

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 25 AUGUST 1880

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LEGISLATIVE COUNCIL.

Wednesday, 25 August, 1880.

Message from the Legislative Assembly.—Questions.—Returns.—Absence of the Clerk.—Insanity Bill—committee.

The ACTING-PRESIDENT took the chair at 4 o'clock.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The ACTING-PRESIDENT informed the House that he had received from the Legislative Assembly a message to the effect that a Bill for the Prohibition of the Introduction of Rabbits into the Colony and to restrict their breeding, had been passed by the Assembly, and was now presented to the Council for their concurrence.

On the motion of the HON. F. J. IVORY, the Bill was read a first time, and its second reading made an Order of the Day for Wednesday next.

QUESTIONS.

The HON. W. F. LAMBERT asked the Postmaster-General—

When the Engineer of Harbours and Rivers expected any improvement to be effected in the navigation of the Fitzroy River by the construction of the Training Wall, and to what extent?

The POSTMASTER-GENERAL replied—

There is now a depth of 9 feet below low water through the greater part of the Upper Flats, and the balance of dredging required to give 10 feet, estimated at not more than 100,000 cubic yards, should be completed in a few months.

The HON. W. F. LAMBERT asked the Postmaster-General—

On whose recommendation were the allotments fronting the Fitzroy River, at Herbert, withdrawn from sale, and for what reason?

The POSTMASTER-GENERAL replied—

The allotments in question were withdrawn on the recommendation of the Engineer of Harbours and Rivers, in the likelihood of their being required for shipping purposes at some future time.

The HON. W. F. LAMBERT asked the Postmaster-General—

When the Government would furnish Honourable Members with the Map of the Fitzroy River and Keppel Bay, as prepared by Captain Bedwell about three years ago?

The POSTMASTER-GENERAL replied—

The map would require to be lithographed before copies could be furnished, and owing to its large dimensions—15 feet by 4 feet 6 inches—it is not proposed to lithograph it at present; but copies can be seen and any information obtained at the Engineer's offices in Brisbane and Rockhampton.

RETURNS.

The HON. W. F. LAMBERT moved—

That there be laid upon the table of the House returns showing—

1. The total cost incurred up to 30th June last in improving the Brisbane River to the Lightship at the mouth of the river.
2. The total expenditure up to 30th June last on the Francis Channel.
3. The total cost incurred in dredging the Fitzroy River up to December, 1875.
4. The total expenditure up to 30th June, 1880, on the Training Wall in the Fitzroy River.
5. Cost of plant in use and in course of construction for dredging the Fitzroy River.
6. Cost of plant in use and course of construction for dredging the Brisbane River.
7. The cost per month of working the plant now in use in each river.
8. The estimated cost per month of working the plant now being constructed for each river.

The HON. W. H. WALSH said he had apprehended that the hon. Postmaster-General was going to make some observations, seeing that

these would be the most costly returns that had been moved for, certainly, this session. It was formerly the practice to require that hon. gentlemen moving for such returns as these should show that they were of importance from a national point of view, and might lead to some public benefit. But owing, he supposed, to the circumstance that the mover of this motion was sitting behind the Postmaster-General, it was not considered necessary to practice that economy now. He presumed the Postmaster-General did not intend to offer any objection. He might point out to the Hon. Mr. Lambert the almost utter futility of his making a motion of that kind, for whether it cost anything or nothing, he would not get it unless it suited the Government to furnish it. Not a single order of the House that session for the production of papers had been complied with, and he took this opportunity of pointing that out. In the younger days of his parliamentary experience, nothing was so greatly insisted upon as that the Orders of the House should be carried out, especially for the production of papers, and that was because probably much might depend upon the information they supplied with respect to questions that might be before the House. He had not had time to look through the number of papers ordered—and he wished particularly to lay stress upon the word "ordered"—to be laid on the table of the House; but there was one he would refer to now, dated the 21st July, to show the amounts paid or due from railway and other contractors with the Government for materials carried upon the Southern and Central railways respectively, such return to specify generally the materials carried and the rates charged. That was nearly five weeks ago, and he did not hesitate to say could have been supplied had the Department chosen to do it, and had the Government wanted it done, in an hour. It was his duty, as the House had ordered these papers to be laid upon the table, to point out that it had not been done. He took the opportunity of reminding the hon. gentleman of this, because he had moved for such returns involving such a large amount, that unless it consorted with the plans of the Government he would scarcely attain his object. One very important piece of information was asked for last session by the Hon. Mr. Gregory—namely, the correspondence respecting the floating of the new loans by the colonies. A more important subject was never mooted, and more important papers were never asked for, and that, too, at a singularly opportune time, because just then it was in anticipation that a loan of £3,000,000 would be raised. The order was made at a comparatively early portion of the session, but they got no papers in the House until the present session when the loan had been assented to. He, for one, firmly believed that if the information conveyed in those papers had been disseminated among the people of the colony before the loan was floated, it would have had a great deal to do with the way in which that loan would have been dealt with. It was a very serious duty for hon. gentlemen, in ordering papers to be laid on the table of the House, first to see that there was a justification for making the order, and a still more serious one to see that the order was complied with. In that instance the country was deprived of much valuable information until it was too late. All he had to say was, that hon. gentleman should see that when the country had been put to the expense of printing papers that they should be produced, and not allow them to become, as it were, a battledore and shuttlecock for the Government to produce or withhold at pleasure.

The HON. W. F. LAMBERT said he must admit that he was surprised at the remarks

made by the Hon. Mr. Walsh, that any information asked for by the House was not forthcoming. He had not been in the House since the commencement of the session, and so he was not aware of any delay. It would be a matter of regret if the questions he had asked were not forthcoming in reasonable time. The returns, he was convinced, would be of considerable value to the country at large. There was a great outlay going on every day, and preparations were being made for a far greater expense in the operations on these rivers. A great change had taken place in their communications with Great Britain and other parts of the world; trade was carried on by a different kind of vessel to what they had been accustomed to, and it was about time that they came to some sensible and prudent course as to how their trade should be carried out. Ships of 500 or 600 tons were able to get up the rivers alluded to at the top of spring tides, and when loaded with outward cargo they had to wait for the spring tides again. They had only to go to Sydney to see that the trade had been to a very large extent taken away from sailing vessels and handed over to large steamers of 3,000 or 4,000 tons. He considered he had done what was wise in drawing the attention of hon. members and the country to a large expenditure, which in the end, so far as they could see, would be almost useless. If they took large vessels—say 360 or 400 feet long—round some of the turns in the rivers, they would break their backs—at least, he was certain that would be the case in the Fitzroy. If a railway were made to deep water, those who benefited by it should bear the expense, but they would get no return for the money they put into the river. If a railway were made, every ton of flour and every bale of wool that would be carried by it would be paid for, and that, together with passengers, would give them returns in the shape of interest on their money. The object would be well worthy of the expense of the returns he asked to have prepared. At a future time he could go into the matter more fully, and give hon. members more information on the matter.

The POSTMASTER-GENERAL said he did not think the Hon. Mr. Walsh had any real reason to complain of any want of promptitude in furnishing returns the House had ordered. The returns read by the Hon. Mr. Walsh certainly were ordered four weeks ago, but they related to matters extending over a long time and requiring an extended period to prepare them. He offered no opposition to them, although he did not quite see the use of them; but the hon. gentleman having had considerable experience in parliamentary matters, he supposed he had some important object in view, and his own wish was to give all information of public interest. All returns ordered by the House were being prepared as fast as the time at the command of the officers of the departments permitted. It must be remembered that all the information could not be obtained here at the head offices, but from Rockhampton and other offices in different part of the colony. With regard to the return required by the Hon. Mr. Gregory last session, he might remind the House that it was not moved for until towards the end of the session. The papers were exceedingly voluminous, and so many of them were in his opinion of no public interest in this colony that when he assented to the motion he desired the hon. gentleman to select the papers that he required or to inform him (the Postmaster-General) what they were. No good object could have been attained by laying the papers before the House last session, even if time had permitted, nearly the whole of the business having been transacted before the return could have been pro-

duced. This year the return had been printed, and had been placed before hon. members. Although he did not dispute that the information contained in it was valuable, he did not coincide with the Hon. Mr. Walsh's opinion that it would have been desirable for the colony to have adopted the expedient which was employed by New Zealand in the floating of her last loan. The plan that colony adopted was exceedingly expensive, and though it was, perhaps, of assistance in obtaining the influence and prestige of the Bank of England in the negotiation of the loan, it was quite certain that a much lower price was got than was obtained for the Queensland loan.

The HON. W. H. WALSH: No.

The POSTMASTER-GENERAL said that if the hon. gentleman could show that the statement was not correct, hon. members would doubtless be open to conviction, but his own researches led him to the conclusion that New Zealand did not get nearly so satisfactory a price as Queensland had since obtained. With regard to the return moved for by the Hon. Mr. Lambert, it was very voluminous, and would take time to prepare, but he believed that the information it would afford would be valuable. There was no doubt that a large sum of money was being expended at present in harbour improvements, and that a change was coming over their commerce, larger vessels being employed, and most of the traffic being conducted by steamships. It was therefore but reasonable that the hon. member, having strong convictions on the subject, should endeavour to ascertain what the improvements were really costing, and how far they were successful. There was nothing in the return to which the Government could take exception, and therefore when the hon. member showed him the motion he told him that no opposition would be offered.

The HON. G. EDMONDSTONE moved the adjournment of the debate, in order to allow further discussion on the subject.

The HON. W. H. WALSH said that his hon. friend had moved the motion for the adjournment of the debate to enable him to reply to one or two remarks made by the Postmaster-General, and he could assure hon. members that he did it entirely on behalf of that Chamber. His principal motive in speaking to the motion was to direct attention to the dilatory way the Government had in laying papers on the table when ordered to do so. They had the instance to which he had referred, but which the Postmaster-General seemed to pooh-pooh—the return respecting the floating of the loan. And they had now two returns, made by the House several weeks ago at his instigation, but which the Government had delayed. He did not hesitate to say that those returns might have been supplied in a few hours if the Government had wished. The one was relative to the amount paid by contractors into the railway revenue; and for very obvious reasons, he thought, the Government were not hastening to make that information known. The other was a return in connection with the carriage of wool, such carriage being generally supposed to be so large as to justify the extension of the railways. Nearly every word of the information of one return was in principle already, and the other would not take an hour to prepare. The Postmaster-General had made use of an argument which he hoped would not be sanctioned, when he said that the reason why he did not produce the correspondence moved for by the Hon. Mr. Gregory was because he saw no good opportunity.

The POSTMASTER-GENERAL said he must correct the hon. gentleman. He put the matter hypothetically. He said that even if

the papers could have been produced there would not have been time to take action.

The HON. W. H. WALSH said the Postmaster-General appeared to be always existing in a hypothetical region. The motion was not made at the end of the session, and did not contain the words "good opportunity," but directed the Postmaster-General to supply certain information which he did not do. He did not accept the hon. gentleman's statement that the floating of the Queensland loan would bear favourable comparison with that of New Zealand. Although he had not the figures before him to give hon. members sufficient proof of the actual results of each, he had general information which he believed to be reliable, that they did not float their loan more favourably than New Zealand; and that if they had accepted the Bank of England instead of the Queensland National Bank as their agency, they should have done better and have saved an enormous sum. There was a grave question involved in the keeping back of the correspondence; had it been placed before the people they would probably have guided the Government in the matter, and would have insisted, or at least urged upon, the Government to endeavour to float the loan through that incomparable medium, the directors of the Bank of England. He charged the Government with gross dereliction of duty in not laying upon the House the correspondence respecting the new mode of floating colonial loans.

The POSTMASTER-GENERAL said he found from *Hansard* that the Hon. Mr. Gregory's motion was ordered on September 17, and that the last sitting of the House was held on September 25. It was at the tail end of the session, and action could not possibly have been taken.

The HON. C. S. MEIN said that no doubt there was delay in furnishing returns to the House as compared with returns asked for by the other Chamber, and possibly that arose from the indifference with which members regarded resolutions for the production of returns. The difficulty could be got over by adopting a similar Standing Order to that in force in the Assembly, providing that the Clerk should read out on, say, every Wednesday, a list of returns which had not been supplied, as by that means the attention of hon. members would be constantly directed to the matter. He could not help thinking that the Hon. Mr. Walsh had cause for complaint in respect to the returns asked for a month ago. He did not see why the Railway Department should not have furnished the information long ago. He did not for a moment imagine that the Postmaster-General had delayed supplying the information. The hon. gentleman had doubtless seen that his Under Secretary had communicated with the Department, by whom the matter had probably been laid aside.

Motion for adjournment of the debate, by leave, withdrawn, and

Original question put and passed.

ABSENCE OF THE CLERK.

The POSTMASTER-GENERAL said that in the absence of the Clerk, caused he believed by illness, he would move that the Assistant Clerk should fill his place at the present sitting.

Question put and passed.

INSANITY BILL—COMMITTEE.

The POSTMASTER-GENERAL said before he moved that the Presiding Chairman should leave the chair, he should like to make a few remarks with regard to the position of the Bill. It had come to his knowledge that

several members of the House were under the impression that if they took the trouble to pass the measure, there was no probability of it being dealt with in the other House. He was quite at a loss to know whence this information was obtained. His own information was that it was a measure which was extremely likely to pass the other House, it being one upon which no party feelings would stand in the way, but upon which both sides might unite. The only debatable question that was likely to come before them was that which was to be moved by the Hon. Dr. O'Doherty. After that the clauses were such as would meet with the general approval of the House, being taken from the New South Wales and Imperial Acts. There was really nothing that the House would find necessary to alter materially. Without desiring to prevent amendments or improvements, he would like to point out that in connection with a large measure like this the Government had to accept a certain amount of responsibility, and he thought, therefore, that hon. members could well give their attention to the Bill that evening, and, if necessary, sit somewhat later than usual and dispose of it at the present sitting. He would now move that the Presiding Chairman leave the chair, and that the House should resolve itself into a Committee of the Whole to further consider the Bill.

Question put and passed, and the House went into Committee.

Clause 26—"Governor in Council may appoint asylums for the insane"—passed as printed.

Clause 27—"Continuance of existing asylums and the officers thereof till superseded"—passed with verbal amendments making the clause applicable also to reception-houses.

Clause 28—"Superintendent, assistant-superintendent, may be appointed for each asylum"—moved.

The POSTMASTER-GENERAL moved that the words "unless there be a medical officer resident in the asylum," be omitted. He explained that this amendment would make it imperative that the superintendent of an asylum should be a medical practitioner.

Clause amended as proposed, and agreed to.

Clause 29—"A register of patients to be kept;" 30—"Medical journal; case book;" 31—"Entries to be made of deaths, discharges, removals, escapes, and recaptures, and notice given to the Colonial Secretary;" 32—"Notice of death of patient to be transmitted to the Colonial Secretary and to relations of patients"—were amended in several places by substituting "Minister" for "Colonial Secretary," and agreed to as amended.

Clause 33—"Governor in Council to appoint inspector of the insane"—moved.

The HON. K. I. O'DOHERTY said before this clause was put to the vote he deemed it his duty to draw the attention of hon. members to a want that seemed to him was visible in this Bill. In the previous session of Parliament, when this Bill, or one like it, was before the House, he stated the views which then influenced him, and still influenced him, in regard to the question of the government of asylums under a lunacy department. He then stated as plainly as he could that those institutions could not be carried on in a satisfactory manner without some board of management or superintendence. In this Bill, the only governing power projected by the Government was the appointment of an inspector and two gentlemen as visitors of asylums. On reference to Part IV. of the Bill, it would be seen that the duties of the inspector and visitors were laid down at length, and very distinctly, but, as far as he could see, the duties pertaining to the financial management of asy-

ums were in no way included. It was precisely the financial and general business management of asylums that he held had been neglected in this Bill, and in the general management of the Lunacy department of the colony up to the present moment. He was not singular in putting forward this view. It had been put forward over and over again, and he would remind hon. gentlemen of the fact that in the year 1869 a joint committee of both Houses sat to inquire into the management of the lunatic department. That committee was presided over by the present Colonial Secretary (Mr. Palmer), and one of the paragraphs of the report was to the following effect—

“Your committee further recommend that the Government appoint a committee of management of not less than five gentlemen, one of whom shall be a paid medical man; and that they entrust such committee with the entire control of the hospital, subject to the supervision of the Colonial Secretary, the committee to furnish to the Colonial Secretary monthly reports of their proceedings, together with an annual statement, to be laid before Parliament. That such committee visit the hospital at intervals of not more than a fortnight; that the appointment of the Surgeon-Superintendent, head warder, and matron, be made by the Government on the recommendation of the committee: and that all other appointments be made by the Surgeon-Superintendent, who should be strictly responsible for them.”

That recommendation would be understood from the evidence that was adduced in the course of the examination of the various witnesses who were examined before that committee. He would not detain the House by referring in detail to that evidence, but he would read a portion of the evidence of the Inspector-General of the Lunatic Department of New South Wales, Dr. Manning, who was brought up from Sydney especially to be examined before the committee. Whilst under examination he (Dr. O'Doherty), as a member of the committee, specially questioned Dr. Manning on this particular point, and these were his replies:—

“11. You stated in your last examination that, in your opinion, the great want in connection with the present institution was the immediate supervision of a committee? Yes.

“12. Do you not think it can be properly managed, directly from the Colonial Secretary's office? No; I do not.

“13. Is it your opinion that all institutions similar in character to a lunatic asylum should be managed by a committee? I am not prepared to give any general evidence of that kind.

“14. There would be a difficulty, as you mention, with regard to an honorary committee in connection with an asylum like Woogaroo; but, I presume, that would be merely in the transit between the city and the asylum, on account of the distance? I think so; I think a few efficient men to form a committee might be found in a place of this size, who would be willing to give their time and attention to the management of such an institution. I am aware that some people who have had large experience in the management of lunatic asylums are of opinion that the superintendent is able to manage alone better than when he is directed by, or under the immediate guidance of, a committee. I remember that Dr. Campbell, my predecessor at Gladesville, in some evidence given by him before a commission appointed to inquire into the management of that institution, stated that he considered the appointment of a committee would make the superintendent a slave; and Mr. Wright, a barrister of the Middle Temple, who compiled a report on colonial hospitals and asylums, under the direction of the Secretary of State for the Colonies, objects in that report to the appointment of a committee of management.

15. Do you, from the experience you have had, concur with him in that objection? No; I felt that I should be very much assisted by a committee. I felt, also, that the committee would have more weight with the Colonial Secretary, and with people out of doors generally, than I myself, standing alone as superintendent of the institution, could have.”

That was all with reference to this particular question of the appointment of a board of super-

intendence. He had read the distinct recommendation of the committee that sat on this question in 1869, and he was not aware that anything had occurred since then that in any way altered the position or the opinion of hon. members as to the necessity of some general governing body. On the contrary, he thought all the evidence that had been adduced in reference to the management of this department in this colony led to the confirmation of the opinion, even more strongly than when it was previously formed, of the great necessity of such a board being appointed. In speaking to members and others outside the House he had sought to ascertain on what grounds so extraordinary a state of affairs as of having a large department requiring the management of between 600 and 700 people, and incurring an expenditure of close upon £20,000 of public money, could be justified, without any sort of provision for general control and management. He would be glad to know what business or financial supervision there was which would satisfy the country as to the expenditure of this money in a proper and economical way? He had asked at the Colonial Secretary's office, and the Colonial Secretary himself, if he could attempt to supervise the details of the management of these different asylums; and the reply he got was that he (the Colonial Secretary) could not do so. Who was responsible for the management of these institutions? He had yet to learn that there was anybody responsible to the Government for the proper and economical outlay of this money. If there were no distinct officer or officers whose duty it was to see that every farthing of money was laid out as it should be, he insisted upon it that they were not doing their duty to the country if they did not remove that fault in the present system. Take the case of an insurance company, or a banking or shipping company, that had to expend a large sum of money,—what chance would they have of managing funds placed at their disposal in a proper manner if they had not something in the shape of a board of directors or of management? It seemed to him that it must be reasonable to every member of the House that in the management of these establishments, if the funds raised by the subscribers were placed in the hands of the manager alone, without any sort of supervising council or direction, that inevitably such an institution would go to the wall; the money would be used extravagantly and wasted without some proper system of control. He might be told, in answer to that, that the modern theory was, that it was better to leave the whole control of such institutions as this Bill dealt with in the hands of the medical superintendent; that it had been found that any interference with that officer led only to waste and extravagance and to the improper management of these institutions. He could easily understand how it might be replied, that if this interference on the part of a controlling body, such as boards of visitors or superintendence, extended to the medical management, it would be most objectionable, and in that view he quite agreed. Everybody who had any knowledge of the subject was of opinion that these institutions, to be properly managed, should, in the first place, be under a properly qualified medical man, who should have supreme control over all the servants of the institution; but he maintained that that was not now the question. He held that the plan adopted here was one not adopted in any other part of the world. He would ask the hon. gentleman to read the evidence that was obtained by Dr. Manning, who, having been all the world over to find out how institutions of a similar kind were managed, found that without a single exception every asylum he visited in Great

Britain, France, Germany, Belgium, and America, was under a perfect organisation, and that all Government institutions had boards of control appointed to supervise their management. But the somewhat amusing part of the matter was, that the grand exception to this rule was in the case of New South Wales, where Dr. Manning himself now ruled as a species of dictator without any board of management to control him in any way. There were visitors to the institution under his charge, and in the same way as was contemplated by this Bill—in fact, this Bill seemed to be modelled altogether on the New South Wales Act in that respect; and he must confess that he advanced his views on this point with considerable hesitation, because he did not shut his eyes to the fact that, probably, the Lunatic Department in New South Wales was as well managed as, probably, any institution of the kind could be in any part of the world. That probably arose from the fact of Dr. Manning having sole charge handed over to him. He was a gentleman who had devoted his life, apparently, to the investigation of everything in connection with lunacy, and it would be only natural to expect that when he came out from home with all the information he had obtained he would be received with great distinction; and, apparently, he had been placed over the lunacy department in New South Wales with the fullest power accorded to him. He (Dr. O'Doherty) could quite understand how the Government of New South Wales would be indisposed to place over Dr. Manning any body inclined to control him in any way. He would recommend hon. members to take up the Estimates of the present year and see what the lunatic department cost in New South Wales. Dr. Manning was no doubt a most superior officer, but he could inform them that there was a sum down of £5,000 for that gentleman's mere executive department. That would be a nice little sum to pay for the honour of having a very superior officer to manage our asylums, and it seemed a great question whether the money, under ordinary circumstances, would not be better expended in the payment of a well qualified and properly constituted board of visitors. He would be the last to say that salaries should be cut down, but such a department as that controlled by Dr. Manning was a very expensive one, and with several clerks and a large establishment. If they wanted an illustration of the necessity there was for having some such body as he proposed, they had only to read the newspaper last week and they would see it. He was not inclined to place too much reliance upon newspaper reports, but, according to what he read, within the last few weeks the branch asylum near Ipswich was supposed by some head of the department—who it was difficult to know—to be unnecessary, and orders were given for it to be broken up, and nearly all the lunatics were conveyed to the other Asylum. When some of the leading people of Ipswich found out what had been done they held a meeting, and resolved to send a deputation to the Colonial Secretary. This deputation represented that the removal of the lunatics was anything but a wise proceeding, for whereas at Ipswich they cost only £25 per head, at Woogaroo they cost £40. As a point of economy, therefore, it was much wiser for them to be left at the branch asylum, and, as reported in the newspapers, Mr. Palmer took that view and ordered them to be sent back. Supposing there was even a small foundation for that report, it showed most unmistakably the necessity of the existence of some sort of controlling body between the Colonial Secretary and whoever was responsible for that action taking place. The question naturally arose, how was it that those patients cost £25, and those at Woogaroo £40? It was just such a

question as the board would at once investigate thoroughly. He was not aware who was responsible or under what possible circumstances such a difference could occur. He could imagine that the patients at the branch asylum were an imbecile class of men who did not require such supervision as the other patients; but that did not account for such a wide difference of cost. With these few remarks, he ventured to bring under their notice an amendment which, he suggested, should be put in the Bill, and the best form in which it could be made was by inserting the new clauses from 33 to 40 inclusively as part of the Bill. [The hon. gentleman here read his proposed new clauses.] With respect to clause 37, which referred to the medical superintendents being *ex officio* members of the board, he did not mean that they should have votes. It would be very proper for them to come in and discuss every matter, but he did not think it would be wise to let them have a vote. The three last clauses were copied from a Bill which in no way differed from the one before the House. With reference to official visitors, it was suggested that they should be elected by the board of visitors out of their own body who should be nominated by the Minister. He believed, in suggesting this, that it was a plan by which the official visits to the asylum could be carried on much more efficiently. He was personally cognisant of the manner in which visits were carried out—in fact, he was once a visitor himself, but he resigned because he did not see what possible good could arise from his visits. As the system had hitherto existed, he believed it was an utterly useless one—both to the Government and the public—as a safeguard for the proper management of the institution. In the proposed clauses the visitors, after making their visits, would be required to report what they saw and heard, and these reports would undergo a close examination by the board, and they would thus obtain the best possible guarantee for the efficient working of the institution. It might be said, as a further objection to the appointment of a board, that it would lead to interminable expense; but it seemed to him that this was an objection without any reasonable foundation. He believed, on the contrary, that they could bring forward illustrations in some of the Government institutions here to show that it would not be so. He had been intimately connected with one of them, and he said unhesitatingly that, with regard to the Central Board of Health, the objection on the ground of expense could not hold good for a moment. The Central Board of Health had done good work since it was in existence. He said this boldly to hon. gentlemen who knew the progress of sanitary measures here since the passing of the Act in 1872. The city at that time was a perfect pest-house, and now it would take rank with some of the best managed cities in the colonies, and they were only in their infancy as regarded sanitary work. He had no hesitation in saying that the impetus given to sanitary measures in this city, and the colony generally, were attributable to the work done by the Central Board and the Local Board of Health. Let them see what was the cost of these boards. The administration of the Health Act had cost scarcely £600 a year during the seven years it had been in existence, and he believed that this would bear comparison with any other department under Government for the efficiency of the work done. The Central Board might be regarded as almost an honorary board, as several of the members did not receive payment. He entirely objected to that as a monstrously stupid system. He did not see why he or other medical men should give

their time and attention to this work for nothing, whilst other members of the board sitting alongside of them got their fees. He felt it himself to be a great grievance, and thought it was in the highest degree unjust to those gentlemen who were called upon to do the work of these boards. The actual state of things proved clearly that the institution of a board such as the Central Board of Health, organised as it was under the chairmanship and complete control of the Minister, was of the greatest possible advantage from a business and economic point of view in connection with such an Act as the Lunacy or Health Act. He would conclude by asking hon. members to give due attention to the suggestions that he had placed before them before they unwisely rejected them. He should like to know from the Postmaster-General whether it would be advisable to move all the new clauses at once, or take them *seriatim*!

The POSTMASTER-GENERAL said that where a series of clauses were proposed it was usual to take a division on the first clause and let it decide whether the principle embodied in the series should be accepted or not.

The HON. K. I. O'DOHERTY then moved that the following new clause should follow clause 32 :—

“ PART IV.

“ *The Government of Asylums.*

“ 33 The Governor in Council shall appoint not less than five persons to be a board for superintending the execution of this Act, and such board shall be called the Board of Visitors. Not less than two members of the said board shall be medical practitioners, and such board shall be responsible to the Government for the proper control and business management of all lunatic asylums and reception-houses placed under their supervision, and shall have and execute all the powers and duties vested in or imposed upon such board by this Act. During any vacancy in said board the continuing members may act as if no vacancy had occurred.”

The POSTMASTER-GENERAL said that after the long and exhaustive way in which the question had been dealt with by Dr. O'Doherty he felt that he was at some disadvantage in replying to him. He thought the House and the colony were under an obligation to the hon. gentleman for the attention that he had devoted to the question; and although he regretted that he could not fall in with the hon. gentleman's proposal, holding that it would be undesirable to encumber the Bill with any system of management such as was suggested, he was quite prepared to allow that the House should give to the proposal full and fair consideration. With regard to the extracts that the hon. gentleman had read, he thought they had become somewhat stale. The first formed part of Dr. Manning's evidence given twelve years ago, and he was informed that since then the doctor had quite altered his opinion, and that the Act now in force in New South Wales was the result, not only of Dr. Manning's investigations, but an embodiment of his long experience of the practical working of lunatic asylums. No doubt a great deal might be urged in the abstract in favour of institutions being managed by boards or committees. If their lunatic asylums were supported by voluntary contributions—even partly, as was the case in hospitals—he should say by all means let the board of management be selected by the subscribers, because there was no doubt that a local board of control was more efficient than central control, and that the men who undertook the responsibility, and were accountable to the subscribers or the body who appointed them, had an incentive to activity and vigilance which they would not have in any other case—as, for instance, in the system involved by the amendment proposed. The board of five would be appointed by the Governor in Council, which

meant the Government of the day, who would be held responsible by Parliament for the economical management of these institutions, and their efficient and satisfactory control. The very appointment of the board would take from the Minister certain responsibilities which were imposed upon him by Parliament; and although it might be said that he only delegated his authority, still experience proved that in cases of this sort a delegation of authority by virtue of a statute did unquestionably relieve the Minister from responsibilities, and deprived the representatives of the people of that control over the public expenditure which they zealously guarded and insisted upon. He admitted that the Colonial Secretary for the time being would be chairman of the board, but he contended that should the board go in opposition to the Minister's wishes he must do one of two things—he must allow the institution to be managed in a way that he did not approve of, or must take the extreme step of gazetting the board out of office—a most difficult and invidious step for a Government to take. Boards usually consisted of a number of gentlemen who gave their services gratuitously;—in a few cases they received a small fee; but it was not sufficient remuneration for the time that they gave up. The result was that every member, instead of feeling that he was under an obligation to the Government and the public, felt that they were under one to him for the time that he devoted to the duties of his office. That being the case, no Government would like to undertake the invidious task of gazetting a board out of office; so that the result was, as he had stated, that a board appointed under statute deprived the Minister of control, and relieved him of responsibilities which their modern constitutional system had proved was the most desirable form of administration. Their educational system was for a long time managed by a board. He believed the board thoroughly attended to the work, but it was found that whilst they worked well with one Colonial Secretary they did not with another—there was a good deal of disagreement, and the result was a great want of public confidence in the board. The same experience had been obtained in Victoria and New South Wales, and he believed he might say that the conviction of the most thoughtful statesmen in England at the present time was that the system of appointing nominated boards was extremely undesirable. Although they hesitated to abolish the boards, or to alter the system where it was working moderately well, still he did not think that in England any Bill authorising the appointment of a nominated board had been passed for a long time. The system was a wrong one, and it was not desirable to extend it. One of the new clauses provided that the board might, subject to the approval of the Governor in Council, appoint such officers and servants as they might deem necessary to assist them in carrying out the purposes of the Act. He was not one who was anxious to obtain patronage. He was sure that no public man had held office who was more anxious than he that Government should be relieved of patronage. At the same time, it was their system at present, and it was one which, with all the evils attaching to it, was perhaps on the whole most desirable; but the clause to which he referred took the patronage and responsibility entirely out of the hands of Ministers. Of course, he admitted the qualifying phrase, “subject to the approval of the Governor in Council;” but they all knew that if the board or a majority resolved to appoint an officer the Government of the day would not withhold their consent. The Hon. Dr. O'Doherty had referred to boards for the management of banks and insurance companies. There the

principle to which he had previously referred had full play. The directors, managers, or committee were appointed by the shareholders or those who contributed to the support of the institution, and were directly responsible to them. The responsibility of the board to the Ministry was very slight, and was quite a different matter from the responsibility which appertained to a board elected by the voices of those peculiarly interested in the institution which they were to manage. He considered that the appointment of servants by the board, as proposed by this amendment, would not work well. At present the Asylum was under the management of the Surgeon-Superintendent, and although the Minister or the Executive Council made the superior appointments, the ordinary servants and attendants were virtually appointed by the Surgeon-Superintendent.

The HON. K. I. O'DOHERTY said he begged to interrupt the hon. member for a moment, as he clearly misunderstood his (Dr. O'Doherty's) meaning in reference to the clause. All he proposed was that the board might appoint their own servants, such as secretary and messenger. He had no idea of suggesting that they should select the servants of the asylum.

The POSTMASTER-GENERAL said of course he put the construction on the clause which the wording of it conveyed, and he took it to mean the servants and officers of the asylum. If, therefore, the House affirmed the principle of the clause it would have to be made more clear; but the practice at present, and as intended in the future, was, that as a rule the inferior servants should be recommended by the Superintendent, and that the Government or Minister in charge of the department should not interfere. At present, the Superintendent was held responsible for the appointment of servants, and any interference would take away that responsibility and probably lead to disorganising the institution. Then as to the question of remuneration: no doubt, as Dr. O'Doherty had pointed out, members of the board ought to be remunerated, perhaps not fully paid for their work, but such remuneration as would protect them from absolute loss; and if professional members received remuneration others might reasonably ask it, so that it would involve considerable expense, because the management of an asylum like that would involve more work than that done by the Central Board of Health. Practically, all the work was done by the Local Board of Health; the Central Board only laid down general principles and called the attention of the Local Board to what it deemed necessary action. As to there being no management, he thought there was ample management under the system proposed to be introduced. There was a superintendent and assistant-superintendent; the asylum was to be inspected by an inspector, whose duties were laid down very specifically in clauses 34 and 35. In addition to that, the Governor in Council had power to appoint two or more official visitors, who were not intended to exercise the large powers which were embodied in the proposed new clauses, but they still would have important duties to perform, and would act as a check, not only upon the superintendent, but also upon the inspector; so he thought that between the superintendent, who was supreme and responsible to the Minister, and the inspector and official visitors who were also responsible to the Minister, pretty full provision was made for the management of the institution. He appreciated fully the argument that professional men were not always good men of business, but there was nothing in the Bill to prevent the appointment of an officer as steward to watch over the

details of the business management of the institution. Seeing that their goals were managed from the Colonial Secretary's office direct, and that their schools were managed in the same way, there could be no great difficulty experienced, with the assistance of the Bill before the House, in managing the one or two asylums they had. When the colony became more populous no doubt it would be necessary to follow the example set in England, and have commissioners in insanity or lunacy, but in this country the duties would not for the present be sufficiently numerous to require so elaborate and expensive machinery as that. There was nothing in the Bill to prevent the institutions being thoroughly well conducted. The last report of the Superintendent of New South Wales, where a similar enactment was in force, said that although it had not yet had a full trial it seemed to be working well. He should like to say a word or two about the report the Hon. Dr. O'Doherty referred to as to the institution at Sandy Gallop. He was in a position to contradict the paragraph in question. It did not, he was informed by the Colonial Secretary, give a correct account of the interview referred to; and, as to the difference in the expense between that branch and Woogaroo, it was easily explained. Only those patients who were comparatively inoffensive and harmless, and who were able to work about the place, were sent to the branch asylum. It was very different where they had a large number of violent and dangerous patients, as they had at Woogaroo. With this explanation he hoped that the apparent discrepancy between the cost of the management of the two institutions was fully accounted for. No doubt steps would have to be taken to provide another asylum shortly, but at present there was a sufficient provision. It was found that they could not absolutely close up the branch at Sandy Gallop, and it would be necessary to keep it open, at any rate, until the contemplated asylum at Toowoomba was opened. He hoped the Committee would see that the clauses moved by the Hon. Dr. O'Doherty would be cumbersome and expensive, and would not work so well as the plan proposed in the Bill as introduced.

The HON. G. SANDEMAN agreed with a great deal that had been said by the Hon. Dr. O'Doherty upon this question. He thought it was desirable in the highest degree that all reasonable check should be placed upon the management of such important institutions as those under discussion, but he had great difficulty in seeing whether the board as proposed by that hon. gentleman would have sufficient check upon the finances of those institutions. It did not appear to him that the amendment sufficiently specified that finances should be one of the primary questions to be considered in the inspection, and he looked upon that as one of the primary points that should be attended to. But whatever might be the advantages of the proposals of the Hon. Dr. O'Doherty, he did not think that at the present time they would be justified in going to the expense which these proposals would involve, seeing that at the present time they had only one establishment of this kind to supervise. There were to be two medical men on the board. These gentlemen must of course be paid, and, he presumed, paid in proportion to the loss of time they suffered as professional men in attending to these duties; and if they were paid lay members of the board would also have to be paid, and this would involve very considerable expense. When the system was extended over a wider space—when there was an asylum at Toowoomba—for which land had already been purchased, and no doubt other asylums would follow, naturally, he thought it would be very

desirable to reconsider this subject; but for the present he thought they should not be justified in going to the expense which the proposals of the Hon. Dr. O'Doherty would involve; and, therefore, it would be as well to postpone the insertion of the proposed new clauses.

The Hon. C. S. MEIN agreed with the Postmaster-General in thinking that the thanks of the House and the community were due to the Hon. Dr. O'Doherty for the warm interest he had taken in and the careful consideration he had given to this subject. His only regret was to observe so few members present to listen to the discussion, and that so few members of the House should have taken an interest in what, after all, was one of the most important subjects which could come under their consideration. There was no social question that should elicit greater sympathy and consideration than a question of the kind now under discussion. They had now to deal with a most important subject, one which had agitated the public mind for years at home, and which from a scientific view was not yet capable of settlement. It was one which had also agitated the public mind here on more than one occasion, and considerable attention had been directed to it; but now, when an attempt was made to legislate upon the subject, they saw not even sufficient members present in the House to form a quorum. He had listened with very great interest to the remarks of the Hon. Dr. O'Doherty, and also those of the Postmaster-General, and he had some difficulty in arriving at what, to his own mind, would be a satisfactory conclusion on the subject. The difficulty he had in adopting the Hon. Dr. O'Doherty's ideas arose from the very opposite point to that raised by the Hon. Mr. Sandeman. His fears were that as the asylums and reception-houses were generally extended throughout the colony as population increased, it would be impracticable for a board located in Brisbane or any other central place to carry out the functions which the hon. gentleman proposed they should carry out by his amendment. There was to be a committee of five, and two of these were bound, at least once in every month, to visit each institution under their control. It would be impossible for a central board of that description to carry out that arrangement, and visit the different institutions throughout the colony, except at an enormous expense. He quite agreed with the Hon. Dr. O'Doherty in thinking it was unfair to expect men who were brought up as professional men to be good business managers of such institutions as these. There was a provision that the superintendents of asylums must be medical men, and with that provision he thoroughly agreed; and they should make such arrangements as would not throw the onus on superintendents, of looking after the financial details and other petty matters connected with the internal management of the institutions. He did not see how an inspector, visiting once in six months, would be able to get over the difficulty, but it might be effected if the clause with regard to official visitors was obligatory instead of optional. It would be within their power to so amend clause 40 as to make it compulsory on the Government to appoint visitors for the asylum and reception-houses, and to stipulate that they should report upon the business management of the asylums. By that means the Hon. Dr. O'Doherty's ideas could be met, or, at least, it would go a considerable way towards meeting them. Although his opinion had been shaken by the arguments of the Postmaster-General, still he did not see any analogy between the government of a lunatic asylum and a banking institution, or even a gaol. The superintendent

of a lunatic asylum was appointed to look after the medical and scientific management of the institution, and had to direct his efforts chiefly to the curing of the insane. That was the branch of medical knowledge to which he had to give special attention, but it was not a duty in connection with pounds, shillings, and pence; whereas the governor of a gaol was a man who, while he had certain powers of organisation and discipline, was specially selected for his business capacity and administrative talent. He could quite conceive a man being a perfect superintendent of an asylum from a medical point of view, but at the same time a most bungling administrator of the financial affairs of the institution, and it was the possibility—he might almost say, the probability—of getting a person with good scientific attainments but bad administrative capacity that they had to guard against. They had felt that in this colony more than once, and would very likely feel it in the future; and the fact that in the old country, where the attention of the legislature and the public had been directed to this question for many years past, they had adopted a system similar to that shadowed forth in Dr. O'Doherty's scheme, should, he thought, make them hesitate before they abandoned the idea here. It was true that since Dr. Manning's report the New South Wales Parliament had adopted an Act, of which this Bill seemed to be a *verbatim* copy almost, in which no provision was made for a board of supervision; but that probably arose from the fact that Dr. Manning was unwilling to be restrained—that he was a man of such superior calibre that the Government assumed that so long as he was at the head of affairs it was unnecessary, and, in fact, undesirable, to interfere with him. But that state of affairs did not exist in this colony, and he understood that the Superintendent of Woogaroo Asylum was anxious to be assisted by an effective and capable board of business men. He understood that the Hon. Dr. O'Doherty was not wedded to the phraseology of his clause, and he (Mr. Mein) should be glad if some scheme could be devised for providing a board to superintend over the business arrangements in these institutions.

The Hon. T. L. MURRAY-PRIOR said it was very true that very often scientific men were naturally not very good administrators, but it struck him that any person who was appointed to the position of superintendent of an asylum should be a man noted not only for his skill in that particular branch of medicine, but also be a good administrator. Any person who had visited the New South Wales Asylum must have been struck by the fact that it was as unlike a prison as it was possible to make it, and that it was in every sense one of the best homes to which an insane person could be sent. If they proposed boards to visit their asylums, and have control over the finances, the arrangements which were particularly necessary to secure the comfort of insane persons could not be carried out in the way that was possible under the mind of one individual. He was sure that they were all desirous of doing their best to secure the proper treatment of the insane, and he could answer that their asylum had been very much improved. On the first occasion that he visited it he was shocked at what he saw, and felt that the very sight of the unfortunate people would have almost rendered a stranger to such sights insane. That, however, had been altered. So far as he could see, the asylum should be ruled as much as practicable by one man. True, it would be necessary that some inspection might be placed upon him, but that could always be carried out by Government, and when the Bill was passed it would be very easy to make the

necessary provision for such inspection. He was not inclined to support the amendments.

The HON. G. SANDEMAN said the Hon. Mr. Mein must have misunderstood him. He was alluding more particularly to the general system of boards, not to the particular board proposed. He had visited Woogaroo on several occasions for the purpose of seeing how it was conducted, and he believed that great improvements had been made, and that, so far as he was able to judge, it had been placed on a satisfactory footing. When he was in Melbourne he visited the Kew and Yarra Bend Asylums, and had opportunities of comparing the management of those institutions with that of Woogaroo, and he had no hesitation in saying that in some respects Woogaroo was in advance of those older establishments. He might also mention that he ascertained from the medical officer that many of the improvements at the Kew Asylum were suggested by the gentleman who was now superintending Woogaroo. On reference to the South Australian Act, he found that there was a board of visitors, but it was differently constituted to the board proposed by the Hon. Dr. O'Doherty. Under the South Australian Act a superintendent was appointed and also a resident medical officer, and these were both members of the board, the other members being laymen. He understood the Hon. Dr. O'Doherty to say that he did not think it right that the resident officer should be a member of the board. Highly approving as he did of any mode by which the management of so important an institution could be better carried out, he should be quite willing, as one taking a strong interest in the question, to give the subject his best consideration in the future, but he thought that at the present time the amendments of the hon. gentleman were premature.

The HON. K. I. O'DOHERTY said that, with reference to the point raised by the last speaker, he distinctly said that he thought the medical superintendents of the asylum ought to be members of the board, but should not have the power of voting. When the new asylum was erected there would be a large department created, having, perhaps, a thousand patients to control, and the expenditure, probably, of £30,000. Under these circumstances, he would imagine, supposing a board of the kind he proposed were organised, that it would have control over the financial business. He distinctly stated that it should in no way interfere with the medical control of the establishment. The superintendents should have the right of *entree* to the board meetings, and of taking part in all discussions, but should not have the right of voting, because the duties of the board would simply consist in criticising the actions of the managers of each asylum. If the superintendents were allowed to vote they could themselves outvote a board of five.

The POSTMASTER-GENERAL said he should like to call the attention of hon. members to clause 40, which really did provide for a board of visitors; the only difference between it and the board proposed by the Hon. Dr. O'Doherty being that it was to consist of two or more official visitors, and that it had not the power of appointing servants. Still, he did not think that there was practically much difference between the duties of the two boards. The 28th clause gave the Governor in Council full power to appoint a medical practitioner as superintendent of every asylum, and an assistant superintendent, and such other officers as he deemed necessary. He presumed there would be a responsible officer appointed capable of managing the business affairs of an asylum like theirs. Such officer might be called a sort of house steward. There

was nothing to prevent the Governor in Council appointing a house steward and defining his duties; but whatever officer was appointed would be a subordinate of the superintendent, who would be supreme. He forgot to mention, before, that he had lately read the report of the *Lancet* commission, which was appointed to visit the lunatic asylums of England; and in that report attention was drawn to the fact that wherever there was the power to interfere with the management of an asylum there was a great deal of mismanagement, and that the business was not so well carried on as where a resident medical man had full control. Care should be taken not to establish a precedent which might be inconvenient hereafter. If any hon. member considered that clause 40 could be improved by the introduction of a better definition of the powers of visitors, he should have no objection to discuss an amendment to that effect. The amendments proposed by Dr. O'Doherty having now been fully discussed, he would suggest to the hon. member the propriety of his now withdrawing them.

The HON. K. I. O'DOHERTY said his only object in introducing the amendments was to give utterance, for the first time, to the recommendation made by the joint committee of which the present Colonial Secretary was chairman and of which he was a member. Notwithstanding what had been said to the contrary, he still was strongly of opinion that such an alteration as he had proposed was essential to the proper financial and business management of these institutions. This Bill would no doubt be sent to the other House, and if hon. members there, having read the discussion which had taken place, should think the proposition he had made worthy of consideration, he should be very glad. He was quite satisfied with having evoked a discussion, and would therefore now ask leave to withdraw his motion.

Motion—by permission of the House—withdrawn.

Clauses from 33 to 39 agreed to.

On clause 40—"Governor in Council to appoint official visitors"—

The HON. C. S. MEIN moved the substitution of the word "shall" for "may," in order to make the appointment of official visitors compulsory. He considered that it was necessary—especially in country districts—that visitors should be appointed to look after the interests of the patients and report any *laches* on the part of the management.

Clause, as amended, agreed to.

On clause 41—"Official visitor not to sign certificate for admission of patients"—

The POSTMASTER-GENERAL said it had been pointed out to him that the clause was unnecessarily stringent, as, in the present form, it would prevent the official visitor to one asylum from signing a certificate for the admission of a patient to another asylum. He therefore moved an amendment of the clause, removing that objection.

Clause, as amended, and clause 42, agreed to.

On clause 43—"Insane persons may be taken out of Queensland by order of the Supreme Court"—

The POSTMASTER-GENERAL said that when moving the second reading he had stated his intention of moving an amendment in committee which would enable the court to transport insane persons who were the subjects of foreign powers to their own countries. There were at the present time a number of Asiatics in Woogaroo, and it was considered that by taking powers to transport them home a good deal of

expense would be saved in the long run and overcrowding would be prevented. He therefore moved the insertion of the words "or if an insane person or patient is subject to any foreign power," which addition would give the Supreme Court the power which he had suggested should be conferred upon it.

The HON. C. S. MEIN said this was hardly a power which the Supreme Court should be called upon to exercise. The court might not be in a position to ascertain whether the insane person had any relations or friends who would look after him when he reached his own country. He felt confident that no judge of the Supreme Court, influenced by humane motives, would make an order for deportation under such circumstances. Such persons were, in many cases, innocent sufferers, not criminals; and when afflicted in that way the hand of fellowship should be extended to them. He hoped hon. members would not place such a blot upon the statute-book.

The POSTMASTER-GENERAL said he did not think the objection was seriously founded, because before an order could be made for deportation, the court was authorised to ascertain what arrangements had been made touching the safe custody and maintenance of the patient.

Clause, as amended, put and passed.

Clauses 44 to 53 were passed, with verbal amendments.

Clauses 54 to 57 were passed as printed.

On the motion of the POSTMASTER-GENERAL, a new clause was inserted to follow clause 57, providing that where there is no reception-house a person may be placed for safe custody or medical treatment in the nearest gaol or hospital until he can be safely conveyed to the reception-house to which he was committed, no such detention to extend for a period of over fourteen days.

Clauses 58 and 59 were passed.

Clause 61 was negatived as unnecessary.

Clauses 62 to 156 inclusive, schedules 1 to 16, and the preamble, were passed.

The CHAIRMAN having reported the Bill with amendments,

On the motion of the POSTMASTER-GENERAL, the Bill was re-committed, in order to amend the interpretation clause by inserting the words "or any judge thereof," after the words "Supreme Court of Queensland."

The Bill was then reported with further amendments; the report was adopted; and the third reading of the Bill made an Order of the Day for Wednesday next.

The House adjourned at ten minutes past 10 o'clock.
