the Committee stage, will spend a little
time in reading the Hansard debates of
last session, they will come back seized
of the facts, and in a mood to give reason-
able and honest judgment on the various
clauses. I beg to move the second reading.

On motion by Mr. Pigott, debate adjourned.

ADJOURNMENT.
The House adjourned at 20 minutes
past 10 o'clock, until the next day.

---

Legislative Council.
Wednesday, 12th August, 1903.

---

Leave of Absence ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ......
regarded almost in the light of wild animals rather than human beings. Then, again, we find the third period, from about the year 1750 to the year 1850, when although it was realised that these persons should be cared for, if I may use such an expression in connection with the care which was tendered to them, still the most brutal methods were used in keeping them within restraint, and I regret to say even up to the late year I have mentioned, the year 1850, the methods in use were adopted solely with the idea or with the object of keeping these lunatics under restraint, and apparently no effort whatever was made to cure their ailment. Instances are not lacking where many people who might reasonably have been thought to be of sound mind were driven to be insane by the fearful and inhuman treatment which was meted out to them. Now, however, since that day things have, I am glad to say, been improved very much in this respect, until at last we may congratulate ourselves on the fact that the treatment of the insane has reached a stage when the curative tendency of it receives full and due consideration. Dealing with the present Bill, the foundations of it, the principles upon which it is built, are taken from two sources. They are taken from the latest Imperial legislation on the subject, and, coming closer home, from the legislation with regard to the insane which was passed in New South Wales in 1895. So far as the Commonwealth is concerned, that is the latest word upon the treatment of those unfortunate individuals. Members will realise that it would be altogether impossible to adopt in toto the provisions of the legislation in the mother country, and for this reason. England forms an exception to nearly all the civilised world in the control of her asylums for the insane, inasmuch as that, with very few exceptions—and those exceptions connected, I think, altogether with the army, the navy, and the control of criminal convicts—all the hospitals for the insane in England are under the control of local authorities. Western Australia, and indeed any State in Australia, has not reached such a state of progress either in population or in importance as to justify us at this stage of our history in handing over the control of these hospitals—

if there be more than one in a State—to the local authorities. Hence it has been found advisable to adopt the method which has been adopted in New South Wales and throughout Australia, that of keeping these hospitals for the insane under the direct control of the central Government. Going to the civilised countries throughout the world it will be found that their methods of dealing with these persons agree in the main with the Australian method; so that England, although her success is undoubted, forms almost an exception to the general rule as to the control of lunatic asylums throughout the world. Now, I would like to deal shortly with the various provisions of the Bill which is before us. Members will see that this is a lengthy Bill. It has been said, and particularly in newspapers, that the Bill is unduly complicated. I do not think that such is the case. This Bill has been very carefully considered for many months past, not only by the Parliamentary Draftsman, but also by the very able specialist we have in charge of our lunatic asylum at present. Careful comparisons have been made between this Bill and legislation in other parts of the globe, and there is nothing redundant in the Bill so far as I can see. Hon. members must consider that this is a very large question, and I think they will all admit it is a very important one, and it would be unwise to pass legislation which would tend to leave any word unsaid on this important subject. A great deal of the space of the Bill is taken up with a subject which it is absolutely necessary to deal with, and that is the disposition of any property which may belong to an individual who has become insane. That is a most important subject, and one upon which we must be very careful. To insure that the rights of these unfortunate persons shall be rigidly and properly preserved it is necessary to go into a good deal of detail as regards the management of their property, and the appointment of trustees and persons who will see that their interests are properly guarded. Members will see that the Lunacy Act of 1871, whilst not being nearly so comprehensive as this measure, is expressed in language which simply bristles with legal verbiage. This Bill, I fancy, will be much easier
for the average layman to understand than the Lunacy Act of 1871; and that Act will be repealed by the passing of this Bill. Clause 4 is taken up with the interpretation terms, and there is nothing which needs explanation of that clause. Part II., which begins with Clause 5, is one of the most important parts of the whole Bill. This lays down the method of procedure by which persons of insane mind may be placed under restraint, and in this connection I may say that our present legislation, the Act of 1871, is somewhat lacking, if I may use the expression, somewhat careless, somewhat slack. Members will see in the first place, with regard to indigent persons, that upon information on oath being given before a justice that a person deemed to be insane, is without sufficient means of support, or is wandering at large, or has been discovered under circumstances that denote a purpose of committing some offence against the law, such justice may, by order under his hand, require a police officer to apprehend such person and bring him before two justices. It also provides that a police officer may use his own discretion with regard to the apprehension of such person, without being first instigated thereto by a justice. That is, he may on his own initiative apprehend any person whom he finds under the above-mentioned conditions. It also provides that any persons who may reasonably be deemed to be insane, and who are not taken care of or who are being cruelly treated by those persons who should take care of them, may be also taken before two justices. In Clause 7 we find a very important difference between this Bill and the present Act, for it is provided that instead of the certificate of one medical officer being sufficient, as has been the case in the past, after the passing of this Bill a certificate of insanity of any person must be signed by two doctors. The clause farther provides that two doctors must give absolutely independent reports regarding the state of mind of the person whom they are called on to examine. It is thought that the prevention of mistakes being made as to the insanity of any person will be thoroughly effective. But where it appears to justices that they cannot call to their assistance two medical practitioners without causing delay prejudi-
to be insane. It provides that the certificate which is given shall not, at the time of the reception of such person into the hospital or licensed house, be older than ten days. That is so that it shall be reasonable to expect that a person when received into a hospital is in the same state as he was in when examined by the medical practitioner. Clause 11 provides that every medical practitioner who has examined a patient supposed to be insane shall set out the facts clearly and concisely which led him to the belief that the patient is insane, and therefore to the granting of the certificate which has been granted. More important than all, in the last paragraph of that clause it is provided that purely hearsay evidence must absolutely be excluded. It will be of no use for any person to say "So-and-so is mad" because he is doing this or doing that: the doctor must, of his own knowledge, become aware of sufficient symptoms for him to certify to the insanity of the patient, without such hearsay evidence as might be collected from extraneous sources. Clause 12 is new, as also is the last one. It is thought necessary to prevent collusion between medical men and the relatives of suspected lunatics, or rather it is thought necessary to prevent a medical man who is a relative of the suspected lunatic from giving a certificate of insanity. It has been thought necessary to preclude relatives of the suspected lunatic from medically examining him. Clause 13, again, deals with this aspect of the case, providing that—

If a medical practitioner, or his father, brother, son, partner, or assistant has signed one of the certificates for the reception of a person into a licensed house, such medical practitioner shall not (a) by himself or by his servants or agents, receive, or board or lodge, or take the charge of that person in the said licensed house; (b) be the regular professional attendant on that person while under such certificate.

I do not anticipate for a moment that the body of gentlemen who practise the medical profession in this State would be guilty of such conduct, but we have to legislate for all aspects of the question, and it is always well to be on the safe side. A similar provision is contained in both the New South Wales and the British Acts, and that is the reason why it finds a place here. Clause 14, again, proposes a deterrent influence on careless or fraudulent examination of suspected lunatics, because it provides that no certificate shall be granted without examination, and provides also that any medical practitioner guilty of giving a certificate without examination shall be liable to a penalty not exceeding £50. [MEMBER: Not severe enough.] Further, the clause provides that—

If any such practitioner wilfully and falsely certifies in writing that any person is insane, knowing him not to be insane, the practitioner so certifying is guilty of a misdemeanour. Thus the medical practitioner would become liable to imprisonment. Clause 15 is important, inasmuch as it deals with the duration of the order for the reception of a patient into a hospital. It provides that no order for reception shall remain in force after 28 days from the date of the medical certificate. Clause 16 provides for the amendment—if amendment be needed—of the orders and medical certificates subsequently to their having been given. Clause 17 provides that in cases where a patient has been examined by the Supreme Court as being suspected to be of unsound mind, therefore unable properly to administer his own affairs, the certificate of a Judge of the Supreme Court shall be sufficient for the purposes of admission into a hospital for the insane. Clause 18 deals with the penalty for receiving a person into a hospital without the requisite documents. The provision refers, of course, to officials who admit patients without proper proof of the insanity of those persons. Clause 19 gives the statutory power of retaining those persons in a hospital and of recapturing them if they escape. Part III. of the Bill, which is new altogether to our lunacy law, is taken from the statutes of New South Wales. It provides shortly for the return to their native State, should the circumstances appear to demand such return, of persons who have friends in such States and who have become insane in Western Australia. I think the provision a wise one, and it needs to be expressed in statute form in order that it may become properly effective. Part III. farther provides that the Minister administering this Bill may enter into conventions with various States for the purposes of this interchange.
Second reading.

of lunatics, so that each State may more properly bear its legitimate burden of the expense of treating these individuals. Clause 21 provides that justices may send persons found by them to be insane—and, of course, those words, "found by them to be insane," mean upon medical examination—for treatment to such persons' own State. Clause 22 provides that in the interim between the finding of any person to be insane in this State and his removal to another State proper restraint may be applied to him here, and that he is to be deemed to be insane. Clause 23 provides for placing in the hands of the Minister who controls this measure the power to sue persons who may be liable for the maintenance of lunatics. Clause 24 is the converse of the preceding clause. It provides, instead of the sending away of persons from this State, for the reception of persons into this State from places with which a convention of the sort previously indicated has been entered into. Part IV. is an important part of the Bill. I wish to draw hon. members' attention to the fact that as our treatment of lunatics is becoming more reasonable and more lenient, so an indication of this tendency may be found in the very nomenclature which is used throughout this measure. Formerly the places where these persons were confined used to be called mad-houses. Afterwards the term was somewhat toned down, and they were called lunatic asylums. Now it is proposed to call them hospitals for the insane. Although people say there is not much in a name, still I think there is this much in this name—it goes, at all events, to show that the treatment to which these persons are subject is undergoing a change. The name of hospital infers that they are received into a place with the idea that they may be cured, instead of being put, as in the past, into what really constituted a gaol for the insane. It is now proposed to amend the treatment so that the curative tendency of modern science shall be applied in its fullest force. This part provides that the Governor may by notification published in the Government Gazette appoint any place to be a hospital for the insane, and assign a name to it, and may also revoke such proclamation. Farther, it is provided that all places appointed or deemed to be appointed under any previous Act or Acts are to be subject to the provisions of the present Bill. Clause 26 gives power to the Governor to appoint the necessary officers for the proper supervision of these hospitals. Clause 27 provides that a register of persons shall be kept, and that except as to the form of the order, which of course will be the subject of investigation, immediately on any person being admitted into a hospital an entry and a plain description of the person admitted shall be made. Clause 28 provides that within a certain time, seven days, of any admission to a hospital for the insane the Minister controlling the administration of this measure shall be notified of such admission and shall be furnished with a copy of the entry in the register. Clause 29 enunciates certain more or less technical provisions with regard to the keeping of medical journals and case books. Clause 30 provides for entries to be made in the case of death, removal, escape, and recapture, and provides that notice of such happenings shall be sent to the Minister. Clause 31 provides that notice of the death of a patient shall be transmitted to the Minister and also to the relatives of the patient. Part V. I do not suppose will be much used for the next few years in Western Australia. It deals with institutions which were at one time, I suppose, the most flagrant examples of the maltreatment of the insane which have ever existed. I refer to private asylums. Now, however, that such institutions in England and elsewhere are placed under proper supervision, are periodically inspected, and are subjected practically to the provisions of such a measure as this, which refers more particularly to public hospitals for the insane, that stigma has been to a great extent removed. The part now under notice is taken from the Act of New South Wales. That State has a few of these licensed houses or private lunatic asylums, and I understand that a good deal of relief is given to the Government by their existence, and that under the supervision obtaining in New South Wales the condition of those patients who can afford to pay for their treatment in private institutions is greatly improved and that their prospects of recovery are much enhanced.
Hon. J. W. Hackett: Is it proposed to subsidise private asylums at all?

The Colonial Secretary: No.

Clause 32 provides that—

The Governor may, subject to the provisions hereinafter contained, by writing under his hand in the form or to the effect of Schedule Fourteen, grant to any person or to two or more persons jointly, a license, for any period not exceeding three years, to keep a house for the reception of a certain number of insane patients to be mentioned in such license, and may renew or revoke such license.

The succeeding clauses lay down the rules and precautions which are to be taken into consideration before such license may issue. For instance, a plan of the proposed building has to be submitted, and a statement of the area of the land outside the house itself has to be submitted, and also a statement of the proposed capacity of the house in regard to the number of patients to be admitted. Clause 34 provides that in one license may be included more buildings than one. Clause 35 provides that all additions and alterations must be made only after due notice has been given to the Minister controlling the administration of the measure, whilst Clause 36 demands that when a renewal of a license is rendered necessary the person applying for such renewal shall furnish a statement showing the names and number of persons of either sex then detained in the house. Clause 37 provides that if the licensee should become incapable of properly carrying out the provisions of the measure with regard to the licensed house, the Minister may transfer the license to such person as he may approve, and that such transferred license shall remain in force for the same length of time and have the same effect as when originally granted. Clause 38 provides that in cases where the licensed house is taken for public purposes or is accidentally rendered unfit, say by reason of fire or flood or any happening of that sort, the keeper of such licensed house shall have an opportunity of transferring his license to some other place at the discretion of the Minister. Clause 39 provides for notice of revocation of licenses, and Clause 40 stipulates the penalties for detention of patients after expiration or revocation of licenses. Clause 41 is a most important clause, and whereas by other portions of this Bill relatives or friends are permitted to take charge of insane patients, here it is expressly laid down and stipulated that they shall not take such charge with any idea of profit, but that they must be actuated by the feelings of relationship or of friendship and not by any desire to make profit out of another person’s misfortunes. Clause 42 deals with the medical supervision of these licensed houses. It is provided that a licensed house containing more than 50 patients shall at all times have a medical practitioner resident therein. It is not at all probable that such licensed houses will exist here for a great many years, when we consider that the largest licensed house in New South Wales has, I think, 31 or 32 patients therein. The New South Wales Act provides that a licensed house containing 100 patients shall have a resident medical practitioner, but it has been thought better to make this Bill more restrictive, and therefore we have reduced the number here. Subclause 2 provides that a licensed house containing over 25 patients shall be visited daily by a medical practitioner, who, however, need not reside on the premises. It is also provided that a licensed house containing 25 or less shall be visited twice a week by a medical practitioner. Subclause 5 permits the Minister to allow a house containing less than 10 patients to be visited by a medical practitioner less frequently than twice in every week. I hope this clause will not be put into operation. I am of opinion that when these licensed houses spring up, as I suppose they will spring up amongst us, the supervision of them cannot be too complete. Clause 43 provides that the licensee shall reside on the licensed premises. Clause 44 is practically a repetition of a similar clause relating to public hospitals for the insane, providing for the keeping of a register, and for due notice being given to the Minister carrying out the Act. Clause 45 provides for a description of the patient’s disorder of mind by the medical practitioner, and provides also that a medical practitioner who omits to make and send in such entry within seven days of the admission of the patient shall be liable to a penalty not exceeding £10. Clause 46 provides for the application to licensed houses of provisions which have already been considered for the treatment of the
insane in the case of public hospitals. Clauses 47 and 48 are similar. Clause 49 provides that in the case of escape from a licensed house notice shall be given as in the case of escape from public hospitals. Clause 50 provides that notice of death shall be given in a like manner. Clause 51 stipulates that the Minister may grant to any person or to two or more persons jointly a license to keep a place for the reception of one insane person. I suppose this will be exercised in the cases of those persons who have the misfortune to become insane, but who are in possession of sufficient of this world's goods to provide for their being looked after in this more luxurious manner than their fellow beings. Clause 52 provides, as has hitherto been done throughout the Bill, for the exclusion of relatives who may perhaps be interested in the estate of insane persons from having any control or any influence over the division of those persons' property. Clause 53 gives power to the Minister, upon suspicion that any person confined in a licensed house is not insane, to order an examination of such person. Part VI. again is a very important part, and provides for the statutory creation of what are known as reception houses for the insane. This is a thing that appeals, I suppose, more to this State, where there are a great many remote parts, some of them involving long journeys by railway or other means to the capital, where the only hospital for the insane which at present exists is situated. It is a growing necessity that there should be provided in populous centres throughout the length and breadth of Western Australia—perhaps not all at once, but at all events gradually—proper accommodation for those persons who unfortunately lose their intellectual powers in those remote places. It is proposed—indeed it has been done—to place upon this year's Estimates provision for the erection of these reception houses at Perth or Fremantle, or at both, and at places like Kalgoorlie, Geraldton, and Cue, and it is hoped to further amplify this system afterwards. We find that when, say in a place like Cue, any person becomes insane there is absolutely no method of dealing with him. There is no place where he can be put under sufficient restraint to keep him from doing damage to himself or his fellow creatures, and at the same time where the restraint will not accentuate rather than cure the malady from which he is suffering. For this purpose it is intended to erect throughout the State the proper sort of cells, to be placed under the supervision of those managing the hospitals in each place, for the temporary reception of persons who become insane, and for the reception of persons who suffer from an evanescent form of insanity, which I regret to say in the remote parts of the State sometimes occurs—I allude to an attack of delirium tremens. Clause 55 provides that the Governor may appoint a superintendent and a medical officer for such reception houses. Of course, it will be recognised that the medical officer would naturally be the district medical officer who is situated at the place where the reception house is built. The term superintendent is, I think, rather magniloquent. I think that in New South Wales, from which these provisions are taken, the superintendents of these places are more in the nature of caretakers, and are generally old servants of the Government who have been retired from the police or other positions and who are still able to carry out the slight duties in connection with taking care of these establishments. Clause 56 provides for the Minister to make regulations for the government of reception houses. Here I would like to say a few words with regard to the making of regulations. It has been brought to my notice that in some Bills the fact that regulations are to be made is laid down, and the date upon which they shall be laid before Parliament for the consideration of the House is also laid down. In other Bills a bald statement is made that the Minister may make regulations for the purpose of carrying out an Act, and nothing is said about the laying before Parliament of those regulations at a certain time. It will please members to know it is provided by the Interpretation Act—I think it is Section 11 of that Act—that wherever those words with regard to the making of regulations occur throughout any of these Bills, those regulations shall be laid before Parliament, if Parliament is in session, within 14 days, and if Parliament be not in session, then within 14 days of the assembling of Parliament, so that hon.
members need not fear that by clauses such as those which occur in another Bill that I hope to deal with here, unlimited powers are given to the Minister to make regulations which do not come under the eye of Parliament, for revision if necessary. Clause 58 provides that a suspected lunatic who is on remand shall not, as is very often the case at present, go to gaol, and shall not be herded as a criminal, but kept in a reception house until the opportunity occurs of having him examined and sent to a hospital for the insane. But it is also provided by Clause 59 that he shall not be detained in any reception house beyond a period of 14 days, unless a certificate is given by the medical practitioner that he is not in a fit state to be removed. Part VII. is new to our lunacy law. It deals with hospitals for the criminal insane, and this is taking a step, as with our criminals, in the right direction—the classification of those individuals. It is provided that the Governor may, by a notification published in the Government Gazette, declare that any hospital or any part of a hospital may be set aside for the criminal insane, so that those persons who are possessed of criminal tendencies and who in many instances are sent to hospitals from the gaols shall not be allowed to mix with and possibly to contaminate other patients who are suffering from insanity in the same hospital; and provision is made for the usual appointment of officers, for the making of regulations, for a register of patients, for medical journals, for case books, and for giving notice in the case of death or escape. One of the most important little paragraphs in this Bill is found in Clause 67, which provides that where a criminal lunatic is found to be insane before his trial, his detention for any period in a hospital for criminal insane shall not operate as a bar to his subsequent indictment and trial for any offence which he shall have committed. Clause 68 provides for the procedure in reference to certain persons under detention appearing insane. Clause 69 refers to procedure on certain prisoners appearing to be insane. Clause 70 provides for the case of a prisoner under sentence of death appearing to be insane, and it provides also for a thing which I think will never be carried out, that is that if a prisoner under sentence of death becomes insane, and his insanity is cured, he shall be taken back to prison to undergo the sentence. I do not think it possible or probable that provision will ever be carried out. Then, again, when a prisoner, having become insane while serving his sentence, puts in all the remaining time of his sentence in a hospital for the insane, the Minister may order, at his discretion, removal from the hospital for the criminal insane to an ordinary hospital. But if a prisoner exhibits homicidal tendencies, if he shows he will be dangerous to himself or other individuals, he may be retained in the hospital for the criminal insane. Clause 75 provides that any person who is committed to take his trial for attempted suicide and is found to be suffering from insanity shall not be subsequently tried for the offence of attempted suicide, the fact of his insanity being deemed a sufficient defence to the charge which is made against him. Part VIII. deals with the inspection, transfer, and discharge of patients; and here we find that a new office is created, an office new to the State of Western Australia. I wish to point out to hon. members that this Bill, and the Bill which we have just sent away to another place, the Prisons Bill, run on very similar lines. As under the Prisons Bill we constitute a controlling authority called the Controller General of Prisons, so it is proposed to constitute under this Bill a general authority to be called the Inspector General of the Insane. The Bill provides for the appointment of such an officer, and for that of a deputy who shall have that officer’s powers during the officer’s absence or incapacity to act. In this connection it would be well to mention that statutory power is given to the Inspector General to be directly responsible to the Minister; so that instead of his reports filtering through the head of the Medical Department; as is the case at present, the care of the insane being vested in the Inspector General, who will be an expert and a specialist, that officer will be directly responsible for the conduct of his office to the Minister controlling the administration of the
measure. Clause 77, Subclause 2, provides that—

The office of an Inspector General may, for such time as the Governor thinks fit, be held together with the office of superintendent of any hospital for the insane.

I anticipate that this clause will be in effect for a good many years. The sister States, or most of them with the exception of New South Wales, have already appointed such an officer. In New South Wales the two offices are not combined; and that is so because in New South Wales the hospitals are more numerous and more widely distributed than they are here or in South Australia and Victoria. Clause 78 provides for compulsory visits by the Inspector General, and sets out that he is at liberty to choose his own time and his own circumstances for the making of such visits. The clause provides that no obstacle shall be put in his way. It also lays down the course of action which the Inspector General is to take on visiting such houses. Clause 79 is mandatory and not permissive. It lays down the inquiries which the Inspector General shall make as to the physical and moral welfare of the patients confined in such hospitals. It also allows him to make any other inquiries which he may think fit. Clause 80 provides that he shall visit the class of house I have already spoken of, that licensed for the reception of single patients. Clause 81 provides that he shall make an annual report on all these matters to the Minister. Clause 82 precludes the Inspector General from holding any interest in a licensed house, and also provides that he shall not sign certificates in his capacity as a medical practitioner, except in the case of the criminal insane, who I may mention are to be examined by him before admission. All plans for hospitals contemplated must be submitted to the Inspector General for his expert advice. Alterations proposed in licensed houses are also to be submitted to him. Clause 86 is most important: it provides for the appointment of visitors. Hitherto, visitors to our only asylum have been appointed, as it were, for no special expert qualification, but because they have been known as upright, honest, and discreet men; and there has been nothing mandatory in their appointment as to the carrying out of their duties. Now it is proposed under this Bill, in which respect we follow the example of the Acts of England and New South Wales, that certain provisions shall be laid down to be carried out by visitors. Farther, it is proposed that one visitor shall be a medical man and another a legal practitioner. Thus, both the physical well-being and the temporal well-being, the care both of bodies and estates, of the insane confined in these hospitals will come under what I may term expert supervision.

HON. J. W. HACKETT: Are the visitors to be paid?

THE COLONIAL SECRETARY: The Bill does not mention that they are to be paid, but I most certainly think they should be paid, because the fact of payment creates or should create a greater responsibility even than is laid down here, and this clause is fairly mandatory. English lunacy legislation provides for the presence amongst the English Lunacy Commissioners, who are the governing and inspecting body of all hospitals for the insane throughout the United Kingdom, of a medical practitioner and a legal practitioner. This clause is practically the New South Wales section; so that we have two excellent precedents for adopting the course here laid down. As I said before, whereas no duties were laid down previously for visitors to perform, whereas the matter was left entirely to their discretion whether they visited or not, and, if they did visit, what exertions they should make, it is now proposed that the duties of visitors shall be mapped out for them, that they shall make certain visits, and that in making those visits they shall adopt a certain procedure, so that the visits may not be useless. Farther, it is provided that a record shall be kept of those visits, and that reports shall be made if there is any necessity for reports. Clause 87 provides that visitors shall have no interest in a hospital or licensed house. Clause 88 provides for the transfer of patients from one hospital to another. Clause 89 provides for the taking out of Western Australia by order of the Court for their better maintenance, or for any reason which seems good to the Court, of any insane patients. Clause 90 gives the superintendent of any hospital power, for the better supervision or for the improvement of the health of...
any patient, to send the patient away from the hospital for any period which to the superintendent may seem fit, or to permit the patient's absence from the hospital for trial in respect of any offence which the patient may have committed. Clause 91 provides that where patients are harmless, idiotic rather than mad, it shall be lawful for them to be boarded out under proper careful supervision. Clause 92 provides for an order as to the expense in connection with the transfer for an order as to the expense in connection with the transfer of patients. Clause 93 and certain subsequent provisions relate to the discharging of patients. As we have already seen how patients are admitted, and have gained some insight into the manner of their treatment during the duration of their malady, so now we come to the final stage and provide for the procedure in case of discharge. Clause 93, read by itself, would be rather startling, inasmuch as it provides that a patient shall be discharged upon the order of the person, practically, who gave information as to the patient's being insane. Clause 95, however, constitutes a proviso to that clause, saying that a patient shall not be discharged if certified to be dangerous or if unfit in bodily health to be discharged. Thus, the discharge of any person who is not cured, or who is not in a fit condition to leave the hospital, may be prevented. The Inspector General too has power to order discharge, and a discharge may farther be given from a hospital where the friends or relatives of the patients undertake, to the satisfaction of the Inspector General, that the patient will be properly cared for. Clause 98 is very useful: it provides that where friends or relatives of a patient are in such circumstances that they could not properly be saddled with all the expense of taking care of the patient, an allowance may be made by the Government to help them to discharge this duty. The clause also provides that if it should turn out that an indiscreet step has been taken and that the friends or relatives do not treat a patient as he ought to be treated, his immediate return to a hospital may be ordered. Part IX. of the Bill I do not propose to enter into at length, because it is substantially the same as existing legislation. The part is most important and weighty, however, providing as it does for the care of the estates of the insane. No alterations in substance are proposed, and only one or two as regards wording, in the method of expression. Practically this part does not differ from legislation which has been tried for several years, and which is on all-fours with legislation existing in England and in New South Wales, and there not found wanting.

HON. G. RANDELL: As regards Clauses 107 and 108, must the verdict of the jury be unanimous or will a majority verdict be accepted?

THE COLONIAL SECRETARY: I believe—if I am wrong some legal member will no doubt correct me—that in civil cases a majority verdict is accepted; and therefore—

MEMBER: The Bill to that effect did not pass last year.

THE COLONIAL SECRETARY: Quite so; I overlooked that. The reply, therefore, is that the jury must be unanimous. Clause 112 provides for the treatment of the estates of persons who, holding property in Western Australia, have become insane outside the boundaries of this State. Part X. deals with the management of the estates of insane persons and patients, and endows the Master of the Supreme Court with various powers—powers which I am informed are akin to those conferred on the Lord Chancellor in England. I believe the Lord Chancellor is assumed to have charge of the estates, and indeed I think of the persons, of all lunatics and of various other classes of people in England. Here, this power will be vested in the Master of the Supreme Court.

HON. J. W. WRIGHT: Will that provision do away with the power of relatives to administer?

THE COLONIAL SECRETARY: No. The Master of the Supreme Court may appoint any deputy whom he thinks fit to administer the estate of an insane patient, and I presume that in cases where the relatives are fit and proper persons to administer, such an arrangement would be made. As regards the powers conferred on the Master of the Supreme Court by the Bill, hon. members on turning to Clause 125 will see exactly what those powers are. The clause sets them forth concisely.
THE COLONIAL SECRETARY: By Clause 136 the Master may apply to the Court for directions.

HON. G. RANDDELL: By Clause 136 the Master may apply to the Court for directions.

THE COLONIAL SECRETARY: Yes. In Clause 130 the disposition of money in the hands of the Master which forms the estate or accrueth from the estate of an insane person is laid down. Clause 134 provides that sale, etc., by a person when he may be suspected of having been of unsound mind one month before becoming a patient may be set aside. Clause 145 is new, and this provides that in cases of small estates the Court may order that such estate may be transferred—of course, on behalf of the insane person—to the Inspector General. I do not think this need create any alarm in the minds of hon. members, because they must consider that this estate is transferred to the care of the Inspector General by order of the Court only, and furthermore that he is bound down as to its administration by the various provisions in the ensuing clauses. The measure gives him the power to pay out of these small estates for the maintenance of persons in the public hospitals for the insane.

MEMBER: Supposing it takes all the property a man has, what is his family to do?

THE COLONIAL SECRETARY: If the hon. member will read the clauses subsequent to Clause 135 he will find it is provided for. [Interjection.] The proceeds of an estate can be utilised to pay for maintenance of the patient, and I think that is a fair and wise provision. [HON. J. W. HACKETT: Certainly.] There has been, I regret to say, a slight typographical error in the Bill. Immediately after Clause 157 members will see, “Part XII.—Miscellaneous Provisions.” Those words will have to be altered, and “Part XI.—Court Visitors” inserted; and between Clause 158 and the next clause, “Part XII.—Miscellaneous Provisions” will have to be put in. Clause 158 gives power to the Court to order that any patient may be visited by a person who is appointed by the Court to visit him, and I presume to see that his welfare, both bodily and financially, is properly preserved. Part XII. deals with miscellaneous provisions for the due carrying out of the Bill. Clause 159 gives power for an agreement to be made between the Inspector-General and the relative of any insane person for the maintenance of such person whilst detained therein for treatment of his insanity. Clause 160 provides that lunatics cannot be deposited from shipboard without the owner, charterer, agent, or master of the ship being liable for their maintenance during the time they are detained in Western Australia. This will be inflicting no hardship, because several cases have arisen—one or two of them during the short time I have been Colonial Secretary—where this burden has been imposed and cheerfully taken up by the owners of vessels, some of whose crew have become insane during their stay. Clause 162 is one of the most important clauses in the Bill from the point of view of financing the State. It provides that two Justices may make an order on the relations of patients for their support. And now I have a few words to say in this connection, and I am sorry indeed that I have to say them. There are numbers of patients in our lunatic asylums who are not paying for maintenance, and who are a burden on the State, and ought not to be in such a position. As soon as this Bill becomes law the Inspector-General will, I think, be acting wisely if he takes steps to see that the relatives of those persons contribute to their maintenance. In years gone by this was especially the case. For instance, last year we had about 340 patients in the asylum, and only £170 was received as fees for maintenance. That is at the rate of 10s. per annum per patient, which, of course, is absurd. While there must be in that asylum a number of indigent persons, and persons whose relatives are in poor circumstances, it is manifestly most absurd for only £170 to be received in fees to an asylum containing 340 persons, roughly speaking. There are now somewhat more than that. There are at the present time a little over 400.

HON. J. W. HACKETT: Have you any idea how many could pay something?

THE COLONIAL SECRETARY: That more could be paid is evidenced by the fact that this year, since a little effort has been made to collect sums, the average has been about £90 a month for the first six months of this calendar year, the amount being over £500; so a decided improvement has set in. But it is undoubtedly a fact that there are very many patients
whose relatives could afford to pay a part of their maintenance, but who are not contributing to the slightest extent to that maintenance; and therefore this provision, which comes from the New South Wales Act, is likely to be put into operation, and to prove extremely useful. Clause 163 provides that application for maintenance is to be supported by affidavit setting forth the relationship to the patient of the person who is to be sued, and his ability to pay all or part of the maintenance of the insane patient. Clause 165 gives power to justices to make an order for the payment of arrears. I am afraid that in some cases that will be a somewhat large order, and I do not anticipate for a moment that all the arrears will be recovered. But there is a saving clause.

Hon. J. W. Hackett: There can be no arrears under this Act.

The Colonial Secretary: I am not prepared to argue that point, which is purely a legal one. Clause 167, however, is some little consolation, because it provides that arrears may be foregone. Clause 168 gives power to Judges of the Supreme Court to make general orders as to the conduct in all matters of lunacy, and the amount of percentage and of the fees payable in proceedings relating to insane persons and their estates. Clause 169 gives power to the Governor to make general regulations with regard to the provisions of this Bill. Members will remember the other regulations which were to be made were dealing with criminal lunatics, and such regulations could be made by the Minister. Clause 170 is a clause which is inserted in the interests and for the protection of the superintendent of a hospital, giving him power to plead the general issue in case of proceedings being taken. Clause 171 provides that no action shall lie against persons who have acted in good faith in carrying out the provisions of this measure. Clause 172 provides that penalties shall be inflicted upon officers ill-treating the insane. I am glad to think these cases are becoming fewer and fewer; that officers—warders, nurses, and that class of officers who have the care of insane patients—now are made to realise that their care is to be, as I have already said two or three times, as much curative as repressive, and with that object I am certain that only those persons will be engaged in whom confidence can be placed, and that this clause will not have to be put into operation very often. Clause 174 provides for the furnishing of reports to the Master of the Supreme Court and to the Minister. Clause 175 provides that the superintendents shall place no obstacle but try and give every facility to the Inspector-General during visits of inspection to the hospitals for the insane. Clause 176 provides that letters of patients shall be forwarded, or, if not, be laid before the Inspector General or his assistant. Clause 177 contains provisions with regard to various faults on the part of medical practitioners. Clause 178 gives power to the Inspector General and to the official visitors—one of whom, it will be remembered, is a medical man and the other a legal man—to examine witnesses upon oath with regard to any complaint which is made. This, I think, giving them all the powers which are given to a Royal Commission. I think the provision a very necessary one, and I shall be very glad to see it passed as it stands. The clause also provides that a formal summons is not necessary in the case of witnesses. Clause 180, again, is one of those consolidating clauses to which my friend Dr. Hackett took some exception yesterday.

Hon. J. W. Hackett: Oh no. You misunderstood me. What I took exception to was the way it was to be done.

The Colonial Secretary: I thought the hon. member said it was likely to lead to complication. At all events, I promised I would make inquiries as to whether there were any precedents or not, and, if there were precedents, where they came from and what was the general opinion of experts in this class of work throughout the world about these consolidating clauses. I said at the same time that if it was without precedent I was of opinion that it would be a very good thing for Western Australia to get the credit of having introduced it. I am sorry, however, to say that we cannot claim that credit.

Hon. J. W. Hackett: I complained of paragraph 2 in Subclause 2 of Clause 1 of the Early Closing Bill—and I think Mr. Stone bore me out—that it was very
The COLONIAL SECRETARY: I have looked into the matter.

HON. J. W. HACKETT: So have I; but my authority has been kidnapped.

HON. J. W. HACKETT: Do not urge that. The Early Closing Bill is something quite different.

THE COLONIAL SECRETARY: When we come to the Early Closing Bill we shall deal with that.

HON. G. RANDELL: I should like to draw attention to Clause 92, in which the words "Colonial Secretary" appear.

THE COLONIAL SECRETARY: That will be a matter for formal amendment. I feel that I must have worn out the patience of hon. members in introducing this Bill, but I cannot refrain from making a few more remarks. I wish to point out that this Bill is simply a means to an end. It is the administration of the Bill wherein its good or its bad will lie. I think this, therefore, a fitting opportunity to give members some idea of the administrative intentions of the Government with regard to the treatment of the insane. Hon. members know that we have at last undertaken a work which, in my opinion, should have been undertaken some years ago; and that is the erection of a new asylum. We have, I think, secured an admirable site, and before very long I hope—and I am sure every member hopes with me—that the overcrowded, congested state of the building at Fremantle, which has so long served the purpose of, one might almost say, a prison for the insane in this State, will be a thing of the past. I am sure every member echoes the sentiment that the day when the new asylum may be opened and when the patients may obtain the advantages which will there be available, is not far distant. I have already said that it is the intention of the Government to provide reception houses in the most populous centres throughout the State for the proper treatment on the spot, until they can be conveyed to the central hospital for the insane, of persons who are attacked by mania in distant parts. As regards the new hospital, I may mention that we have already some patients on the ground; that certain parts of the building to provide for the reception of the more harmless and the more useful patients are already erected; and that temporary structures are being pushed on in order that still more of such patients may be sent there, so relieving the congestion at Fremantle to as great a degree as possible. I think it must be evident to anyone who thinks on the subject that our treatment of the insane ought to be as successful as the treatment in any other part of the world. We have all the advantages of a glorious climate, so that these unfortunate people are freed from the restraining influence of four walls not only on their bodies but also on their minds. We are able to employ these people out of doors, and I hope that at the new hospital it will be possible to employ them at work which will be remunerative to the Government and which will make the institution self-supporting to some little extent. Not that we wish to treat the patients from a commercial point of view; but it is a well-known fact that when the body is occupied and the mind is occupied, there is less tendency to brood; and the cura-
tive influences on the mind of an insane person are, I believe, very marked where such persons are employed in some fitting manner. It is a peculiar fact, but a fact nevertheless, that Western Australia has hitherto been particularly fortunate in showing a low percentage of insane persons. A table I had drawn up some two or three months ago shows that whilst the normal rate of insane persons per thousand throughout the civilised world is 3.5—that is to say, seven persons out of every two thousand of the inhabitants of the known portions of the world are insane—in Western Australia, strange to relate, the proportion is just one-half of that. Such a state of things one cannot expect to last for long, and indeed during the last few months the percentage has shown signs of increasing.

**Hon. G. Randell:** Does the percentage include lunatics introduced from outside?

**The Colonial Secretary:** Yes; it includes all patients. The percentage is now gradually creeping up from 1.75 towards 2, and therefore it is high time that the step which the Government have taken should be taken.

As our circumstances in this respect change—and I must confess that I thought the influence would be the other way, though apparently it is not—as things settle down, we shall get more of these insane persons, until the ordinary percentage of the rest of the world is reached. I must confess that I thought in a new country, with so many causes of excitement, where sudden rises of fortune occur, and where wealth is as suddenly lost, where the mental stress is so much greater than it is in quieter communities, the percentage of the insane would be higher. Notwithstanding, however, the fact remains that the percentage has been for some years past exactly one-half of what it is in other parts of the world. I think we may be congratulated on having obtained to take charge of our asylum a gentleman who has already demonstrated, as anyone who has been in the habit of visiting the Fremantle Lunatic Asylum will testify, his ability to cope with the form of disease of which he has made a special study. The condition of the Fremantle Lunatic Asylum since the appointment of Dr. Montgomery has materially improved. In saying this, I do not wish to cast any aspersion whatever on the gentleman who occupied the post before Dr. Montgomery. Dr. Hope was absolutely overworked, and never had an opportunity to exercise that curative tendency of treatment which has been so marked since Dr. Montgomery's arrival.

**Hon. J. W. Wright:** Dr. Hope had too many billets.

**The Colonial Secretary:** Quite true; he had too many duties.

**Hon. J. W. Wright:** Yes; and he got too much money. Dr. Hope had nine billets and nine salaries.

**The Colonial Secretary:** In the multitude of billets perhaps there is money. At all events, be that as it may, I have no wish to animadvert in any respect on Dr. Hope's conduct of the asylum. The gentleman now in charge, however, has a better opportunity, and I think I am justified in saying that he makes the best of that better opportunity. These circumstances justify the Government, if justification were needed, in bringing this legislation down. I thank hon. members very much for having given me such a patient hearing. I shall be glad to supply, in Committee, any information which I may have omitted to furnish in explaining the Bill. I have great pleasure in moving that the Bill be now read a second time.

On motion by Dr. Hackett debate adjourned to the next Tuesday.

**Early Closing Act Amendment Bill.**

**In Committee.**

Resumed from the previous day.

Clause 1—Short Title:

On motion by Dr. Hackett, clause postponed.

Clauses 2, 3—agreed to.

Clause 4—Closing time for small shops:

**Hon. J. M. Drew:** The Government had introduced into this Bill the principle of small shops, but had not gone far enough to make the provision one of practical utility. The only ground on which the conceeding of advantages to small shops could be justified was that by this means convenience was afforded to the public without injury to the interests of shop assistants. The Government stipulated in this clause that small shops
should close at eight o'clock, just two hours after the ordinary shops; but it was plain that the two hours between tea time, six o'clock, and closing time, eight o'clock, offered very little opportunity for the general public to do business. Either the small-shops principle should be done away with altogether, or else a real convenience should be offered to the public. Accordingly he moved that lines three and four, "on one week day, 1 o'clock; on one week day, 10 o'clock" be struck out.

The COLONIAL SECRETARY: The Government in introducing this Bill were guided by a desire to enfranchise small shops. The hon. member had said they did not go far enough, but he (the Colonial Secretary) thought that keeping in view the desirability of passing the measure the Government had gone quite far enough and had materially liberalised the provisions of the present Act. These small shops had, before the ordinary shops opened, one hour, that being between seven and eight, and could remain open two hours later than the ordinary shops. He thought that was as far as we could go consistently with the safety of the Bill. He hoped the hon. member would not press the amendment, because it might have an altogether different effect from that which apparently was intended, and he was afraid it would rather imperil matters.

Hon. J. A. THOMSON: The amendment was one which he was inclined to support. He could not see the utility of interfering with the small shopkeepers or any shopkeeper at all. The hours of labour should be restricted, but we should not legislate to compel storekeepers, whether small or large, to close at any particular hour.

Hon. J. W. HACKETT: After all, the small shopkeeper—in whose favour he had spoken strongly—was emphatically in a minority, and if too much was claimed for him he would lose everything. One thought permission to keep open until eight o'clock was a very liberal allowance, and that the extra two hours would give that class of small shopkeepers plenty of time to serve their customers after six o'clock.

Hon. J. W. WRIGHT: We ought to give the small shopkeepers a free hand altogether, and he would like to see them unhampered in any shape or form, as long as they did not interfere with the assistants who had to work in these shops. The successful man was the man who worked all hours.

Amendment put, and a division taken with the following result:

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. W. G. Brookman</td>
<td>Hon. T. P. O. Brimage</td>
</tr>
<tr>
<td>Hon. J. M. Drew</td>
<td>Hon. E. M. Clarke</td>
</tr>
<tr>
<td>Hon. J. E. Richardson</td>
<td>Hon. J. D. Coonolly</td>
</tr>
<tr>
<td>Hon. C. Sommers</td>
<td>Hon. A. Dempster</td>
</tr>
<tr>
<td>Hon. J. A. Thomson</td>
<td>Hon. J. W. Hackett</td>
</tr>
<tr>
<td>Hon. J. W. Wright</td>
<td>Hon. W. Kingsmill</td>
</tr>
<tr>
<td>Hon. B. C. O'Brien (Teller)</td>
<td>Hon. R. Laurie</td>
</tr>
<tr>
<td></td>
<td>Hon. W. T. Leton</td>
</tr>
<tr>
<td></td>
<td>Hon. F. M. Stone</td>
</tr>
<tr>
<td></td>
<td>Hon. Sir Edward Witte-</td>
</tr>
<tr>
<td></td>
<td>noon</td>
</tr>
<tr>
<td></td>
<td>Hon. B. C. Wood</td>
</tr>
<tr>
<td></td>
<td>Hon. C. E. Dempster</td>
</tr>
<tr>
<td></td>
<td>(Teller).</td>
</tr>
</tbody>
</table>

Majority against 5

Amendment thus negatived.

Hon. J. W. HACKETT: Regarding Sub-clause 2, was the shopkeeper to select for himself whether he would have Wednesday or Saturday, or was it to be the choice of the district? According to the wording each shopkeeper might, at his own option, select Wednesday or Saturday. [MEMBER: It was optional.] Was it meant to be optional?

THE COLONIAL SECRETARY: Yes. This clause referred to small shops wherein no assistant was employed, unless the assistant was a blood relative of the keeper of the shop. No injustice was done to an employee; therefore it was absolutely equitable that the shopkeepers should have the right of choosing which day they liked.

Clause passed.

Clause 5—Registration of small shops:

Hon. J. W. HACKETT moved that after "sister," in line 2 of the second paragraph, "grandparents" be added.

THE COLONIAL SECRETARY said he would accept "grandparents."

Hon. J. W. HACKETT: Would the hon. member accept "niece."

THE COLONIAL SECRETARY said he did not think so.

Hon. J. W. HACKETT altered his amendment by inserting "niece" before "grandparents."

Hon. T. F. O. BRIMAGE: Would a half-sister come under the designation of sister?

THE COLONIAL SECRETARY: What the legal definition of sister was he
did not know, but he should think half-sister would come under the designation of sister.

Amendment passed.

Hon. C. E. DEMPSTER moved that paragraph 3 be struck out. The clause would be very undesirable in the form in which it now stood. Why should we not show the same consideration to Asians as to others? They kept respectable stores, they were patronised by the public everywhere, and they were well-conducted as far as he had seen on the goldfields and in the towns on the coast.

Hon. J. W. HACKETT: The hon. member was five years too late.

Hon. C. E. DEMPSTER: It was never too late to mend.

The Colonial Secretary: The amendment was one to which he could not agree, and he hoped it would not be carried. He had no objection to an Asiatic, African, or Polynesian entering into fair competition with persons able to look after themselves, such as big shopkeepers, but in very many cases small shops were taken up as a means of livelihood, and rather a precarious livelihood feared, by widows and orphans, and he did not propose to put these Asians, Africans, and Polynesians in a position to compete with those unfortunate persons. That was one reason, and another reason was that it would be somewhat difficult for men of that race to get assistants, and it would be still more difficult to adduce proof regarding relationship, if they were obtained.

At 6:35, the Chairman left the Chair.
At 7:30, Chair resumed.

Hon. J. E. RICHARDSON: Although at first inclined to support the excision of the third paragraph, he had been led by the Colonial Secretary's explanation to alter his mind, and he would now support the paragraph.

Hon. T. F. O. BRIMAGE: Protection should be afforded to coloured aliens already in business; at all events, some notice should be given them of the coming into operation of this measure.

The Colonial Secretary: None of these persons had legal standing or statutory existence as small shopkeepers. The Bill would not affect coloured aliens as shopkeepers, but it would refuse them registration, and the benefits accruing from registration as small shopkeepers.

Hon. W. T. LOTON: The alien shopkeepers would not be able to trade for the longer hours?

The Colonial Secretary: That was so.

Hon. T. F. O. BRIMAGE: Having heard the Colonial Secretary's explanation, he would support the clause.

Amendment negatived.

Hon. W. T. LOTON: Where did the manager come in, as regarded the fourth paragraph of this clause? Were we to have a small shopkeeper with a manager and assistants as well?

The Colonial Secretary: The object of the provision was to prevent large firms from having agents or managers running small shops in various parts of the town, and by that means entering into undue competition with the needy class of small shopkeepers, for whose protection this Bill was introduced. The provision meant that the man who was manager for another could not be registered as a small shopkeeper.

Hon. W. T. LOTON: That was the intention of the paragraph, but did the paragraph convey that?

Sir E. H. WITTENOOM: An explanation would be found by referring to the interpretation of the clause of the original Act. There the word "shopkeeper" included manager, so that a shopkeeper could do things either by himself or by his manager. At the same time, this paragraph was very ambiguous.

The Colonial Secretary: In this connection one could recognise the advantage of printing proposed amendments side by side with the corresponding provision of the principal Act.

Hon. G. RANDELL had no objection to this clause, the meaning of which was quite clear. At the same time we could not prevent a large shopkeeper from supplying goods, with or without an understanding, to small shopkeepers, and thus materially increasing his trade. He did not think any Act of Parliament could be framed to prevent such action, and it would not be wise or advisable to attempt to legislate in such a direction. While agreeing with the paragraph, he did not think that we should get all we intended to get by it.
Hon. F. M. STONE: One would be glad to know how, under this clause, the shopkeeper was to be distinguished from the manager.

The COLONIAL SECRETARY: It was quite true that to frame an Act in such a way that human ingenuity could not find a way through it was impossible; but this Bill left a great deal to the discretion of the Minister, who could avail himself of information supplied by the police force and by inspectors. Registration of small shopkeepers was not mandatory on the Minister, but purely permissive, and suspicious applications might be refused by the Minister practically without any reason being assigned.

Clause passed.

Clause 6—agreed to.

Clause 7—Application of provisions relating to “small shops”:

Hon. J. D. CONNOLLY: Seeing that we had already affirmed the principle that small shops should exist, he failed to see why the provisions should apply to only such districts as the Minister might from time to time proclaim. Why should not the measure apply to the whole State? He moved that the clause be struck out.

The COLONIAL SECRETARY: This clause practically affirmed the principle of local option, and under it the measure really could not be made oppressive. Ministers were only too glad to be able to please any community, and under this Bill the Minister would act only on learning what was the wish of the majority of residents in a district. It was but reasonable that the Minister should have the opportunity of proclaiming, or not proclaiming, a district as being within the scope of the measure, according to the wishes of the inhabitants.

Hon. J. W. HACKETT: It was to be hoped that Mr. Connolly would not persist in the amendment. We must remember that the danger of all these measures was that they might be of too cast-iron a nature. The Act now sought to be amended broke down because it was too stringent, and there was a similar danger in connection with this Bill. Undoubtedly a number of small places ought to be exempted, and undoubtedly a large number of towns ought to be included; but there was a wide margin between the two. He hoped the Government would apply the principle even so far that certain parts of a town might be within the scope of the measure and others exempt. The clause should be left in its present elastic condition.

Hon. F. M. STONE hoped that the clause would stand, but the word “locality” would serve better than “district.” If it should be found later that such localities as Hay Street were better exempt, the Government might be urged to declare such a street to be outside the scope of the measure, and then the question would arise whether the Government had power to do so; whereas they could undoubtedly, by proclamation, declare a certain locality, in Perth for example, outside the scope of the measure. He therefore moved that in line 2 “districts” be struck out and “localities” inserted in lieu.

The COLONIAL SECRETARY: There was no necessity for the course proposed, because the word “district” was used in the parent Act and there defined as follows:

District means a municipality or other area declared by proclamation to be a district for the purpose of this Act.

That was the definition of “district,” which was a term used throughout the parent Act and throughout this Bill. The hon. member would see that, if it were so desired, even at present the Governor-in-Council could proclaim one part of a municipality to come within the operation of the measure, and leave the other out.

Hon. F. M. STONE: Would it not be advisable to farther provide that the Governor should have power to cancel this proclamation at any time.

The COLONIAL SECRETARY: If this Bill were carried in the proposed form it would become part of the principal Act. The principal Act provided in Section 3 that “The Governor may, from time to time, by proclamation, declare any municipality to be, or cease to be, a district for the purposes of this Act; and may in like manner define the boundaries of any other area, and declare the same to be, or cease to be, a district.”

Hon. J. W. HACKETT: The word “district,” according to the principal Act, was strictly defined. It meant a municipality or other area declared by proclamation to be a district. “Other area” meant an area outside a municipality.
The Colonial Secretary: No.
Hon. J. W. Hackett: It distinctly might mean that, even if it was not intended to do so.

The Colonial Secretary: Part of a municipality undoubtedly was not a municipality, and therefore was an "other area."

Hon. J. W. Hackett: It would be as well for the hon. gentleman to refer to the point.

The Colonial Secretary said he would be quite willing to refer to the point, but he thought that he was correct in his contention. If the words "other area" meant only an area outside a municipality, he was willing to have the clause rectified.

Hon. J. D. Connolly: This Bill was supported by him not because it was a measure for early closing, but only because it was one to restrict the hours of labour. Why should a small man be penalised because he lived in Highgate Hill, Perth? One could go to Subiaco and start a small shop, but simply because he lived in a particular area he was debarred from starting one.

Hon. F. M. Stone suggested that the words "or part of a municipality" be inserted after "municipality."

The Colonial Secretary: There was no objection on his part to accede to the wish which had been expressed by Mr. Stone and Dr. Hackett. He must have had a wrong impression as to the meaning of the parent Act. He was quite prepared to accept the amendment proposed by Mr. Stone.

Hon. F. M. Stone: We should have to alter the definition of "district."

Amendment withdrawn, and the clause passed.

Clause 8—agreed to.

Clause 9—Closing time for certain exempted shops:

Hon. G. Randell: This clause, if carried, would be in contravention of the title of the Bill. Before moving an amendment, he would ask the meaning of the word "respectively," in lines 2 and 3 of the clause.

The Colonial Secretary: The first "respectively" seemed redundant; perhaps the meaning would be clearer if the first "respectively" were struck out.

Hon. G. Randell moved that all the words of the clause after "day," in line 3, be struck out. The proposal that shops should be kept open on Saturdays and week days next preceding Christmas Day, New Year's Day, and Good Friday until 12 o'clock midnight, was simply monstrous. In such circumstances people would have to work on Sunday, as that day was generally understood. Customers trading at 12 o'clock at night inflicted hardship not only on those from who they purchased, but also on themselves. There was a time in this State, prior to the existence of early closing legislation, when all shops closed at 9; now the time had been extended to 10, which was late enough in the interests of common humanity. Although public opinion was not with him, he would be glad if hotels also were closed earlier.

Dr. Hackett: The shops here referred to were special shops; not the ordinary shops.

Hon. G. Randell: Quite so; but there was no reason why any shops should remain open until 12 o'clock. It was undesirable that employees should trudge away to their homes at 1 o'clock on Sunday morning. Such hours would unfit them for enjoyment of their Sundays. No provision was made for relays of employees. Indeed; this clause was possibly in contravention of a section of the existing Act, which provided that shop assistants should work not more than eight hours on certain days, or more than 12 hours on one other day.

The Colonial Secretary: There was not much in the contention that it would be anomalous to provide in an Early Closing Bill that certain shops might keep open until 12 o'clock. No rule was without its exceptions, and it was well that exceptions should be plainly stated; moreover, the exceptions were few in number. Bakers and butchers were to be allowed to keep open until 12 o'clock on the night before a dies non. Let hon. members think of the position of a butcher or a baker left with a lot of perishable goods on his hands when he might have disposed of those goods had his shop remained open for another two hours. In the same way, the proprietors of refreshment rooms offered conveniences to the many people who were in the streets after 10 o'clock on Saturday night and on Christmas Eve. Again, the pro-
vision applied to fruit, vegetable, milk, dairy produce, and tobacconist shops.

SIR E. H. WITTENOOX: Had the owners of shops of this kind made a request for these hours?

THE COLONIAL SECRETARY: There had been no requests in connection with this Bill, so far as he knew.

MEMBER: Make the hour 11 o'clock.

Hon. G. RANDELL said he would consent to 11 o'clock. He asked leave to withdraw his amendment.

Amendment withdrawn.

THE COLONIAL SECRETARY moved that in the last line of Clause 9 "twelve" be struck out and "eleven" inserted in lieu.

Hon. E. M. CLARKE: While in sympathy with the suggestion that 12 should be the closing hour, he thought such a provision would clash with the parent Act, which allowed customers to enter a shop at one minute to 12 o'clock and to remain for half an hour later. While anxious to allow every opportunity for the sale of perishable goods, he considered 11 o'clock quite late enough. The persons who came in at the eleventh hour to make purchase were entitled to no consideration whatever, because they were always the people living next door to the shopkeeper. People living at a distance from shops made their purchases early.

Hon. T. F. O. BRIMAGE: There were two days in the year in respect of which the Government might retain the closing hour of 12 o'clock, the week-days next preceding Christmas Day and New Year’s Day. On those evenings the shopkeepers looked for a harvest.

Hon. C. SOMMERS: The clause should stand. The shops exempted were nearly all shops which contained perishable goods. Quite a number of employees were engaged until 10 o'clock. It would be from a quarter to half-past ten before they got away, and, if they saw a bunch of flowers or some perishable object they would like to purchase, it would be a very dangerous thing to prevent them from doing so. When the people who went to such shops began to thin down, or the shopkeepers sold out their stock, the shops would be closed.

THE COLONIAL SECRETARY: What Mr. Brimage wanted was already provided for in the main Act, with which he hoped this Bill would be read. Section 23 of the principal Act provided that “The Governor may, by proclamation, temporarily suspend the operation of this Act in so far as it applies to the closing time fixed or appointed for any shop or shops.” He fancied that, if any people wished to keep open till 12 o'clock any night, the case could easily be met by the application of that section.

Amendment passed, “twelve” inserted, and the clause as amended agreed to.

Clause 10—Hairdressers’ assistants:

Hon. J. M. DREW moved that after the word “shall,” in line 1, “save and except as hereinafter provided” be inserted. It was his intention to propose as an addition to the clause the insertion of these words: “But nothing in this section shall prevent the bona fide owner or any one and no more of the bona fide owners of a hairdresser’s shop from himself carrying on the business of a hairdresser after the closing time fixed by this section.” At the present time a hairdresser was compelled to close his shop at half-past six every evening, and not only could the employees not work after that time, but he himself was prevented from doing so. He was allowed to keep open his establishment for the purpose of selling tobacco, but if anyone went in for a shave the hairdresser could not shave him, unless he did so at his own risk. One failed to see what good such a stipulation could effect. It was a serious matter for hairdressers in country districts who had a small business. He would object to hairdressers’ employees being kept to work after half-past six o’clock, but he could see no reason why one hairdresser himself should not be allowed to carry on his business. An arrangement might be made with employees by which they might be allowed a very nominal interest in the business; therefore in his amendment he stipulated that only one hairdresser should be allowed to work after the time fixed.

THE COLONIAL SECRETARY: There was a question whether the first amendment was necessary. He had no objection to it, however, if satisfied that it was needed, and certainly he had no objection to the second amendment.

Amendment withdrawn.

Hon. J. M. DREW then moved that the following words be added to the clause: “But nothing in this section shall
prevent the bona fide owner or any one and no more of the bona fide owners of a hairdresser's shop from himself carrying on the business of a hairdresser after the closing time fixed by this section.”

Hon. F. M. STONE: This amendment would be a most dangerous one to introduce. Certain hairdressers' shops were carried on by betting men in the large towns. [MEMBER: Tobacconists.] Tobacconists and hairdressers both, and if this proposal were passed one could let his assistants go and still, as owner, keep that establishment open all night. There would be nothing to prevent the owner from letting his shop and allowing his assistant to become the owner for the time being, a certain rental being paid. The measure could be evaded in many ways. At the present time one let chairs to an assistant, who became the proprietor of those chairs; and so he would be able to let the shop to an assistant. If we passed the proposal we should be doing away with the Act, and giving power to an objectionable class.

Hon. J. M. DREW: That this measure would be evaded he could quite understand. Almost every Act was evaded by some person or other; but we must consider the general community. Probably there were certain persons in Perth—and he believed there were—carrying on the trade or calling of hairdressers who would be prepared to abuse this Bill; but, as he had said, we must consider the whole of the State, and from what he had heard among the general public there was a big demand for increasing the hours of work in hairdressers' shops without doing an injustice to employees.

Hon. T. F. O. BRIMAGE: The amendment had his support. Doubtless a number of shops in Perth at the present time were carrying on a certain amount of betting business, but he thought there were also shops which carried on legitimate hairdressing, and there was really no room in those shops for the purpose of betting. Moreover, we had a police force in this country who had the right of entrée to these shops for the purpose of examining whether any betting was carried on in them or not; consequently he could not see that any betting could be carried on where legitimate hairdressing was conducted. It was a matter of great inconvenience to the public that they could not get a shave after half-past six. A number of people knocked off at six o'clock, and there was a general rush to the hairdressers, and if there were too many people to be shaved between six and seven those who had not been shaved had to go without. He felt disposed to include the hairdressers in Part II. of the schedule, and if Mr. Drew failed in the amendment he had already moved he (Mr. Brimage) would very willingly support an amendment that hairdressers and tobacconists should go hand in hand. In all Australian States he had been in they allowed hairdressers to operate on customers up to 10 o'clock at night, and he could not see why we should prevent them from doing so here. It was generally known that men—more especially the working classes—liked to have a shave on Saturday night, and he had been in cities in Australia where a man would perhaps wait an hour before he got a shave. If barbers' shops were closed at specified hours, how were customers to receive attention? He supported the amendment.

Hon. J. D. CONNOLLY: Under the existing Act, hairdressers could not be employed after a certain time, but the proprietor could work until 10 o'clock; therefore Mr. Drew's amendment would bring us back to the same position.

The COLONIAL SECRETARY: If Mr. Connolly's observations were based on Section 6 of the principal Act, it might be pointed out that that section was repealed by Clause 8 of this Bill.

Hon. J. D. CONNOLLY: If Mr. Drew's amendment were carried, hairdressers employing labour would suffer a hardship, since they would have to close at a certain time whilst the hairdresser employing no hands might continue to work.

Hon. C. SOMMERS supported Mr. Drew's amendment, from which the evils foreshadowed by Mr. Connolly were scarcely to be feared. Many people could not attend at a hairdresser's during business hours to get the necessary attention.

Hon. C. E. DEMPSTER said he was certainly in favour of the amendment. Why should a man desirous of exercising his trade be prevented from doing so?
Hon. J. W. HACKETT: As Mr. Stone had pointed out, under the amendment a man might keep his shop open all night, through the whole 24 hours. Such was hardly the intention of the Government. [The Colonial Secretary: Certainly not.] A closing hour would have to be specified.

Hon. J. M. DREW: No hairdresser would keep his shop open until 12 o'clock at night, because at such an hour no custom would be obtained. There was no objection to the adoption of such an amendment as had been indicated, in place of that which he had moved.

Hon. R. LAURIE: Why should hairdressers more than any other people be allowed to keep open until 11 o'clock? Early Closing Acts and other measures of the kind were designed to restrict the hours of labour, and why should one man be confined to 9 or 10 hours and another be allowed to work 14 or 16? A closing hour of six or seven o'clock would be quite late enough for hairdressers. Anyone who could not visit a hairdresser between eight in the morning and six or seven at night should attend to himself. Hotels also should be closed much earlier. [Hon. J. W. HACKETT: And clubs as well.]

Proprietors of large shops would not sit quietly by and allow the small shopkeepers to work longer hours. The eventual result would be that employees who now got away at half-past six would be kept until midnight. The man paying heavy rent would have to keep his employees in order that he might successfully compete with the man paying the small rent.

Hon. W. T. LOTON could not support Mr. Drew's amendment, under which hairdressers' shops might be kept open until any hour. The time, however, might reasonably be extended on Saturday nights from 10 to 11. There was no valid reason why the hairdresser should not, like the tobacconist, keep open on Saturday night until 11. On that day the workman wanted to get a clean shave for Sunday. The same hours should apply on the week days next preceding Christmas Day, New Year's Day, and Good Friday.

Hon. G. RANDELL: Being in sympathy with Mr. Drew's amendment, he would support that hon. member if an hour were fixed for closing. As now worded, the amendment would allow a proprietor to go on working all night, if he chose. Of course, such was not Mr. Drew's intention.

Hon. C. A. PIESSE moved, as an amendment on the amendment, that after "closing time fixed by this section" there be inserted "until the hour of 10 o'clock p.m."

Hon. J. W. HACKETT: We must bear in mind that an agitation of the most pronounced character had arisen on the part of the hairdressers for shorter hours.

Hon. C. SOMMERS said he had an amendment to move in an earlier part of the clause.

Amendment (Mr. Piesse's) withdrawn temporarily.

Hon. C. SOMMERS moved that the words "or any one and no more of the bona fide owners of a hairdresser's shop from himself" be struck out of the amendment, and "or owners, not exceeding two, of a hairdresser's shop" be inserted in lieu.

The Colonial Secretary: If this amendment were passed it would go a long way towards killing the Bill. There were certain provisions in this Bill which we could not well do without—those relating to the closing of small shops, for instance—and he would be sorry to see them sacrificed.

Hon. F. M. STONE: If this amendment were passed, one could run round it in a hundred ways. It would mean that hairdressers would be able to keep their places open all night, if they liked to do so.

Hon. T. F. O. BRIMAGE: If Mr. Sommers' amendment would enable hairdressers to keep open till 10 o'clock, he hoped the amendment would be passed; but he did not think it was the mover's intention that they should be able to keep open all night.

Second amendment put and negatived.

Hon. J. M. DREW accepted Mr. Piesse's amendment.

First amendment (Mr. Drew's as altered to 10 o'clock), put, and a division taken with the following result:

Ayes ... ... 13
Noes ... ... 7

Majority for ... ... 6
Amendment thus passed, and the clauses as amended agreed to.

Clause 13—Amendment of Section 12:

HON. T. F. O. BRIMAGE: On the goldfields, female assistants and male assistants under the age of 16 years worked on Saturdays from nine in the morning till 10 in the evening, with an allowance of one hour each for dinner and tea, making a working day of 11 hours. This clause would reduce the working hours from 12 to 10½. The clause ought to be struck out. There was no reason why boys and girls should knock off half an hour before closing time.

HON. J. D. CONNOLLY moved that in lines 2 and 3, "ten and a half" be struck out and "eleven" inserted in lieu. Since assistants started work at nine in the morning it followed that, with an hour for lunch and an hour for tea, shops must necessarily close at 9.30 on Saturday night. Yet another part of the Bill purported to permit shops to remain open until 10 o'clock.

THE COLONIAL SECRETARY: The clause should pass as printed. Hon. members seemed to forget that this provision applied, not to all assistants, but only to females and to male assistants under 16 years of age. If any slight hiatus should occur by reason of the earlier departure of women and young people, the older male assistants could fill the gap. Women and young employees must be protected, and he hoped the Committee would not lengthen their working time by a single minute.

HON. T. F. O. BRIMAGE: Many young girls and boys worked in the same establishment with their elder sisters or brothers, and it was hardly a good thing to let the young people away half an hour earlier. He intended to support Mr. Connolly's amendment, which was in conformity with the views of the Goldfields Chambers of Commerce.

Amendment put, and a division taken with the following result:—

Ayes ... ... ... 8
Noes ... ... ... 12

Majority against ... 4

Amendment thus negatived.

Clause passed.

Clause 14—Hours of employment for barmen and waiters and waitresses:

HON. G. RANDELL: There was new phraseology in this clause, the words being "exclusive of such time as may be allowed for meals." The expression in the old Act was "excluding meal times, in any one day." He thought the general understanding was that it meant an hour for dinner, but apparently here it was left to the option of the employer. It might be half an hour or a quarter of an hour.

THE COLONIAL SECRETARY: The phraseology could not, he thought, be any more indefinite than the phraseology in the original Act.

HON. G. RANDELL: There was a definite understanding.

THE COLONIAL SECRETARY said he did not think there was any time laid down more definitely by saying "excluding meal times" than by saying "exclusive of such time as may be allowed for meals." It was, in his opinion, a matter of arrangement between the employers and the employees.

Clause passed.

Clauses 15, 16—agreed to.

Schedule:

HON. J. M. DREW: Under the Bill, newspaper offices would apparently require to be closed at nine o'clock. He moved that the words "newspaper and" be struck out of Part I.

HON. J. W. HACKETT: If the proposal of Mr. Drew were carried, not only would newspaper proprietors be driven from the frying-pan into the fire,
into a sevenfold-heated furnace, because they would have to close at six o'clock. We might safely trust the Government in this respect.

Hon. J. M. Drew: The object was to have newspapers included in Part III., although Part III. was not mentioned in any portion of this Bill, or in the previous Act.

Hon. J. W. Hackett: That was one little point of drafting which he had intended to point out.

Amendment negatived.

Hon. J. M. Drew moved that “undertakers” be struck out of Part I. He would move afterwards that the word be inserted in Part III.

Hon. J. W. Hackett: In this matter also we might trust the Government. It was impossible to carry on an undertaker’s business unless undertakers could make coffins at any hour.

Hon. J. M. Drew: If we trusted the Government with all these things, we should have lop-sided administration.

Hon. C. A. Piesse: If exceptions should be made there ought to be a clause specially dealing with the undertakers, by which they would be exempted from this. In country districts, if an officer read the Act as he (Mr. Piesse) read it, he could at once proceed to prosecute any undertaker for working after certain hours. Perhaps a death took place 40 or 50 miles away, and a man must have a coffin made.

The Colonial Secretary: With regard to undertakers, he did not think there was any difficulty, because the principal part of an undertaker’s business was not carried on in the open shop but in the factory, and it was not proposed under this Bill or the principal Act to stop the making of coffins. Did the hon. member (Mr. Drew) know of any specific instance which he could bring forward where any injustice had been worked in the case of undertakers?

[Hon. J. M. Drew: No.] Was there an outcry from the undertakers?

Hon. J. M. Drew: No. Why should the term be kept there?

The Colonial Secretary: Why should it not be kept there? He had given sufficient justification for keeping it there to satisfy himself. No injustice was worked so long as the making of coffins was not interfered with. There was no intention to interfere with that unpleasant part of the undertaker’s duty which took him outside his shop. The hon. member should accept the present position rather than place the undertakers in a worse position still.

Hon. J. M. Drew said he failed to see that the undertakers would be in a worse position if, later, he moved that they should be included in Part III. of the schedule.

Hon. F. M. Stone: It would certainly be advisable to recommit the Bill for the purpose of exempting newspaper offices and undertakers’ shops from its provisions.

Hon. E. M. Clarke said he quite agreed with the proposal to exempt undertakers, for which there was good reason, especially in country places. If they were not exempted the law must necessarily be winked at; and it was not good policy to pass a measure which was bound to be ignored.

Hon. C. A. Piesse: Hon. members must not lose sight of the fact that in country districts the undertaker’s shop was also his workshop. Undertakers ought to be exempt.

Amendment passed, and “undertakers” struck out.

Hon. W. Hackett: We should now need a special clause with reference to the burial of bodies.

Part II.—(after a point of order) agreed to.

Part III.: Hon. J. W. Hackett asked for explanation.

The Colonial Secretary: Schedule I. of the parent Act included all the shops enumerated in Schedule I. of this Bill, but in the latter schedule the shops were subdivided. Part I. included shops of which the closing time was nine o’clock; Part II. shops of which the closing time was 10 o’clock; and Part III. included shops for which no closing time was specified in this Bill, but for which a closing time was specified in the parent Act. This Bill drew a distinction between two classes of shops, between those mentioned in Part I. and those mentioned in Part II. Part III. embraced shops of which the closing hours were not touched on in this Bill, but which occurred in Schedule I. of the principal Act.
Hon. F. M. Stone: In the absence of copies of the principal Act it was difficult to follow the Colonial Secretary’s explanation.

Hon. J. W. Hackett said he did not quite understand the Colonial Secretary's argument, but perhaps the subject would be clearer if one explored the parent Act closely. If the object sought was that stated by the Minister it had been sought in a most awkward way. Schedule 1 of the original Act was repealed, and another schedule was here inserted. Did it follow that the reference to Schedule 1 in the parent Act would apply to the schedule in this amending Bill?

The Colonial Secretary: Clause 16, which had just been passed, provided for the repeal of Schedule 1 of the parent Act, in order that that schedule might be altered, not in regard to its constitution, but in regard to its arrangement.

Hon. J. W. Hackett: The difficulty was that Section 4 of the principal Act contained a reference to Schedule 1. The schedule referred to by Clause 16 of this Bill was a perfectly new schedule?

The Colonial Secretary: New only in arrangement.

Hon. J. W. Hackett: New because it abolished the old schedule. The Colonial Secretary’s contention was that the references in the parent Act to Schedule 1 still continued to apply Parts I., II., and III. of the schedule to this amending Bill. In law, that was a very doubtful contention. The schedule to the original Act was abolished for ever, and nothing could restore it. The new schedule in the amending Bill had reference to the schedule referred to in the parent Act.

The Colonial Secretary: Certainly it had.

Member: Under Clause 16.

Hon. J. W. Hackett: But that clause did not retain the powers of the original Act with reference to the original schedule.

The Colonial Secretary: Certainly it did.

On motion by Hon. G. Randell, progress reported and leave given to sit again.

Audit Bill.

Received from the Legislative Assembly, and read a first time.

Adjournment.

The House adjourned at 9:45 o'clock until the next day.

Legislative Assembly,

Wednesday, 12th August, 1903.

ELECTORAL VACANCY, NORTH FREMANTLE.

Mr. S. C. Pigott, by leave without notice, moved that the seat of the member for North Fremantle (Mr. D. J. Doherty) be declared vacant. Question passed.

PAPERS PRESENTED.

By the Minister for Lands: Lands and Surveys, Report by the Under Secretary for 1902. Report by Surveyor General for 1902.

By the Minister for Works and Railways: Alteration to Classification and Rate Book. Railway Workshops at Midland Junction, Return showing progress of work; on motion by Mr. Yelverton.

Ordered, to lie on the table.