## ADJOURNMENT.

COAL-MINES REGULATION ACT.

Motion (by Mr. BRUNKER) proposed:

That this House do now adjourn.

Mr. EDDEN (Kahibah) [11·47]: In the inquiry just concluded into the Dudley disaster, great stress was laid on certain points—about certain flashes of gas, and so forth. The commissioner presiding at the inquiry asked if these matters were reported to the manager of the mine. In some cases it was said they were, and in others that they were not. It was then pointed out that the act required that these matters should be reported, even by workmen. I wish to draw attention to the necessity of having the act put into a cheaper form, so that it may be within the reach of every miner. The late Secretary for Mines and Agriculture had the gold-mining act published in cheap form. I forget what the price of the Coal-mines Regulation Act is, but I think it costs several shillings. If, however, the act was issued in a cheaper form, no doubt the increase in the sale would prevent any loss. At the present time, as probably the hon. gentleman is aware, not one man in a hundred has a copy of the act in his possession.

Mr. COOK (Hartley), Secretary for Mines and Agriculture [11·51]: No doubt there is something in the hon. member's complaint, and I know the advantage of having a cheap form of the act such as he suggests should be published. I would remind him, however, that the other mining acts and regulations have not been printed in full in the cheap issue. I do not know whether he suggests the issue of a handbook on the Coal-mines Regulation Act similar to that issued in connection with the other mining acts, or whether he wishes the act to be reprinted verbally.

Mr. EDDEN: At the present time a copy of the act costs about 2s. 6d. The hon. gentleman's predecessor had the law regulating gold-mining put into a pamphlet the price of which was 1s. !

Mr. COTTON: That pamphlet is a synopsis of the law !

Mr. COOK: Well, I will see what can be done.

Mr. NICHOLSON (Woronora) [11·52] I have no objection to the issue of the Coal-mines Regulation Act in a cheaper form, but I think much more importance is to be attached to the fact that these reports are not made public. The fact stares me in the face every day that men who make public the reports given to the "boss" are discharged. Intimidation is a powerful factor in keeping these reports from the public, and several cases which prove that have come within my own knowledge. I know not one or two but several men who have been discharged for complaining of the existence of bad air in a mine, and for making other complaints. If, however, the act were carried out in its entirety, these men would be, to a large extent, protected.

Question resolved in the affirmative.

House adjourned at 11·53 p.m.

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# Legislative Council.

*Wednesday, 21 September, 1898.*

Defamation Bill — Capertee Tramway Bill — Petition — Medical Practitioners Bill (second reading) — First Readings—Sydney Corporation Act Amendment Bill —Art Unions Act Amendment Bill (second reading)— Distress for Rent Restriction Bill (third reading)— Inebriates Bill (second reading)—Special Adjournment.

The PRESIDENT took the chair.

## DEFAMATION BILL.

Bill presented by the Hon. Dr. Garran, and read the first time.

## CAPERTEE TRAMWAY BILL.

Bill referred to select committee.

## PETITION.

The Hon. W. J. TRICKETT presented a petition from the Eight-hour Demonstration Committee, and certain members, associations, and colonists, praying the House to give fair and reasonable consideration to the bill to amend the act for legalising art unions.

## MEDICAL PRACTITIONERS BILL.

SECOND READING.

The Hon. Dr. GARRAN rose to move:

That this bill be now read the second time.

He said: I am relieved of the necessity of making any elaborate explanation about this bill, from the fact that it has already been twice before the House, and has

passed through on a previous occasion. The whole subject of dealing with the medical profession has been several times before the House. In 1889 my hon. friend, Dr. Bowker, presented a bill which was read the first time and then withdrawn. In 1890 the same bill was referred to a select committee, was passed by this House and read the first time by the Legislative Assembly. In 1891 Mr. R. E. O'Connor passed the bill through this House, and it was sent down and read the first time in the Legislative Assembly. In 1892 a similar bill was read a second time in the Legislative Assembly, and was not proceeded with. In 1893 the hon. and learned member, Dr. MacLaurin, introduced a bill which passed this House, and the first reading was agreed to in the Legislative Assembly. That bill was not proceeded with. In 1894 the measure was revived, and a message was received by the Legislative Council respecting it. No further proceedings were taken. In 1894 Mr. Simpson passed a bill through this House, and it was returned by the Assembly with amendments which were considered and sent back by message to the Assembly, but nothing further was done. In 1895 the present Attorney-General introduced a bill which was read the first time. In 1897 my hon. friend, Dr. Bowker, introduced a bill which was passed through this House, and read a first time in the Legislative Assembly. Thus, both houses of Parliament have had this subject very frequently under their notice, and hon. members are pretty well seized of the arguments in favour of the bill, and of the specific arguments for and against certain special provisions. Therefore I need not trouble the House now with any remarks in detail. The Government have reproduced the bill in the hope that this time it will pass; and in order that it may pass the Government have not encumbered it with anything that is not absolutely necessary. Really the great purpose of the measure is to prevent the fraudulent use of medical titles. It is considered that the public, who cannot always have an opportunity of informing themselves on this point, ought to be entitled to know whether any one who calls himself by a recognised medical title has a right to the use of that title, and it is considered that if the fraudulent use of the well-earned titles is prevented the public will, to a large extent, be protected. Of course there will be in the profession itself, as in all other professions, here and there a black sheep, and there will occasionally be men who have passed their examinations who do no credit to the honorable profession to which they belong. The bill makes it illegal for any one to assume any title to which he is not entitled, and therefore the public will to that extent be protected. If any unqualified person practises medicine he will have to do so without asserting that he is either a physician, or a surgeon, or a licentiate, or is credentialed in some other way by any recognised examining board. There will need to be one or two verbal amendments in the bill, because, by a slight oversight, the existing acts are referred to. There is no necessity for that, inasmuch as a consolidation law was passed last session. I shall be prepared to receive any amendments which are not in opposition to the purport of the bill, and which will not stand in the way of its being accepted; but I do not want any amendments put into the bill which will lead to its being thrown aside. The object of the Government is to pass the bill if possible. Therefore they desire to insert no legislation which would stand in the way of its passing. I know very well that there some other hon. members in this and the other House who are medical men who want a great deal more than is included in the measure. They may be right or wrong, but the ground we take is this: that it is best to pass what we can pass, and leave further matters to further experience. There does not seem to be any doubt amongst reasonable people that it is a wrong thing that people should call themselves by a title which is not theirs, and that it is the right thing that the law should prevent the abuse of recognised honorable designations. That is the object of the bill, and I hope, therefore, that it will receive the full consideration of the House.

Question proposed.

The Hon. Sir ARTHUR RENWICK: I regret extremely that the Government in dealing with this large question have not adopted the custom referred to in the speech of the Vice-President of the Executive Council—in other words, that the hon. and learned member has not followed the practice of those who have preceded

him by introducing the bill regulating the whole of the matters connected with the medical profession. Piecemeal legislation of the character proposed in this bill seems to me to be totally inadequate. I am quite sure that the community at large, as well as the medical profession, in fact, all who are interested in seeing our social legislation brought to the perfection promised by the Government a long time ago, would desire to see that system adopted rather than the system of piecemeal legislation contained in this particular bill. The object of the bill, however, is an excellent one as far as it goes, and I can sympathise with the Government in their desire not to meet with obstruction in connection with this particular kind of legislation. I have no doubt that feeling has actuated them in dealing with the question of distinguishing between qualified and unqualified practitioners. There are certain points in the bill to which I would like to direct the attention of hon. members. There is one provision which I consider necessary in order to make the bill sufficient for its purpose, and I have formulated certain amendments which have been printed and circulated with the papers of the House. As a member of the Medical Board of New South Wales, I have found on many occasions that graduates of our universities, and of British universities, are placed at a great disadvantage compared with those who come from other countries. At the last meeting of the Medical Board the following circumstance occurred. A young gentleman, 22 years of age, presented a qualification from an American college. He seemed to me a stripling, and one to whom I am quite sure the community would scarcely be satisfied to trust the lives, health, and treatment of those who were sick. This gentleman, however, had passed the necessary examinations, extending over a period of three years, and had received a diploma, and also the usual certificate to enable him to practise in one of the states of America. The board was compelled, by the present acts in force, to pass that gentleman. Our requirements in connection with the University make it an obligation on all our graduates to pass through a curriculum extending over five years. Our graduates, therefore, are placed at a complete disadvantage in this respect. Anyone who knows anything of the vast number of subjects which are now connected with the medical curriculum and with medical studies must be aware that no man can in three years make himself competent to pass what is considered to be a fair examination or any fair test. Therefore, it is that the Medical Board have advised me, as their president, to ask hon. members to alter the present system, and instead of having a provision for a regular medical course of three years, to extend that course to four years. I am quite sure there will be no difficulty in passing a provision of that kind. It is a provision intended for the safety of the public. I intend, when the bill is in Committee, to ask hon. members to introduce a provision which the Medical Board have always found of considerable importance. As the hon. and learned member, in introducing the bill, has stated, there are some "black sheep" in the medical profession. The Medical Board from time to time receive information from the Imperial council that such-and-such members of the profession have been struck off their list, and adding, "These gentlemen are practising in your colony. Will you kindly take note of this?" In cases of that kind, of course, it would be the bounden duty of the Medical Board, if it had the power, to remove such names, for the Imperial council would, on no consideration, remove any man's name from their list unless they had a good and valid reason for doing it. We are powerless in this matter, and I ask that the Imperial act 21 and 22 Victoria, chapter 90, section 28, be added to the provisions contained in this bill. The words of that section are as follows:—

> It shall be lawful for the board to erase from the register, the qualifications of any registered person derived from any college or body in respect of which such person was registered, when such college or body shall signify to the board that such person has been struck off from the list of such college or body: Provided that the name of no person shall be erased from the register on the ground of his having adopted any theory of medicine or surgery.

These gentlemen are registered in this colony on the strength of certain qualifications. The board or college, or body, which gave those qualifications, having removed them—having considered them not worthy to hold them—therefore, it follows as a necessary consequence that the Medical Board should have power to remove those

names and those qualifications from their list. Unfortunately, the Medical Board have had considerable difficulty in dealing with cases where medical practitioners have been guilty of a misdemeanour or something of a similar nature. The Imperial council have power to remove the names from their list, and I think it is desirable that the Medical Board should have similar powers. With regard to the verbal amendments proposed to be made, these refer merely to matters of error on the part of the draftsman, and I am sure that the hon. and learned gentleman in charge of the bill will be able to get them remedied. Although I regret that the Government have not thought it wise to do as has been done in connection with pharmacists, dentists, and other branches of the medical profession, namely, to introduce a complete measure, still as this is a valuable addition to the acts which are now in force, I shall vote for the second reading of the bill.

The Hon. J. M. CREED: I intend to say very little in regard to this bill. I am of opinion that it is inadequate to meet the conditions under which the practice of medicine and surgery is carried on in New South Wales at the present time. I consider that it does not give that protection to the public which a properly framed bill might have given. But the Government are apparently unwilling to undertake further responsibility, and under the circumstances I think that this House would be doing its duty by passing the second reading of this bill, without making those amendments which the hon. and learned member, Sir Arthur Renwick, has thought fit to suggest. I do not say this because I think these amendments are not necessary, or because if they were carried they would not do good, but because the Government have determined that they will have this particular bill and nothing more. They have brought in this bill on several occasions. The portions of the bill which provide for punishment for the assumption of titles indicating the person assuming them to be a registered medical practitioner, will do a great deal to protect the public from imposition. It will not do all that is required, but it will do a great deal, and I think that in the interests of the public we should pass the bill in such a condition that it will go through quickly. One of the great reasons for the bill not having been passed before, according to the evidence which was furnished by the Hon. Sir George Dibbs and the Hon. R. E. O'Connor, was that, as an irregular practitioner stated, it cost him £1,600—I think that was the sum—every time this bill was brought forward. Where that money went to of course we cannot say. If this bill were in operation, that man would not be able to assume any title, therefore it was to his interest to spend money to prevent the passing of the bill. I think that the passing of this bill will make the way clear for legislation of an effective character—legislation such as will protect the public and ensure the purity of the profession. This being the case, I shall certainly, if the Government insist on it, accept the bill exactly as they have introduced it, with the exception of verbal amendments, even to the exclusion of the very proper amendments intended to be proposed by the hon. and learned member, Sir Arthur Renwick. I think the responsibility rests with the Government. They have accepted a certain amount of responsibility, and if they refuse to accept a further amount of responsibility we have no means of coercing them; therefore I would leave them to have the inadequacy of their action proved by future necessity.

The Hon. C. G. HEYDON: Although I am quite in sympathy with this measure, and shall be very glad indeed to see it go through, I must say that I expect very little good indeed to result from its being carried. The mischiefs that are aimed at seem to me to be very small mischiefs. The 1st clause provides that if anybody falsely sets himself out to be a duly qualified medical practitioner, whereas he is not, and assumes the name of a physician, and so on, he shall be liable to certain penalties, including imprisonment. Well, it is a matter of the every-day experience of an ordinary layman, who is not a member of the medical profession, that persons can practice who do not, for a single instant, profess to be duly qualified medical practitioners, and can get a large share of money from the public, and I have no doubt that people could represent themselves to the public as unqualified persons and admit it in the most open way, and yet get plenty of practice, especially from those people who most want protecting, namely, the poor

and the ignorant. But there is an inconsistency in the bill to which I should like to call the attention of the Government. It is as to the punishment for the offence under the 1st clause and for that under the 2nd clause. Under the 1st clause the offence is if a person

takes or uses the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine,

and so on; and the clause provides that he shall be liable to a penalty of £50, and also to a daily penalty of £5 for every day that he has continued the offence, or to imprisonment for a term not exceeding twelve months. Of course it is a very grievous offence for a person to call himself a qualified man when in fact he is not, and I admit that he should be punished, but whether as seriously as the clause provides is another matter. Under clause 2, there is what to my mind is a much more serious offence set out:

Any person purporting to be but not being the person whose name is stated in any advertisement or notification ——

That is to say, a man who is practising under a false name—a man who is perhaps practising under a name well-known and carrying confidence—the name of some duly qualified man—and who thus sets himself up fraudulently to be a different person from what he is. In that case there is to be no liability to imprisonment. The offence is treated as a less one. The penalty provided for is £20, and the daily penalty £5, but there is to be no liability to imprisonment. That seems to me to be an inconsistency, to which I call the attention of the House. With regard to the amendment suggested by the hon. and learned member, Sir Arthur Renwick, that the period of study should be extended to four years, I must say, after what he has told us, that I cordially agree with him that to qualify any student for the medical profession there should be at least four years' study. It seems to me that the Medical Act requires amending in that respect, and that we should not allow persons who have rushed through a short course of medicine, perhaps in some inferior university—and have obtained a comparatively worthless degree—to come here and enter into competition with young men who are properly trained in this country. As for the other amendments which the hon. and learned member, Sir Arthur Renwick, suggests, I think that they stand in a very different position. I should like to mention now, because I think it should be referred to before we deal with it in Committee, the amendment which the hon. and learned gentleman suggests in clause 2, which would enable the board to strike off the register any person who has been struck off the register of his own university—that in the case of a man coming, say, from America, or some European country, and getting upon our register by virtue of a European diploma, and who is afterwards struck off the register of the country or the university which gave him that diploma, our board should have the power to strike him off. I quite agree with that; but a danger comes in in connection with the proviso:

Provided that the name of no person shall be erased from the register on the ground of his having adopted any theory of medicine or surgery.

How will the board here know on what grounds some person practising in Sydney, say a homœopathist, has been struck off the register of his own university or country? All that they will know will be that he has been struck off that register. There is no provision here for protecting any such person. The proviso, it seems to me, would be perfectly useless. It amounts to nothing in the way it is put. The matter should certainly be much more carefully guarded. In regard to the next clause, I think that the suggested amendment is a very dangerous one for the hon. and learned member to propose, not that I do not sympathise with him. I agree fully, that if, in the opinion of the best men in the profession in Sydney—men composing this board—any member of the profession has been guilty of infamous conduct—and we know, unfortunately, that there are duly-qualified men who are guilty of the most infamous conduct in advertising themselves in the most disgraceful manner, filling their advertisements with lies—the board should have power to strike him off the roll; but does the hon. and learned member think that the power is likely to be used? Does he not think that there will be too much jealousy of allowing members of the legal profession to be judges one of another, and to strike one another off the rolls in that way, for the

proposal ever to be carried? It seems to me that the amendment will endanger the whole of the bill, and for that reason—not because I do not sympathise with it—I think it is almost a pity that it has been suggested. But as far as the bill in the form in which it is proposed by the Government goes, I certainly agree with it, and will give it all the support I can.

The Hon. Dr. BOWKER: I should like to say a few words on this matter. I have seen such misery caused by the want of a proper bill that I think it is the duty of every one in this House and in the country not to rest until they have done all they can to obtain a proper bill. Why do we want a medical bill? We want a medical bill because there are a number of unqualified practitioners who are continually causing deaths in this country. We want to protect the public from these people. Will this bill do it? I ask hon. members to consider this matter well, because it is the most important matter that has ever come before them. It is important in proportion as the lives of the people are of more consequence than property. I do not ask hon. members to consider the medical body at all; I ask them to consider the public. In every country, from the most ancient times, the practice of medicine has been considered the most important thing of all. *Salus populi suprema lex*—"The health of the people is the supreme law." I beg hon. members not to think the matter is not important. That saying, *Salus populi suprema lex*, is backed up by Disraeli in several of his speeches. He says that no doubt the most important thing for a minister to consider is the health of the people. I beg hon. members to think well of that and to act upon it, and not to consider the matter unimportant. Since the childish and puerile excuses of the Premier in refusing to put this bill before the Lower House there have been five or six deaths caused by unqualified practitioners. I beg hon. members to think of the misery caused by that.

The Hon. J. M. CREED: Five or six deaths that are known!

The Hon. Dr. BOWKER: Yes; five or six deaths that have been published—that have come before the courts, and in regard to which people have been found guilty of causing death. One woman is, I believe, now under sentence of death, or was, a little while ago. One man, tempted to practise by the want of a bill of this kind, was hung for practising, and that was, I thought, a hideous calamity. I suppose that the authorities will hardly venture to hang the woman who is now under sentence of death for wilful murder. She was tempted to practise by there not being such a law as I beg hon. members to use every effort to pass. As to this bill, I wonder that the Vice-President of the Executive Council is not ashamed to bring it forward, because I have a great opinion of the hon. and learned gentleman. Instead of carrying out the objects of a medical bill, it goes quite in the contrary direction. It makes a rule for unqualified practitioners—how they shall advertise to practise. Instead of hindering them from practising, it licenses them to practise. I wonder at such a bill being brought forward. The bill, for the reasons I have mentioned, is utterly inadequate, and contrary to the proper object. The proper object of a medical bill is to protect the public of New South Wales from being killed, and their property stolen, you may say, by unqualified practitioners. I ask anybody who reads this bill if it does anything of the kind? It does nothing of the kind. There is nothing more important to any country than to have a proper medical body. That has been admitted from all time. A great lawyer, Cicero, said:

> In nulla re propius ad deos homines accedunt quam salutem hominibus dando.

In nothing do men approach to gods more than in giving health to their fellow-creatures. Although we do not believe all that, we all know that it is a most important thing that the people should have proper safeguards in their extreme want. Such legislation exists in every civilised country. Even in America, the home of freedom, an unqualified man is not allowed to practise. Here, when we want a medical bill, we are presented with a childish measure which makes one ashamed of one's position, a childish, unreasonable bill which does nothing at all. I have heard some say that the bill which I brought in was not a satisfactory measure; but it was very carefully framed from Sir Alfred Stephen's bill, and other measures, and every pains was taken to make it a proper bill. There is no one in the Chamber who does not know the utter inadequacy of the

bill now before us, and yet it is a matter of the greatest importance that we should protect those who are unable to protect themselves. It is difficult to know what to do with this bill. What is the purpose of bringing it in? It cannot be intended to protect people. Is it intended to prevent a proper bill from being introduced; because we cannot bring in another bill this session if this measure is thrown out? It is a terrible grievance, a terrible misery, to a great many people that we should not have a proper measure of this kind passed. I could not accept this bill, it is too absurd. If the second reading is passed the bill may be entirely altered in Committee, and if it is to be of any use it must be altered, but I do not know whether that can be done. I only say this, that it is the duty of every hon. member to do his best to have a proper bill passed. A medical man wrote to me recently and told me about the case of a widow woman who has to support a family. She became ill and called in an unqualified medical practitioner, who said he thought she was suffering from colic. When that medical man attended he found it was a case of hernia, which might have been cured, but when he was called in the woman was too far gone, and she died. Some time ago I was called in consultation upon the case of a person who had come from England in the hope that the change would be beneficial to him. If he could be cured he was willing to remain here for treatment; but if not, he wished to return home to his friends. I found that he was suffering from a disease which could not be cured. Some time afterwards the medical man with whom I was asked to consult told me that an unqualified man had guaranteed to cure the patient in six months. That man died away from his home and friends, because there was not a law to prevent him from being imposed upon by an unqualified practitioner. I shall not support a bill like this.

The Hon. H. C. DANGAR: The discussion on this bill has been confined to those gentlemen who are best capable of expressing an opinion upon it, and I rise with the greatest diffidence to say the few words that I intend to say about it. I rise to express my entire concurrence with the remarks of the hon. and learned member who has just sat down as to the insufficiency of this measure. For years past the public have been crying out for a good medical bill, and although I do not go the length of saying that the Government ought to be ashamed of this bill, I most cordially agree with the hon. member in his denunciation of it as far as its insufficiency is concerned. What is this bill? It professes to be a bill to regulate the practice of medicine and surgery. That is a pretty large order. But what does the bill do? It merely says that those persons who conform to certain requirements under acts already passed shall be qualified to be registered. Of course they are qualified to be registered without this bill if they submit to the requirements of the acts mentioned in sub-clause II of clause 1. All that this precious bill goes on to say is that any person who ventures, without registration or qualification, to undertake to cure diseases shall do what? Shall put up his name. I take it that most of these quacks will put up their names. The bill proposes certain penalties if they do not do it. That, in a few words, is the head and front of this bill. It seems to me that instead of calling it a bill to regulate the practice of medicine and surgery, it ought to be called a bill for the encouragement of quacks. Some events which have lately taken place in connection with the practice of these quacks only emphasise the necessity which has been apparent to everybody for a very long time past—for a stop to be put to the nefarious practices of men who have been allowed to carry on their atrocious business without any interference on the part of the Government. I do not rise to condemn the Government, but I cannot understand what objection the Government can have to pass a more effective measure. We all know that this is a free country. We all know that the liberty of the subject is a very delicate question; but why on earth there should be any forbearance exercised in dealing with these ruffians, who are accustomed to pester society with their abominable practices and pretensions, is what I fail altogether to understand. I will not say any more, except to express my regret that whilst opportunity offered, and there has never been a better opportunity than the present, the Government have not thought fit to introduce a measure that would effectually carry out what I believe they earnestly desire, namely, the restriction

of the exercise of the dangerous trade which is carried on in our midst by these quacks.

The Hon. A. BROWN: I am entirely in accord with the hon. and learned member, Mr. Dangar, with reference to this bill. There was a time in the early history of the colony when a measure of this sort might have been a questionable one, because to my own knowledge there were a number of men who had a certain amount of medical knowledge who did a large amount of good in the interior part of the colony with the little skill at their disposal, and they were better than nothing, because duly qualified men would not go out in the back blocks at that time. But that time has passed away. We have now a University training students. We have railway communication all over the colony, and there is no place where a medical man may not obtain good work—where he cannot, at any rate, earn a livelihood. It is manifest that some measure of this kind is wanted, but not the bill which has been put before us under the title of "A bill to regulate the practice of medicine and surgery." The bill does nothing of the kind. All it does is to prevent someone from putting up the title of doctor, but "quacks" can go on practising after the bill is passed just as they do now. If this bill is passed, we shall have given an instalment which will satisfy the general public for the time-being, and the result will be that it will be practically useless for all business purposes instead of our having something substantial. We ought to pass a bill of a more tangible and satisfactory character, which would do away as far as possible with the immense amount of injury and wrong that are done by men who have not the slightest idea of the practice of medicine or surgery, and who are living on the credulity of the public. No bill that merely says that a man shall not write "dóctor" over his door will be sufficient to cover the delinquencies of the people to whom I refer. An instalment of legislation of this kind will be worse than nothing. It will practically settle for the time being an important question which ought to be dealt with much more extensively than this bill proposes to do, and it will, as the hon. member, Dr. Bowker, says, under cover of an act of Parliament, license a number of unqualified men who will continue to perpetrate injuries such as that class have been perpetrating from time immemorial. They will do it now by license under a statute.

The Hon. Dr. GARRAN: What license?

The Hon. A. BROWN: I do not speak in a literal sense. Under the 2nd clause of the bill, all a quack will have to do will be to put his Christian and surname over his door. I am not speaking for the intelligence of this House. We are not legislating for the intelligent portion of the community, but for a class of people who are unable to help themselves, and with regard to whom this bill will operate as a decoy duck, and do much mischief.

The Hon. J. HUGHES: It ought to be called a bill to regulate the practice of quackery!

The Hon. A. BROWN: It certainly ought. I adopt the hon. member's idea. If we cannot find a better bill than this, let us do without a bill at all. I shall vote against it.

Question—That the bill be now read the second time—put. The House divided:

Ayes, 17; noes, 9; majority, 8.

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| AYES. | |
| Backhouse, B. | Macintosh, J. |
| Cullen, Dr. W. P. | Pigott, W. H. |
| Dalton, T. | Pulsford, E. |
| Garran, Dr. A. | Renwick, Sir Arthur |
| Heydon, C. G. | Shepherd, P. L. C. |
| Hughes, J. | Trickett, W. J. |
| Hyam, S. H. | *Tellers,* |
| Jacob, A. H. | Creed, J. M. |
| Kethel, A. | Humphery, F. T. |
| NOES. | |
| Charles, S. | Roberts, C. J. |
| Dangar, H. C. | Roberts, R. H. |
| Day, G. | *Tellers,* |
| Lee, G. | Bowker, Dr. R. R. S. |
| Norton, Dr. J. | Brown, A. |

Question so resolved in the affirmative.

Bill read the second time.

*In Committee:*

Clause 1. (1) Any person who, not being a legally qualified medical practitioner within the meaning of the act second Victoria number twenty-two, as amended by the acts ninth Victoria number twelve and nineteen Victoria number seventeen, or entitled to be registered as a legally qualified medical practitioner within the meaning of this act takes or uses the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, or surgeon, or any name, title, addition, or description implying that he is a legally qualified medical practitioner as aforesaid, shall be liable to a penalty of fifty pounds, and in the case of a continuing offence against the provisions of this section to a

further penalty of five pounds for each day from the time when the said offence was first committed, or shall be liable to imprisonment for a term not exceeding twelve months.

(2) A person shall be deemed to be entitled to be registered as a legally-qualified medical practitioner within the meaning of this act if, in fact, he has fulfilled the conditions and done the things and possess the qualifications required in the act second Victoria number twenty-two, as amended by the acts ninth Victoria number twelve and nineteenth Victoria number seventeen, in order to entitle him to be registered as aforesaid.

Amendment (the Hon. Dr. GARRAN) proposed :

That the words, "act second Victoria number twenty-two, as amended by the acts ninth Victoria number twelve and nineteen Victoria number seventeen," be omitted with a view to insert the words "Medical Practitioners Act, 1898."

The Hon. Dr. BOWKER said he desired to do what he could for the benefit of the public in connection with the bill, but he would not be able to do it unless the consideration of the measure were postponed.

The Hon. Dr. GARRAN said that if the hon. and learned member asked him to postpone the further consideration of the measure on the ground that he desired to prepare amendments he would consent.

The Hon. Dr. BOWKER said he had amendments to prepare, and he hoped the Government would postpone the consideration of the measure in order to enable him to draft them.

Amendment agreed to.

The Hon. C. G. HEYDON said that if the consideration of the measure were to stand over he would like to draw the attention of the Government to the second part of the clause. This stated :

A person shall be deemed to be entitled to be registered as a legally-qualified medical practitioner within the meaning of this act if, in fact, he has fulfilled the conditions . . . .

He did not see why that was inserted in the clause, because the Medical Practitioners Act said that every person who proved to the satisfaction of the Medical Board that he possessed one or other of the qualifications mentioned in that act should be entitled to the certificate of the board as a legally-qualified practitioner. The clause under consideration stated that a person should be deemed to be entitled to be registered

if in fact he has fulfilled the conditions and done the things, and possesses the qualifications required. . . . . .

The Hon. Sir ARTHUR RENWICK quite agreed with the hon. and learned member. He would, however, insist upon the continuance of this portion of the clause in order that he might insert his amendment with regard to the four years' curriculum.

The Hon. C. G. HEYDON : That amendment can be made subsequently !

The Hon. Sir ARTHUR RENWICK was sure that hon. members would see the necessity for the provision to which he had referred.

The Hon. A. BROWN : What is the course of study now ?

The Hon. Sir ARTHUR RENWICK : Five years.

The Hon. Dr. CULLEN thought the words referred to by the hon. and learned member, Mr. C. G. Heydon, were inserted to explain other words. He thought the clause would be simplified if the words to which the hon. and learned member had referred were omitted.

The Hon. Dr. GARRAN said that as the hon. and learned member, Dr. Bowker, had intimated that he wished to prepare amendments, and in view of the high position he occupied in the medical profession, he felt it was only due to him that he should give him time to draft those amendments.

Progress reported.

## FIRST READINGS.

The following bills were received from the Legislative Assembly, and read the first time :—

Midwifery Nurses Bill (Sir Arthur Renwick).
Broken Hill Trades Hall Site Bill (Mr. Backhouse).

## SYDNEY CORPORATION ACT AMENDMENT BILL.

The Hon. J. HUGHES rose to move :

That leave be given to bring in a bill to amend the Sydney Corporation Act of 1879, by providing for the election of the mayor by the citizens, and for the triennial retirement and election of aldermen.

He said : Although the motion has been formally objected to, I do not discuss the question at the present moment. Of course, I take it that the House will be willing to pass the motion and allow the bill to be in their hands before, at any rate, they express an opinion upon it.

Question proposed.

The Hon. C. J. ROBERTS : I must confess that I do not like objecting to a

motion for leave to introduce a bill, and I am well aware that it is very seldom that objection is taken. My reason for objecting to the motion being taken as formal was that I think the hon. gentleman ought to postpone it for at least a week or a fortnight. The subject of electing the mayor by the citizens is, I understand, to be discussed by the members of the municipal council to-morrow. If a majority of the aldermen should favour the election of the mayor by the citizens, I could well understand the hon. member asking for leave to introduce a bill to carry out their wishes.

The Hon. J. HUGHES: I do not represent the city council!

The Hon. C. J. ROBERTS: I did not say the hon. member did. He represents the whole of the country, I suppose. It must be remembered that the members of the municipal council represent the citizens of Sydney. The aldermen and mayor are elected by the citizens of Sydney, and the citizens elect the aldermen, and the aldermen every twelve months elect their mayor. I will abstain from discussing the question involved in the motion, as the hon. member has not done so; but I wish to point out that nothing would be lost by postponing the consideration of the matter for a week or a fortnight, by which time the House will have before it the opinions of the citizens themselves, for I maintain that the aldermen are the mouthpieces of the citizens. They represent the opinions of the ratepayers generally throughout the city. No petitions have been presented to this House or to the Assembly asking for any alteration in the present law, and the hon. member has not given us any reason why he should move in the matter. I would, therefore, ask him to withdraw the motion and bring it forward again, say, this day week, or at such period that the House will have before it the opinion of the city council on the subject.

The Hon. J. HUGHES: If the hon. member made a request of this nature when the bill was before the House, and gave some reasons for it, I might be perfectly willing to consent. As a matter of fact, I told him that in view of any discussion in the city council, I would be willing to postpone the second reading; but I cannot see, nor has the hon. member given any reason, why the bill should not be read the first time and printed and put in the hands of hon. members, so that they may know what it is. This is a purely formal motion, and the hon. member admits that a discussion at this juncture is unusual, and I think it would have been unfair to the House if I had initiated it. For that reason I held my tongue. The motion is merely to introduce the bill, get it read the first time and printed, and the date of the second reading can be adjusted to suit the wishes of the House. I cannot see any reason for postponement, and I cannot agree to it.

The Hon. H. C. DANGAR: Might I suggest to the hon. member that it might be policy in his own and our interest to adjourn the consideration of this matter for the short time suggested by the hon. member, Mr. C. J. Roberts, for this reason: that the hon. member in charge of the motion may ascertain how far his ideas are in accord with the wishes of the citizens. If the bill is introduced now, and it is found not to be in accordance with the wishes of the citizens, he may be placed in a somewhat difficult position. I know it is unusual to refuse permission to introduce a bill; but under the circumstances, and in view of the fact that there is no hostile intent, it might be for the hon. member's advantage to adopt the suggestion which has been thrown out.

Question put. The House divided:

Ayes, 19; noes, 5; majority, 14.

AYES.

| | |
|---|---|
| Backhouse, B. | Jacob, A. H. |
| Charles, S. | Kethel, A. |
| Creed, J. M. | Lee, G. |
| Cullen, Dr. W. P. | Macintosh, J. |
| Dalton, T. | Pulsford, E. |
| Dangar, H. C. | Renwick, Sir Arthur |
| Garran, Dr. A. | Trickett, W. J. |
| Heydon, C. G. | *Tellers,* |
| Hughes, J. | Day, G. |
| Hyam, S. H. | Humphery, F. T. |

NOES.

| | |
|---|---|
| Brown, A. | *Tellers,* |
| Norton, Dr. J. | Bowker, Dr. R. R. S. |
| Roberts, R. H. | Roberts, C. J. |

Question so resolved in the affirmative.

Bill presented and read the first time.

## ART UNIONS ACT AMENDMENT BILL.

SECOND READING.

The Hon. W. J. TRICKETT rose to move:

That this bill be now read the second time.

He said: This is a measure to amend the Art Unions Act of 1850 in one particular. That act recites in its preamble that:

Certain voluntary associations have been and may hereafter be formed in various parts of New South Wales, under the name of art unions, for the purchase of paintings, drawings, or other works of art, to be afterwards allotted and distributed by chance, or otherwise ——

The bill which it is now sought to pass is to extend the provisions of that measure beyond those works of art—to any article of use or ornament. It will be necessary for me to explain that, for a long time, art unions, for other objects than the advancement of art, have been carried on; and I think it is pretty well an open secret that the Art Unions Act, until very recently, was much more honoured in the breach than in the observance; because art unions, for the purpose of raising money for various objects, have no doubt been carried on in the city with the tacit assent of the authorities, and the articles that have been submitted for allotment have not been only articles of art, such as paintings, but they have embraced many other articles required for the purposes of use or ornament. To-day I presented a petition, very numerously signed, in support of this measure, which largely sets out the objects of the bill. The petition is in these words:

That a bill is being submitted to your honorable House seeking to amend the act for legalising art unions.

That at the present time the act only enables certain voluntary associations constituted for the distribution of paintings, drawings, or other works of art, to hold art unions under special charter.

That objects other than the encouragement of fine arts are or have been aided by means of art unions, carried on without obtaining the special charter required by the said act for legalising art unions.

That with the safeguard provided by the said act requiring such special charter, there are other deserving associations and objects, which would be largely benefited by holding art unions duly sanctioned by law.

That the Eight-hour Demonstration Committee, though having the tacit assent of the authorities to hold an annual art union in aid of the funds for the Trades Hall (formerly in aid of unemployed members of trade societies) are considerably hampered in their endeavours to carry out their efforts, knowing that they are evading the strict letter of the law.

That the Eight-hour Demonstration Committee represent thirty-three trade societies, and the whole body comprises in its benefits at least 20,000 members.

That the said Eight-hour Demonstration Committee depend largely, in regard to their funds and their obligations to pay the mortgage on the Trades Hall, on their said annual art union.

That it would be better, for the interest and protection of all concerned, that art unions should be put on a proper legal footing rather than they should be carried on, as they frequently are, in evasion of the law.

Your petitioners, therefore, respectfully pray that your honorable House will give fair and reasonable consideration to the said bill to amend the act for legalising art unions.

This petition, as I have said, is very largely signed. It is signed on behalf of forty-eight organisations, a list of which I hold in my hand, representing almost every trade and industry in the colony, trades and labour bodies, friendly societies, associations both in Sydney and from one end of the colony to the other, and also by a number of private colonists; and the petition, as signed and as representing the bodies named, covers no less a number of people than 42,380. The Eight-hour Demonstration Committee, in connection with the eight-hour movement—and it will be conceded that the eight-hour principle has become an established fact—have frequently held these art unions. On one or two occasions they have absolutely been granted the written authority of the Attorney-General for the time being. I hold these written consents in my hand. Later, the art unions have been carried on and the authorities have, so to speak, winked at their being carried on; but for some reason or other in the year 1897—whether it was that there was any abuse of the art unions or not, I am not in a position to say—the authorities declared that the law should be strictly enforced. A deputation representing a number of Sydney and suburban charities waited upon the Attorney-General and asked him to allow them to have their annual art unions for the purpose of aiding the various charities. The Attorney-General, in reply, said:

I need hardly tell you that I would have been exceedingly glad, as far as this organisation is concerned, if I could assist you. An impression has got abroad that I can grant or refuse permission to conduct these lotteries, misnamed art unions. I have no power to do either one or the other. The statute law of this colony says that lotteries shall not be allowed, and that anyone who takes part in the conduct of them is an offender, and liable to a fine of £100. When, therefore, the offence is committed it is only a question of whether the police will do their duty and maintain the law, as they should in every other case where the law is broken. In the past,

no doubt, a very strict supervision has not been kept, inasmuch as the end was thought to justify the means, the proceeds of such lotteries being devoted to charitable or deserving objects. This indulgence has been abused. Lottery running has become a trade, and the so-called charities get about half the proceeds in some cases, and nothing in many others. Street nuisances have arisen in the shape of ticket vendors, and the thing has become at last a public scandal, and a strict observance of the law has become necessary, with the consequent result of prosecution and conviction after a warning and refusal to desist. Having directed the proceedings in the one case, I must treat all alike and can make no distinction on account of the object of the proceeding. The law in New South Wales does not permit the holding of an art union or lottery, no matter what the purpose is or the objects for which it is held, except in the following cases:—1. For the encouragement of the production of works of "fine art," under the sanction of the Attorney-General (14 Vic., No. 13, Oliver, p. 60). 2. The disposal by lottery of any articles "exposed for sale at any bazaar or fancy fair held for raising funds in aid of any eleemosynary or charitable institution of a public character" (Lotteries Prevention Act, 16 Vic., No. 2). This does not, of course, entitle the organisers of a lottery or raffle at a bazaar to sell tickets or chances therein at any other place than the room where the bazaar is held. If any number of persons are desirous, as you no doubt most deservedly are, of assisting charities, they can hold a bazaar at which the goods can be exhibited, and lotteries can then be conducted on the spot in the same way as the great fair at St. Mary's is being conducted now. In conclusion, I may add that it is my duty to maintain the law as I find it, not to break it, and however anxious I might be to assist you in this particular case, I am not in a position to do so. That is my formal answer. I must treat all alike when a breach of the law is committed. Under another act anyone conducting a lottery is liable to a fine of £500, and to be treated as a common rogue and a vagabond, and to be subject to the same penalties as all other rogues and vagabonds, as provided in the act made for that purpose.

*Mr. Law:* What act is that?

*The Attorney-General:* 42 George III, chap. 119. I am not in a position to give you permission, and if I were not to take proceedings I would be asked why I did not treat all alike, or others whom I have prosecuted might prosecute you.

*Mr. Jessep:* As law-abiding citizens we are perfectly satisfied with your decision.

*Mr. Rigg:* Then the Eight-hour Art Union will be in exactly the same position?

*The Attorney-General:* All are in the same boat now.

I frankly admit that some of the principal petitioners in this movement are promoters of the great eight-hour demonstration which takes place every year. It must be borne in mind that these people were some time ago granted a site for a trades hall, the building has been erected, certain interest has to be provided to keep the hall going—to be paid to the mortgagees—and one of the great objects of this art union, which is carried on fairly in every way, is, I am told, to enable these people to pay the interest on the debt which they have incurred in regard to the Trades Hall. This matter, it may easily be understood, obtained considerable prominence at the last eight-hour demonstration, held at Rosehill, and the president of the eight-hour committee, Mr. Brennan, stated that it was an unfortunate thing that the art union could not be held as usual:

> He referred to the stoppage of the art union in connection with the demonstration. If it had not the sanction of law it had the sanction of custom, and profits made were devoted to reducing the debt on the Trades Hall. He expressed the hope that the three parties represented would give support to a measure to legalise the art union.
>
> Mr. Reid, in responding, said he entirely sympathised with the eight hours' committee in respect to the stopping of the art union. There was a gambling, objectionable nature running riot throughout the country, and the authorities seemed to be unable to stop it, while their art union, which was innocent in every way, was prohibited. He considered that the sooner the law was brought on to common-sense lines the better. Though he was not inclined to single out the eight hours' committee for this privilege, if he could assist any members of Parliament to pass a bill to rectify matters he would be happy to do so.

Mr. Lyne said that

> he would be glad to give his support to a measure to enable the committee to carry on its art union. He could not understand why it had not been done before.

The question also occupied considerable attention in the press at the time, and leading articles in the principal journals seemed to indicate that—where there was every publicity, where the art union or lottery was carried on under the special permission which was required by the Art Unions Act, where regulations for carrying out the lottery or art union had the distinct approval of the authorities for the time being—there seemed to be no objection to anything of this kind, especially where the money was to be devoted to worthy objects. The object that I have mentioned, I think, will be considered a worthy one. As I have stated, the eight-hour principle has obtained a firm hold in this community. A trades hall site has been granted to these people, and they have erected a fine building, where they

meet for the purposes of their various organisations, and I myself do not think that there can be any reasonable objection to a fairly carried-out art union to dispose of numbers of articles which, in a great measure, are given by citizens to help a movement of this kind. I do not see why they should not be disposed of by art union duly sanctioned by the Attorney-General for the time being, and carried out under regulations approved of by him. In a letter written to me, I am told that the prime movers in support of this measure waited upon the Premier and the Attorney-General, who I thought would have been here this evening, and that both those gentlemen promised to give this measure their support. I do not think that I need say any more at the present time. Seeing that art-unions are recognised for the purpose of disposing of works of art, I do not think there can be any objection to the principle being extended to other articles, when, as I have distinctly stated, there is in this amending bill an express provision that special authority is to be obtained from the Attorney-General, and when the art union is to be carried out under regulations which will have to be submitted to him.

Question proposed.

The Hon. B. BACKHOUSE: I was in hopes that this matter would have been more fully discussed, and I rise, in the absence of any other hon. member speaking, to protest against the second reading being carried, at least without it being debated. I sympathise thoroughly with the object which the hon. member has in view, namely, to relieve the Trades Hall people of a great difficulty; but the question is whether that difficulty should be removed in this way. I think it is only putting in the "thin edge of the wedge."

The Hon. C. G. HEYDON: It is the whole wedge!

The Hon. B. BACKHOUSE: It is virtually the whole wedge. If we pass this bill, we must license every "tote-shop" and every lottery throughout the country. If these gentlemen have, unfortunately, exceeded their means, borrowed money at a rate of interest which they cannot afford to pay, I think they should look about for some other means to accomplish the end in view. They should not introduce a bill of this kind. The hon. member, Mr. Trickett, did not mention that the same bill, word for word, was introduced into the Assembly last session by the leader of the labour party, and I know that a great number of the members of that party are opposed to it. It is wrong in principle and wrong in every way. I was hoping that some of those outside who object to the measure would have petitioned this House not to pass it, but they have not done so. I believe that the majority of the people outside are thoroughly opposed to the bill. Whether this House and the other should pass it or not, I should fail in my duty if I did not speak as to the impropriety of such a course.

The Hon. Dr. GARRAN: This bill is one which comes specially under the cognisance of the Attorney-General, and I understand that he has no objection to it. As will be seen from the last line of the clause, it preserves his control.

The Hon. C. G. HEYDON: This measure is introduced in order to enable one particular body to hold an art union or lottery for the purpose of relieving themselves from one definite difficulty; but it is a measure which will, for all time, enable anyone to hold a lottery for the disposal of anything whatever which he may wish to dispose of. In considering a measure of this wide scope and far-reaching effect it is well to remind ourselves at the very outset that lotteries have been found, in the past, to be an enormous public mischief. Over and over again they have been introduced and have been done away with. They have been made use of for the very best purposes. They have been introduced for public objects, and, as far as I understand, with the most legitimate intentions. I need only refer to the state lotteries which used to be held in the mother country in the early part of this century. Those lotteries were conducted under the management and with the sanction of the Government itself. Everything about them was as fair as could be. Every precaution was taken, not only to guard against fraud and dishonesty, but to satisfy everybody that there was not the smallest ground for supposing that there could be any fraud or dishonesty in the way they were conducted. The proceeds of those lotteries, which were very large indeed, were devoted to assisting the Government in the colossal struggle which at that time it was engaged in with the other powers of Europe

and with France. So that no exception whatever could be taken by any patriotic person to the objects for which the lotteries were held. Nor could any exception whatever be taken to the fairness with which they were carried out; but they were found to be productive of so much harm, and the cause of such serious mischief that they had to be swept away, although for the purpose for which they were introduced they were exceedingly efficacious. Now we should remember that experience has taught us that that is what the past reveals. In renewing the lotteries, therefore, you are trying to renew that which experience has condemned, and that which the smallest knowledge of human nature will tell us must cause the same evil in the future that was produced in the past. When those lotteries were swept away, there was one exception made which it was considered would do no public harm, an exception in favour of what are called art unions. That is to say, bodies of people might come together for the purpose of assisting in disposing of works of art, mainly pictures. That has been found not to be productive of any great amount of public mischief. The desire to become possessed of a superior work of art, an excellent picture, or something of that kind, is not a desire which excites the gambling instincts in people's minds to a very high degree. Accordingly, the exception has operated so as to enable art to be encouraged without doing any very great amount of harm, and in order to prevent the thing from being abused a proviso was introduced into the Art Union Act according to which the proposed art union had to be submitted to the Attorney-General in order that he should see whether or not it really and truly was an art union, a legitimate matter within the scope and intention of the act, or whether it was an attempt to evade the act and to introduce simple lotteries under the guise of art unions. Well, that practice has been effective. During the time that I had the honor to hold the position of Attorney-General a number of these matters were brought under my notice, and I found no difficulty at all in confining them to their proper domain. Occasionally a proposal would come in for something which, with the best intentions in the world, I could not say was an object of art, and the scheme had to be vetoed; but as we have been told in a passage read by the hon. member, Mr. Trickett, from some remarks of the present Attorney-General to a deputation, the provisions of the act have been abused, and there is no doubt that there are continual attempts to abuse them: a desire to get up gambling schemes for the purpose of making money. There are so many people anxious to do it that continual attempts are made to break down this barrier, and to have lotteries for things which are not works of art at all. As the hon. member, Mr. Trickett, says, the matter has sometimes been abused for the benefit of charities, for I suppose it is when a charity or some good object is to be aided that the law is more likely to be strained than if a private gambler came to ask to have his convenience studied. It is on that account that the hon. member has brought in a bill which does not say that the eight-hours organisation shall be allowed to have a lottery of certain specified things to pay off a particular debt, which does not say that charitable bodies shall be allowed to have lotteries of particular things for the purpose of swelling their funds; but which says that anybody, whoever he may be, the greatest gambler in the country, the greatest scoundrel in the community, may hold a lottery to dispose of any article of use or ornament. Will any one tell me what is excluded from those words? I suppose that a sovereign is an article of use as well as of ornament. It would be very hard to find anything at all that would not come in, and what would be the result? In order to enable one body, for which I have every sympathy, to pay off one debt, we shall have the whole law of gambling enlarged. If this mischief is allowed our streets will be filled with people selling tickets for lotteries of all kinds of things.

The Hon. W. J. TRICKETT: It is not for individuals at all!

The Hon. C. G. HEYDON: I know that perfectly well.

The Hon. W. J. TRICKETT: The consent of the Attorney-General must be obtained!

The Hon. C. G. HEYDON: Of course, and the Attorney-General will not refuse his consent when the thing which is to be disposed of is an article of use or ornament. I remember persons a short time ago standing in George-street stating that they represented some body, and canvassing everybody who passed.

The Hon. J. H. WANT: The Druids. They were run in and fined!

The Hon. C. G. HEYDON: That is a good sample of what would take place if this bill were passed. We are told that its provisions confine it to associations. I know that in words it is confined to associations, but those words are absolutely delusive. Who are the members of the associations? They are the people who subscribe to them, buying tickets for the lottery, that is all; so that if a man has a piece of jewelry and wishes to dispose of half a dozen diamonds, he can advertise a great diamond art union, because they always call them art unions, and every man who subscribes his 5s. or £ becomes a member of the association. Then they simply send in a list. What is the difference between that and an individual going and raffling his own personal property? It is a mere nominal distinction. Look at the provisions of the measure. It says:

> The provisions of the act fourteenth Victoria, number thirteen, for legalising art unions shall apply and be extended to include all voluntary associations formed for the purchase of any articles of use or ornament to be afterwards allotted and distributed by chance or otherwise among the several members, subscribers, or contributors forming part of such associations.

All that a man has to do is this: If he has a horse, or an article of jewelry, or a purse of sovereigns, to dispose of, he goes out and touts for people to purchase tickets for a sweep, the names are taken down, and when he has got a sufficient number of names, he takes the list to the Attorney-General, fills in a form which is perfectly well known, and then he is within the act, and the permission is granted. It could not reasonably be refused when it is within the law. I can assure hon. members that the statement that this thing is to be confined to associations is a delusion and a snare. The association will consist of the people who have bought tickets in the lottery. If this bill passes, it will enable anyone to hold a lottery of anything that he wants to dispose of, and how long will it be if we have such an act before the community will be inundated with lotteries for the disposal of all manner of articles?

The Hon. W. J. TRICKETT: Is it quite fair to put it in that way in the face of the proviso of the original act?

The Hon. C. G. HEYDON: I think it is absolutely fair. I do not wish to put it in a way that is not fair. I can assure hon. members that from the experience I have had in these matters I am convinced that what I have stated will be the result if the bill is passed. The hon. member has no idea of what he is doing. He has come forward here to assist a deserving body that I should be very glad to assist if it could be done in a way that would not produce a public mischief. I remember to have read that the first mode practised in China of roasting sucking pigs was to put them into a house and then burn the house down. For a long time that was practised by the Chinese community before they had sufficient intelligence to discover that pigs could be roasted in a much less expensive way. In connection with this bill we have had an analogous proceeding. In order that a few charitable bodies may be able to raise funds for certain legitimate purposes, anybody and everybody is to be enabled to hold a lottery for any purpose to put money into his own pocket; for purposes analogous to those for which bookmakers carry on their business. I am perfectly certain that the bill will open a wide door to further gambling by means of lotteries in this community, and surely we have enough gambling already. It is perfectly well-known that if there is any community in the world which is ridden to death by the gambling fiend it is the community of New South Wales, and this bill would extend it still further. I hope that it will be rejected.

The Hon. W. J. TRICKETT, in reply: I did not expect that so vigorous an opposition would have been raised to this very innocent-looking little measure as has been raised by the hon. and learned member, Mr. C. G. Heydon, who, whatever his views are, is sincere in his opposition. I hardly think, however, that his fears as to the dreadful things which are to result from the passing of the bill will be realised. Although the hon. and learned member's experience in regard to art unions may have been somewhat exceptional, I think a careful supervision by the Attorney-General of the proviso in the original act, will result in there being very little fear of the dreadful things which the hon. member portrayed occurring. In the first instance, before the promoters of an art union can obtain permission to start it, they must obtain from his Excellency the Governor a charter

approved by the Executive Council. This charter is supposed to contain the objects of the association, and it is also, in some way, supposed to indicate the objects of the art union and the purpose for which it is intended to be carried out. I was rather surprised to hear my hon. and learned friend say that if it had been a measure to assist the Eight-hour Demonstration, possibly it would have had his support.

The Hon. C. G. HEYDON: I did not say that. I said that I sympathised with the eight-hour people!

The Hon. W. J. TRICKETT: I really cannot see, if the hon. and learned member admits that the bill would be fair to a body of that kind, why it should not be fair to similar organisations which may exist from one end of the country to the other.

The Hon. C. G. HEYDON: I should like to say a word in explanation. I did not say I would support the bill if it had been confined to the eight-hour movement. What I said was that the object of assisting the eight-hour movement was one with which I sympathised very strongly. One may sympathise with an object; but he may have very strong objections to the means by which that object is going to be supported.

The Hon. W. J. TRICKETT: I think it would have been better, then, if nothing had been said in regard to the matter. The hon. member, Mr. Backhouse, who until to-night I always looked upon as the friend of the working-classes, has expressed the opinion that the labour party as a body are opposed to the measure.

The Hon. B. BACKHOUSE: A large number—the majority of them!

The Hon. W. J. TRICKETT: Since that statement was made by the hon. member, the following members of the Legislative Assembly have sent me a memorandum stating that they are thoroughly in accord with the measure, and would like to see it passed into law, namely, Mr. McGowen, Mr. H. Ross, Mr. W. M. Hughes, Mr. Spence, and others.

The Hon. B. BACKHOUSE: I am very sorry for them!

The Hon. W. J. TRICKETT: Others who are absent would like, I am told, to see the measure passed. I have nothing further to urge, excepting that I fail to realise that such dire consequences will follow the passing of the measure as those depicted by the hon. and learned member, Mr. C. G. Heydon. I think the measure will be productive of great good. The act has not been found to work any great harm in enabling rich people to obtain pictures. Why should we not extend the act now, and enable people to hold art unions for articles such as we know are the subjects of lotteries and art unions, if we are careful that the regulations and the objects to be benefited are approved of by the Governor of the day? I hope hon. members will see their way to allow the measure to pass.

Question put. The House divided:

Ayes, 6; noes, 9; majority, 3.

AYES.

| | |
|---|---|
| Garran, Dr. A. | |
| Hughes, J. | *Tellers,* |
| Humphery, F. T. | Creed, J. M. |
| Roberts, C. J. | Trickett, W. J. |

NOES.

| | |
|---|---|
| Charles, S. | MacLaurin, Dr. H. N. |
| Cullen, Dr. W. P. | Norton, Dr. J. |
| Jacob, A. H. | *Tellers,* |
| Lee, G. | Backhouse, B. |
| Mackellar, C. K. | Heydon, C. G. |

Question so resolved in the negative.

## DISTRESS FOR RENT RESTRICTION BILL.

THIRD READING.

Motion (Hon. Dr. CULLEN) proposed:

That this bill be now read the third time.

The Hon. S. CHARLES: The bill now proposed to be passed seems to me to strike a blow, to a certain extent, at capital. I believe that if it is passed, it will defeat the object for which it was introduced, namely, to protect the poorer classes of the people who rent small houses. Nearly the whole of the small houses in the city and suburbs belong to working people who have saved their earnings to erect them. It is well known that the very worst class of tenants occupy these houses, and if the right of the owners to protect themselves is taken from them, it will certainly cause a change—a change which will result in no owner of small houses allowing any person to go into them until the rent is paid in advance. Will it assist the poor working people if they are compelled, before they have a shelter over their heads, to produce the rent? I know of several working men who

have laid out the whole of their capital in small houses. I know, also, from experience, that during the last three years the rents for small houses will barely pay the rates, taxes, and repairs. I know of one case in which an owner has, during the last three years, laid out over £2,000 upon fourteen small houses, and I know he has not received anything like the interest on the outlay on repairs, exclusive of the capital invested in the buildings. I know of a case in which a man has never distrained on a single tenant, although during the last three years half his rents have not been paid. I have it from his own lips that if the bill is passed he will not allow a single tenant to go into his houses unless the rent is paid in advance. Will that assist the poor, whom the bill is intended to assist? It will be a downright injury to them. A person cannot get a bad tenant out of a house, if he follows the regular process of law, in less than three weeks. He may lose three weeks' rent, and have no remedy. The bill is an injustice to the landlord in the first place, and in the next place it will injure the people whom it is intended to benefit. I am sorry I was unable to be present when the second reading was proposed. It is a little unusual to comment upon a measure upon its third reading; but I have had no other opportunity. I hope, under the circumstances, hon. members will reject the bill. I certainly intend to vote against it, and will oppose it even if I stand alone.

Question put; the House divided; and there being no second teller on the side of the noes,

Question resolved in the affirmative.

Bill read the third time.

## INEBRIATES BILL.

### SECOND READING.

The Hon. J. M. CREED: As the attendance in the House is so small, and as this is a matter of great public interest, I think that, perhaps, it will be better to postpone the second reading of the bill. I do not like to ask that the House shall be called together to-morrow, there being no other business on the paper. Therefore I move:

That the order of the day stand an order of the day for Wednesday next.

I trust the House will then proceed with it.

Question resolved in the affirmative.

## SPECIAL ADJOURNMENT.

Motion (by the Hon. Dr. GARRAN, *with concurrence*) agreed to:

That this House do now adjourn until Wednesday next.

House adjourned at 8 p.m.

# Legislative Assembly.

*Wednesday, 21 September, 1898.*

Questions and Answers (Improvement Lease, Mundowey—Taxation Department: Overtime—Government Printing Office—Railway to Walgett and Collarendabri—Artesian Bore at Walgett—Artesian Wells at Eurie Eurie—Partially-paid Troops—Auditor-General—Railway into the City—Imperial Non-commissioned Officers—Sydney Hospital—Fisheries Bill—Libraries for Public Schools—Rabbit Bill—Report on Finances: Auditor-General—Distribution of Newspapers by Post—Federation Proposals—City Railway—Miners' Relief Fund)—Papers—District Surveyors—Third Readings—A. Clark's Conditional Purchase—Rossiville—Kenmore Asylum—Indecent Advertisements Bill—Monthly Return of Accidents—Convictions: Food and Liquor—Importation of Cattle and Pigs—Trade Option Bill—Australasian Federation (Resolutions)—Distress for Rent Restriction Bill—Adjournment (Federal Resolutions—Case at Wyalong).

Mr. SPEAKER took the chair.

## IMPROVEMENT LEASE, MUNDOWEY.

Mr. CARROLL (for Mr. O'SULLIVAN) asked the SECRETARY FOR LANDS,—(1.) Does he intend to ratify the sale, under improvement lease, of block 222, parish of Mundowey, Tamworth land district? (2.) Does he intend to again submit to auction, under improvement lease, block 219, containing an area of 2,600 acres, parish of Mundowey, Tamworth land district?

Mr. CARRUTHERS answered,—(1.) No. I have decided to reoffer at auction the lease of this block. (2.) Not at present; but the matter cannot be dealt with until an application for a conditional lease of a part of the land had been disposed of.

## TAXATION DEPARTMENT: OVERTIME.

Mr. STEVENSON (for Mr. PERRY) asked the COLONIAL TREASURER,—(1.) How much overtime was paid in conection with the Taxation Department during the last financial year? (2.) Is it a fact that some three persons outside the Public