

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 3 AUGUST 1881**

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## LEGISLATIVE COUNCIL.

*Wednesday, 3 August, 1881.*

Absence of President.—Opening of Maryborough and Gympie Railway.—The Dry Dock.—Insanity Bill—second reading.

### ABSENCE OF PRESIDENT.

The CLERK read a letter from the President (Hon. J. P. Bell), asking him to inform the House that he was prevented, by temporary illness, from presiding in his place during the current week.

The CHAIRMAN OF COMMITTEES (Hon. D. F. Roberts), in consequence, took the chair at 4 o'clock.

### OPENING OF MARYBOROUGH AND GYMPIE RAILWAY.

The POSTMASTER-GENERAL (Hon. B. D. Morehead) said that before proceeding with business it was his duty to repeat what was said by the Premier in another place last night—namely, that the Government had made arrangements for opening the railway from Maryborough to Gympie on Saturday next; also that a steamer would start from Brisbane to-morrow afternoon, reaching Maryborough on Friday and returning to Brisbane by Monday; and that the Government would be extremely glad if any hon. members of the House chose to avail themselves of the opportunity of being present on the occasion. He should be glad if they would acquaint him

with their intention of going, as early as might be convenient to themselves.

The HON. W. H. WALSH asked if hon. members were to understand that their expenses would be paid during the trip? Were the Government going to pay their passages to and from Maryborough, and provide them with accommodation while there?

The POSTMASTER-GENERAL replied that he had said all he had to say on the subject.

The HON. W. H. WALSH said it was a kind of invitation that might allure hon. members into a great deal of personal expense. It might be a trick of the Government to conduce to the commercial benefit of Maryborough or Gympie. The Postmaster-General should distinctly state, in issuing the invitation, whether hon. members were to have their expenses paid or not. It seemed a half-and-half way of doing the thing. He himself might be disposed to go if he knew on what terms he was going. The Postmaster-General's off-hand, negative style of replying to a request for information did not seem either justifiable in itself or courteous to the Chamber. An invitation was held out to hon. members to go to Maryborough. Was it to be at their own expense, or at the expense of the country? They were perfectly justified in demanding an answer to that question.

The POSTMASTER-GENERAL said he had replied in as courteous terms as he could. A similar invitation was given in another place yesterday, and no exception was taken there to the way in which it was given. He could say nothing more.

The HON. W. H. WALSH said he was justified in pointing out to the Postmaster-General that the practice in the other House was not binding in this. If hon. members in the other House were content to submit to an invitation so unsatisfactory, that was no reason why they in the Upper Chamber should. A certain offer had been made to hon. members to accept a Government invitation to Maryborough, and they had a right to know whether it was to be at the country's expense. If it was to be at the country's expense, under what authority did the Government make it? That was a question not to be answered in the crisp and short way assumed by the Postmaster-General, for it was one in which the whole colony was interested. Were the Government going to entertain hon. members of this Chamber on their visit to Maryborough? If they were, then he did not hesitate to say that it was a kind of bribe they were offering to hon. members; and they were going to spend the people's money in a way in which, he again did not hesitate to say, they should not. They had no justification for it. It was not a sum voted by Parliament, nor was it likely to be a sum voted by Parliament; and the Postmaster-General, before attempting to cajole hon. members, ought to make himself better acquainted with facts, and let hon. members know what it was they were invited to do. Were they invited to incur an expenditure not sanctioned by the country—to partake in a piece of hospitality which was neither more nor less than a kind of bribe held out by the Government? The whole thing was indecorous and improper—improper as far as the country was concerned, because the people's money was to be spent in a way it ought not to be spent, and indecorous on the part of the Government in inviting members of the House to become their guests during a very critical portion of the session. How could hon. members do their duty in the Chamber the following week if they accepted the hospitality

of the Government in the way now proffered? The thing was highly indelicate, and the Postmaster-General ought to be able to give more information than he had thought fit to give hitherto.

### THE DRY DOCK.

The HON. W. H. WALSH asked the Postmaster-General—

Seeing that on the 21st July, 1880, this House was informed officially that the Dry Dock at South Brisbane "would be finished in two or three months," will the honourable gentleman who now represents the Government in the Chamber state—

1. If that promise was carried out?
2. When will the said dock be placed at the service of the public?

The POSTMASTER-GENERAL said that before answering the question he wished to say that it was so worded as to imply that there had been some breach of faith on the part of the Government, and to point out exactly the position of affairs. According to the official record, the following was what took place in the House on the 21st July, 1880:—

"The HON. W. H. WALSH asked the Postmaster-General—

"1. When will the Dry Dock at South Brisbane be finished?

"2. Will the Government name a day when the use of it will be made available to the public for docking ships?"

"The POSTMASTER-GENERAL replied—

"1. The dock will be finished in two or three months from the present time.

"2. The Government are not in a position at present to name a day when the use of it will be made available to the public."

That would show that no such implication as that made by the Hon. Mr. Walsh would lead the House to believe that there had been any breach of faith on the part of the Government.

The HON. W. H. WALSH said the question did not contain any implication of the kind.

The POSTMASTER-GENERAL said he held that it did. The answer to the question was as follows:—

"1. The dock was completed towards the end of last year. The contractors have since been engaged in clearing the channel up to the dock, which is approaching completion.

"2. The dock, although still in the hands of the contractors, is capable of taking in ships; and, as a matter of fact, arrangements are being made for the reception of three vessels that have applied for admission."

The HON. W. H. WALSH said that that was certainly a new way of answering questions which every member of the Chamber had a right to put. He was not aware that the question contained any implication of the kind referred to by the Postmaster-General. He had put the question because the public had a right to know clearly and distinctly when the dock would be made accessible. It had now cost the country something like £60,000 or £70,000, and hon. members were constantly being put off by excuses which the Government rendered on behalf of the contractors, or in defence of their own *laches*, while the patent fact remained that the public, who had to pay for the dock, were still kept from the use of it. The Postmaster-General said that arrangements were being made for three vessels—

The POSTMASTER-GENERAL rose to a point of order. Could a discussion ensue on the answer to a question?

The HON. W. H. WALSH: The hon. gentleman himself commenced the debate.

The ACTING PRESIDENT said that, in accordance with Standing Order No. 35, no discussion could take place on an answer to a question.

The HON. W. H. WALSH said he was only answering the Postmaster-General, who commenced the debate.

The ACTING PRESIDENT: The question cannot be discussed.

The HON. W. H. WALSH: I say, here is a clock which has cost the country £60,000 or £70,000, if not more—

The HON. W. GRAHAM: I rise to a point of order. The Chairman has ruled that no debate can take place.

The ACTING PRESIDENT: The hon. gentleman (Mr. Walsh) is quite out of order.

#### INSANITY BILL—SECOND READING.

The POSTMASTER-GENERAL said the Bill which he proposed to move the second reading of this afternoon was to all intents and purposes the same that was passed, after considerable discussion and after careful consideration, by the Chamber last session. There were only two alterations in the measure. The first was in part 5, clause 57, where it was provided that two or more justices could commit an insane person to the reception-house, upon proof on oath by one or more legally qualified medical practitioners that such person was, for the time being, of unsound mind, and required protection and medical treatment. The difference between that part and the similar part of the Bill of last year was very small, and did not in any way affect the principle of the measure. The other alteration was in clause 75. In the Bill of last year clause 75 provided that the Curator of Intestacy should also be the curator in insanity, and it was now proposed to vest that appointment in the Governor in Council. Those were the only two alterations in the Bill as it passed the Chamber last session. He had gone carefully through the debates that took place during the passage of the Bill through the House, and had noticed that there was not a single division on any clause from 62 to 156, with which the Bill terminated. He was sorry that the Hon. Dr. O'Doherty was not present, for he seemed to take a very warm interest in the measure last year, and brought forward very strong arguments for the position he took up towards it, and more particularly with reference to the appointment of a board instead of leaving it to one individual. It was very clearly shown by the Hon. Mr. Buzacott that there was practically a board appointed under the Bill as it stood, and that contention was upheld by the Hon. Mr. Mein. He did not know that it was necessary, at the present stage, to dilate on the principles of the measure, which were well known to all, and which had been fully and thoroughly discussed; and it would be better, if requisite, to discuss any other alterations that might be suggested in committee. He was perfectly willing to meet the wishes of hon. members, and would go on with the Bill in committee to-morrow, or on as early a date as might suit hon. members. He moved that the Bill be read a second time.

The HON. C. H. BUZACOTT said he should like to say one word before the question was put. The House spent a great many hours in the discussion of the Bill last year, and he thought that, on the whole, they made it a very excellent measure. The Bill had not passed through the other House, because it did not reach them until towards the end of the session, when other measures were pressing on the attention of that branch of the Legislature, so that they could not give the necessary time to the study of a rather

intricate Bill such as the one now before the House. He hoped, however, that hon. members would be prepared to accept the Bill as almost a formal one, and that they would not spend unnecessary time in discussion, so that it would reach the other House at an early period of the session, when there would be no excuse whatever for delaying legislation on that very important subject. The lunacy laws of the colony were at present in a most chaotic state, and it was a disgrace to them that the insanity establishments of the colony were conducted under such a system as they were at the present time. He had looked over the alterations that had been made in the Bill, and he thoroughly approved of both of them. Under the provision for receiving into reception-houses, as passed last session, he could easily conceive that occasions might arise when it would be almost impossible to prove, on the spur of the moment, that any man was really dangerously insane, but there might be quite sufficient reason to confine him for a time on what was known in the present law as suspicion of being insane. That alteration in the clause relating to reception-houses was a decided improvement, and it was through an oversight that it was not inserted in the Bill of last session, and it, no doubt, would have been inserted in the other House had the Bill gone into committee there. The other alteration, providing that the Governor in Council should appoint a fit and proper person to be curator in insanity, was also a decided improvement. They could easily see that a curator of intestacy might be well up in his own work, but still not be able to perform the duties of curator in insanity. The Bill imposed arduous and responsible duties on the curator of insanity, and it was necessary that he should be, if not a barrister, yet a person very well up in law, because he would have a great deal of work to do which could hardly be efficiently done unless by a man of legal education and considerable experience. By casting the responsibility on the Government of the day of appointing a proper person to carry out the duties of that office, they were certainly going in the right direction. It would, perhaps, be advisable that the Curator in Intestacy should also be the curator in insanity, and it would be very desirable if they could obtain a lawyer who would undertake both offices, for the duties of both offices could very easily be done by one person. It would be an unnecessary expense if a curator in insanity were appointed specially for that office. It was, however, unnecessary to take up the time of the House on the subject longer, and he would only repeat that he hoped the Bill would be accepted as a formal one, and go through committee without delay, so that it might be speedily transmitted to the other House.

The HON. W. D. BOX called attention to what he considered was a discrepancy between clauses 6 and 57. Clause 6 provided that the justices examining a person before committal to a lunatic asylum should have the assistance of two medical practitioners, while clause 57 stated that there might be "one or more" legally qualified medical practitioners. He might be wrong in his opinion, but he wished the Postmaster-General to see that the two clauses did not clash.

The POSTMASTER-GENERAL explained that clause 57 simply referred to reception-houses, and dealt merely with emergency cases, whereas clause 6 referred to committals to lunatic asylums. There was no likelihood of the two clauses clashing.

Question put and passed, and committal of the Bill made an Order of the Day for to-morrow.

The House adjourned at twenty-five minutes to 5 o'clock until the usual hour next day.