

who are cute enough to manipulate their balance sheets in such a way that their income disappears should not be looked after. Members will follow me in the broad sense of my meaning. I believe that a man's income should be taxed, and not all these irritating and annoying items which it is so difficult to recognise as income. I, therefore, ask the Chief Secretary to pass the suggestion on to the Government. Whether it will carry any weight or not is another matter, but I should like the Government to know how much this relief would be appreciated by those who willingly pay income tax, who pay a far greater percentage than they ought to pay, and who desire that they should be asked to pay only on what is their natural income. Taxation at present is very heavy. The more we take away from the people, the less are they possessed of for the purpose of developing the country. So long as they are assessed on what is actually income, people are prepared to pay income tax. I regard a tax on income as probably the fairest way in which revenue can be obtained, but I am opposed to a land tax for the reasons I have indicated.

Hon. W. T. Glasheen: A tax on income can be passed on, and so the tax is not always paid by the taxpayer.

Hon. Sir EDWARD WITTENOOM: I am dealing with the subject along broad lines. I suppose there are objectionable practices indulged in by some people.

Hon. J. Nicholson: The land tax cannot be passed on.

Hon. Sir EDWARD WITTENOOM: In the returns furnished by pastoralists are to be found many items respecting which the tax cannot be passed on, and yet those items are such that they cannot be regarded as income. Those burdens press very severely. If people were assessed on what was actually income—

Hon. J. Nicholson: On bona fide income.

Hon. Sir EDWARD WITTENOOM: Yes; if that were done, people would be prepared to pay a fairly high tax because that is a fair basis.

Hon. J. M. Macfarlane: What about the Thorogood case that was dealt with in the High Court recently? He was being taxed on profits to be earned during the next 20 years.

Hon. Sir EDWARD WITTENOOM: I do not desire to go into details, but in the instance referred to by Mr. Macfarlane, one

of the judges passed very severe strictures on the methods adopted by the Commissioner of Taxation. I am speaking in a general way with the object of suggesting that the Government should continue their splendid record to date, and endeavour if possible not only to reduce taxation but to levy the tax on what is, as Mr. Nicholson suggested, bona fide income only.

On motion by Hon. E. Rose, debate adjourned.

### ADJOURNMENT—SPECIAL.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [5.34]: I move—

That the House at its rising adjourn until Tuesday, the 27th September.

Question put and passed.

*House adjourned at 5.35 p.m.*

## Legislative Assembly,

*Wednesday, 21st September, 1927.*

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

### QUESTION—WATER METERS.

Mr. J. MacCallum SMITH asked the Minister for Works: 1, Has any officer of the Metropolitan Water Supply Department recommended the discontinuance of the use of water meters? 2, If so, will he make the recommendation available to the House?

The MINISTER FOR WORKS replied: 1, No. The principal professional officers of the department have consistently advocated adequate metering. 2, Answered by No. 1.

## LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for two weeks granted to the member for Canning (Mr. Clydesdale) on the ground of urgent private business.

## BILL—BILLS OF SALE ACT AMENDMENT.

Introduced by Mr. Davy and read a first time.

## BILL—ELECTORAL ACT AMENDMENT.

Read a third time and transmitted to the Council.

## BILL—CRIMINAL CODE AMENDMENT.

### *Second Reading.*

Debate resumed from the 14th September.

**MR. THOMSON** (Katanning) [4.40]: I have listened with a great deal of interest to the speeches that have been made concerning this Bill. I feel that the House is under a debt of gratitude to the member for Perth for having introduced a subject that is so broad, and one that might have such a wide effect if the Bill should become law. I cannot help thinking that the present trend of our modern legislation is more in the direction of protecting the inefficient than it is of protecting the efficient. There is no gain-saying the fact that the object of this measure is to protect the inefficient. Clause 2 contains the following:—

If a jury find any person guilty of murder or wilful murder, but are of opinion that he was, at the time when he was committing the crime, incapable, by reason of mental disease or deficiency, of forming a rational judgment as to the normal quality of the act he was committing, etc.

Let us follow the intention of the member for Perth to its logical conclusion. In a fit of passion some reputable citizen of this State may commit a crime. To all intents and purposes he would be normal in every way, but according to the intentions of the hon. member there would be no hope for that individual to evade the responsibilities of his action. He must pay the penalty of the law. If, on the other hand, the individual is deemed incapable of forming a rational

judgment as to the moral quality of the act he has committed, according to this Bill he is to be protected from the law. I should like briefly to touch on one or two points that have come under my notice in a book entitled "Mankind at the Crossroads," by E. M. East. The writer deals with the general trend throughout the world in the direction of protecting the inefficient. His ideas are almost on parallel lines to those put forward by the member for Perth. On page 31 the writer states—

The work of Goddard has shown how the common type of feeble-mindedness is due to some sort of deficiency in a single gene, and that it is transmitted as simply as blue eyes or albinism. Psychological and genetical studies have developed that above the degree of feeble-mindedness exist numerous grades of inherent intellectual ability of which the transmission is no more complex than that of stature.

On page 41 he says—

Medical effort and social charity have enlarged the meshes of the sieve by which Natural Selection has done its work. Incompetents are saved and are encouraged to increase their kind. What society ought to do is to provide more adequately for the education and encouragement of its most able sons and daughters. Generosity in this respect would pay real dividends. Charity of the present type, where more of the public money is spent on the imbecile than on the genius, is of rather doubtful value. The final result would appear to be a proportion of imbeciles sufficiently high to guarantee decadence and dissolution.

On page 231 he states—

We are making stupendous efforts to prevent natural elimination of the anomalies, the lack-wits, and the ne'er-do-wells. The first part of this responsibility, preservation, society ought to accept in the interest of its own ethical development; the second part, perpetuation, is a sad mistake. And if the still small voice of common sense ever makes itself heard, there will be two changes for the better in future procedure. There will be as much recognition of and aid for the efficient as there is now for the inefficient; and there will be some slight police regulation and a great deal of educational restriction of the birth-rate among those who cannot bring healthy capable children into the world. The first change will show intelligence, the second will bespeak wisdom. The public money is now spent largely on the indolent, the pauper, and the criminal. Institutions are provided for the lame, the halt, and the blind. There are almshouses by the score. There are free hospitals and public clinics. There are schools for feeble-minded and backward children. This type of social sanitation may be wholly proper, though in part the results are of questionable value; but one wonders why a whole-souled benevolence must include the encouragement of the recipients to produce increasing bat-

talions of their own kind to weigh down the burden of the next generation. And one is entitled to ask why this benevolence stops at just the wrong place. Why are there not schools for precocious and brilliant children? Why do the ambitious and industrious have to fight so hard for education and health? Why are the rotten timbers of society repaired and painted, while the more solid framework is abandoned to wind and weather? Why is the producer repressed and his fertility restrained to make room for the parasite? One of our prominent social workers is quoted as saying that every child is worth 5,000 dollars to society. Stuff and nonsense! Some of them are not worth 5,000 Soviet roubles—they are liabilities, not assets; others are worth golden millions. If prosperity is to be promoted, the assets should be increased and the liabilities reduced.

I read carefully the speech delivered by the member for Perth and if ever any member adduced arguments in support of the contention that some means should be adopted to restrict the increase of incompetents, imbeciles and criminals, it was that hon. member. We are dealing with an important amendment to the Criminal Code that professes to perpetuate the system in existence to-day whereby protection is afforded the inefficient and the criminal, while those who are efficient have to pay the extreme penalty of the law should anyone lose his life through any act of theirs. While we boast of our civilisation, in my opinion we are not yet properly civilised. I can speak feelingly on this subject. I would like to take hon. members of this House to some of our public institutions to see some of the beings who are at present in the care of the State. Some years ago I had occasion to visit the Eastern States and I went to a certain institution. I admit quite frankly that I did not conceive it possible there could be such beings in human form as I found in that institution. In our animal life should there be anything abnormal or detrimental to any particular class of stock, the animal affected is destroyed. While I was in Sydney recently I attended a race meeting at which a beautiful horse broke its leg during a race. It was immediately destroyed. While I recognise the grave dangers involved, against which precautions would necessarily have to be taken, it seems to me that instead of keeping some of the awful monstrosities in human form to be found in our institutions, it would be kinder to put them in a lethal chamber and send them to sleep for ever. I believe the member for Perth will agree with that suggestion. Had he introduced

a Bill to make the method of applying the death penalty different from that in use to-day, I would have supported him. I believe a more humane method should be adopted in the interests of those who have to forfeit their lives in accordance with the law. It may be argued that to-day even though we have the death penalty, it does not prevent the occurrence of murders. I am prepared to admit that that is so. On the other hand we know that the fact that we have a large police force in the State does not prevent crime, but it certainly does act as a deterrent. Let me remind hon. members by way of illustration of what occurred in Victoria as the result of a police strike. Prior to that episode, if anyone had told me or any other member of the House, that should the police force in Melbourne cease to function, such things as actually did occur subsequently in the streets of the city were likely to occur, neither I nor any other hon. member would have believed him. We would have said that the people of Australia were law-abiding citizens and that it would be impossible for such things to happen.

Mr. Griffiths: There are always wolves waiting for their opportunities.

Mr. THOMSON: On the other hand, as soon as a certain section of the population of Melbourne realised that there was no police force available to protect the property of citizens, they embarked upon scenes that gave us an example of what can occur when the police are withdrawn from a city.

Mr. Mann: That shows that punishment is no deterrent.

Mr. THOMSON: That may possibly be so—to a certain section of the community.

Mr. Mann: No, to the public generally.

Mr. THOMSON: What the hon. member is trying to put into my mouth does not follow at all. On the other hand it proved conclusively that had the police force been available, it would not have been possible for such enormous damage to have been done to the property of citizens in Melbourne. Does the hon. member suggest that if an adequate police force were on duty, such things would happen?

Mr. Mann: Of course not.

Mr. THOMSON: Then the hon. member bears out my argument that the police force is a deterrent.

Mr. Mann: I said that punishment was no deterrent.

Mr. THOMSON: Without provision for punishment, what is the use of our laws?

If I could take the hon. member's property without fear of any punishment being meted out to me, for how long would the hon. member retain his property?

Mr. Marshall: For no time at all, if you wanted to take it.

Mr. THOMSON: I hope the member for Murchison (Mr. Marshall) will deal with this subject without levity. It is not a matter for frivolous interjections. If agreed to by this House and by the Legislative Council, the Bill will amend our Criminal Code in a very important direction. The death penalty is no deterrent, judged by our experience from time to time. On the other hand the member for Perth would not say that if we set aside the death penalty there would be fewer murders. If we were to dismiss the police and detective forces, leaving no one to enforce our laws, even the hon. member himself will admit there would be every likelihood of a considerable increase in crime.

Mr. Lutey: How do you account for the absence of crime in the early days of the goldfields?

Hon. G. Taylor: That is easily answered.

Mr. THOMSON: The people themselves looked to that.

Hon. G. Taylor: The people acted as their own police force.

Mr. THOMSON: In those days had anyone attempted to take anything from a neighbour's tent, there would have been an immediate roll-up of the miners and the offender would have been given his walking ticket.

Hon. G. Taylor: He might have been swung on a tree.

Mr. THOMSON: In those days the people themselves were their own vigilance committee. The member for Brown Hill-Ivanhoe (Mr. Lutey) knows that even in those days there were scores of people on the goldfields who, if they knew they could steal with impunity, would have done so promptly.

Mr. Lutey: One could always leave property in the camp and it would be safe.

Mr. THOMSON: That is so. There are places where that can be done to-day, but there are not many people in the metropolitan area who would walk away and leave their property unprotected. The question at issue is one upon which each hon. member should express his opinion. The member for Perth read to us particulars showing the importance and effect of

hereditary taint. He quoted the case of the notorious Jukes family, with the doings of whom those interested in the subject all over the world are fully cognisant, and he referred to other instances as well. The book from which I have quoted to-day also deals with instances proving the statements made by the hon. member. The taints from which many of our people are unfortunately suffering are certainly hereditary, and have been transmitted from generation to generation. The author of the book I refer to states that it is as easy to transmit hereditary taints to human progeny as it is to transmit blue eyes and other characteristics of a particular type.

Hon. G. Taylor: You do not look upon blue eyes as a taint, do you?

Mr. THOMSON: This is a question that requires grave consideration. Thank God, I have not been a member of a jury charged with the duty of dealing with a man's life. The member for Perth, with all his experience in connection with the police and detective forces, will admit that if there are any extenuating circumstances at all, the accused person is given the benefit of the doubt on every occasion, particularly on a charge of murder, when a man's life is at stake.

Mr. Mann: Extenuating circumstances regarding the crime; but this phase, the mentality of the accused, is not considered.

Mr. THOMSON: The mentality is considered, for if a man is not normal the plea of insanity is immediately put up. As I have said, the citizen who is charged with wilful murder may have the highest degree of intelligence. It may be the only charge ever brought against him. Perhaps in a fit of passion, more or less justified at the time, he may have struck a blow that has been the means of placing him in the dock. Under the Bill that citizen must pay the penalty, although it might be in the interests of the State that he should be spared, for he may be a genius. Under the Bill he must suffer the extreme penalty, although if it should prove that he is of an inefficient type, that he has never been any good to himself or to the world at large, the member for Perth, through this Bill, would be most concerned about him. If we are to consider an amendment of the Criminal Code, I agree with the Minister for Justice that a Royal Commission should be appointed to give reasons why it should

be amended on the lines indicated by the hon. member.

Mr. Mann: The Bill aims at saving the life of a person who, although a man in years is a boy in mind. You have not touched upon that.

Mr. THOMSON: Yes, I have. Let me quote what East says—

Why are the rotten timbers of society being repaired and painted?

The hon. member is more concerned about the rotten timbers than about the sound timbers. The hon. member is a farmer. I challenge him to say he is prepared to put into effect on his farm the principle he wants to see established in respect of human beings. I challenge him to say he is prepared to plant wheat from the worst seed, or to breed from the worst class of stock on his farm. As a practical man he would eliminate the inferior.

Mr. Latham: He does not propose to do that under the Bill.

Mr. THOMSON: No, but his Bill is a perpetuation of the system which, it seems to me, society to-day is aiming at. I would have the innocent protected.

Mr. Kenneally: That is what he proposes to do.

Mr. THOMSON: No, he proposes to give opportunity to save the life of a murderer on the plea that he is inefficient, useless, sub-normal and did not know what he was doing. If the member for East Perth were to commit murder, he would have to pay the extreme penalty; for it would be contended that he was perfectly normal and therefore knew what he was doing.

Mr. Mann: Would you hang for murder a boy ten years of age?

Mr. THOMSON: I do not think I would.

Mr. Mann: That is the point. The Bill is to protect a man with the mind of a boy ten years of age.

Mr. THOMSON: If the hon. member is concerned about a boy of ten, I am with him. I do not think any jury or any judge in Western Australia would condemn to death a boy of ten who had committed murder.

Mr. Mann: The point has never been inquired into until now.

Mr. THOMSON: Can the hon. member quote an instance in this State of a boy ten years of age being hanged for murder?

Mr. Mann: I am dealing with a man who has but the mind of a boy.

Mr. THOMSON: I am dealing with the Bill as it is. It distinctly states that if a jury should find any person guilty of murder and be of opinion that at the time of the crime he was incapable by reason of mental disease, he shall not hang. That is already provided in the Criminal Code, for if a criminal were suffering from mental disease, any lawyer would be able to prove that he was insane.

Mr. Mann: It is not a question of insanity. You are misleading the House.

Mr. THOMSON: I am not. If a man were proved to have been insane when he committed the crime, the death penalty would not be imposed upon him. I defy the hon. member to produce such a case.

Mr. Mann: You are attempting to evade the point. The Bill deals, not with insanity, but with mental deficiency, which is quite another thing.

Mr. THOMSON: It bears out the statement I have made, that the hon. member is more concerned about those who, practically, are of no value to the State than he is about more valuable citizens.

Mr. Latham: An accused may not be actually mad, but may be mentally deficient.

Mr. THOMSON: That is a matter of opinion. Plenty of criminals, if they were in their sober senses, or really knew what they were doing, would not dream of perpetrating a crime. When the thing is done, no one is more horrified than he who committed the act.

Mr. Latham: Would you hang such a man?

Mr. THOMSON: If normal, he would be hanged, for the law demands that he must pay the extreme penalty. Some would abolish that penalty. The member for Perth is going half way.

Mr. Mann: Would you support me if I went the whole way?

Mr. THOMSON: No, I would not. The illustrations I have given of what happened in Melbourne are sufficient answer. Undoubtedly the law, with the power of enforcement behind it, is a strong deterrent of crime. I have not heard adduced by the member for Perth arguments that convince me we should deviate from the present state of affairs. I am not vindictive, but certainly this debate has opened up a subject of vital importance to the race as a whole. Fortunately, in a young country like Australia the percentage of mental inefficients is probably very much

lighter than is to be found in more thickly populated centres in the Homeland. We boast of our civilisation, but we know there are people who unfortunately, when certain diseases attack them, are aware that their fate is sealed. No matter how many operations may be performed upon them there comes a day when they have to succumb to the dreadful disease. I almost feel that it would be much more humane to quietly give those people an opportunity to go to sleep. There are institutions in this State and in the other States to which I should like to take the member for Perth and let him see some of the objects I have seen. In the interests of the human race and of those parents who unfortunately brought such beings into the world, we should have a law permitting the medical authorities to prevent them from carrying on their species.

Mr. Mann: It would save the State a lot of trouble and expense, and give the asylums a chance.

Hon. W. J. George: It has been proposed for many years, but has never been carried out.

Mr. THOMSON: There are some unfortunate; for whom from birth there is no hope at all. There is nothing more sad, even to those unfortunate parents who brought those beings into the world, to know that they have to be kept alive as long as possible.

Mr. Kenneally: That is no reason why they should not be saved from dying on a hempen rope.

Mr. THOMSON: I said at the beginning that if the hon. member is in favour of a more humane method—

Mr. Latham: Why be so anxious to dispose of them if we can utilise them without danger to the public?

Mr. THOMSON: I ask the hon. member is he or anyone else in a position to prevent them from reproducing their species and therefore adding greatly to the burden of the State?

Mr. Latham: Of course it can be done.

Mr. Mann: Scientists studying this question declare that we should also endeavour to develop their minds—not knock them on the head.

Mr. THOMSON: I do not want it to go down in "Hansard" that I made such a suggestion. I did not advocate anything of the sort.

Mr. Mann: Well, what is your speech all about?

Mr. THOMSON: I should like to know what the hon. member's interjections are all about. What I said was that there are in our institutions persons in respect of whom it would be a humane kindness to do what we would do to any animal.

Mr. Mann: Knock more sense into it?

Mr. THOMSON: It seems the hon. member requires some more sense. He does not appear to have much.

Mr. Latham: He was a brainy man to bring this forward.

Mr. THOMSON: No one said he is not. I have given this matter serious consideration and I hope the suggestion to appoint a Royal Commission to make a thorough investigation will be given effect to. I shall oppose the second reading of the Bill.

MR. LATHAM (York) [5.15]: We should commend the member for Perth for having brought forward the Bill. I honestly believe that no more serious subject could be discussed. All of us are most anxious to prevent murder for more reasons than one. Murders are frequently committed by people who are not actually insane but are mentally deficient. As the member for Perth pointed out, they are people who have grown to the estate of manhood and womanhood but whose minds have not developed beyond that of a child of 8, 10 or 15 years. I disagree with the member for Katanning (Mr. Thomson). I would not ask even our medical men to deprive any individual of life. There is something of use in every individual—

Mr. Mann: So much good in the worst of us.

Mr. LATHAM: And the good work being done by the Salvation Army has convinced me that if the mentally deficient were properly trained, they would serve some useful purpose on this earth. I quite agree that such people should be segregated. They should be removed from society so as to obviate any possibility of propagating their kind. To do that would not be a difficult matter. They could be placed on farms and, provided they were carefully watched, there would be no danger of their kind being propagated. I hope the House will give the Bill serious consideration, though I would be prepared to have the question held up so that a Royal Commission could inquire fully into it. If a Royal Commission is to be ap-

pointed, it should consist of men who understand the training of mental deficient. Psychologists are the people best qualified to advise us how to deal with mental deficient. I suppose that even the member for Katanning, in his travels through life, has come across men whose minds are less well developed than those of other men. Possibly he will have noticed in his own trade or profession that some men are capable of learning work much quicker than others. Doubtless he has also met men who are quite stupid in some directions and who, in a fit of temper, might do something for which they would be sorry. Such men, on the other hand, might be most capable tradesmen. This shows the necessity for having a psychologist to advise us on this question. No one likes to think of a young person being deprived of life, and there should be some consideration for the man who is called upon to deprive him of life. I know that I should not like to be a hangman, and I know that I should not like to ask another man to do something that I myself was not prepared to do.

Hon. G. Taylor: I think you would take the risk at election time.

Mr. LATHAM: No; in my brief political career I have never found any necessity even to wish that. I suppose I have seen as much of the dreadful side of life as has anyone else, and I assure the House that I would not advocate capital punishment, particularly when applied to individuals whose minds are undeveloped.

Hon. W. J. George interjected.

Mr. LATHAM: The hon. member has probably read the grand old book and believes in a life for a life. Nowadays, however, we understand life better than it was understood in the olden days, and I cannot see the need for perpetuating that sort of thing. We are living in a wide and very different age. If we can deal more effectively with the people in question without robbing them of life, it would certainly be a step in advance. It could be of very little gratification to even the hon. member to know that fellow men had been deprived of life.

Hon. W. J. George. Would you segregate them and prevent them from breeding?

Mr. LATHAM: Yes; if they were segregated they could be employed at useful work. While I intend to support the member for Perth, I do not say that I am en-

tirely opposed to the infliction of capital punishment. We need not remove the death penalty from the Criminal Code.

Hon. G. Taylor: The passing of this Bill would be the first step towards it.

Mr. LATHAM: This is a very commendable step.

Mr. Mann: And a very necessary step.

Mr. LATHAM: I cannot believe that the member for Mt. Margaret would advocate the hanging of a boy of 10, 12 or 15 years of age, and yet, when dealing with adults who, the psychologists tell us, have the mental development of children only, he would impose capital punishment. Let us give this matter proper consideration and see if it is not possible to bring about a better state of affairs. I know of people convicted of sexual offences who cannot by any stretch of imagination be described as maniacs, but they are no sooner released from gaol than they repeat their offences. One man who was tried in a magistrate's court said to me, "It is impossible; I cannot stop myself." Yet that man when on a farm was one of the best workers, and was quite rational except when he had such lapses. That man was sent back to gaol and awarded a flogging because the law of the land prescribed that punishment.

Mr. Mann: He had been flogged previously.

Mr. LATHAM: Yes. When the man spoke to me in that way, I felt extremely sorry for him and, had I not been occupying a seat in the House, I would have appealed to the Minister not to have the flogging inflicted.

Hon. G. Taylor: What would you have proposed in its place?

Mr. LATHAM: Surely such a man could be segregated and kept away from society and from the children whom he would contaminate. The time has arrived when we should realise that it is possible to do something along those lines and when we should do it. We must have very little human feeling when a man, quite normal in other ways, confesses it impossible to refrain from such acts and we flog him, and then, after he has served his sentence, release him, thus providing opportunities for him to repeat the offence. I am satisfied we could do something for such people. When a man has committed a murder we have no right to let him loose in society again. Neither have we any right to detain him in penal servitude for life. We should remove him

from society so that he shall not be able to repeat the offence and try to make a useful citizen of him. The member for Perth has made out a strong case against taking the life of such a man.

Mr. Thomson: Then, if we do not keep him in penal servitude, what should we do?

Mr. LATHAM: Exactly as we are doing with the prisoners on the farm at Bridgetown. I know from my own knowledge that in the south island of New Zealand men who have been guilty of the crime of murder are employed in the planting of trees. They are doing useful work for the Dominion and they never attempt to escape. Men and women in this State who have been guilty of crime could be equally well employed at similar work. We have no right to deprive them of life. If the Bill achieves nothing more than to secure the appointment of a Royal Commission, its introduction will have been fully justified. We should not have as members of the Commission judges or lawyers or men who are not qualified to advise us; we should have psychologists and medical men.

Hon. W. J. George: Could not a lawyer advise us?

Mr. LATHAM: No.

Hon. W. J. George: That is what lawyers are for.

Mr. LATHAM: We do not want their advice on a question of this kind.

Mr. Davy: Their views might be worth bearing.

Mr. LATHAM: Their views would be worth no more than those of any layman who comes into contact with the people concerned. I should not listen any more seriously to a lawyer on this subject than to a layman, especially one such as the member for Perth who is qualified to express an opinion. I have no fault to find with the judges who administer the law, but I am afraid they give very little consideration to the mind of an accused person whose case they are trying. If a Royal Commission is appointed, let its personnel be restricted to psychologists and medical men. I hope the outcome will be that not only this section of the Criminal Code but other sections also will be amended in order that criminals who are mentally deficient shall receive the benefit of more humane treatment.

On motion by Hon. W. D. Johnson, debate adjourned.

## BILL—TRUSTEES ACT AMENDMENT.

Received from the Council and read a first time.

## BILL—HOSPITALS.

### *In Committee.*

Resumed from the previous day; Mr. Lutey in the Chair, the Minister for Health in charge of the Bill.

Clause 27—Power of local authorities to expend revenues on public hospitals (partly considered):

Mr. SAMPSON: In view of statements made during the debate on the Bill, I hope the Minister will agree to the deletion of the provision imposing hospital service on local authorities. Some local authorities have expressed the desire to take over the work of hospital service and to provide some of the funds required for it, but I question whether there is in Western Australia an appreciable number of road boards whose revenues are sufficient to permit of expenditure under that head. The cost of maintaining roads is increasing so rapidly that I greatly doubt, quite apart from the aspect of the need for hospital treatment, whether the local authorities can properly be permitted to undertake the proposed responsibility. I note the limitation in the proviso, that only 10 per cent. of the revenue of a local authority may be expended on hospitals and nursing schemes. Again, Parliament never intended the borrowing powers of local authorities to be used for hospital purposes; they were intended mainly for the provision of roads. Municipalities and road boards alike are unable to bear the proposed burden. Even if they agree to undertake hospital service, they will be undertaking what is beyond their capacity. I feel almost emboldened to ask the Minister whether in his own opinion the proposal represents a real solution of the country hospital problem. I shall vote against Clause 27.

Mr. THOMSON: I move an amendment—

That in the proviso to Subclause 1 "revenue" be struck out, and "general rates" inserted in lieu.

My reason for moving the amendment is that if a levy is voted on the annual revenue, 10 per cent. will have to be added to the vehicle tax, cart and carriage license



fees, and so forth. There is a great difference between "annual revenue" and "annual general rates." In the Katanning district a hospital rate is levied to meet the local indebtedness for the cost of erection and upkeep of the Katanning hospital.

The MINISTER FOR HEALTH: Doubtless the framers of the Bill intended the clause to apply to the general rates. The proviso as it stands is not clear. Still, the clause is in no way compulsory, but is absolutely optional.

Mr. Thomson: I admit that.

The MINISTER FOR HEALTH: I am glad and proud to be able to say that several road boards in this State are contributing £50 annually towards the upkeep of their local hospitals, and that various municipal councils are contributing £100 annually for the same purpose. Human lives are far more valuable and important than roads. I have no objection to the amendment.

Mr. SAMPSON: I question whether the Minister is quite in order in his criticism of my remarks on this clause. I said nothing about human lives.

The CHAIRMAN: The question before the Chair is the striking out of "revenue" with a view to the insertion of "general rates." I do not want a general discussion.

Mr. SAMPSON: I have not referred to the lives of people.

The Minister for Health: I know you have not. You objected to road boards giving anything towards hospital service.

The CHAIRMAN: I ask the member for Swan to keep to the amendment. The hon. member must discuss the question before the Chair.

Mr. SAMPSON: I am endeavouring to do so. Very respectfully I wish to say that in my opinion road boards are best occupied in doing the work for which they were created — construction, maintenance and care of roads. I am quite prepared to assist the Minister in providing funds for hospital service.

The CHAIRMAN: Order! That is a general question. The question before the Chair is whether "general rates" shall be substituted for "revenue." I want the Committee to keep to that point.

Mr. DAVY: I suggest that, if the Committee decide to strike out "revenue," we could get a better result by striking out "annual revenue" and inserting "amount of

its annual general rates." Without the word "amount" the meaning is somewhat vague.

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

Clause 28—Power to construct hospitals for the benefit of two or more districts:

Mr. THOMSON: It is here provided that the Governor by Order-in-Council may authorise the Minister for Works to construct such hospitals. I want to make provision whereby a hospital may be constructed either by the Minister for Works or by an outside contractor. I move an amendment—

That in paragraph (ii) of Subclause 1 "Minister for Works to construct" be struck out, and "construction of" inserted in lieu.

It is quite possible that there may be an architect practising in the district in which a hospital is about to be built.

The Minister for Health: There is nothing to prevent him from submitting plans.

Mr. THOMSON: Yes, the Bill makes it mandatory that the hospital shall be constructed by the Minister for Works. It would effectually debar any private architect from submitting plans to the local authority. Since the Minister for Health is to find half the cost of the hospital, he will be able to say to the local authority, "We have received plans from an architect in your district, but we prefer our own." I merely wish to give the outside architects a chance to have their plans accepted. The amendment will not tie the Minister's hands in any way, and I hope he will accept it.

The MINISTER FOR HEALTH: I cannot accept the amendment. In nine instances out of ten the local authorities will not be able to raise their share of the cost, and so we shall have a repetition of what has occurred in the hon. member's district: the Government will have to provide the whole of the money, one-half of which, plus interest, will be repaid by the local authority over a term of 20 or 30 years.

Hon. G. Taylor: It is really a loan.

The MINISTER FOR HEALTH: That is so. If the Government are to find the whole of the capital cost in this way, surely they are entitled to say the Public Works Department shall provide the plans. Of course, the local authorities will be con-

sulted. We have never yet erected a hospital without consulting the local hospital committee or the local authority. We have had hospitals built to plans supplied by outside architects, the tenders having been called through the local committee. That has been done in the hon. member's electorate, for the plans for the Kojonup hospital were not provided by the department.

Mr. Davy: Under this clause the department will have to provide the plans.

The MINISTER FOR HEALTH: Yes, and it would have been a good job for the department, and for the hospital itself, had the plans for the Kojonup hospital been prepared by the department. I have had numerous complaints of that hospital and have had to provide various sums of money for alterations to the building. I cannot accept the amendment.

Mr. SAMPSON: I will support the amendment, although I hope that, in the end, the clause as a whole will be defeated. The Minister will agree that the architectural branch of the Works Department is occasionally very busy, and will agree further that the private architects are men of high qualifications. Unamended the provision will serve to discourage private architects. I doubt the wisdom of limiting the designing of public hospitals to the Public Works Department. If this provision were to be approved, it would be only consistent to establish the principle of making it compulsory that plans of all municipal or road board halls should be prepared by the Public Works Department. The Kojonup hospital was quite an exception. There is a possibility of the Public Works Department failing in some respects occasionally.

Hon. W. J. GEORGE: I cannot understand the arguments advanced by the members for Katanning and Swan. After eight years as Minister I am satisfied it is better that matters of this kind should be dealt with by the department. The building of hospitals is practically Government work, and the department have all the requisite information to guide them in drawing up plans.

The Premier: They have standard plans.

Hon. G. Taylor: That is the worst of it.

Mr. Thomson: Yes, that is the tragedy of it.

The Minister for Health: Katanning has one of the finest hospitals in Australia and the plans for it were drawn by the Works Department.

The CHAIRMAN: Order! The hon. member is entitled to proceed without interruption.

Hon. W. J. GEORGE: Doubtless private architects are anxious to get as many jobs as possible, but it would not pay a private architect to specialise in hospital construction, because there is insufficient work of the kind, and unless he did specialise he could not produce the best plans. The Minister said it was the practice of the department to consult the local authorities and pay respectful attention to their desires.

The Minister for Health: And alter the plans to suit them.

Hon. W. J. GEORGE: No Minister could continue in office unless he evinced a desire to do his best for the country. When dealing with a structure to accommodate the sick, surely the member for Katanning would not suggest that the department would shut their eyes and ears and intelligence to what was required!

Mr. Thomson: I did not make any charge against the Works Department.

Hon. W. J. GEORGE: The clause will have my support.

Mr. THOMSON: The member for Murray-Wellington would lead the Committee to believe that I doubted the qualifications of the Works Department officials. The clause provides that hospitals must be erected to plans prepared by the Works Department. I do not say they should not, but it should not be made mandatory. The Government should be in a position to avail themselves of expert advice outside the department. It cannot be contended that the department devote themselves exclusively to the designing of hospitals. The Minister said the Government supplied the whole of the money for the Katanning hospital.

The Minister for Health: So we did.

Mr. THOMSON: But we have to repay one half of the total. The plans were submitted to the local authorities, but the Minister had to agree to some increase of cost even after the building had been erected. In fact a couple of serious mistakes had to be remedied. I do not cast any reflection upon the officers of the architectural branch, whose work speaks for itself. I take exception to the statement of the Minister re-

garding the Kojonup hospital. The same men built both hospitals, so there could not have been anything wrong with the work. Though the work was carried out under the supervision of a private architect, it had to be passed by the Works Department. Even if the words are deleted, the Government will still be able to submit plans. Some of the University buildings were constructed by the Works Department, but competitive designs were called for them. Why did the Government permit that?

Mr. Davy: They had no say in the matter.

Hon. W. J. George: That is quite different from the matter of hospitals.

Mr. THOMSON: At Katanning and Collie the department have been responsible for the erection of two of the finest hospitals in the Commonwealth. Even if a private architect were permitted to submit a plan, the Minister would have to approve of it and that would mean getting the approval of the Works Department. The Government might as well insist that all cases affecting the Crown shall be dealt with by the Crown Law Department. Young men who enter the architectural profession have to pass a high standard and yet they are to be debarred from submitting plans for Government buildings.

Hon. W. J. George: That is a very old controversy.

Mr. THOMSON: It is amazing that the ex-Minister for Works should be such a keen advocate of having everything placed under Government control.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. THOMSON: The clause says that the Governor may authorise the Minister for Works to construct a hospital. That can be construed to mean that the Minister may do this work without calling for tenders, and may even do it by day work.

The Minister for Health: How many hospitals have been built by day labour?

Mr. THOMSON: I know of a few of them. I cannot see why the Minister for Works should be brought into this Bill, or have anything to do with the construction of these institutions. Each department should control its own finances, and should have allocated to it each year the sum of money required to be spent in its administration.

Mr. Griffiths: Do you think outsiders will not be allowed to put in tenders for these hospitals?

Mr. THOMSON: Possibly public tenders will be called, but it is equally possible that the local authorities may have no say in the calling of the tenders or in the choice of architects who will draw up the plans and supervise the work. The clause gives the Minister for Health power to coerce the minority of the local authorities to join the others in the construction and maintenance of these buildings.

The CHAIRMAN: The hon. member has dealt fully with these questions on the occasion of the second reading. He has now moved an amendment to strike out certain words, and he should confine himself to that amendment.

Mr. THOMSON: I must give reasons for wanting to strike out these words. I hope the amendment will be agreed to.

Hon. G. TAYLOR: My only fear in this matter is that we shall have a standardised form of building that will not be any more attractive or distinctive than are our State schools and our Government buildings generally. When we see one State school we see them all. If we desire to see beauty in our architecture, we should give opportunities to people with originality to design our buildings, and should not remain departmentally tied up as we are to-day.

Mr. Davy: We want some loophole for improvement.

Hon. G. TAYLOR: Yes. The Public Works Department are quite capable of submitting plans, but an opening should be provided for other people to utilise their best brains in competing for this architectural work. The buildings erected by the Public Works Department are more or less standardised. I do not know that we want to continue that sort of thing in our new public buildings. State schools are recognisable as such wherever they are to be seen, and my fear is that the same principle will apply to our new hospitals.

The Minister for Health: Out of the 20 odd new hospitals that have been built, at least 17 are on different designs.

Hon. G. TAYLOR: I hope that freedom of design will be allowed to continue.

Mr. GRIFFITHS: I support the amendment. Everything to-day seems to go on the lines of bureaucratic control, and to be centring in the Government offices. We should not be confronted with such instructions as

"Thou shalt not draw plans unless thou come within the charmed circle of the Public Works Department."

The CHAIRMAN: Order! The hon. member is not speaking to the subject before the Chair.

Mr. GRIFFITHS: It must be remembered that the local people have to pay this money back to the Government, and, therefore, local architects and local contractors should have an opportunity to tender for the work.

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

Ayes .. .. . 15

Noes .. .. . 20

Majority against .. 5

#### AYES.

Mr. Angelo	Mr. Maley
Mr. Barnard	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. Taylor
Mr. Griffiths	Mr. Thomson
Mr. E. B. Johnston	Mr. C. P. Wansbrough
Mr. Latbam	Mr. Richardson
Mr. Lindsay	(Teller.)

#### NOES.

Mr. Chesson	Mr. Lambert
Mr. Collier	Mr. Lamond
Mr. Coverley	Mr. Marshall
Mr. Cunningham	Mr. Millington
Mr. George	Mr. Munro
Mr. Heron	Mr. Sleeman
Miss Holman	Mr. Troy
Mr. W. D. Johnson	Mr. A. Wansbrough
Mr. Kenneally	Mr. Withers
Mr. Kennedy	Mr. Wilson
	(Teller.)

Amendment thus negatived.

Mr. THOMSON: I move an amendment—

That in Subclause 2 after "submit to," in line 2, there be inserted "or accept from."

The subclause would then read: "The Minister administering this Act may thereupon submit to or accept from the local authorities concerned plans and specifications of the proposed hospital" and so forth. Local authorities should have an opportunity of submitting their own plans and specifications to the Public Works Department or the Health Department.

Mr. E. B. JOHNSTON: I hope the amendment will be accepted. Western Australia is a country of big distances, and competent architects practise in many outlying parts of the State. The amendment does not limit the Minister's discretion in any way. The work of preparing plans and

supervising construction could be carried out by local architects in outlying districts, such as the North-West, for example. All work of this nature should not be centralised in Perth.

Hon. W. J. GEORGE: The carrying of the amendment would result in a clash, as the subclause proceeds, after the portion read by the member for Katanning as proposed to be amended by him, in the following way: "together with an estimate of the cost thereof (as supplied by the Minister for Works)."

Mr. Thomson: That difficulty would be overcome by a consequential amendment.

The MINISTER FOR HEALTH: I have no objection whatever to the local authorities having a say in this matter if they want it sufficiently to declare that they desire the right to submit plans and specifications at their own cost. I am prepared to accept the amendment provided the member for Katanning adds to it words requiring the local authorities to pay for such plans and specifications. The Government do not ask the local authorities to contribute towards the cost of plans and specifications prepared by the Public Works Department.

Mr. Thomson: Yes, you do.

The MINISTER FOR HEALTH: I do not.

Mr. Thomson: There is a charge.

Hon. W. J. George: If the Minister accepted the plans and specifications submitted by the local authorities, surely he would pay for them.

The MINISTER FOR HEALTH: I do not object to plans and specifications being obtained from outside architects, but the local authorities absolutely must pay for them.

Mr. Mann: Whether that appears in the Bill or not, you can compel them to pay for the plans.

The MINISTER FOR HEALTH: I do not know that, and probably the local authorities would not be desirous of paying for them.

Mr. Mann: If the local authorities order plans from private architects they must pay for those plans.

The MINISTER FOR HEALTH: It has been said that public hospitals are all built by day labour, but at least 70 per cent. of those erected since I have been a Minister were built by contract.

Mr. Mann: You are getting better results that way, are you?

The MINISTER FOR HEALTH: I will not say that. Tenders are called in every instance. For example, tenders were called for the large hospital at Collie, and those submitted were considerably over the Works Department's estimate. We therefore resorted to day labour, and I am pleased to say the cost came out below our departmental estimate.

Mr. THOMSON: If the Government accept a private architect's plans, the local authorities would expect to pay for the plans. A scale of fees is laid down by the Architect's Association. I understand that in the specifications submitted by the Public Works Department for a certain country hospital, a charge for supervision was included.

The Minister for Health: I spoke of drawing plans, not of supervision.

Mr. THOMSON: Supervision is part of the plans and specifications. If we pay architects in the Public Service for their work, we should not refuse to pay a private architect for his.

Amendment put and passed.

Mr. THOMSON: It appears to me we shall now have to strike out, consequentially, the words "as supplied by the Minister for Works," in line 4.

Mr. Mann: If you add the words "or local authorities" you will get over the difficulty.

Mr. THOMSON: That is a good suggestion. I move an amendment—

That in line 4 of Subclause 2, after "Works," the words "or local authority" be inserted.

Mr. DAVY: We cannot attack the subclause piecemeal without having regard to the result, which must be intelligible. As it stands now, the Minister may submit to, or accept from, local authorities concerned plans and specifications, with an estimate of the cost, as supplied by the Minister for Works, together with other prescribed particulars, and also a proposal for the payment of the cost by the Crown and each local authority in certain stated proportions. Quite a number of plans might be authorised by local authorities.

Mr. Latham: It is not likely that there would be more than two. That question would be decided amongst the local authorities as the result of a conference.

The Minister for Health: Of course it would.

Mr. DAVY: Perhaps so, but it is also suggested that they shall submit proposals to the Crown regarding costs?

The Minister for Health: I will take care that proposals regarding costs will be received before plans are accepted.

Mr. Davy: By whom?

The Minister for Health: By the Public Works Department.

Amendment put and passed.

Mr. THOMSON: The subclause refers to stated proportions that each local authority will have to pay. I would like an assurance from the Minister regarding his intention, which, I understand, is that the Government will pay half the cost.

The MINISTER FOR HEALTH: I hope the Committee will not bind me to say that the Government will pay 50 per cent.

Mr. Latham: No, 50 per cent. or more.

The MINISTER FOR HEALTH: While, as a general principle, the Government intend to find half the money, we recognise that there are districts where hospitals are required, but it would be unreasonable to expect the local authorities concerned to find half the total cost. In such instances I believe the Government will be prepared to pay more than half the cost, and that is why the clause is drafted in its present form.

Mr. SAMPSON: I move an amendment—

That in lines 3 to 7 of Subclause 3 the words "or by not less than two-thirds of such local authorities, the annual general rate as appearing from the latest annual assessment of such approving local authority being at least equal to two-thirds of the aggregate general rates of all the local authorities concerned" be struck out.

The object is to bind only those who approve of the proposal, and not to compel any local authority not in agreement to adopt the suggestion submitted to them.

The Premier: You want a unanimous vote?

Mr. SAMPSON: Yes.

The Minister for Works: One dead nark could upset the whole scheme!

Mr. SAMPSON: If a proposition were reasonable, I take it there would be a 100 per cent. vote in favour of it.

The Premier: Many a reasonable proposition placed before members here does not receive 100 per cent. support.

Mr. SAMPSON: If a board would not listen to reason, the people would elect other members to seats on that body.

Mr. Latham: And they might have to wait three years in order to do that.

Mr. SAMPSON: The Minister has admitted that it is a bad principle to coerce local authorities, for he said matters in connection with hospitals should be optional. The amendment will give effect to the Minister's suggestion.

Mr. E. B. JOHNSTON: I hope the Minister will accept the amendment. Most districts will desire to have a hospital of their own. If that is not to be, the Minister should leave it to the people concerned to say which hospital they will support. A road board district may be situated between two other areas and may be included by the Minister in a referendum. Although the people in that district may be opposed to a proposition, they may be compelled by the Minister to pay towards the upkeep of a hospital that they do not favour. They would be forced to do that, simply because the Minister had included that district with others in a referendum and a majority had decided in favour of one particular hospital. They would be forced to contribute towards that hospital, although it was not of their choice. Instead of that, the people concerned might favour contributing towards a local hospital, or to one closer to them. To my mind it is an absurd proposition that the department should be able to pick out three or four local authorities and bunch them together in a ballot to decide a question in the way suggested. Already the people at Kulin have to contribute towards a hospital that they do not favour. If people are prepared to make contributions, they should be allowed to make their own choice.

The Minister for Health: So they will be.

Mr. E. B. JOHNSTON: Not under this proposal. I am sure there has been an oversight in the drafting of this part of the Bill.

The Minister for Health: No, there has not been any oversight at all.

Mr. E. B. JOHNSTON: Under the clause a local authority can be forced to contribute towards a hospital, although they may not desire to do so at all. The clause will leave it open to abuses.

Hon. Sir James Mitchell: Why should one road board be forced to come in at all?

Mr. E. B. JOHNSTON: I am pointing out that it is wrong to force any road board, as the Bill proposes.

Hon. Sir JAMES MITCHELL: I hope the Minister will not insist upon retaining the words sought to be deleted. I cannot see why two local authorities should have the power to drag in another that does not desire to contribute towards a particular hospital. If people want a hospital, let them have it.

The Minister for Health: We cannot build hospitals all over the country, within five miles of each other.

Hon. Sir JAMES MITCHELL: Of course we could not do that, because we could not equip them all. On the other hand, we can build hospitals at convenient places. Under the Minister's proposal, hospitals may not be conveniently situated for various road districts. The Minister says that if two local authorities want a hospital, a third must come in and contribute. That is altogether wrong. I cannot understand how some of the local authorities carry on now with the work they have in hand, without undertaking the maintenance of hospitals. I hope the Committee will agree to the amendment.

Mr. LATHAM: There is another point: wherever a hospital is established there will be a medical officer. If we are to have hospitals everywhere, the cost will become burdensome, but on the other hand, if the hospitals are very far apart, people who require medical attention will find it very costly. Wherever local authorities are prepared to finance a small hospital, they should be given every encouragement. However, I think that two local authorities are quite enough to be joined together for the purpose.

The Minister for Health: In many districts one local authority is entitled to have three hospitals.

Mr. Davy: The Minister cannot compel a local authority to contribute.

Mr. LATHAM: Oh yes, he can. In Sub-clause 1 it is provided that if a local authority stands out, it can be compelled by the Governor in Council to come in and contribute. I hope we shall not have these hospitals placed too far apart, because if they are it will be very difficult to obtain medical attention for all that require it.

Mr. DAVY: The Minister says that in some districts there ought to be three hos-

pitals. Why then should he take power to compel one local authority to join in with another?

The MINISTER for Health: Because in some districts five or six local authorities could be conveniently served by one hospital.

Mr. DAVY: If the Minister is prepared to compel one local authority to come in against its will, he ought to ask for authority to compel another local authority to have three hospitals in its own area. If he takes the one power, he should take also the other. I shall be pleased to hear the Minister's reasons for not going the whole way.

The MINISTER FOR HEALTH: To begin with, I am an absolute believer in majority rule.

Hon. G. Taylor: While you are on that side.

Mr. Davy: But you do not believe in the rights of the majority.

The MINISTER FOR HEALTH: I know of local authorities whose area and population are big enough to warrant the establishment of two or even three hospitals, none of them within 25 miles of another. Also I know of many places where there are four or even six local authorities in an area that could be conveniently served by one hospital. One case more than another that has convinced me of the necessity for this clause is to be found in the Williams-Narrogin electorate. The hon. member has quoted the instance of Kulin. For years Kulin negotiated with the Medical Department for the establishment of a hospital at Kulin. Then the people of Kondinin, only 13 miles away, started negotiations with the department for a hospital. They were prepared to subscribe to either hospital for a start, whereas the Kulin people insisted upon having a hospital at Kulin, otherwise they would not subscribe.

Mr. E. B. Johnston: Quite wrong.

The MINISTER FOR HEALTH: The Kondinin people found half the cost of the hospital for Kondinin. The Government found the other half, and the hospital was built at Kondinin. Unless the population increased greatly, I as Minister would not now attempt to provide money for the erection of another hospital at Kulin. We have had repeated requests from the municipality of Narrogin for the erection of a hospital at Narrogin. There are four road boards

surrounding Narrogin, Kulin not being one of them. Those four—

Mr. E. B. Johnston: One of which has its own hospital.

The MINISTER FOR HEALTH: No, I am not including Wickiepin, where there is a hospital. The municipality of Narrogin convened a conference of the other local authorities concerned. I am informed that two of the local authorities were opposed to a proposition for the scheme in existence at Katanning and Collie. Negotiations proceeded. By invitation I went to Narrogin and met the representatives of the local authorities. When I got there the municipality and three of the four road boards had unanimously agreed to support the scheme at Katanning and Collie. But the Narrogin road board, which takes in the area surrounding the municipality, through which every one of the patients from the other road boards would have to travel to reach the hospital at Katanning, said no, that they would not contribute. They contended that it was a Government hospital and therefore it was the duty of the Government to improve it and, if required, to build another. I simply told them that the policy laid down by the Government would be adhered to. The previous Government laid down the same policy, that they would find half the cost of construction, provided the local authorities found the other half. I told the people down there I was prepared to find half the cost and recommend to the Government the same scheme as at Katanning and Collie, provided they could get the local authorities to agree. We have not yet been able to get the Narrogin Road Board to agree. When we have three local authorities urging the Government to erect a hospital, and the fourth one standing out, I believe the majority should rule, and the recalcitrant body be made to come in.

Mr. E. B. Johnston: Have not the Williams Road Board stood out also.

The MINISTER FOR HEALTH: No, the Williams board unanimously agreed to support the proposal. Then they got so disgusted waiting for the Narrogin Road Board to come in, that they asked us to supply some medical assistance for Williams.

Hon. Sir James Mitchell: Are you discussing the erection or the maintenance of hospitals?

The MINISTER FOR HEALTH: Only the erection. Even under this clause I would

have no power to compel any local authority to contribute one penny towards the maintenance of a hospital. Any such contribution must be optional. The "West Australian" in its issue of yesterday suggested an alternative to the clause, which it said was unjust. If the Committee will agree to amend the clause to conform with the "West Australian's" suggestion, I will so amend it; but I am certain that no road board in the State would then find it acceptable.

Hon. W. J. George: Are you not belittling the power of the "West Australian"?

The MINISTER FOR HEALTH: I am only stating what I know to be true. The suggestion made by the "West Australian" was that if any local authority refused to contribute, and if the neighbouring local authorities built a hospital, the recalcitrant body should be compelled to hold itself responsible for the payment for treatment at the hospital of any patients from its district. If the ratepayers would undertake that obligation I would accept it readily. It would relieve me entirely of the difficulty to finance the hospitals. I know of no instance except Williams and Narrogin where the power would have to be exercised.

Mr. Mann: Then you are inserting this provision to meet an isolated case.

Hon. Sir James Mitchell: Limit it to that one instance.

The MINISTER FOR HEALTH: No, because that might indicate to others how the obligation could be evaded. I am satisfied that if a vote of the ratepayers of the Narrogin road district were taken, there would be ten to one in favour of the scheme. The board and not the ratepayers are objecting.

Mr. Davy: That is rather a commentary on representative government.

The MINISTER FOR HEALTH: Nevertheless, it is a fact.

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

Ayes	..	..	..	18
Noes	..	..	..	20

Majority against	..	2
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## AYES.

Mr. Angelo	Mr. Mann
Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. George	Mr. Taylor
Mr. Griffiths	Mr. Thomson
Mr. E. B. Johnston	Mr. C. P. Wansbrough
Mr. Latham	Mr. Richardson
Mr. Lindsay	(Teller.)
Mr. Maley	

## NOES.

Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. McCallum
Mr. Coverley	Mr. Millington
Mr. Cunningham	Mr. Munste
Mr. Heron	Mr. Sleeman
Miss Holman	Mr. Troy
Mr. W. D. Johnson	Mr. A. Wansbrough
Mr. Kennesally	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lambert	(Teller.)
Mr. Lamond	

Amendment thus negatived.

Mr. DAVY: Under Subclause 4 a most peculiar position may arise. It is provided that the local authority may apply its ordinary revenue or raise money under its borrowing powers. No local authority can borrow a farthing unless the proposal is first submitted to the ratepayers and they are given an opportunity to call for a poll. If a simple majority of the ratepayers voting oppose the proposal, the money cannot be borrowed. A few enthusiasts can easily block a loan because no one is ever enthusiastically in favour of a loan.

The Minister for Health: The local authority could adopt the alternative and pay out of revenue.

Mr. DAVY: That would mean paying capital expenditure out of revenue, and there is no limit under this subclause.

The Minister for Health: Yes, the 10 per cent. limit applies.

Mr. DAVY: I cannot see that it does apply. The local authority might incur a substantial debt, and an enthusiastic band of anti-borrowers could make it impossible for the local authority to fulfil its obligations. The subclause goes on to say that until the local authority has paid the money the Treasurer is to be deemed in the same position as a holder of a debenture with interest at 5 per cent.

The Minister for Works: The board would meet the charges on the money.

Mr. DAVY: It is not desirable that such a debt should be perpetual.



The MINISTER FOR HEALTH: I admit the possibility of what the hon. member has suggested. The local authority of my native town got into trouble over the installation of a magnificent electric lighting scheme 30 years ago and a receiver is still in that district collecting the rates. Ninety per cent. of the hospitals that will be built under this proviso will come under the same conditions as Collie and Katanning. I am informed there is not a road board in the State that could not pay its share of interest and sinking fund on capital cost out of 10 per cent. of its rates.

Mr. DAVY: The difficulty could be eliminated by a short amendment. Once the money has been declared to be a debt of the local authority, it should not be possible for the ratepayers to veto a loan to pay off the debt. It is absurd to declare that the Treasurer shall be in the same position as a bondholder as against the local authority, and yet put the local authority in the position of being unable to borrow the money to pay the debt. It might be advisable to take away the veto of the ratepayers to pay such a debt. As it is, there is no provision for a sinking fund. If a local authority is prevented by the ratepayers from borrowing, it can only pay out of rates and that might cripple the board.

The MINISTER FOR HEALTH: I cannot see that what the hon. member now suggests is likely to happen. We are not going to build a hospital if the local authorities suggest they will not accept our terms for the payment of interest and sinking fund over a period of years, although I understand such a charge could be met out of 10 per cent. of the rates. They may say they prefer to raise a special loan. Until such time as they have complied with the conditions of the local governing Act and have received the assent of the ratepayers, no hospital would be built. I cannot see that we are likely to get into any trouble as the outcome of this clause.

Clause, as previously amended, put and passed.

Clauses 29, 30 and 31—agreed to.

Clause 32—Hospitals for paying patients:

Mr. THOMSON: Will any scale of fees for patients be set up in cases where private wards are used?

The MINISTER FOR HEALTH: No set scale of fees has been drafted. Indeed, it would be a difficult matter to arrange a scale that would apply to the whole of the State.

Mr. DAVY: I am opposed to the clause. It will enable the Government to establish first and second class hospitals. People who can pay a little more than others will get better treatment. We will have first and second class wards. Swells who can pay a bit will go into the special wards, and the others will go with the mob. That is an extraordinary principle to find enunciated by this Government. As the member for Guildford says, it is not the function of the Government to do for people what they can do for themselves. Too much remains to be done for the people who cannot pay to warrant the Government in establishing hospitals for those who can afford to pay.

The MINISTER FOR HEALTH: I am surprised at the remarks of the member for West Perth. I hope that within the next five years every hospital in the State will be an intermediate hospital. I have nothing to say against private hospitals, but I believe that 99 per cent. of the people of the metropolitan area, who meet with an accident or become sick, would, if they could choose, go to the Perth Public Hospital.

Mr. Davy: What about St. John of God hospital?

The MINISTER FOR HEALTH: That is not a private hospital in the sense that I am speaking of. I want the people of the State to have the opportunity of securing the best treatment they can possibly receive, and have the advantage of the best equipment that can be bought. Private hospitals cannot give the same treatment to patients that is given in the Perth Public Hospital, where people can secure the advice of twelve of the best medical and surgical men in the State, and of every specialist in Western Australia.

Mr. Davy: If a man can afford to pay he will take his pick.

The MINISTER FOR HEALTH: Where can a patient get the conveniences that are afforded at the Perth Public Hospital? The hon. member suggests we are trying to make distinctions in our hospitals. With the exception of Kalgoorlie all our country hospitals are intermediate institutions. If a man has £10,000 a year and is living in a country district, he will be admitted to the local government hospital if there is no other place for him to enter. He pays his

fees to the doctor and the hospital as if he were in a private institution. In two of the Government hospitals we already provide private rooms for patients who require them. Because other persons enter those hospitals who cannot afford this special treatment, I am not going to deny it to those who can afford to pay.

Hon. G. TAYLOR: How will the intermediate patient be treated? Will he be put into a separate ward? Will some of the wards in the Perth Public Hospital be set apart for special patients, and the other wards used for the general run of patients?

Mr. THOMSON: The committees of country hospitals require this provision in the Bill. Doctors prefer to have their patients under personal observation in the town, and the patients also prefer it.

Mr. Davy: Cannot a person sick at Katanning go into the local hospital and have his or her own doctor, without any legislation?

Mr. THOMSON: Several small rooms are provided at the Katanning hospital.

Hon. G. Taylor: If this Bill is not passed, the same system can continue.

Mr. THOMSON: Larger hospitals also should have those facilities. A private ward is really a private room. To have a doctor continually travelling 30 or 40 miles to visit a patient would be most costly; moreover, doctors do not want to do that. The provision is necessary in the interests of the health of country residents.

Mr. DAVY: No one would for a moment suggest that in the country districts people should be barred from public hospitals because they have some means.

The Minister for Health: They are barred from the Kalgoorlie hospital.

Mr. DAVY: Why?

The Minister for Health: Because the doctors will not agree to the system.

Mr. DAVY: That may be, but the proposal here is that the Minister may establish public hospitals for patients able to pay fees. From beginning to end the Bill, except under this clause, gives no power to the Minister to establish a hospital. Thus the Minister is to have power to establish paying hospitals, but not to establish public hospitals. It is entirely unnecessary for the Minister to take power to establish a hospital which is to be solely for patients able to pay for treatment. Hospital accommodation is purely a question of supply and

demand. As population increases here, our private hospitals will advance in efficiency; in fact, they are advancing every day. In country districts having no private hospitals, public hospitals should be open to everyone.

The MINISTER FOR HEALTH: The Minister has power to set aside for paying patients wards in hospitals already established. Even at present no sick person in the Kalgoorlie district can enter the Kalgoorlie hospital and be treated there by his own physician; that is, unless that physician happens to be Dr. Matthews. I am altering that unsatisfactory position by having a disused ward of the hospital partitioned off for paying patients, who will then be able to call in any doctor they please. The facility will, I believe, be freely availed of in the Kalgoorlie district. Goldfields people have been urging me for years to establish such a ward. Even in Kalgoorlie's palmy days no doctor could follow his patient into the public hospital. The clause is essential. In reply to the member for Mt. Margaret I desire to say the Government do not intend to make the Perth Hospital an intermediate hospital. The whole of the services rendered by medical men at the Perth Hospital are given gratuitously.

Mr. Davy: This clause will enable you to establish a paying hospital in Perth.

The MINISTER FOR HEALTH: The Government hope to have an intermediate hospital of 1,000 beds established in Perth within the next two or three years.

Clause put and passed.

Clause 33—Cost of relief to constitute a debt:

Mr. THOMSON: I move an amendment—

That Subclause 3 be struck out.

The subclause provides that the cost of hospital service to an aboriginal shall, without excluding the liability of the aboriginal relieved, constitute a debt due by the aboriginal's employer and recoverable from that employer. On the second reading I was given to understand that this is the law of the land. The Aborigines Act provides that no agreement with an aboriginal, or a male half-caste under the age of 16 years, or a female half-caste, shall be of any force or validity against such native or half-caste unless the agreement stipulates for the supply by the employer to the aboriginal of medicines and medical attendance when

practicable and necessary. That provision applies to indentured natives. Natives employed in the North get bed and board and clothing, but practically no money. I object to the imposition of the proposed liability on employers of aborigines. For shearing, aborigines are paid contract rates.

Mr. Marshall: What a shame!

Mr. THOMSON: We are not discussing that aspect. If one of our own race falls ill and goes into hospital, the employer is not asked to become responsible for his medical expenses.

The Minister for Health: But the employer pays him a wage.

Mr. THOMSON: The necessary funds are provided under the Aborigines Act.

Mr. Panton: Does the aboriginal employee come under the Workers' Compensation Act?

Mr. THOMSON: Presumably. The employer would have to insure him as an ordinary workman.

The Minister for Health: How can you make a contract with an aboriginal to do shearing on contract rates?

Mr. THOMSON: In the same way as with ordinary white workers.

The Minister for Health: But no employer can make such a contract with an aboriginal.

Hon. G. Taylor: It is done all over the country.

Mr. THOMSON: Of course it is.

The Minister for Health: It is not legal.

Mr. THOMSON: Whether it is illegal or not, I do not think the department would debar an aboriginal from taking on a shearing contract.

The Minister for Health: If an aboriginal were earning full wages, would he not be held liable for the money himself?

Mr. THOMSON: Perhaps so, but an aboriginal would probably say he had spent all his money. If a white man is in that position, the responsibility referred to in the subclause does not rest with the employer, yet he will have to accept that responsibility if his employee is an aboriginal.

Mr. Kenneally: There is a greater chance of aborigines having no money, because the employers want to get hold of them as cheaply as possible.

Mr. THOMSON: If the member for East Perth were more liberal in his views regarding employers it would be better. The

average employer is willing to pay a fair thing.

Mr. C. P. WANSBROUGH: The clause is not clear and if it were amended to make it certain that it referred only to indigent aborigines, it would not be so unacceptable.

Mr. Chesson: Hospitals treat indigent aborigines at present.

Mr. C. P. WANSBROUGH: As it stands, the clause will mean free hospital treatment for aborigines in the eastern districts and throughout the Great Southern. A lot depends upon the definition of "aboriginal." Even highly educated half-castes will revert to the bush and live in the mia mia. Another point is that the clause may give offence to a large number of aborigines who are half-castes, but who are property owners in, for instance, the Katanning district. Those people are prepared to pay their way and there is no necessity to provide free hospital service for them.

The Minister for Health: They are not given that right.

Mr. KENNEALLY: The clause does not provide free medical or hospital attention for aborigines.

Mr. C. P. Wansbrough: But it throws the liability for payment on to the employers.

Mr. KENNEALLY: No, the clause makes it a first charge against the aboriginal; but if the aboriginal cannot pay, the employer may be sued for the debt.

Mr. Davy: It does not go as far as that. A hospital board will be able to sue whom they like, the employer or the aboriginal.

Mr. KENNEALLY: Therefore the aboriginal, for whom the member for Beverley is so concerned, will have an opportunity of paying. He will be offended if he is not given that opportunity, so the member for Beverley suggests. We should regard the clause from the point of view of who has the money. If an aboriginal is without money, those who have the privilege of employing him should be responsible for payment for his medical attention.

Mr. C. P. Wansbrough: Why not apply that to the ordinary white labourer?

Mr. KENNEALLY: If the aboriginal is in the same position as the ordinary white labourer, and is subject to the Workers' Compensation Act, there will be no question as to who will be sued for the money. If the illness is the result of an accident, the man will be subject to the provisions of the Workers' Compensation Act.

Mr. Latham: But that does not apply to ordinary sickness.

Mr. KENNEALLY: No, if the member for York will say that because an aboriginal is sick he shall not receive medical attention—

Mr. Latham: I did not say anything of the sort, nor will I say it.

Mr. KENNEALLY: Then if an aboriginal who is sick has to receive medical attention, who should be called upon to pay for that attention more than the person employing him?

Mr. Latham: Why not apply that to everyone? We have indigent white workers as well.

Mr. KENNEALLY: Provision is made for them. There is a section of employers in this State who want the right to employ aborigines and are prepared to exercise that right provided the men can be secured cheaply and all possible responsibilities can be evaded.

Mr. DAVY: Perhaps we are discussing the matter without knowing what the position really is. It is perfectly just and proper that if a man employs an aboriginal under certain conditions, he should be responsible. I understand aborigines are employed at cheap rates of wages in certain parts of the State. As the aborigines have to be cared for when sick, it would be reasonable to say that secondary or even equal liability should rest with the employers, but if there are aborigines who are working on an equality with the white workers, making their own contracts just as the white men do and receiving equal wages or thereabouts, it is difficult to understand why the employers should be saddled with this responsibility. The sub-clause covers all aborigines and surely it is not just to make an employer responsible because he is employing a man who happens to be an aboriginal but who is engaged in the ordinary way and is paid the ruling rate of wages. Unless the Minister can assure me that there are no aborigines employed on that basis, I agree with members who oppose the clause, because it is too wide altogether. Surely it should apply only to aborigines employed under special conditions.

Mr. Latham: Are they not covered by the Aborigines Act?

Mr. DAVY: I should imagine so. With equal responsibility regarding the payment

for hospital treatment, a board can exercise its discretion and sue whom it likes, employer or aboriginal. It is only human nature for a board to collect the money at the easiest source.

Mr. Thomson: And the aboriginal may be 100 miles away.

The Minister for Health: The aboriginal will run away from an employer who is paying him full wages!

Mr. DAVY: That is not the point. I do not know of any board that would not endeavour to recover debts from the easiest source. Therefore, a board will invariably call upon an employer to pay, leaving the employer his remedy against the aboriginal. I should like to hear from the Minister whether it is not a fact that there are large numbers of aborigines employed on ordinary terms, the same as white men.

The MINISTER FOR HEALTH: I cannot definitely answer that question. However, I do not think any aboriginal is being paid by his employer as a white man is paid. There may be some philanthropists who so pay their aboriginal employees, but 99 per cent. of those employing aborigines employ them because they are satisfied with so much less than has to be paid to a white man.

Mr. C. P. Wansbrough: What about contractors?

The MINISTER FOR HEALTH: I do not know anything about them. I do not know whether there are any employers who have made definite signed contracts with aborigines; but I know that if they have done so, they have done something illegal—unless, indeed, they had the permission of the Protector of Aborigines.

Mr. Davy: Do you say it is illegal to employ an aboriginal without a permit?

The MINISTER FOR HEALTH: Yes. Even a sandalwood getter working 100 miles from the nearest railway must have a permit for the employment of aborigines. Of course, I know that such men sometimes do employ aborigines without a permit; but if discovered they are brought to court and fined. No man in this State may employ an aboriginal under any conditions without a permit.

Mr. Thomson: Does that apply to half-castes?

The MINISTER FOR HEALTH: I believe that under the Act half-castes are classed as aborigines. A Royal Commission appointed to inquire into hospitals reported

to the House. I have here some of the evidence adduced before the commission. Here is a paragraph—

Aboriginal employees from the stations have admitted having been advised by their employers when coming into hospital to say that they have ceased their employment. The explanation of this is that the employer is thus absolved from liability to pay hospital fees under the indenture system, and as fees cannot be collected from the native, the hospital is the loser. It has been known that natives who have made this statement on admission have returned to the station immediately on their discharge from the hospital and resumed work.

Mr. Mann: Whose evidence is that?

The MINISTER FOR HEALTH: That is by the matron of the hospital at Carnarvon. There is not the slightest doubt it has been done.

Mr. Angelo: I have never even heard of such a suggestion!

The MINISTER FOR HEALTH: Well, that was the evidence of the matron of the Carnarvon hospital.

Mr. Marshall: Carnarvon happens to be the town represented by the hon. member.

The MINISTER FOR HEALTH: That evidence was adduced before the Royal Commission. Unquestionably half-castes earning full wages, if they go into hospital will be asked to pay, and in many instances will pay readily. But if an employer has a permit to employ aborigines as cheap labour, the least he can do when one of his aboriginal employees falls sick is to provide hospital accommodation for him.

Mr. Heron: A good many would never object, but some would.

The MINISTER FOR HEALTH: That is so. The subclause is essential, and I hope the Committee will agree to it.

Hon. G. TAYLOR: There are many classes of aborigines, some semi-wild and others domesticated for the last 40 years or more.

The Minister for Health: Under the Act they are all classed as aborigines.

Mr. Latham: Some of them are driving motor cars.

Hon. G. TAYLOR: Aborigines that have been in the settled districts for many years past are totally different from those in new districts. On the outstations this clause may work hardship on the employers. All members are agreed that if a person employs aborigines at a low rate of pay he should be responsible for the care of any of those

that may fall sick. The aboriginal discussed by the member for Katanning and others is a civilised aboriginal shearer at contract rates and earning perhaps just as much as white shearers. If such a man should fall sick, I do not think the employer should be any more liable for his hospital treatment than he would be for that of a white shearer.

The Minister for Health: Under this subclause, if an aboriginal shearer were to fall sick, the hospital would look to him for their fees.

Mr. Latham: Certainly not; they would look to the employer.

Hon. G. TAYLOR: If the Minister is right in saying that no aboriginal can be employed except under permit, then many employers are breaking the existing law, and will break this law also.

Mr. Kennelly: An aboriginal cannot be employed without a permit.

Hon. G. TAYLOR: I am afraid that many of those employed as shearers are employed without permits. Of course, we all, including the Government and even Parliament, break the law. When an aboriginal anywhere near the city falls sick he goes to the Perth hospital and receives treatment, for which nobody pays. This House votes money to the Government for the care of aborigines, and so the Government should pay for their hospital treatment. I can say that, at all events until three years ago, the Perth Hospital never received a penny for the treatment of aborigines.

Mr. Sampson: Has it received any during the last three years?

Hon. G. TAYLOR: I cannot say. Any person employing an aboriginal at a low rate of wage should be responsible for his care when he falls sick. Of course, if the aboriginal be a shearer earning decent wages, he should pay for his own hospital treatment.

Mr. CHESSON: I hope the subclause will be agreed to. Hospital fees for the treatment of aborigines who have been working on stations for a mere pittance should be paid by the employer. The committees of outback hospitals are anxious to have some such provision as is contained in the subclause, so as to make the employers of aborigines responsible. The indigent aborigines are already provided for, because they must be treated free of charge at subsidised hospitals or by the medical officer in charge of the district. This subclause provides for

the treatment of aborigines working for employers. I hope it will be agreed to.

Mr. SAMPSON: The effect of this clause will be to discourage the employment of aborigines.

Mr. Marshall: What a pity.

Mr. Heron: Don't you worry.

Mr. SAMPSON: I fail to see why a line should be drawn between the treatment of white men and of aborigines.

Mr. Chesson: A line is drawn between the wages paid to them.

Mr. SAMPSON: It is not a question of pay.

The Minister for Health: We demand hospital service free for indigent aborigines.

Mr. SAMPSON: It is an obligation of the country to provide hospital service for sick aborigines. We should go further and provide hospital service for every sick person. One effect of the subclause would be to discourage the employment of aborigines and force them out of the back country into the towns. It is inequitable and there is no justification for it.

Mr. DAVY: Would the Minister accept an amendment to make the employer liable in the event of the aboriginal being unable to meet the liability? The aborigines to whom the member for Cue referred could not possibly pay.

The Minister for Health: I think the clause does that already.

Mr. DAVY: It does not; it puts an equal liability on the employer.

The Minister for Health: The liability is on the aborigines first of all.

Mr. DAVY: No, the liability is concurrent; the board may choose which party shall be sued. It would be a manifest injustice if the employer of an aboriginal, who is on the same footing as an ordinary employee, should have to pay for an illness incurred perhaps when the aboriginal was absent from his work and due possibly to misconduct.

Hon. Sir JAMES MITCHELL: The subclause should be struck out. Why should we deny the aboriginal the right to work?

The Minister for Health: We do not deny him the right to work.

Hon. Sir JAMES MITCHELL: That is the effect of the subclause.

The Minister for Health: If a white man employs aborigines and they fall sick, he should pay for them. I am going to stick to that.

Hon. Sir JAMES MITCHELL: The Minister should keep cool. Why should he endeavour to browbeat the Committee? If the subclause becomes law, no man will employ aborigines because the responsibility would be far too great. The subclause really means that aborigines are not to be employed. At present they are employed, and they ought to be employed, and they deserve every consideration at our hands. Under the Constitution we are bound to care for them.

The Minister for Health: And we do, too.

Hon. Sir JAMES MITCHELL: Not one member should support the subclause. If it becomes law, who could employ aborigines?

The Minister for Health: No man is allowed to employ aborigines unless he has a permit.

Hon. Sir JAMES MITCHELL: Well, aborigines are employed. If the Minister cannot afford to care for the aborigines when they are sick, some other means should be devised.

The Minister for Health: They are cared for when they are sick.

Hon. Sir JAMES MITCHELL: An aboriginal might be suffering from a disease that might cause him to be confined to a hospital for the rest of his life.

Hon. G. Taylor: What about leprosy?

Hon. Sir JAMES MITCHELL: Yes, and other complaints, too. The employer would be liable for the hospital charges. The aborigines were here before the Minister came to the State and they have a right to work.

The Minister for Health: I am not denying them the right to work.

[Mr. Panton took the Chair.]

Hon. Sir JAMES MITCHELL: But the subclause will deny them the right to work. There are not many aborigines left; we have taken their hunting grounds from them and they ought to be able to obtain employment. If the subclause becomes law they will not find employment very readily. My limited experience of the North was that there were a large number of natives on the stations and, while only a few were really employed, all of them were fed. That is a desirable thing because, apart from food, they have few wants. I do not know why the Minister should single out this unfortunate class for such bad treatment. It would be a rotten

thing to bring about the unemployment of the natives. They are entitled, just as we are, to get food and clothing and to live.

Hon. G. Taylor: And to work, too.

Hon. Sir JAMES MITCHELL: Yes, if they so desire. If an employer has to incur this liability, he will not employ natives. It is a liability not for a limited time, but for the whole time during which a native might be sick. When I was in Derby I saw natives who, I was assured, would be there until they died. If they are in a hospital for a week, a month, or a year, the employer will be responsible. The subclause is a mighty poor provision for several reasons, but the worst reason of all is that the Government will be shirking the responsibility they must shoulder with regard to those people.

Mr. MANN: There is a possibility of the subclause reacting in a manner that the Minister does not contemplate. The member for Leonora interjected that many employers would willingly pay, but some would refuse to pay. If there are employers who refuse to pay, what attitude will they adopt towards their employees when they know of their responsibilities? When the native becomes ill the employer may decline to take him to a hospital, in order to avoid the expense of treatment there.

Mr. Lamond: Most natives do not care about going into hospital.

Mr. MANN: A callous employer may shirk his responsibility towards the native, with the result that the subclause will do more harm than good.

Mr. ANGELO: In my district very few stations employ aborigines, who are looked upon as expensive labour. In other instances the natives are allowed to remain on the station, where they are looked after and do very little work. If this subclause is passed the station owners concerned may feel that they will be saddled with a responsibility towards these natives, and may clear them out.

The Minister for Health: They will not be responsible if they are not licensed to employ them, and do not employ them.

Mr. ANGELO: They may believe they will be held responsible, with the result that the Minister may find himself saddled with several hundreds of natives from the Gascoyne, who will have to be cared for by the mission.

Mr. THOMSON: Subclause 1 says that the cost of relief shall constitute a debt which the board may recover from the patient. In Subclause 3, however, the employer may be sued for the debt. I cannot see why this distinction has been made. There are many half-castes in my district who have good homes, and whose children are well brought up.

Mr. Lamond: Most of those people would be entitled to the privileges given under this Bill.

Mr. THOMSON: Because they are half-castes they would be deprived of those privileges. Is the employer to be responsible for them? Let me give an illustration of departmental methods in this respect. An aged woman from my district had unfortunately to be placed in the lunatic asylum. She had six sons. One son was selected by the Lunacy Department to pay for the mother's maintenance. Why was he selected? Simply because he was a landholder. It was too much trouble for the department to hunt up the other sons. They informed the selected son that he could recover from his brothers. This subclause is not a fair thing.

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

Ayes	..	..	..	..	17
Noes	..	..	..	..	21

Majority against .. 4

#### AYES.

Mr. Angelo	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. George	Mr. J. H. Smith
Mr. Griffiths	Mr. J. M. Smith
Mr. E. B. Johnston	Mr. Thomson
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Richardson
Mr. Mann	(Teller.)

#### NOES.

Mr. Chesson	Mr. Lutey
Mr. Collier	Mr. Marshall
Mr. Coverley	Mr. McCallum
Mr. Cunningham	Mr. Millington
Mr. Heron	Mr. Munzie
Miss Holman	Mr. Sleeman
Mr. W. D. Johnson	Mr. Troy
Mr. Kenneally	Mr. A. Wansbrough
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Wilson
Mr. Lamond	(Teller.)

Amendment thus negatived.

Mr. THOMSON: Subclause 4 is drastic. What is the reason for its severe nature?

The MINISTER FOR HEALTH: All that is intended by the subclause, and all that it provides, is that where a father or a mother has unfortunately to go into hospital and is unfortunately unable to pay the fees, but has adult sons or daughters who are in a position to pay, those sons or daughters must pay. Indeed, it is their bounden duty to do so.

Mr. Davy: Why do not you insert all those provisos you have mentioned in the clause? It does not say all you have said.

The MINISTER FOR HEALTH: No Bill that ever came before any Parliament contained all that was said in explanation of it. The subclause is perfectly justified.

Hon. Sir JAMES MITCHELL: If the Minister so directs, any child of any parent in a hospital may be selected to pay for the parent's treatment and maintenance, whether the child is able to pay or not. The child may have responsibilities.

The Premier: In that case an order for payment would not be made. This subclause expresses a well-recognised liability. One frequently reads of children being prosecuted in the courts for failure to maintain their parents.

Hon. Sir JAMES MITCHELL: I hope the Committee will reject the subclause. According to the Minister, it does not mean what it says. What about making a parent pay for a son over 21 who is given hospital treatment and cannot pay for it?

The MINISTER FOR HEALTH: It is provided that a parent shall pay if the child is a minor. It could not be expected that the parent should pay for an adult child.

The CHAIRMAN: Order! Hon. members are getting away from the clause.

Hon. Sir JAMES MITCHELL: The Minister says that while it may be right to make the son pay, it is wrong to make the parent pay.

The Premier: And so it would be.

Hon. Sir JAMES MITCHELL: A man with a family cannot contribute much out of his daily wages to the support of his parents.

The Minister for Health: I do not know of any instance where such a man has been forced to pay. When once his position is disclosed, the debt is written off.

The Premier: The trouble is that a considerable proportion of those who can pay,

do not pay. Those who can pay should be made to pay.

Hon. Sir JAMES MITCHELL: That is another matter. The subclause gives a board the right to select any one member of a family and make him pay. That is unfair and wrong.

The Premier: People who cannot pay are not pressed.

Hon. Sir JAMES MITCHELL: They may not be sued, but they are pressed, and the most deserving make a sacrifice to pay whereas the less worthy evade their responsibilities.

Mr. MANN: The clause is practically on all-fours with a section in the Destitute Persons Act, with this exception, that under that Act it has to be proved that the person is unable to pay. If a parent is destitute, a child may be sued for maintenance. That is not the position under the Bill before us.

Mr. Davy: Even under the Act you refer to, the child cannot be sued but is merely called upon to show why he should not pay.

Mr. MANN: That is so. If the clause dealt with destitute persons I would not take exception to it, but as it stands it leaves it open to an individual to scheme so that he may evade payment, leaving a son to shoulder the burden.

Mr. Chesson: Do you think a hospital board will not make a man pay if he can do so?

Mr. MANN: A board will seek to recover money due to them as cheaply and as easily as possible. For instance, a father may leave a district and his son who is located there will be sued by the board.

Mr. E. B. Johnston: Or else a daughter.

Mr. MANN: That is so. I think the Minister has erred in the drafting of the clause. He is not dealing with destitute persons.

The Minister for Health: Yes, that is all it means.

Mr. MANN: The Minister may not always administer this legislation.

The Minister for Health: Anyone who administers it must use common sense.

The CHAIRMAN: Order! The hon. member will address the Chair.

Mr. MANN: As a matter of fact, the Minister will not administer it at all; it will be dealt with by hospital boards and the Minister will not know anything about the hardships that may be inflicted upon individuals by various boards. I would like to hear the present Minister, if he were sitting in Opposition, declaiming against such



a clause! How can the Minister answer for all the boards controlling the 70 or more hospitals throughout the State?

Hon. Sir JAMES MITCHELL: Sub-clause 7 sets out that a financial member of a registered friendly society contributing to a hospital fund or a contributor to such a fund shall be entitled to receive relief from his indebtedness to a board to the extent of 20 per cent. of the cost of his treatment. If a man contributes 5s. to a hospital, he will be a contributor. If he takes a ticket in a sweep, he will be a contributor. What about the taxpayers who contribute? I think the Minister should agree to the clause being amended. After the word "contribute" in line 2, the Minister should insert the words "directly or indirectly." Everybody who contributes a small sum will get a rebate of 20 per cent. off his hospital bill.

The Minister for Health: He must be a contributor to a hospital fund.

Hon. Sir JAMES MITCHELL: Any contributor to a hospital is to have a rebate. If we pass this subclause, all contributors will be entitled to a rebate.

The Premier: Contributors to the hospital fund of a registered friendly society.

Mr. Davy: What is a hospital fund?

Hon. G. Taylor: It is frequently called a medical fund.

Hon. Sir JAMES MITCHELL: A man may be a contributor to a hospital fund as a member of a registered friendly society, or as a worker he may contribute to a medical fund.

Hon. G. Taylor: The railway medical fund is an instance.

The Minister for Health: Yes, contributors to that fund get a rebate of 20 per cent.

Hon. Sir JAMES MITCHELL: Will the taxpayer also get 20 per cent. off his hospital bill?

The Minister for Health: Not unless he contributes to a hospital fund.

Hon. Sir JAMES MITCHELL: Under this subclause anybody at all who likes to pay 5s. to a hospital fund may have his bill for hospital treatment reduced by 20 per cent. That is entirely wrong, and apparently is not what the Minister wants. All that the Minister wants is a concession for those who contribute weekly or monthly to hospital funds. If that is what the Minister really desires I am with him. I suggest the Minister should consult the Solicitor General

or the Parliamentary Draftsman as to the interpretation of the subclause.

Mr. CHESSON: I do not think this applies to all those who contribute to hospital funds. There is a contract between the committee of a hospital fund and the hospital, under which the committee pay so much per week or per month to the hospital. Obviously when they have a contract with the hospital they are not entitled to a further 20 per cent. off the hospital treatment fees.

Hon. G. TAYLOR: The custom adopted at the Perth Hospital for the last 12 or 14 years has been that regular contributors to recognised hospital funds receive hospital treatment on a reduced scale of charges. Thus, if a member of the railway medical fund falls sick and goes to the hospital as a patient, he presents a ticket to the secretary of the hospital on admission, and the committee managing the fund is responsible for the payment of his treatment charges at the hospital. The arrangement was that members of the railway medical fund were treated at a reduced rate, and the secretary of the fund paid the account. We had a similar arrangement with the timber workers, who were contributing to a fund they called a hospital fund.

Mr. Kenneally: The fund contributed to by the railway men is called a hospital fund also.

Hon. G. TAYLOR: The hospital treated with the association and if, as I assume, that is the intention of the subclause, it will be all right.

The Minister for Health: That is the intention.

Mr. DAVY: Is it intended that a financial member of a registered friendly society contributing to a hospital fund, or a contributor to any hospital fund that has made an arrangement with a particular hospital shall be entitled to receive the 20 per cent. deduction?

The Minister for Health: The members of the fund will receive treatment at 20 per cent. off.

Mr. DAVY: Does the Minister mean that they will receive the deduction if the officials of the hospital fund make an arrangement with the hospital?

The Minister for Health: Yes.

Mr. DAVY: Should not that be stated? It should be made clear what the fund is and that the rights of the member depend upon the managers of the fund making an arrangement with the hospital board. If I were

asked to interpret the subclause, I should say that anybody who contributed to any fund could claim the deduction from any hospital. The subclause attempts to say too much in too few words and does not clearly express the Minister's intention.

The MINISTER FOR HEALTH: If members had read Subclause 6, all this discussion would have been obviated.

Hon. Sir James Mitchell: Not at all.

The MINISTER FOR HEALTH: I cannot see what additional explanation members can require. A board may contract for the payment to it by any body corporate, registered friendly society, registered branch of a friendly society, or other society or person of the cost of hospital service to be afforded by the board to any person, and the amount so agreed to be paid, or a reasonable sum if no specific amount is agreed upon shall be a debt recoverable in any court of competent jurisdiction. It must be a fund recognised by the hospital board. If I attempted to give effect to the desires of the member for West Perth, we should require a Bill of 3,000 instead of 38 clauses. No official of a fund would attempt to put a patient into a hospital unless he was a member of a recognised fund and previous arrangements had been made with the hospital board.

Mr. MANN: Nothing is laid down as to the proportion to be paid. The Railway Hospital Fund last year paid £2,363 11s. 6d. to all hospitals. Did that cover the whole of the railway service?

The Premier: It covered the members contributing to the Railway Hospital Fund.

Mr. MANN: It is a large sum. Is the arrangement at so much per head? The Perth Hospital received £768.

Hon. G. Taylor: That was for all patients treated at the rate of 6s. 6d. per day.

The Premier: In most cases it is optional whether men join the fund, but if they join and pay they receive this benefit.

Mr. MANN: Would it not be wise to stipulate the proportion to be paid?

Mr. Kenneally: Subclause 6 gives the board power to come to an arrangement.

The Minister for Health: Different hospitals make different charges. The Perth Hospital charges 8s. and the 20 per cent. off brings it to 6s. 6d. The Kalgoorlie Hospital charges 7s. 6d. and the deduction brings it to 6s.

Mr. MANN: Apparently the railway fund paid nothing to the Kalgoorlie hospital. It would appear that the fund pays proportionately to each of the hospitals to which contributions are made. Why not have a uniform rate?

Mr. DAVY: I honestly think there is a defect in the drafting of the two clauses. I would suggest inserting in Subclause 6 after the word "society" in line 3 the words "hospital fund," and in Subclause 7 after the word "fund" in line 3 inserting the words "which has made such a contract as aforesaid."

The MINISTER FOR HEALTH: I am prepared to submit the clause to the Parliamentary draftsman, in order to make sure that the contention of the member for West Perth is embodied in it.

Clause put and passed.

Clause 34—Homes for aged or infirm people:

Mr. THOMSON: What particular home has the Minister in view under this clause?

The MINISTER FOR HEALTH: Only the Old Men's Home and the Old Women's Home. There are other homes with which it is not intended to interfere, but someone may start a home which in the interests of the people concerned should be taken over by the Government.

Mr. SAMPSON: With regard to Subclause 2, I imagine that very few adult children would be able to contribute to the maintenance of their parents, and yet they may be worried and harassed through their inability to meet the demands of pressing officials.

Mr. DAVY: It appears that if a person is employing an aboriginal, who becomes infirm or aged and goes into a home, he may be liable for the maintenance of that aboriginal for the rest of his life. The aboriginal may be sent to the Old Men's Home for the rest of his days, although he may have been employed by the employer only for a week.

The MINISTER FOR HEALTH: Aborigines will go into the hospitals provided for them under the Act. None has ever been admitted to the Old Men's Home. The employer would not be liable in a case such as that instanced by the member for West Perth.

Mr. DAVY: The Minister may not intend these things to happen, but the risk is there in the clause.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	11

Majority for .. 5

**AYES.**

Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. McCallum
Mr. Coverley	Mr. Millington
Mr. Cunningham	Mr. Munzie
Mr. Kenneally	Mr. Troy
Mr. Kennedy	Mr. A. Wansbrough
Mr. Lamond	Mr. Withers
Mr. Lutey	Mr. Wilson

(Teller.)

**NOES.**

Mr. Davy	Mr. North
Mr. Griffiths	Mr. Sampson
Mr. Latham	Mr. Taylor
Mr. Maley	Mr. Thomson
Mr. Mann	Mr. Richardson
Sir James Mitchell	

(Teller.)

Clause thus passed.

Clauses 35, 36, 37—agreed to.

Clause 38—Regulations:

Mr. DAVY: I feel sure I shall have a member of the Government with me in my criticism of this clause. The last two lines of it say that "any such by-laws so adopted shall be conclusively deemed to be within the powers conferred on the board." That is to say, such by-laws or regulations are to be the law of the land, and not challengeable in any court. The Minister for Works can hardly approve of that. He has frequently agreed with me and other members that by-law legislation should be avoided as far as possible. One of the limits to by-law legislation is that the courts of law will declare invalid any by-law not within the powers conferred by the statute. This clause gives the Government untrammelled power to make by-laws; and if a board adopt those by-laws, that is the absolute end. Of course such regulations can be disallowed by either Chamber, but we know how easy it is for by-laws to be laid on the Table and to escape the notice of members. It must frequently happen that by-laws which would be disallowed if they came to our notice get past us. That is why the courts are permitted to exercise a controlling judgment as to whether or

not a by-law is within the powers conferred by the statute. I move an amendment—

That in Subclause 2 the following words be struck out:—"and any such by-laws so adopted shall be conclusively deemed to be within the powers conferred on the board to pass by-laws under this Act."

The MINISTER FOR HEALTH: I fail to see why the hon. member is perturbed about this matter. The subclause empowers the Government to frame model by-laws and submit them to the boards. Those model by-laws must conform to the Act. A country board may adopt the model by-laws instead of making by-laws for themselves, and the clause merely means that it is not to be disputed that such by-laws are by-laws under this measure. It is not possible to have a uniform set of by-laws to control every public hospital in the State, because hospitals are managed under different conditions. Altogether independently of the Government, the boards have power to frame by-laws of their own.

Hon. Sir James Mitchell: You can take that power away from them.

The MINISTER FOR HEALTH: No.

Mr. Davy: You are insisting upon the boards adopting the model by-laws.

The MINISTER FOR HEALTH: The words to which the hon. member objects are wanted, and for a good reason. Every Act has to be administered with common sense. Not so many months ago a hospital committee in this State refused point-blank to carry on any longer. The members resigned from the board and handed over the hospital to the Government. Then the Medical Department got busy and collected a few local people who were prepared to control the hospital, and those people are in control to-day. The Government instructed them as to the lines on which they were to conduct the hospital. I want this power in case anything of the same nature crops up again.

Hon. Sir James Mitchell: You are quite frank.

The MINISTER FOR HEALTH: There is no intention of trying to force on the hospital committee anything detrimental to the hospital.

Hon. Sir James Mitchell: In whose opinion would it be detrimental or advantageous?

The MINISTER FOR HEALTH: It is optional whether the boards accept the by-laws or not.

Mr. DAVY: The Minister misses my point. I have no objection to giving the Government power to make model by-laws. Under certain circumstances it might be proper for the Minister to compel a board to adopt those by-laws. The point is, however, that having made the by-laws, the moment they are adopted by a board they "shall be conclusively deemed to be within the powers conferred on the board to pass by-laws" under this legislation. In the past it has always been held that, in the last resort, a court of law might rule a by-law out of order as being ultra vires. If this be agreed to, it will merely have to be quoted should the point be raised that a by-law is ultra vires, and that will be an end to the objection. This is no imaginary danger. It frequently happens that a department may make by-laws that are beyond the scope of their powers. I would refer the Minister to the traffic regulations and invite him to ask the Solicitor General whether many of those by-laws are not ultra vires and could not stand in a court of law. If we give subordinate legislative powers to boards, we must have some authority to see that they do not overstep those powers. The Minister proposes to take that authority away. I hope that the amendment will be agreed to.

Amendment put and negatived.

Clause put and passed.

Schedule.—

Mr. SAMPSON: Is there no committee hospital at Cunderdin?

The Minister for Health: Not if it is not included in the schedule.

Schedule put and passed.

Title—agreed to.

Bill reported with amendments.

*House adjourned at 11.15 p.m.*

## Legislative Assembly,

*Thursday, 22nd September, 1927.*

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

### QUESTION—RAILWAYS, DEVIATION WOOROLOO-CHIDLOW.

Mr. J. MacCALLUM SMITH asked the Minister for Railways: 1, What was the object in making the railway deviation between Wooroloo and Chidlows? 2, What is the length of the deviation, and what has been the cost to date? 3, Has the deviation been used for traffic; if not, what are the reasons for the delay? 4, Are additional regrading operations now being undertaken at Wooroloo; if so, for what reason and what is the estimated cost?

The PREMIER (for the Minister for Railways) replied: 1, To enable train loads to be increased by about 80 per cent., and obviate the use of bank engines. 2, Length 5 miles 18½ chains; cost to date £37,000; this amount includes the regrading mentioned in question 4. 3, No; it was not considered advisable to change over during the excessively wet weather. 4, Yes; a deviation of 52½ chains has been made; which is a part of the general scheme; cost is included in amount shown under question 2; both deviations will be brought into use next week.

### QUESTION—LANDS, PASTORAL LEASES, SOUTH-WEST.

Mr. RICHARDSON (for Mr. J. H. Smith) asked the Minister for Lands: 1, What is the total acreage of land held under pastoral lease in the South-West Division (not including annual leases)? 2, The number of persons holding such leases? 3, How many leases have been extended to