LEGISLATIVE COUNCIL.

WEDNESDAY, 4 SEPTEMBER, 1895.

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

MEAT AND DAIRY PRODUCE ENCOURAGEMENT BILL.

THIRD READING.

This Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly.

INEBRIATES INSTITUTIONS BILL.

COMMITTEE.

Clauses 1 and 2—"Short title" and "Interpretation"—passed as printed.

On clause 3—"Governor in Council may proclaim institution for inebriates"—

The Hon. C. H. BUZACOTT complained of the ambiguity of the clause. It stated that "any establishment, or any part of any establishment, or any other building," named by Order in Council "shall be an institution for inebriates"—two quite different things. He had already expressed himself pretty freely on the wording of the Bill, and did not intend to move any amendment; but he could not avoid drawing attention to the loose wording of the clause.

The POSTMASTER-GENERAL (Hon. A. J. Thynne) moved, as an amendment, that the word "building" be omitted, with the view of inserting "premises." That would meet the objection raised by the Hon. Mr. Buzacott. Amendment agreed to; and clause, as amended, passed.

Clause 4—"Appointment of superintendent and officers"—put and passed.

On clause 5—"The Governor in Council may make regulations for management of an institution for inebriates"—

The Hon. C. H. BUZACOTT wished to know whether the Committee approved of the proposal to have two classes of patients and two scales of fees. There was no provision in the Bill for committing any patient to an institution unless he paid the fees on the higher or lower scale, or unless he had been convicted five times under the Licensing Act. Every patient committed to those institutions must be in a position to pay the fee, unless he had been convicted five times before a police magistrate. It seemed a very extraordinary proposition.

The POSTMASTER-GENERAL said the provision of the two different scales was necessitated by the different classes of people who would probably be committed. One class might be thoroughly degraded; another might simply have given way to drinking habits; and if the
latter chose to pay for more comfortable accommodation, there was no reason why he should not do so. In the case of patients who paid merely a nominal sum, and another who paid according to the conveniences of patients who paid merely a nominal sum, and regard to lunatic asylums. There was no doubt accommodation which the degraded class would have to submit to.

The Hon. C. H. BUZACOTT thought the Postmaster-General had misconceived the effect of his remarks. In hospitals there were free patients and paying patients, and he did not object to that plan being followed in this case. What he objected to was, that there was no provision for restraining the poorer patients from those who had been convicted.

The POSTMASTER-GENERAL did not think the hon. member was very familiar with the working of their hospitals. In those institutions, besides those who paid a moderate sum, provision was made for people who were willing to pay something in addition for extra accommodation which the degraded class would have to submit to.

The POSTMASTER-GENERAL said that the second class would be very adverse to taking what would be considered a luxury; and if the power could not be enforced there might be the ridiculous result that an inebriate might go to a judge when sober and submit to the jurisdiction of the court, but while on his way to the institution he might be tempted to take a glass or two, and his good resolution would be gone.

The POSTMASTER-GENERAL said that there were two classes of institutions. A retreat was an establishment or place conducted by private enterprise; the other was an institution supported by the State. But both were authorised to detain persons in custody for a certain period. The private institution was of quite a different character, although he had heard of no case in the other colonies or elsewhere where the power had been abused. Still it was well to discriminate between the two classes of institutions.

The Hon. C. H. BUZACOTT said that the enforced detention was exactly the same. In both cases liberty was voluntarily surrendered. The Hon. R. BULOCK said the Hon. Mr. Buzacott was a little at sea in the matter. With regard to the retreat, the patient voluntarily relinquished his personal liberty and was compelled to remain for a specified period, the whole thing would be turned into a farce.

The Hon. C. H. BUZACOTT maintained that there should be a judge's order there. The Hon. P. MACPHERSON said there could be no evidence that a judge had made any decision at all unless there was an order. A warrant should be made out for retreats as well as for asylums.

Clause put and passed.

Clause 2 passed as printed.

Clause 8—"Inebriates may be committed."—

After making two verbal amendments, the POSTMASTER-GENERAL moved the insertion, after "inebriates," of the words "or if upon such hearing it appears that the person summoned has not less than five previous convictions recorded against him for offences mentioned in the 8th section of the Licensing Act of 1885."

Amendment agreed to.

The Hon. C. H. BUZACOTT said that before the Postmaster-General went further he had an amendment to propose. According to the 7th clause a judge of the Supreme or District Court had power to commit a person to an institution or retreat. He thought that power ought also to be contained in the 8th clause.

The POSTMASTER-GENERAL said that a retreat was a private institution, and was not at the beck and call of the Government. When a person voluntarily submitted himself to enter a
retreat, the Government must be satisfied that the people in the retreat were prepared to keep him. The reason was quite a different character; it was a compulsory clause, and they could not call upon the keepers of a retreat to obey a mandate of the Government to the same extent as they could the managers of an inebriate asylum.

The Hon. C. H. BUZACOTT said he did not intend to oppose the clause, but he would move, as an amendment, that the words "or retreat" be inserted after "institution."

The POSTMASTER-GENERAL said he had no objection to the amendment.

Amendment agreed to.

On the motion of the POSTMASTER-GENERAL, an addition was made to the clause to the effect that a like order might be made upon proof that the defendant had had not less than five previous convictions recorded against him for offences mentioned in the last-mentioned section.

Clause, as amended, put and passed.

Clause 9 put and negatived.

Clause 10—"Duration and effect of orders."

The Hon. C. H. BUZACOTT pointed out that there was no reason for restricting any order when a person had been committed by two justices under clause 8. It appeared to him that the same authority which made an order should also be able to rescind it.

The POSTMASTER-GENERAL said that as a rule they must have the same individuals to rescind who granted the order, but that would be almost impossible in cases where the orders were made by justices. He did not think it wise to give to any justices who might sit on any particular day the power of cancelling any of these orders. It was better to leave that power with the judges of the higher courts and police magistrates. The authority given would have to be exercised with very great care, and it was as well to be a little conservative as to who should have the power of exercising it.

The Hon. C. H. BUZACOTT said it appeared that any two justices might take away a man's liberty, but they could not restore it. The Acts Shortening Act said that anything found under clause 10—"Duration and effect of orders."

"ipse dixit" that the superintendent of an institution might give security, and he ought to have an opportunity of defending himself against claims made against him.

Clause put and passed.

On clause 14—"Second or subsequent order may be made."

The POSTMASTER-GENERAL said that after having given a great deal of consideration to the clause he had come to the conclusion that it would be wiser to leave the power in the hands of the judges of the Supreme or District Courts, and police magistrates only. On the motion of the hon. gentleman, the clause was amended by the omission of the words "superintendent," "or of any justices," and "judges."

Clause, as amended, put and passed.

On clause 15—"Penalties for improper treatment of patients, or supplying intoxicating drinks, etc."

The Hon. C. H. BUZACOTT said that that and the following clause ought to come before the 31st clause, under the heading of "Offences."

The POSTMASTER-GENERAL said the clause dealt with inebriate institutions alone, and had much better be kept separate.

Clause put and passed.

On clause 16—"Penalty on patient misconducting himself."

The Hon. C. H. BUZACOTT pointed out that under the clause the maximum penalty was £6, or a fortnight's extra detention, with the liability to pay for property or furniture destroyed; whereas the 31st clause provided, for similar offences, a maximum penalty of £20, or imprisonment for any term not exceeding three months, with or without labour.

There was a tremendous difference in the penalties.

The POSTMASTER-GENERAL pointed out that in clause 16 the penalty was inflicted on patients guilty of breach of the rules or of violent conduct, whereas the penalties inflicted by clause 31 were against persons not being inebriates detained in a retreat; it related to officers of those institutions.

Penalty put and passed.

On clause 16—"Rules as to management of retreats."

The POSTMASTER-GENERAL pointed out that in clause 16 the penalty was inflicted on patients guilty of breach of the rules or of violent conduct, whereas the penalties inflicted by clause 31 were against persons not being inebriates detained in a retreat; it related to officers of those institutions.

Clause put and passed.

On clause 17 to 23, inclusive, passed as printed.

On clause 24—"Rules as to management of retreats."

The POSTMASTER-GENERAL pointed out that in clause 16 the penalty was inflicted on patients guilty of breach of the rules or of violent conduct, whereas the penalties inflicted by clause 31 were against persons not being inebriates detained in a retreat; it related to officers of those institutions.

Clause put and passed.

On clause 24—"Rules as to management of retreats."

The POSTMASTER-GENERAL pointed out that in clause 16 the penalty was inflicted on patients guilty of breach of the rules or of violent conduct, whereas the penalties inflicted by clause 31 were against persons not being inebriates detained in a retreat; it related to officers of those institutions.

Clause put and passed.

On clause 24—"Rules as to management of retreats."
recovered under clause 28; but in the case of a person who was not an inebriate, the penalty was £20, by clause 31. He moved the omission of the words “or assistant inspector” in the last paragraph.

Amendment agreed to; and clause, as amended, put and passed.

On clause 25—“Judge of Supreme Court may make orders to inspect”—

The Hon. C. H. BUZACOTT considered this an admirable clause, and he could not see why its provisions should not be extended to institutions as well as retreats.

The POSTMASTER-GENERAL agreed that it was a very useful clause, but he did not think the hon. gentleman had considered what would be the effect of the extension of its provisions to institutions. It would be like giving the judges power to inspect the lunatic asylum at Goodna, or any other place where people might be detained. The whole of the executive Government was in charge of these places, and it would not be wise to open the door to any collision between the executive and judicial Government.

The Hon. C. H. BUZACOTT asked why should not the door be opened to any man improperly confined in any place?

The POSTMASTER-GENERAL said the Bill provided for the cancellation of the order of detention.

Clause put and passed.

Clause 26 put and passed.

On clause 27—"Offences by servants, officers, and other persons"—

The Hon. C. H. BUZACOTT pointed out that the language of the clause was different from that of clause 15, which dealt with precisely the same condition of things in regard to institutions. The latter took notice of the interpretation clause, while the present clause did not.

The POSTMASTER-GENERAL said he had already had some experience of attempts to interfere with the phraseology of Bills dealing with chemicals or medicines, and he was reluctant to undertake the task of altering this where he knew that the Bill itself had been very carefully examined by medical men.

Clause put and passed.

Clauses 28 and 29 put and passed.

Clause 30 passed with a verbal amendment.

Clause 31 was amended by the insertion of “an institution or” in place of the word “a,” making the clause apply to institutions as well as retreats; and, as amended, put and passed.

Clauses 32, 33, and 34 put and passed.

On clause 35—"Fees to be prescribed"—

The Hon. C. H. BUZACOTT asked if the clause were necessary, as he thought the fees could be prescribed by the regulations.

The POSTMASTER-GENERAL said the regulations would be made by the Governor in Council; but under the Act the fees would be very small, and it would be hardly worth while compelling reference to the Governor in Council whenever there was an alteration, and therefore it was considered necessary to leave the matter of fees to the Colonial Secretary.

Clause put and passed.

The schedules were passed as printed.

The House resumed; the CHAIRMAN reported the Bill with amendments.

RECOMMITTAL.

On the motion of the POSTMASTER-GENERAL, the Bill was recommitted, and amended by the omission of rules 2 and 3 of form 1, and rules 1 and 3 of form 2, in the 7th schedule.

The House resumed; the CHAIRMAN reported the Bill with further amendments.

The report was adopted; and the third reading of the Bill made an Order of the Day for Tuesday.

The House adjourned at twenty minutes to 6 o'clock until Tuesday next.