., and came down to one or two measures which were passed since Queensland had been established as a separate colony. If honourable gentlemen would turn to the first schedule of the Bill, they would find those Acts specified and particularised. While on this part of the subject, he might state that there was a mistake in one of the references—the last expressed Act but two—instead of "24 Victoria, No. 19," it should read "29 Victoria, No. 13," and, instead of the whole Act being repealed, only sections 36 and 37 were to be repealed. That was a mistake which he thought it well to point out before proceeding further, as it might be thought that the mistake was unperceived, and that the Bill had not been as carefully revised as it ought to have been. There were also one or two other references in the clauses which needed to be corrected; but he would not point out those small errors, which could be dealt with in Committee of the Whole. As to the necessity for legislation, he found that

the Royal Commission which was appointed in 1877 to inquire into the management of the Woogaroo Lunatic Asylum and the Reception-houses of the colony reported that

A Bill to consolidate and amend the law relating to the insane (which had, we believed, the benefit of Dr. Manning's supervision), brought before the New South Wales Legislature, in December last, by the Honourable J. Robertson, appears to deal fully and fairly with this question, and we are inclined to recommend that similar provisions be inserted in our Lunacy law.

And Dr. Smith, the Surgeon-Superintendent of Woogaroo, in his report presented to the House a short time since, said, in reference to a new Lunacy Act—

The need of this is felt more urgently every day. The deficiencies in the present antiquated Act are very patent, and its processes are inadequate. The Act allows of no patient being admitted without the publicity of the police court, save by a process tedious, cumbrous, and expensive. The annual loss of the property of persons who become insane I have recently had the honour to specially direct your attention to by letter. On this account alone a new Act is essential.

So that the Commission, who had inquired very carefully into the subject, were in favour of fresh legislation, and the present Surgeon-Superintendent of Woogaroo made a strong and urgent recommendation to the same effect. He (the Postmaster-General) would go over the principal clauses of the Bill with the view of assisting honourable members to understand its general tenour. Part I. comprised clauses 4 to 24, setting forth the "Proceedings by which persons of unsound mind may be placed under restraint." It simplified the present forms and gave a better guarantee than now existed that persons not insane should not be sent into an asylum. Under the present Acts two medical men might give a joint certificate, without stating their reasons, that a person was insane—that they believed him to be insane. But, by the Bill, clauses 8 and 9, and schedule 2, two medical men, without consultation together, must each give a separate certificate, and each give his reasons for considering that the person examined was insane. The Bill made provision against the insane being concealed in private houses without due care and medical attendance; and also for dealing with those persons who might have committed crimes while insane. He did not think he need enter into the clauses in detail. The House would, he thought, perceive that the provision by which two medical men would be required to give independent certificates without consultation was a very important safeguard. All honourable members must have known that, hitherto, in the practice of medical men, one depended very much on the other if one practitioner gave a certificate that he had examined a patient, it was usual for another to take the report for granted and to sign his name to it, as though it was the result of his own examination. The 17th clause provided for the examination of insane patients, under certain circumstances, who should remain or be detained and be taken charge of in private houses. There was no doubt that, where there were conveniences, and where persons could afford to provide private means of taking care of their insane relatives, they might often be allowed to do so with very great advantage. Not only was expense saved to the State which would be incurred by sending them to a public lunatic asylum, but there was more hope of recovery when the patients were properly treated amongst their friends. Although the retention of the insane in private houses was permitted, it was surrounded by such safeguards that there was no reason to think that any impropriety could ensue or any danger be incurred thereby. Part II. of the Bill referred to "Hospitals for the insane," and provided that—

The Governor in Council may by notification published in the *Gazette*, appoint any place to be an hospital for the insane and in and by such notification may assign a name to such hospital and any such appointment may be revoked in like manner.

The clauses in that part of the Bill also dealt with the internal regulation and general management of hospitals; not only those at present in existence, but any others that might be required in future. Part III. provided for the "Inspection transfer and discharge of patients." With regard to the "Inspection of the insane," as soon as the circumstances of the colony seemed to warrant it, all hospitals for the insane, and reception-houses, should be periodically visited and inspected by the inspector of the insane, and the duties of that officer were defined. The Bill provided, further, for the appointment of official visitors to hospitals for the insane and reception-houses; and for the transfer of patients from one hospital to another. The appointment of official visitors was provided for in clause 39. Those visitors might be appointed by the Governor-in-Council, and they were to consist of

Two or more official visitors one of whom shall be a medical practitioner and one a police magistrate or a barrister-at-law any one of whom shall visit the place to which they are so appointed visitors once at least every month with or without any previous notice and at such hours of the day or night and for such length of time as they shall think fit and also at such other time as the Colonial Secretary may direct;—

and so on. They had to inspect every part of the asylum, hospital, or house, and to

report after every visit to the Colonial Secretary as to

The number of patients admitted and discharged since the date of the last visitation together with a copy of the entry made by them in the inspector's book and any other information they may consider necessary.

As to the "Discharge of patients," clause 45 provided that they were to be discharged by direction of the person who signed the order or the request for their admission. He did not think he need go over the whole of the clauses. He might simply say that safeguards were provided which would prevent the possibility of any person being unlawfully or unnecessarily admitted or detained. Part IV. related to "reception-houses." It would be seen that this part of the Bill was almost a transcript of the Lunatic Reception Houses Act, 33 Victoria, No. 12. The Extension Act, which was afterwards passed to allow of the re-committal of a lunatic after the expiration of the time, thirty days, provided by the first Act for his detention, the Bill did not propose to perpetuate. In England, fourteen days was the most time that a lunatic was bound to remain in a reception-house. Dr. Smith, who had a great deal of experience in the management of insane persons, thought it would be extremely undesirable to continue the power to re-commit to lunatic reception-houses any insane person who had been already therein the time provided by law. Nevertheless, the matter was one which the House would do well to give consideration to. The law in force at present, as far as he (the Postmaster-General) knew, had not been attended with any undesirable results. In the reception-houses at Brisbane and Toowoomba, which were within easy access of the Lunatic Asylum of Woogaroo, it would be very undesirable to detain lunatics longer than thirty days, because there was no doubt that if an insane person had a chance to recover he must be properly treated from the commencement; and three months, allowed by the Extension Act, was deemed too long a period for any patient to be detained in a reception-house, with its limited appliances for effectual treatment. If a person was subjected to improper treatment when first bereft of his senses, it was very likely to aggravate his complaint and render him incurable. However, the question of the time of detention was one that he (the Postmaster-General) should like the House to consider attentively. They would, no doubt, have the opinion of the honourable Dr. O'Doherty, who would assist them in coming to a proper conclusion. He (the Postmaster-General) might remark that there were lunatic reception-houses at Rockhampton and Townsville; and that, at times, it might be inconvenient to remove thence to Woogaroo patients who had been incarcerated for the period required by the Act, whose health had been improved, and whose recovery there might be reason to believe would be so near that a few days' further treatment would enable them to be discharged cured. He could quite understand circumstances under which it would be very desirable to be able to recommit such patients for further detention in a reception-house situated in a distant part of the colony from which there was no easy access to Woogaroo. There was no other material alteration in Part IV. Part V., clauses 64 to 75, related to "Proceedings, and declaring persons insane, and for the appointment of committees of their estates, &c." It was intended to supersede the old form of commission *de lunatico inquirendo*, and in lieu of that to substitute a simple form of procedure whereby a person must be declared judicially insane, so that his property might be dealt with and taken care of by the Master in Lunacy. He might mention that it was provided in the Bill that the Master in Equity should be the master in Lunacy. There might be a difficulty with regard to the Master in Lunacy, because there were two Masters in Equity in this colony, one at Brisbane and the other at Bowen. Provision must, therefore, be made for the performance of duties of Master in Lunacy at Bowen in connection with the branch of the court presided over by the Northern Judge. Part VI. related to the "Management of the estates of insane persons and patients," and comprised clauses 77 to 147 of the Bill. He might state that from this point the Bill was almost an exact transcript of the Act recently passed in New South Wales. He did not wish for the Government to take undue credit for industry, or for the possession of information upon the subject which would enable them to bring in an entirely original measure. In a matter of this kind they acted wisely by taking advantage of the experience of qualified persons in the mother-country and elsewhere. The Act of New South Wales had been very carefully prepared. It had been before the Legislature for the last two years and a-half. It had been sent to England to the highest authorities in regard to the insane for their examination and revision. The most recent experience in dealing with the insane in the mother-country had been taken advantage of and provided for by the Bill, so that he did not introduce it to the Parliament as a measure that the Government had prepared from the comparatively small experience obtained in Queensland. The clauses in part VI. dealt with the estates of the insane and provided for the appointment of the Master in Lunacy, whose duties would be to undertake the general care, protection

and management of the estates of all insane persons. In this colony, at present, those estates were the subject of much litigation, and with the view of obviating the recurrence of that evil the subject had been fully gone into. At the present time, many small estates, varying from £100 to £500 in value, were practically lost to the insane patients themselves, as well as to the Government, who had to support the patients. By the provisions now proposed all those estates might be taken advantage of by the Master in Lunacy, and be appropriated to the maintenance of the insane while under treatment, and also to starting again in life those who might recover their reason and be discharged cured. By clause 119, it would be seen that parents who were able to support their insane children, while inmates of asylums, but who refused to do so; also grown-up sons and daughters who refused to support their insane parents, might be compelled to contribute. At present there was no legal method for reaching such persons; and, no doubt, if that clause should be incorporated in the law, it would be a very valuable provision, and be the means of reducing considerably the cost to the country of the asylums for the insane. Part VII. comprised a variety of provisions. Clause 151, for instance, imposed a penalty upon officers in asylums who ill-treated the insane, and upon officers who allowed patients to escape or be at large. But he did not think he need trespass longer on the time of the House. Subject to some small verbal errors which he had already referred to, he thought the Bill was a very complete one indeed. He might add, that there were only a very few entirely original clauses in the Bill. Nearly all were adaptations from the New South Wales Act of 1878 and from the Lunacy Reception Houses Act at present in force in Queensland. He felt that in bringing this measure before the House he could calculate upon the hearty assistance of honourable members opposite. It was one with respect to which there could be no personal or party feeling. He had not the slightest doubt that if the House gave reasonable time to the consideration of the Bill in Committee they could make it a very desirable measure indeed, and one that would effect a very important and valuable reform in the laws of this colony. Before he sat down, he might call the attention of honourable members to some clauses which were printed in italics. While he did not think it necessary to put them in italics, it was done as a safeguard. He thought the Council might get over the obstacle which arose from some of those clauses appropriating public money, by adding, in committee, the words that the "expenditure of such sum shall be paid out of any moneys that may be hereafter appropriated by Parliament." Then the Bill would not, he thought, be liable to be thrown out on the technical ground that it was one which the upper branch of Legislature had no right to introduce. With the words introduced that he suggested, the clauses might then be printed in the ordinary Roman type, and not be sent from the Council to the Assembly as blanks. He begged to move

That this Bill be now read a second time.

Dr. O'DOHERTY said he should have been better pleased to have heard some older member of the House speak on the question. Still it was one of such importance, in his opinion, that he did not like to allow the second reading of the Bill to pass without having a word to say about it. He did not know that a more important question could be brought before Parliament than the treatment of the insane. He confessed it appeared to him that it was high time some such measure as that now under consideration should have been introduced. He felt some considerable difficulty in rising to make any remarks at present, because the Bill had come upon him and other hon. members completely by surprise. He never had the least idea that a measure of the kind was in contemplation until a few days back, and it was within that time that he had received the Bill itself. In fact, he had not had time to read it through and to form anything like a sound opinion of it. However, casting his eye over it cursorily, it seemed to him to be a Bill shaped with the intention of placing the management of the insane upon such a basis as ought to satisfy the country. One or two remarks made by the Postmaster-General in introducing the Bill were deserving of some comment. In the first place, with regard to the primary treatment of lunatics or supposed lunatics, he (Dr. O'Doherty) thought the proposal to subject persons supposed to be insane to an examination different from that which had been had recourse to hitherto was a great improvement. He had long felt that the precautions taken hitherto had not been sufficient; that the medical examination of persons presumed to be insane was too much a mere matter of form; and that further precautions were absolutely necessary. Whether the proposed provision in the Bill would best meet the difficulty he would not undertake to say. It seemed to him, at first sight, to be very well calculated to do so—that the medical men, instead of meeting and examining the patient together in the very cursory manner in which they generally did it, should each be required to see the patient separately, make an individual and independent examination of him, and report thereon, giving a distinct statement of the grounds on which they

formed their opinions of his condition. That would be a very great additional precaution against the grievous crime of incarcerating persons supposed to be lunatics without just cause. He had not been able to see in the Bill any proposal for the proper management of asylums. It always appeared to him—and the statements put forward in another place, within the last fortnight, showed largely the urgent necessity that existed for it—extremely desirable to have a much more effective management of the chief institution for the care and treatment of the insane than had been hitherto adopted in this colony. The system at present in existence placed complete control in the hands of one man, the medical superintendent of the asylum.

The POSTMASTER-GENERAL: There were the visitors.

Dr. O'DOHERTY: True, there was the addition of the visitors. But he confessed he was of opinion that official visitors were of very little aid to the public and the Government in the efficient management of an institution of the kind under consideration; nor did he think it likely that any medical man could possibly be sufficiently skilled in business management for that purpose. He had no very great respect, as a general rule, for medical men, or lawyers, as business men; such management was not their trade. He should be very much better pleased to see an institution, which required a very great deal of business capacity to keep it in efficient working, placed under the control or management of business men. There was a great deal of departmental detail to be looked after in such an institution as that at Woogaroo; and, if he recollected aright, the circumstances which had been brought forward, and the statements which had been made, in the other House, showed that, however anxious any superintendent of such an institution might be to conduct it to the utmost of his ability, he was still open to very serious charges, indeed, which might at any time render his position one of the greatest possible difficulty.

HONOURABLE MEMBERS: Hear, Hear.

Dr. O'DOHERTY: Under the circumstances, he was disappointed that he could not see some effort made for the initiation of a proper board of management for the Woogaroo Lunatic Asylum.

Mr. WALSH: Hear, hear.

Dr. O'DOHERTY: He could not conceive how such provision had been omitted from the Bill; how the Government could think it possible that such a vast institution, possessing several business departments, could be managed by one man, whose time, if he performed his medical duties efficiently, should be fully occupied with them alone. Without hesitation, he said that proper assistance in management was one of the greatest wants experienced in connection with the Woogaroo Asylum since it was inaugurated. There had never been a board or committee of management such as existed in connection with the Brisbane Hospital and similar institutions. That was what was wanted, however; and he put the requirement forward with great confidence, because he recollected that some years ago the Royal Commission very strongly insisted upon it. Provision ought to be made for it in the Bill. With regard to reception-houses, another point that struck him in the Postmaster-General's speech was, that the honourable gentleman was disposed to ignore altogether the Act passed in 1872 to extend the time of detention of patients.

The POSTMASTER-GENERAL: It was repealed by the Bill.

Dr. O'DOHERTY: It was not mentioned.

The POSTMASTER-GENERAL: In the schedule.

Dr. O'DOHERTY: As a medical man, he was of opinion, then, and certainly he had heard nothing since to alter it, that the Extension Act was a very good measure and a great improvement in the law. It was of the highest advantage in many cases to be able to extend the detention of patients in reception-houses for a second month, and, occasionally, for a third month. As a rule, at the end of the first month most of the patients were discharged; because most cases treated in the reception-houses were those of *delirium tremens*—persons suffering from the effects of drink—and usually they were in a condition well advanced towards recovery by that time. There would be always, no doubt, a number of cases of *delirium tremens*, besides many other cases of temporary insanity, for which a further detention for a month, or even two months more, in the reception-house would be of very great advantage. It had always been the opinion of the profession and of every sensible person that there was something in the atmosphere of a madhouse that tended to aggravate the malady of persons slightly demented or deranged. Put a man, especially put a woman, that was only slightly insane, amongst a mass of seething madness, such as was in Woogaroo, and the chances were that his or her condition, instead of being improved, would be seriously aggravated.

HONOURABLE MEMBERS: Hear, hear.

Dr. O'DOHERTY: That was felt so strongly at the passing of the Act, that the measure was almost unanimously approved of. He had not heard any reason advanced and he was at a loss to know, why it should be repealed. He was perfectly aware that the superintendents who held office at Woogaroo since the Act came into force had been making serious complaints about it; and, judged from their own

stand-point, their objections were advanced with considerable force. Their complaints were, that, since the passing of the Act, there were received into the Asylum a very much larger number of incurable patients than before the time of reception-houses being established. No doubt, to the superintendent of a large institution who had to issue his periodical reports it was a very serious matter what amount or percentage of cures he could show as effected during any year. If he found that establishments like the reception-houses took from him a large proportion of his curable patients, one could understand objections to any such places being reasonable enough. But the Council were not justified in entering into the feelings of a superintendent in any such matter. They were bound to consider the question whether the condition of the patients themselves would not be improved. The condition of those patients —and they were a very large number who had passed through the reception-house in Brisbane—had been on the whole very different to the condition of those sent to Woogaroo; different in this respect, that, though temporarily insane, yet they would shudder at the idea of being sent amongst the mad people in Woogaroo. It was of the greatest possible advantage that such patients should be kept separate and apart from the incurably insane. Thus the reception-houses were very desirable and necessary establishments. He had said it before, and he repeated it, that he could not see why the two institutions should not be under the same superintendence. There was not half-an-hour's distance between Woogaroo and the reception-house, in Brisbane; but that little made all the difference in the ideas of the temporarily insane patients who might be detained. It ought not, however, to make the slightest difference with regard to the efficiency of the treatment in one place or the other. Whenever the Parliament undertook to put the matter on a really permanent basis, the reception-house should be part and parcel of the great lunatic hospital and asylum, and should be under the same direction, management, and control as Woogaroo. The rational arrangement would be, to have a chief medical superintendent for both places; and, so far as his observations had gone, there could not be a better man for the position than Dr. Smith; then, there should be an assistant resident at Brisbane as well as Dr. Webster at Woogaroo. If that were carried out, temporary asylums would be capable of considerable enlargement; and he (Dr. O'Doherty) held that in that way all the difficulties which had been mentioned by the Postmaster-General with respect to keeping patients in the reception-houses could be got over. He maintained that the outside reception-houses should be as little encouraged as possible. An institution for the confinement of the insane could not be formed to be of any value unless it was made a complete one. He believed he was not wrong in stating that any attempt made to establish reception-houses in towns in remote parts of the colony had been worse than useless;—the places were nothing but gaols, and of a very bad kind, in which patients were imprisoned. It was extremely questionable, and not good policy, to make any such attempts but where a complete establishment could be formed. The main asylum of the colony was in the South, at Woogaroo, with the reception-house at Brisbane, which should be part and parcel of that main asylum. When affairs became sufficiently advanced in the North—though he believed there was some feeling against it—he thought a very excellent position could be found for an asylum, which should occupy the same relation to that part of the colony that Woogaroo did to the South, because he did not think it was a wise thing that lunatics should be dragged down from the North so far to the one asylum existing. It might be considered that the northern part of the colony was too warm. Well, that might be, but he could not help thinking that, even about Rockhampton, a climate as good as that of Woogaroo could be found; and there, he thought, the next asylum for the insane ought to be erected. However, that was beside the present question. He ventured to dwell on the subject, because he regarded the existence of reception-houses and their management as by far the most important element in the treatment of the insane. The Brisbane reception-house was an exceedingly creditable building, and it was the place where, after all, the main portion of the curable patients went to; and it was there the greatest part of the medical skill at command should be brought to bear. It was of the greatest possible importance that in arranging for reception-houses those points which he had put before the House should be attended to. It would be a very unwise thing that in every town of the colony there should be a petty little black-hole named a reception-house for the incarceration of poor demented people. Such patients should be forwarded as soon as possible, on the certificates of two medical men, by as comfortable a mode of conveyance as possible—much better than now; for he thought it was a monstrous thing to send poor people as they were sent in the steerage of steamers, like criminals or prisoners, and it was contrary to the spirit of the law and the mode in which such poor creatures should be treated;—they should be forwarded without delay to the institution in which they would be properly attended to and their

recovery promoted or ensured. He felt strongly on this matter; and he believed that in passing any measure that was intended to be complete the points he had advanced should be strictly attended to. He had, perhaps, occupied the attention of honourable members longer than he ought to have done or was justified in doing.

HONOURABLE MEMBERS: No, no.

Dr. O'DOHERTY: But the subject was of considerable importance. He thought the Postmaster-General was to be praised for bringing the Bill before the House when honourable gentlemen had time and leisure to pay attention to it, so as to make it as complete a measure as possible. He trusted that the result of their deliberations would be to effect that desirable result. He ventured to suggest to the honourable gentleman that, in consequence of the little time that had been yet given to its consideration, because of its so recent introduction, and because of the difficulty that existed in comparing notes or looking up the records within reach to find out what was the exact state of asylums in other countries, some delay should be permitted before, at all events, the House were asked to consider its details in Committee of the Whole.

HONOURABLE MEMBERS: Hear, hear.

Mr. GREGORY said that, after the exposition which had been given by the Postmaster-General of the Bill, and the apposite remarks of the honourable and learned gentleman who had last spoken, it would be out of place for him to say much on the subject before the House, especially as he owned that the Bill had only been in his hands to-day. But there was a point or two, perhaps, which attracted his attention during the discussion, and which was worthy to be taken into consideration by honourable gentlemen when the Bill should get into committee. The one that more especially struck him came out in the remarks of the honourable Dr. O'Doherty, in which reference was made to the desirability of some supervision extending beyond that of the medical officer in charge of the asylum, let that officer be ever so competent or so thoroughly qualified for the work. There would be great risk run, if any person of unsound mind, or assumed to be of unsound mind, should be at the charge of one person. It was on record, and within the knowledge of every honourable gentleman present, that a case had occurred in which the superintendent of an asylum for the insane had himself gone out of his mind and become insane. What might occur under an insane superintendent he left honourable gentlemen themselves to reflect on! He need say nothing more on that. The necessity that there should be safeguards inserted in the Bill, if not now fully provided for—he could not say, at present—was apparent; and if required, he hoped they would be inserted. He noticed that the Bill provided not only for the management of the insane themselves, not only as regarded their health and their treatment as patients; but it also provided for the way in which their estates should be administered during the period they were in confinement. On that point several very important issues arose. First, the insane were protected by the circumstance that nothing could be done with their estates without the sanction of the Supreme Court or of the Master in Lunacy, who, he (Mr. Gregory) presumed, would act under the direction of the court. Unless that was very carefully provided for, great danger might accrue from the way in which estates would be administered during the temporary insanity of a person. He should not go into detail of the clauses, but he regarded this part of the Bill as worthy of being taken into consideration in committee. The Postmaster-General alluded to the clauses in italics, involving expenditure of revenue, that it might be presumed ought not to be in a Bill introduced in the Council, as touching in some way taxation and appropriation of public money, which belonged wholly to the Legislative Assembly. He (Mr. Gregory) confessed that the matter was a very difficult one, and one that had been discussed frequently in the Council. The result of the whole of their discussions went to show that it would be fully competent for the Council to deal with the Bill before them, without in any way affecting or altering the clauses, whether they were put in italics and regarded as blanks, or otherwise. In fact, he should prefer to see the clauses removed from the distinction of being in italics; for he had taken the trouble to read every one of them, and there was not one which, in his mind, tended or approached to an infringement of the privileges of the other Chamber. The point raised was one that all honourable members should look to, because, whilst they were particularly desirous of not going beyond their functions or infringing upon those of the Assembly, they should not hesitate to exercise the powers of the Council to the fullest extent. He thought that clause 60 would meet everything that was necessary, if slightly altered in the wording so as to make it applicable to the rest of the Bill. It could be made to refer to the whole operation of the Bill wherein expense was involved, or the other provisions might be made to refer to it. It ran:—

> Every reception-house appointed and established under this or any former Act and the superintendent and assistants appointed for the management thereof shall be maintained and paid out of such funds as may from time to time be appropriated by Parliament to such purpose.

Indeed, the clause as it stood would meet all requirements, and the Council would not be imposing any taxation on the country therefor. Of course, if Parliament did not vote the money to enable the measure to be carried into effect, that was quite another thing. So far as regarded financial matters, there was not throughout the Bill a clause that he thought the Council should not deal with and pass. He should be very glad if the Postmaster-General would give the House a little time to study the Bill, which, although carefully gone into in another country, and although a transcript of the law of a neighbouring colony, yet should not be hastily passed. They should not be hurried by the naming of too early a day for going into committee. There were no less than 158 clauses, besides schedules, to be considered; and, seeing that the Bill had been in honourable gentlemen's hands only for a short time, if opportunity was given for considering it well, it was a measure that was likely to pass, and no delay would be involved.

Mr. WALSH said he was not prepared to discuss the second reading of the Bill this afternoon. Therefore, he begged to move the adjournment of the debate. The Bill was one of considerable importance, and honourable gentlemen had not paid that attention to it which they ought to pay to it; and they should have time to be better prepared to deal with it in committee.

The POSTMASTER-GENERAL said he had not the slightest desire to hurry the Bill unnecessarily. If it were necessary for its proper discussion to adjourn the debate, he should be very happy to fall in with the proposition of the honourable Mr. Walsh. With the understanding that the honourable gentleman would endeavour to throw some light on the subject in the adjourned debate, he (the Postmaster-General) thought it might be worth while for the House to assent to his amendment. At the same time, as honourable gentlemen would, in Committee of the Whole, have ample opportunity to discuss any portion of the Bill which appeared undesirable or on which amendments could be suggested, he did not know that it was absolutely necessary that the debate should be adjourned. However, as it would involve no loss of time, and as the House might resume the debate next Wednesday, he was willing to consent to the adjournment, on the understanding that the Bill should be considered in committee on the following afternoon.

HONOURABLE MEMBERS: Hear, hear.

The POSTMASTER-GENERAL: He was free to acknowledge that an important measure like this should receive the fullest consideration.

Mr. SANDEMAN said he was very glad that the honourable Mr. Walsh had made a proposal for the discussion to be adjourned. He confessed that he had not read the Bill, whilst he looked upon it as dealing with one of the most important subjects that the House could discuss. The welfare of a large number of human beings was involved in their decision, and honourable members must feel that it was their duty to give the whole subject their very best consideration.

Mr. MEIN said he did not intend to make any remarks upon the Bill before the House, but he did not understand the Postmaster-General, who got up to make a protest that he would not agree to the adjournment of the debate, and ended by consenting to the amendment. What did the honourable gentleman mean? He was the only one who had had an opportunity of reading the Bill, and he had spoken upon it. Every one else in the House who had risen had stated that no opportunity had been afforded him to master the Bill. What were the House to understand? The Bill was brought before the House at the fag end of the session. It proposed to deal with a very important subject—the care of persons in the community who could not take care of themselves. It comprised 158 clauses. It was read a first time last Thursday, and was not circulated until a few days ago. In the interim honourable members engaged in business had not had time to wade through it even hurriedly. Under the circumstances, he thought that the Postmaster-General ought to have embraced the proposition to take a little further time for consideration. True, honourable gentlemen could deal with the details of the measure in Committee of the Whole; but, as the Bill was brought forward as a consolidating measure, and as the provisions of a large number of statutes were incorporated in it, it was desirable to elicit discussion on the second reading, in order that the House when in Committee could have their minds full of the subject. Very important issues had been raised by the honourable Dr. O'Doherty in his valuable speech which ought to be thought out by honourable gentlemen. Nothing would be gained by hurrying the Bill into committee next Thursday. The Postmaster-General was much more sanguine than he (Mr. Mein), if he thought the Bill could go through the Council and be advanced in the Assembly without full discussion. All that the honourable gentleman could expect was that it should go through the Council this session, and then stand over until next session; meantime, that it would receive ample discussion outside; and that, next session, it would be fully considered and become law then.

The POSTMASTER-GENERAL explained that he had distinctly accepted the amendment.

Mr. WALSH: Upon conditions.

The POSTMASTER-GENERAL: The Bill had been a very long time in preparation, but its introduction had been delayed while it was submitted to very careful supervision by the Superintendent of the Lunatic Asylum, Woogaroo; and it had had to undergo very careful revision since that.

Question put on the amendment, and the debate was adjourned until Wednesday next.

HEALTH BILL.

Dr. O'DOHERTY explained that an accident for which he was not responsible had occurred in his introduction to the House of a draft Bill which was not the measure that he had really intended to present. He therefore moved that the Health Act Amendment Bill, which was ordered for second reading, to-day, be discharged from the paper, with a view to his obtaining the leave of the House to consider *ab initio* the proper amending measure which had been prepared.

Question put and passed.

Dr. O'DOHERTY then presented a new Bill to amend the Health Act, which was read a first time and ordered to be printed.

The second reading of the Bill was appointed for Wednesday next.

LIFE INSURANCE BILL.

Mr. MEIN moved the second reading of "a Bill to encourage and protect Life Insurance and other like Provident Arrangements." He said it was an unpretentious effort to remedy a defect which existed in the law. Most honourable members were aware that the Australian Mutual Provident Society, which carried on an extensive business in life insurance in this colony, was under the provisions of a statute which was passed by the New South Wales Legislature before Queensland was separated from New South Wales. That statute was in force in this colony, and amongst its sections were provisions to the effect that policies should be protected from payment of debts of insurers up to certain limit. No protection was afforded, if the insurer died within two years after he effected his insurance;—his policy was not protected as against his creditors. Between two and five years, it was protected to the extent of £200; between five and seven years, to the extent of £500; between seven and ten years, to the extent of £1,000; after ten years, to the extent of £2,000. There were a large number of companies carrying on the business of life insurance in this colony; but there was no statute affording to other societies the same protection which was afforded to the Australian Mutual Provident Society. That last mentioned society had, therefore, advantages which the other societies did not possess; and the Bill was introduced in the other branch of the Legislature for the purpose of remedying that defect, and to place all societies upon a similar footing. In the insolvency law of this colony, it was provided that a settlement made by an insolvent three years prior to his insolvency should be protected against the claims of creditors on his estate. A policy of insurance might in most instances be regarded as a prospective settlement made by a man on behalf of his wife and family; and if provision somewhat similar to the provision in the insolvency law was made with regard to policies of insurance, he (Mr. Mein) did not think the Legislature would be doing an unfair thing at all, so far as creditors were concerned. The Australian Mutual Provident Society's provisions were good so far as they went; but the Bill provided for the extension of protection still further, and to place the Australian Mutual Povident Society and all other societies on precisely the same footing, so that one should not have an advantage over the other. The Bill might be subdivided into four parts—the first part related to the protection of policies of insurance effected by a man on his own life; the second related to the power conferred on a married woman to enter into contracts for insurance or annuities independent of her husband and not subject to his debts; the third protected the rights of assignees of policies; and the fourth contained a stipulation that all societies carrying on the business of life insurance in the colony should publish annual statements showing the extent of their business. The protection afforded to a life policy effected by a man on his own life was to this extent: the amount payable under the policy should not be available for the payment of the debts of the insurer, unless he died within three years after the insurance was effected, and then only to the extent of the premiums paid during the period that had elapsed between the effecting of the insurance and the death of the insurer, with 6 per cent. interest added. That practically secured for the creditors of the man all moneys that he had paid during three years antecedent to his death, and to that extent placed those payments on precisely the same footing as settlements made by a man within three years prior to his insolvency; all payment beyond the three years being protected in both cases. Surely, the provision that a man made for his family in the former case should be protected, if protection was given in the latter. On that ground alone, the House could have no objection to the Bill. It prevented a man spending a large amount of money in order to effect an insurance, and then defrauding his creditors of that money in the event of his death within a short time thereof. Further protection was given in regard to annuities, but they would not be

protected unless the policy or contract under which they were insured should have endured for at least three years, or unless more than seven years had to run after the date of the insurance before the advantage thereunder were to be derived.

The POSTMASTER-GENERAL: The Bill excluded annuities.

Mr. MEIN *(reading)*:

Provided also that in cases where the time stipulated by any policy during which premiums shall continue to be payable during the lifetime of the insured is less than seven years the provisions of this section shall not apply except in case of the death of the insured until the policy shall have endured for at least three years.

The proviso that the Postmaster-General referred to was the next, which met the cases of bonuses that a person might have received in consequence of his insurance. All moneys that a person might have received by virtue of his insurance would be moneys for his creditors. But prospective payments would not be protected from the operation of the insolvency law, unless where the payment should have to be made for more than seven years, and only after the contract had been effected, or unless the contract had endured for three years. If it had not endured for three years, then the creditors would get the whole benefit of that contract. He (Mr. Mein) now came to the second part of the Bill, which enabled married women to enter into contracts with insurance societies either for payment of a sum after death or for an annuity; and there was the same proviso there as he had just referred to in the first part. Any contract made for an annuity should not be protected where the payments were to be made under a period less than seven years, unless the contract had been in existence for a period of three years. Some exception had been taken, he believed, to the form of the clause, the 3rd of the Bill; and it had been urged that it would enable a married woman to effect an insurance on the life of her husband, which was undesirable. He might state that he had no objection to any amendment of the clause in the direction of restricting a married woman's power to effect insurance on her own life. The law of the colony now enabled a married woman to hold land; she was at liberty to convey it; also, recently, the Legislature enabled her to make a will of her property free of the control of her husband; and he thought the law might go a little further and enable her to effect an insurance upon her own life, and protect that insurance against the claims of her husband's creditors. The third part of the Bill protected the interest of assigners of insurances. A man who held a policy of insurance could at present raise money by deposit of his policy, or by mortgage of his policy. That should not be interfered with, and the Bill reserved to the assignees of policies, "assigned *bonâ fide* for valuable consideration," all their rights. Next came that part of the Bill which stipulated that any insurance society carrying on business in this colony should prepare for the Colonial Secretary and the community at large, and publish in the *Gazette*, how its business was carried on.

An HONOURABLE MEMBER: Hear, hear.

Mr. MEIN: The provision was, he believed, founded to a great extent upon an Imperial statute which had also been adopted by some of the colonial legislatures, but was not so comprehensive as might be desired. It made two divisions in the form of the return to be prepared and published under the headings of liabilities and assets. Some persons might urge that inasmuch as the form prescribed in the schedule of the Bill stipulated that all moneys which a society was responsible for under policies of insurance should be stated as liabilities, if the bald statement was put in without explanation it might be calculated to deceive intending insurers. He had no objection to the substitution on the debtor side of a statement distinguishing the actual amount for which the society was liable under its policies from the estimated amount of its present liability as calculated by the actuary; but, at the same time, he should be unwilling to consent to an amendment of the schedule which should not contain an absolute statement of the amount for which insurers for the time being were insured. The Bill, to his mind, was a very valuable one. He might state that he had not had any part in its preparation whatever.

An HONOURABLE MEMBER: Hear, hear.

Mr. MEIN: He had simply promised to father it through the House. He had read it carefully as brought up from the other Chamber, and every portion of it met with his entire approval. No one would dispute that the Parliament should not encourage one society to the disadvantage of the others, or that they should be all put on the same footing. It was desirable that the Government and the Legislature should encourage provident habits, especially amongst those persons whose incomes were limited. It was not only deserving persons who were protected by the Bill against their creditors, but the posterity of those who had made unfortunate speculations. Great pains had been taken to protect creditors under the insolvency law. Let the Legislature encourage persons to enter into and cultivate provident habits and to make provision for their posterity. By stipulating for the publication of the abstract of the business done by societies, ample opportunity would be afforded to persons, before embarking in insurance, to

determine for themselves the condition of all societies offering or competing for their custom. No harm could be done any person by the passing of the Bill in its present shape, but great good would be done to those whom it was the duty of the House to protect. Under the circumstances he had great pleasure in moving

That this Bill be now read the second time.

The POSTMASTER-GENERAL said, although he took the initiatory steps to bring the Bill before the House, and although he highly approved of the objects of its author, yet he could not allow the second reading to take place without pointing out what appeared to him to be very serious defects of the measure. It was first introduced in the other Chamber in an entirely different form from that it now assumed. Its object was then to afford other insurance societies, or the holders of policies in them, the same privileges as were enjoyed by policy-holders in the Australian Mutual Provident Society—and a little more than that; — the Bill went rather further, and proposed to give policy-holders in other societies rather more privileges than were enjoyed by shareholders of the Mutual Provident. It was considerably altered in committee; it was afterwards re-committed by the honourable member in charge of it, and the result of that re-committal was, that the Bill was completely changed, so that one could hardly distinguish any of its original clauses. No doubt his honourable friend opposite, Mr. Mein, would reply that Government measures, as well as those of private members, were sometimes altered; and he acknowledged it in the case of the Electoral Rolls Act. But that was a measure dealing with a subject which was simple, and which everybody understood, and the Government freely acknowledged the alterations that were made and embodied in a now very useful Act. But the Bill at present before the House dealt with a subject which very few understood. The laws relating to the settlement of property and to insurance societies were in rather a complicated condition. There had been as yet no legislation in Queensland dealing with life insurance, so far as he was aware of, not even excepting the private Act under which the Mutual Provident Society was constituted; and he could not but regret that a measure pretending to deal with that subject had not been better considered at its inception. The Bill, however, went to the opposite extreme from its original intention. It now virtually repealed portions of the Mutual Provident Society's Act. It actually deprived existing policy-holders in that society of advantages secured to them by that Act. It was retrospective, *ex post facto* legislation, as it stood; and it was therefore, in that respect, very undesirable. The 14th section of the Mutual Provident Society's Act provided that

The property and interest of every member or of his personal representative in any policy or contract made or entered into *bonâ fide* for the benefit of such member or of his personal representatives or in the moneys payable under or in respect of such policy or contract (including every sum payable by way of bonus or profit) shall be exempt from liability to any law now or hereafter in force relating to bankruptcy or insolvency or to be seized or levied upon by the process of any court whatever Provided that no policy or contract for a life assurance or endowment shall be protected nor any contributions made towards the same until it shall have endured for at least two years—— .

In that respect, the Bill was an extension, and therefore giving larger privileges than policy-holders now enjoyed under their Act:—

But that after an endurance of two years such protection shall be afforded to the extent of two hundred pounds of assurance or endowment and to the contributions made towards the same and after an endurance of five years to the extent of five hundred pounds and after an endurance of seven years to the extent of one thousand pounds and after the endurance of ten years to the extent of two thousand pounds—— .

So far the Bill did give policy-holders in the Mutual Provident Society greater protection than they enjoyed under their Act. But how about annuity-holders? His honourable friend explained that the holder of an annuity policy would be protected after the expiration of three years, provided that the premiums had been paid and the policy had seven years to run from its issue. He (the Postmaster-General) had read the second clause of the Bill very carefully, and he could not find that it referred to the insurance of annuities. The final proviso ran:—

Provided also that the protection of this section shall not extend to any moneys which shall actually be received under or in respect of any policy by the insured in his lifetime.

Under the Mutual Provident Society's Act a man, aged 35, might take out an annuity policy terminable, say, at the age of 50 years, and, provided that the annuity secured thereby did not exceed £104 a year, it was absolutely protected;—and a very desirable provision that was, too. The proviso of the Bill just quoted swept away that benefit. If honourable members would look at clause 8 of the Bill they would see that its "provisions"

shall extend and apply to all insurance companies and to all policies and contracts for life assurance endowments and annuities heretofore made or hereafter to be made whether such insurance companies or the policies or contracts for life assurance endowments or annuities

made with them are subject to the provisions of any particular or special statute or otherwise.

So that the Bill most distinctly dealt with the policies issued under the Mutual Provident Society's Act and deprived the holders of distinctive benefits under it. That was retrospective legislation. However, that was not the fundamental part of the Bill. That might be amended in committee, to protect existing policy-holders. He admitted that he found the principle of the Bill embodied to some extent in English legislation, and more fully in colonial legislation, that of Victoria, New Zealand, Tasmania, and the Dominion of Canada, whose statutes dealt with it in a very comprehensive way. He could not but regret that the author of the Bill did not take advantage of the laws which were in force elsewhere and compile a really comprehensive measure at once for Queensland. Of course, it might be stated that the author of the Bill was only a private member, and that it could scarcely be expected of him that he should go to the immense amount of trouble required to prepare such a measure. But, seeing that Queensland had as yet no legislation on the subject, it appeared to him (the Postmaster-General) a very doubtful proceeding to attempt to put on the statute-book a fragmentary measure which had just been turned inside out by the other House. In the English statute there was very much more complete provision than that proposed in regard to policies effected by married women. Section 10 of the Imperial Married Women's Property Act provided that a married woman might effect a policy of insurance on her life or on the life of her husband. The honourable Mr. Mein seemed to think that the House would not accept the Bill because it allowed a woman to insure the life of her husband; but, with proper safeguards, he (the Postmaster-General) did not see why they should object to the wife insuring her husband's life, from which she would receive benefit, as well as her own, from which her husband would receive benefit:—

A married woman may effect a policy of insurance upon her own life or the life of her husband for her separate use and the same and all benefit thereof if expressed on the face of it to be so effected shall ensue accordingly and the contract in such policy shall be as valid as if made with an unmarried woman.

The same clause provided that if any married man effected a policy on his own life,

and expressed upon the face of it to be for the benefit of his wife or of his wife and children or any of them shall enure and be deemed a trust for the benefit of his wife for her separate use and of his children or any of them according to the interest so expressed and shall not so long as any object of the trust remains be subject to the control of the husband or to his creditors or form part of his estate.

There was only the proviso that

If it shall be proved that the policy was effected and premiums paid by the husband with intent to defraud his creditors they shall be entitled to receive out of the sum secured an amount equal to the premiums so paid.

That went a great deal further than the Bill proposed. In New Zealand, he found that there were special provisions dealing with the whole subject of insurance for the benefit of a wife and children, and that where a person entitled to the proceeds of a policy, to moneys payable under a policy, was an infant, the moneys should be handed over to the public trustee. The New Zealand Act protected a policy for a man's creditors, if it

has endured for two years, after which period such protection shall be afforded to the extent of £200 of assurance or endowment;

after five years, £500; after seven years, £1,000; and after ten years, £2,000. The Bill before the House placed no limit, as far as he could see; it provided that whatever a man might insure his life for, it should be absolutely protected from his creditors after the expiration of the period specified. Then, with regard to married women in New Zealand:—The "policy or contract" in which she was interested as a *femme sole* must have enured two years:—

Provided that a policy or contract for a payment to be made on death or otherwise or for a life assurance or endowment held by any married woman shall not be protected against the debts of her husband unless it has endured for two years and then only to the extent of two hundred pounds or if for five years to the extent of five hundred pounds and if for seven years to the extent of one thousand pounds and if for ten years to the extent of two thousand pounds Provided also that an annuity shall not be so protected unless the payments on account thereof have been made at annual or more frequent intervals during a period of at least six years or unless purchased more than six years prior to the commencement of the annuity and that such annuity shall not exceed the sum of one hundred and four pounds per annum.

Mr. MEIN: That was copied from the Mutual Provident Society's Act.

The POSTMASTER-GENERAL: Yes. He found the same in the Tasmanian Act. Those statutes were all founded, to a great extent, upon the body of legislation which had been sanctioned by the British Parliament. The Tasmanian Act provided that the interests of insured persons were not liable to debts in certain cases:—

The property and interest of any person in any policy or policies of assurance on his own life to the extent of one thousand pounds

. . . . . shall not be subject to be seized or taken in execution under the process of any court,

unless bankruptcy occured "within two years after the date of the policy;" and in the event of the death of the assured within that time, a portion of the amount assured equal to the premiums paid must be assets for the payment of his debts:—

When any policy so protected as aforesaid exceeded in amount £1,000 the trustee of any bankrupt in whose name or on whose behalf such policy may have been issued may require the company issuing such policy to cancel the same and to issue substituted policies of equal standing;

and one of the substituted policies should be for £1,000, in favour of such bankrupt or whom he should appoint, and a policy for the residue of the amount of the original policy in favour of the trustee, to be disposed of for the benefit of the creditors. But he (the Postmaster-General) need not weary the House with reading from all the measures. There was the Victorian statute, very much to the same effect. In this respect it did not differ very materially from the Bill before the House, except on the important point to which objection was made, that under the Bill the holder of a policy of life insurance only was protected. The man who had taken out an annuity policy was deprived of all benefit in it when the time arrived at which he expected to derive benefit from it. But there was a more important defect in the Bill. Honourable members would perceive that it had been found necessary elsewhere to regulate insurance societies, there were so many in sharp competition for the business. The majority of those societies were, no doubt, sound; others were very unsound. An official report made in England, which he saw some time ago, showed that many insurance societies in the mother-country were really insolvent. The result was that a measure had been placed on the statute-book which compelled such companies to give the fullest publicity to their proceedings. If the honourable Mr. Mein would turn to the English Act, 33 and 34 Victoria, he would find not one schedule, as in the Bill before the House, but six schedules; and that instead of one balance-sheet only having to be prepared, every possible information must be given to the public with regard to the working of the societies and their solvency, the extent of their business, and whether they dealt in fire insurance or not—they had to particularise whether they dealt in life or fire only, or in both. He (the Postmaster-General) might point out that a company which was dealing with fire insurance as well as life insurance might be perfectly solvent in one branch and might be insolvent if the liabilities of both branches of business were put together. He mentioned those facts to show that a really large and comprehensive measure, though not necessarily an intricate or difficult one, was required to deal with life insurance. He found that in Victoria policies to the extent of £1,000 were protected after two years; but if the holders died within that time the premiums had to be refunded. There was another important matter. In England, Canada, Victoria, Tasmania, and New Zealand, no insurance company could commence business until a deposit had been lodged with the Colonial Treasurer, or with the public trustee, or some other officer named by statute. In England, the sum to be deposited was £20,000, and when the premiums paid to the company had reached £20,000 additional, making on the whole £40,000, the statute permitted the deposit to be returned. In Canada the first deposit was £10,000; in New Zealand, £5,000; and the premiums, in both countries, were to be allowed to accumulate until they reached £20,000, and then they were held by the Colonial Treasurer or other public trustee for the security of the persons who were insured in the societies registered. Now, how they were secured was this:—Any person who had a policy in any society so registered had only to register his policy with the public trustee or proper officer appointed; and thereafter his policy was protected to the extent of the deposit—that was, against the society becoming insolvent, in which case the policy-holder would be paid out of the £20,000 that the Government had for the security of policy-holders. In Victoria, however, that practice did not obtain. There the deposit was £5,000, which was returned when the amount of premiums had reached £10,000. He mentioned those things to show that the Bill before the House was a very unsatisfactory one, dealing with a very small portion of the subject of life insurance; and, also, to point out that as there were a number of companies—no doubt, solvent and respectable companies—in Queensland carrying on business, the time had arrived when some measure for the protection of the public as well as the policy-holders should be introduced in the Legislature. As already stated, the premiums were allowed to accumulate in New Zealand. There, £5,000 was deposited with the Public Trustee, at the starting of a society, and 75 per cent. of the premiums was paid in until the sum of £20,000 was reached. The public trustee held that £20,000, as before said, for the security of the policy-holders in New Zealand. The public trustee had to make periodical reports showing the value of the securities deposited by each company and what was the present value of the charges thereon. The life funds were kept separate. If the statements which were to be made to the Treasury by each company, after actuarial

investigation, and which were to be reported on by the trustee, were found to be false, the makers were subject to penalties. Foreign companies were obliged to appoint a general agent in the colony upon whom process might be served. He (the Postmaster-General) was not sure whether that was the case in Queensland; but it was very doubtful if a person could easily get hold of one of those foreign companies through their agent. It appeared, therefore, that some protection for the public was required in that matter. He tried the other day to ascertain the number of life insurance companies doing business in the colony, and he could only find that there were lately seven. No doubt, there were now more. They were increasing very much. He noticed a tendency in offices doing business both in fire and life to reduce premiums; and he had heard persons who were competent to form an opinion say that in the fire department there was reason to fear that policies were issued at so low a rate that it could not be remunerative. If that was really the case, there could be no question how things would end, by-and-bye. The 4th clause of the Bill, which was taken from the Mutual Provident Society's Act, allowed

> Any insurance company if satisfied that no will was left by a deceased insured person and that no letters of administration of the goods of such deceased will be taken out to pay any sum not exceeding one hundred pounds together with any sum which may have been added thereto by way of bonus or profit to the widow or widower of such deceased or to or amongst his or her child or children without such letters being taken out.

The policy might be for £1,000 or £2,000, and the insurance society might give to the wife or children £100. He did not see any great advantage, in the case of a large policy, under that clause, because in such case probate would always be taken out. Moreover, he had heard that it was practically inoperative. Companies did not think it protected them. There was nothing to show that the receipt of the person appearing to be entitled to the money, or to whom it was paid, was a sufficient and valid discharge; and, as the clause did not direct to whom the company was to pay the money—there might be a widow and a dozen children, to any of whom it might be given—he questioned whether it was advisable to leave it as it stood. He should like under certain restrictions to make it compulsory and imperative on, not optional with, the company to make a payment of £100, under the circumstances described; because the object of the Bill was to protect the indigent. He should like to see inserted something that would enable a woman who had lost her husband to go to the society with which he had been insured, and, upon the production of certain papers, to demand payment of £100, as being entitled to it under the law. It was no argument in favour of the clause that it was in existence a long time. It seemed to him desirable, if the widow was to be protected, she should be protected in a legitimate way. There was another matter that he should like to say a few words upon. If insured persons took the trouble to read over these policies issued by companies doing business in this colony they would see that proof of age was required. He spoke feelingly on this matter. He had been insured for sixteen years, and it was only recently he discovered that if anything had happened to him his heirs could not have claimed the benefit of his policy, because he had not proved his age. It was true he could prove it by going to some trouble. The matter had been simplified lately; but it seemed to him to be a monstrous thing that a company should be receiving premiums for years, and that they should be able to withhold payment under a policy because an insured person had not proved his age.

Mr. MEIN: It was part of the contract.

The POSTMASTER-GENERAL: He admitted that, but there was no mutuality in the condition. But there ought to be something of this sort in the law:—After a person had been insured a certain time, say two or three years, if the company which issued the life policy and received the premiums did not demand proof of age, the policy should not be vitiated by the refusal of the demand for payment. But that was a matter which could be improved in committee. He had endeavoured to give the whole subject such consideration as he was capable of, and he had spoken upon it so fully because he believed the author of the Bill was a very earnest man who desired to remedy the evils which personal and practical experience had taught him (the Postmaster-General) existed. He should like to see his way to give the Bill very hearty support; but he confessed that he was very doubtful, indeed, whether its passage, even with such amendments in it as the House would make, would be of benefit to the public. If it passed it would stave off legislation which ought to take place as speedily as circumstances would permit. He thought he was in a position to state that, next Session, if this Government should be in power, he would undertake to bring in a comprehensive Bill at a very early date in order to give the House ample time to consider it. Honourable members would see that he had no object in throwing out the Bill—no improper object. He had adduced valid reasons why the House should hesitate to pass such a measure.

Mr. WALSH confessed that he was puzzled by the demeanour of the Postmaster-General. If he might characterise his remarks, he would say that in the pre-

sent discussion the honourable gentleman seemed to have taken up a completely new *rôle*. When he came to the House, this afternoon, he heard the honourable gentleman declaiming against retrospective legislation as something absolutely abominable, and that it ought to be avoided by honourable gentlemen. Yet, when he glanced over the proceedings of the Chamber for the session he saw that they were nothing but a kind of retrospective legislation, backed up personally, privately, politically, and officially by the Postmaster-General. Was not that retrospective legislation which interfered with a man's will? Was not that retrospective legislation which diverted from the declared tenour of that will its course? Was not that retrospective legislation with a vengeance? When he had got a private, retrospective, irregular measure nicely and snugly ensconced in the pocket of his honourable friend, Mr. Gregory, then he came down to the Council and tried to cure all his previous irregularities.

The POSTMASTER-GENERAL rose to a point of order. He was accused of taking part in some Bill from personal or interested motives. It was irregular to refer to a previous debate of the session; though he would say, that he simply supported a private Bill before the House as a member of the Council and on public grounds.

The PRESIDENT observed that there was somewhat of irregularity in the debate, but some reference to past proceedings was hardly avoidable.

Mr. WALSH: He would but quote from a debate. But the House would shut out all history if honourable members could not refer to anything that took place before. They would have to blot out the honourable gentleman himself. That was a part which he should not like to perform. It would be a great disaster to the colony. The honourable gentleman was too sensitive. He should not be so sensitive, but he should be consistent. His conduct was most inconsistent. Was it not so, he would not be continually asking the President to express opinions or to give rulings upon points of order which he never explained; because he had not the sense to fathom the one or to arrive at the other. Against his inconsistency, he (Mr. Walsh) had a right to protest. He pushed private business one day and insisted on passing retrospective legislation, and then he came down with his sermons, homilies, essays, or theses—whatever he liked to call them—and protested against that of which he had been guilty. The honourable gentleman was grossly inconsistent; and before the debate was over the House would acknowledge it. He (Mr. Walsh) knew nothing of the Bill; but from the little he did know he did not like it. He knew that it had the sanction of the Government in the other Chamber. At first, it was a private Bill, introduced by a private member; but having got the assistance of the Government and of the amendments introduced by the Government, it became a public measure and assumed the importance of a national question. Therefore, it did seem to him most extraordinary that the Postmaster-General should oppose the Bill in the Council—with his usual inconsistency—after it had been passed by the Assembly with amendments introduced by his own colleagues in the Government. For a fortnight or three weeks the whole time of the House was taken up while the honourable gentleman supported a private Bill, introduced by a private friend, to have retrospective effect; and the moment it was passed, the next thing the hon. gentleman did was to move the adjournment of the House for a fortnight; then, following that inconsistency, he got up and made a speech against a measure aprroved of and altered by his colleagues in the other Chamber. If that was not inconsistency, he (Mr. Walsh) did not know what was. To show how the Bill passed the other Chamber, he would mention that it was introduced by Mr. Rutledge. On the second reading,

The Premier said the hon. member was to be congratulated on his very clear and explicit explanation of the provisions of the Bill. He thoroughly agreed with the principle of the Bill and with its provisions, as far as he understood them.

The Postmaster-General, just now, endeavoured to show the House that it was a measure of dangerous tendency.

The POSTMASTER-GENERAL: No.

Mr. WALSH: If not, let the honourable gentleman tell the House what he wished them to understand. Not only the Premier passed that eulogy on the Bill, but the Colonial Secretary followed suit, and said

The Bill was a step in the right direction; but only a step.

The POSTMASTER-GENERAL: Hear, hear. That was what he said, too.

Mr. WALSH: But the honourable gentleman would not say "Hear, hear," when he was shown that it was by the Colonial Secretary's recommendation, which Mr. Rutledge adopted, that the Bill was improved and made as perfect as it was now before the Council. After a little interruption, the Colonial Secretary went on to say—

The honourable member deserved credit for bringing it in.

All that the Postmaster-General endeavoured to do was to point out its evil tendencies, and to show the House what a dangerous thing it was to pass retrospective legislation, and what damage would ensue from the Bill to some particular institution of which he was a shareholder. Was that

consistent? Having shown the character given to the Bill by the honourable gentleman's colleagues, he (Mr. Walsh) would follow the Bill into committee. Mr. Rutledge moved the House into Committee to consider the Bill. Some remarks were made by him explaining that

He had considered the suggestions of the Colonial Secretary, the leader of the Opposition, and other honourable members, and had thought it desirable to incorporate the views held by those gentlemen in the Bill,

condemned by the Postmaster-General.

The POSTMASTER-GENERAL must rise to order. The honourable gentleman was committing an irregularity in reading from the debates of the other House. The 22nd Standing Order of the Legislative Council was:—

No member shall digress from the subject matter of the question under discussion, or comment upon the words used by any other members in a previous debate, or upon any expressions said to have been used in the Legislative Assembly; and all imputations of improper motives, and all personal reflections on members, shall be considered highly disorderly.

The PRESIDENT: Would the honourable gentleman state the expression, as he did not himself catch it.

The POSTMASTER-GENERAL: The point of order he raised. He did not remember the expressions, which were reflections, of the honourable member; but he objected that the honourable Mr. Walsh was quoting from the debates of the Legislative Assembly, contrary to the Standing Orders.

The PRESIDENT: It has been a subject of some difficulty in this and the other Chamber: that rule has not been strictly adhered to, but I find precedents in both for a practice which is almost a necessity of debate.

Mr. WALSH wondered the Postmaster-General did not ask the President's ruling, whether a Bill coming up from the other Chamber could be discussed; which would seem as pertinent as the point raised.

Mr. SANDEMAN: The 22nd Standing Order bore on the question. During the time he had been a member of the Council the late President always objected to the debates of the other House being quoted. For his (Mr. Sandeman's) own part, he had no objection to it; but, as the honourable Mr. Walsh had held a position which, of course, gave him great experience in the regulation of debates, he left it to himself, whether it was——

Mr. WALSH: What was the point of order?

Mr. SANDEMAN: Whether, as a Standing Order existed on the question, it should not be adhered to? He spoke in the interests of the House. He knew that the honourable gentleman was a great stickler for order and practice,

Mr. MEIN wished to express an opinion before the President gave his ruling. As far as he understood the point raised by the Postmaster-General, it was that the honourable Mr. Walsh was out of order because he was reading from the report of debates that had taken place in the other Chamber. He did not see how the Standing Order bore upon the question at all. The Standing Order prohibited distinctly "comment upon" any "expressions said to have been used in the Legislative Assembly." The honourable Mr. Walsh was not commenting upon, he was quoting from, the speeches of the Premier and the Colonial Secretary, and pointing out what was the opinion of the Government in the other House on the question now before the Council. Surely, there was nothing irregular in that; otherwise, any reference to the other House, to their debates, or to the business transacted there, would be disorderly. The only way the Council had of learning what were the proceedings and conduct of the Legislative Assembly was by reading the reports of the debates and the official documents which were published to give necessary information. If honourable members uttered disparaging remarks or comments upon what occurred in another place, they would be out of order.

The PRESIDENT: I am not aware that the honourable gentleman objects to my ruling or not. I shall read, in confirmation of what I said, from "May," which I think very much bears me out in the practice that I have alluded to in this and the other House, and which is so clear to my mind that I shall not attempt to move from my ruling, unless the House distinctly differ from it by a vote:—

The rule that allusions to debates in the other House are out of order, is convenient for preventing fruitless arguments between members of two distinct bodies who are unable to reply to each other, and for guarding against recrimination and offensive language, in the absence of the party assailed: but is mainly founded upon the understanding that the debates of the other House are not known, and that the House can take no notice of them. Thus when, in 1641, Lord Peterborough complained of words spoken concerning him by Mr. Tate, a member of the Commons, "their Lordships were of opinion that this House could not take any cognisance of what is spoken or done in the House of Commons, unless it be by themselves, in a parliamentary way, made known to this House." The daily publication of debates in Parliament offers a strong temptation to disregard this rule. The same questions are discussed by persons belonging to the same parties in both Houses, and speeches are constantly referred to by members which this rule would exclude from their notice. The rule has been so frequently enforced, that most members in both Houses have learned a dexterous mode of evading it by transparent ambiguities of speech;

and although there are few Orders more important than this for the conduct of debate, and for observing courtesy between the two Houses, none perhaps are more generally transgressed. An ingenious orator may break through any rules in spirit, and yet observe them to the letter.

I will say that the debates would be completely debarred from any usefulness if no reference could be made to them here.

The POSTMASTER-GENERAL, without disputing the President's ruling, wished to explain——

Mr. MEIN rose to order.

The PRESIDENT: I understand the honourable gentleman is speaking to another point of order.

The POSTMASTER-GENERAL: Yes. It was, that the honourable Mr. Walsh was commenting upon "expressions said to have been used in the Legislative Assembly," which he was prohibited from doing under the 22nd Standing Order. His object was plainly to prove——

Mr. MEIN rose to a point of order. The honourable gentleman was entirely out of order, now. The Postmaster-General raised his point of order for the President's decision, and the President had ruled upon it. Nothing had transpired since—business had not been proceeded with—and the honourable member raised the same point of order. He must wait until another offence had been committed. He was pronouncing a censure upon the President's ruling.

The POSTMASTER-GENERAL begged leave to disclaim any such intention. He should not persist in the point of order, now; but he gave the honourable gentleman warning that he should raise another point of order if he proceeded as he had done.

Mr. WALSH: The honourable gentleman not only disputed the President's ruling, but he also threatened another honourable member by giving him warning. He (Mr. Walsh) did not like it; it was not fair that the honourable gentleman should do so; perhaps, it was not in order. It was very unfair that an honourable gentleman holding the high position he did occupy should utter threats to the discomfiture of an honourable member like himself (Mr. Walsh). However, to go back to the matter before the House. He was complimenting certain honourable gentlemen of the other Chamber —the Postmaster-General's colleagues—on the way in which they received the Bill. They had not carped at it, as shown by *Hansard;* they did not denounce it; they did not show any ill-will or bad feeling to the honourable member who introduced it, or indicate that they intended to give any dogged resistance to the measure. They complimented the honourable member on the way he introduced it. He (Mr. Walsh) was drawing a contrast between their conduct and that of the Postmaster-General. Of course, it was extremely disagreeable to the honourable gentleman that such a contrast should be made, after his tirade, this afternoon, upon the Bill. But he (Mr. Walsh) should do his duty, in spite of the honourable gentleman's threats, and say that his course was a very extraordinary one, as well as inconsistent, after the adhesion of his colleagues to the Bill. The Postmaster-General was heart and soul against the Bill, and he painted it in the blackest possible colours. In its present form it was an important public measure. The honourable member who introduced it had made certain improvements in the Bill at the instigation of the Premier, the Colonial Secretary, and the leader of the Opposition —a gentleman who was now in such a high position that he was more applauded by his opponents than by his friends—and, when those amendments were made, with the tacit concurrence of the Government, the Bill went through its third reading and passed the Legislative Assembly. He (Mr. Walsh) and other honourable members were naturally surprised, after that, to find the Postmaster-General not only opposed the Bill, but taking exception to the course adopted by those who supported it, by raising points of order, which he could not explain, and by disputing the ruling of the President. The honourable gentleman not only wanted to squelch the Bill, but to put down his opponents. However, as the arguments against the Bill could be more effectually answered by the honourable member in charge of it than by himself, he moved the adjournment of the debate.

Mr. HEUSSLER suggested the adjournment of the debate until next Wednesday; as many honourable members would like to speak on the Bill.

Mr. WALSH: Hear, hear.

The POSTMASTER-GENERAL supported the adjournment. He entirely denied that he met the Bill with the hostility that the honourable Mr. Walsh imputed to him. While he stated that he thoroughly approved of the objects of the author of the Bill, and the efforts made by him to remedy defects in the law, he pointed out its defects. He was certain that the information which he placed before the House warranted the position that he took up; and it was not fair of the honourable Mr. Walsh to impute to him any improper motive or to interpret his remarks as a long tirade in opposition to the Bill. Approving of the objects of the Bill, he regretted its inadequacy.

Mr. SANDEMAN remarked that if it was desirable to have a full meeting to discuss the Bill, he was afraid next Wednesday would not be the day to secure it, on account of the show, at Toowoomba, which it was usual for Downs' members to attend.

Mr. MEIN, having charge of the Bill, said he was not willing to accede to the postponement of the debate beyond Wed-

nesday next. He did not wish to burk discussion on the Bill at all. Honourable gentlemen who must be on the Downs next Wednesday could have attended, to-day, if they had cared to discuss the Bill. Referring to the opposition of the Postmaster-General, and to his labours as a Parliamentary draughtsman, he gave him credit for ability, in the use of two articles—paste and scissors—the main ingredients of his measures. He acknowledged the promise of a complete measure next Session. Though the Bill was not as comprehensive as might be desired, yet he was desirous, meantime, to accept half-a-loaf, when he could not get the whole. The termination of the session was approaching. He should be glad to see the Bill become law, and some existing defects remedied. During the recess the Postmaster-General could enter upon the work which he proposed, and bring forward his complete scheme next session.

On question put and passed, the debate was adjourned until Wednesday next.

The House adjourned at 6·5 p.m.