Legislative Assembly.

Thursday, 9th September, 1948.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) *As to Sleeper for Retired Secretary.*

Mr. BRADY asked the Minister for Railways:

(1) Is it a fact that owing to some error in booking, a sleeper was not provided on the Westland on a recent date for Mr. Reymond (retired Secretary for Railways) and Mrs. Reymond, and that an extra coach was attached to the Westland at Northam to provide them with sleeping accommodation?

(2) If so, would similar action be taken for any other ex-railway officer, or employee, in similar circumstances?

The MINISTER FOR EDUCATION replied:

(1) and (2) It is a fact that owing to some error in booking, a sleeper was not provided on the Westland for Mr. and Mrs. Reymond when they travelled to the Eastern States recently. On that night an extra coach was attached to the Westland at Northam in order to accommodate an overflow of passengers who had travelled as far as Northam by the 5 p.m. Perth-Kalgoorlie express. Neither Mr. nor Mrs. Reymond travelled in this coach.

(b) *As to Discontinuance of Kulja-Bonnie Rock Line.*

Mr. LESLIE asked the Minister for Railways:

As there are persistent rumours in the districts concerned that it is the intention of the Government to discontinue the use of the Kulja to Bonnie Rock railway, or to curtail even the present restricted service on this line, will he state definitely whether there is any foundation in fact for these rumours?

The MINISTER FOR EDUCATION replied:

There are no proposals at present for varying the existing train service on the Kulja-Bonnie Rock railway.

FIREARMS.

As to Dangerous Discharging.

Mr. GRAHAM asked the Minister representing the Minister for Police:

(1) Is he aware that, particularly at week-ends, numerous persons, including young boys, are regularly discharging firearms in the hills and other localities adjacent to the metropolitan area, to the danger of people?

(2) If not, will he have investigations made?

(3) If so, will he have steps taken to apprehend the offenders?

The MINISTER FOR HOUSING replied:

(1) It is known that shooting parties go to the hills at week-ends, and any complaints received by the police concerning such parties are investigated, and when any of-

fences in connection with the use of firearms are detected, suitable action is taken.

(2) Answered by (1).

(3) Answered by (1).

COALMINING.

(a) *As to Proprietary Mine Development, etc.*

Mr. MAY asked the Minister representing the Minister for Mines:

(1) What is the life, from a production point of view, with regard to what is known as 10 Section of the Proprietary Coal Mine?

(2) Is he aware of the policy of Amalgamated Collieries (W.A.) Ltd. regarding developmental work between 10 and 21 Sections of the Proprietary coal mine?

(3) Owing to the heavy pressure of water near the barrier of 10 Section and the old Proprietary mine workings, what provisions are being made to employ men in the event of its being found necessary to withdraw the men from 10 Section?

(4) In view of the workings of 11 Section of the Proprietary coal mine being below the fire area in 14 and 18 Sections, what arrangements, if any, are being made to facilitate production from this area?

The MINISTER FOR HOUSING replied:

(1) Number 10 Section is worked up to faults, except for the barrier between those workings and the old Proprietary mine. This barrier contains about 50,000 tons of coal.

(2) No. 10 Heading has been driven through the fault. A bore hole was put down beyond the fault for 70 feet, but it did not strike any coal and caused a heavy influx of water. It has since been closed.

An attempt to start 21 Section was made some time ago, but owing to the poor state of the ventilation in this area, it was not successful. A shaft to improve the ventilation was sunk. It was completed in April of this year, but is not yet equipped with a fan.

The coal beyond the fault can be worked from 21 Section and from development from 10 headings, when the coal beyond the fault is located.

(3) Two bores have been driven close to the old Proprietary workings, and a bore hole has been put through.

Water is now draining into the normal drainage of the Proprietary mine, but to date there is no diminution in the flow.

The possibilities are—(1) that the water may be drained and thus allow work to continue in the barrier; and (2) that 21 Section should be ready for work in the near future.

(4) Dip headings are being extended into No. 11 Section and are now below the line of old 18 level.

(b) *As to Views of State Mining Engineer.*

Mr. MAY (without notice) asked the Minister representing the Minister for Mines:

Are the replies which he has given to that question in accord with the views of the State Mining Engineer?

The MINISTER FOR HOUSING replied:

I understand that the information to enable the question to be answered was obtained from the State Mining Engineer.

(c) *As to Company's Work on Black Diamond Leases.*

Mr. MARSHALL asked the Minister representing the Minister for Mines:

What class of work, and what was the total amount performed by the Amalgamated Collieries (W.A.) Limited on Leases 256 and 304, and reported to the Mines Department in conformity with the Mining Act prior to the acquisition of such leases by the State Electricity Commission?

The MINISTER FOR HOUSING replied:

Departmental records do not show any work having been done on Coal Leases 256 and 304 by the Amalgamated Collieries (W.A.) Limited prior to the acquisition of same by the State Electricity.

NEW STATE.

As to Suggested Formation.

Hon. A. R. G. HAWKE asked the Premier:

What are the views of the Government covering the suggested formation of a new State in the lower southern part of Western

Australia, as put forward at the recent half-yearly conference of the Lower Great Southern Regional Council?

The PREMIER replied:

I am advised that the matter was not discussed at the recent conference, but has been submitted for consideration at the next gathering. The Government has not yet given the question consideration.

EDUCATION.

As to Specifications of School Service Buses.

Mr. GRAYDEN asked the Minister for Education:

(1) Is he aware that buses of the Government school bus services that are used to convey children to school, do not always conform to the specifications laid down by the Education Department?

(2) Will he explain why these specifications have not been insisted upon?

(3) What action is being taken to ensure that these buses conform to the specifications?

The MINISTER replied:

(1) Yes.

(2) School bus contracts are the subject of agreements made by the Government with school bus contractors, many of whom were precluded, when the agreements were being drawn up, from securing standard buses owing to war and immediate post-war conditions.

(3) The Education Department insists on standardised vehicles being used for all newly-established and/or renewed contracts.

METROPOLITAN TRANSPORT.

As to Easing Restrictions on Private Buses.

Mr. GRAYDEN asked the Minister for Transport:

In view of the fact that losses on Government metropolitan transport will to some extent be reduced as a result of the recent increase of fares, will it now be possible to permit private transport at present travelling on Government transport routes to assist Government transport in catering for the public on these routes?

The MINISTER FOR EDUCATION replied:

The matter will be considered.

HOSPITALS.

As to Equipment and Accommodation at Esperance.

Hon. E. NULSEN asked the Minister for Health:

(1) Will he give a reason why the x-ray plant as promised to the Esperance Hospital has not been installed?

(2) Is he aware that people with fractured limbs have to be flown to Kalgoorlie for x-ray?

(3) Does he know the bed average is 14, and provision is made only for 11 beds?

(4) Can he give the Esperance Hospital Board an idea when the bed accommodation will be increased?

(5) Does he know the influx at Esperance at Christmas and holiday time is about 3,000 persons?

The MINISTER replied:

(1) I have no knowledge of any promise. Only yesterday the Department was assured of the adequacy of the local electric current, and steps are being taken towards purchase of a suitable plant.

(2) I know of one such insurance which, however, could have been dealt with at Norseman, which is much nearer.

(3) The average during 1948 has been 13.2. For the five years previously the average was three. There is no guarantee that this phenomenal increase will be maintained.

(4) No, because of the urgent requirements of many other hospitals. The problem and the priority are being examined.

(5) I know it is considerable.

TELEPHONE CROSS-ARMS.

As to Shortage of Supplies.

Mr. BRAND asked the Minister for Forests:

(1) What number of telephone cross-arms is required annually by the P.M.G. Department?

(2) What percentage of requirements is supplied?

(3) As I am informed that certain telephone installations are being held up because of shortage of cross-arms, will he make inquiries from firms at present supplying, with a view to having the output substantially increased?

The MINISTER replied:

(1) Western Australian requirements of the P.M.G. Department are 15,000 cross-arms per annum. In addition, Western Australian sawmillers are expected to supply a proportion of South Australian and Victorian requirements.

(2) Western Australian sawmillers have supplied more than the total quantity required for use in Western Australia, but less than the total quantity the P.M.G. Department could expect to receive from Western Australia. The distribution of quantities actually supplied is a matter for the P.M.G. Department.

(3) Steps have already been taken with sawmilling firms to increase the total production of cross-arms for use either within the State or in other States.

POLICE.

As to Charges Against Commissioner.

Hon. A. R. G. HAWKE (without notice) asked the Premier:

(1) Has Cabinet yet had an opportunity to discuss the charges made against the Commissioner of Police as set out in the several documents read in the House yesterday by the member for Canning?

(2) When is the Government likely to be in a position to make a decision on the course which it will follow in connection with these charges?

The PREMIER replied: Cabinet has not yet considered the charges made against the Commissioner of Police, but early consideration will be given to them by it.

BILL—McNESS HOUSING TRUST ACT AMENDMENT.

Introduced by the Minister for Housing and read a first time.

BILL—BRANDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 7th September.

MR. KELLY (Yilgarn-Coolgardie) [4.42]: In introducing this small amending Bill, the Minister said that it was of some importance and he dealt with the minor alterations which it proposed to effect. As I desired to obtain some information with respect to the principal Act, I searched "Hansard" back to 1904, when apparently a Bill was introduced to clarify the main portions of this legislation. I found that very little interest was taken in that measure and that two years elapsed before it was finally passed and became law. There was very little discussion on the measure, which received scant attention from the then members of the Assembly. After having passed through this Chamber, it was dealt with leniently by another place. Little exception was taken to any of the clauses. I should say, judging from the current debate on the measure, very few members appeared to understand anything at all about it. The amendments which were eventually accepted and incorporated in the measure were so incorporated mainly on information supplied to the House by one or two members. The principal Act has been revised from time to time since 1904 and reprinted.

The Bill deals with the cancellation of brands. This is necessary. For many reasons brands have become obsolete, in some cases owing to the death of the registered holder, in others owing to transfer or retirement by the holder from the business of breeding. No doubt there are other reasons why brands have from time to time become obsolete, and it is undoubtedly a move in the right direction to overhaul this legislation so that those brands not now in use may, for the reasons I have given, be cancelled and made available to other persons who from time to time desire to make a choice from among them. An up-to-date brands directory is essential, not only from the point of view of the department but also from that of applicants.

The parent Act provides for a cancellation fee of 2s. 6d., and I note that it is proposed to retain this fee. Because of the lack of reference to this cancellation fee during the discussion on the principal measure and the various amendments which have been passed from time to time, I would like the Minister, when replying, to give an indication why he thinks it necessary to retain this fee. I have in mind many other departments where cancellations are from time to time necessary, but after having made inquiries I discovered no other instance where a fee is payable on cancellation. The amount is not large, I agree, but nevertheless it is an impost and many people find it difficult to understand why it should be charged.

The Minister has dealt with the Bill quite satisfactorily, but nevertheless there is another point on which I would like some information. A very large number of brands are at present registered and I notice it is proposed that the department should send letters to the registered holders. To use the Minister's own words, he said, "To avoid the danger of incorrect cancellation, it is proposed to give three months' notice by registered letter. These letters will contain a full description of the brands." Is it the intention of the Minister to issue, or to have sent to each and every one of these 54,000 registered brand holders, and advice as to the brand now standing in his or her name, and a request as to whether he or she wants the brand continued or otherwise? I assume it is the department's intention to issue these 54,000 notices to the registered holders at the present time.

Another feature of the measure is in connection with the time given to holders of registered brands in which to notify the department whether they require a brand to remain operative, or not. The period of three months is mentioned with, I think, an extension of 30 days for advertising. This should be ample to meet the requirements of anyone wanting to continue to use a brand. I have no fault to find on that score. I was wondering, during the course of the remarks yesterday of the member for Canning, whether the Minister was concerned regarding the possibility of his small measure receiving a rather rough passage, because I noticed that the hon. member, when reading one of the letters he had, said that Inspector Winning had spoken in rather disparaging terms of the efficiency of the Brands Act as it now stood.

That brings me to the point of slightly digressing from the subject-matter contained in the Bill, in making this request to the Minister, that a more thorough investigation of the Brands Act be made in the near future. I assure him that there are many other portions of the Act, as it now is on the statute book, that are in need of overhaul. I could name a number of instances, but I think the Minister can, without any trouble, find that there is room for a lot of improvement in the Act. I have no fault to find with the measure, and support the second reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [4.53]: I thank the member for Yilgarn-Coolgardie for his contribution to the debate. As to the 2s. 6d. cancellation fee, the keeping of records and the work involved in dealing with correspondence, and so on, in connection with the cancellation of a brand make it necessary that the department should be recouped in some substantial form. That is the reason for charging the 2s. 6d. It is to keep a proper control of brands. As to incorrect cancellations, etc., and the issuing of letters, I want to say that letters will not be sent in respect of the 54,000 brands now registered. But where a cancellation is applied for, or a brand is in doubt, the owner of the brand will be communicated with to make sure that the brand is to be cancelled, or that the property has changed hands, or that the person concerned is deceased.

The reason for this action is to ensure that no mistake will be made. The parties will be communicated with by registered letter. A period of three months will be allowed to elapse and then, to make doubly sure that no mistake will occur, notice of the cancellation will be published in the local Press for a month. That is the other point the hon. member raised. As to the contribution of the member for Canning last night, in connection with the Northam detective's request for the Brands Act and the register to be brought up to date, I think he impressed both the member for Yilgarn-Coolgardie and myself with the necessity for this action to be taken. I will make a note of the matter mentioned, that is the necessity for a complete overhaul of the Brands Act. It was consolidated in 1935—13 years ago. I will send the request to the Agricultural Department for examination.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 25:

Mr. MARSHALL: I want the Minister to explain the discrimination that exists between the provisions of paragraphs (a) and (b) of Subcause (1). Paragraph (a)

provides that if an owner applies on the form in the Sixth Schedule to the Act for cancellation and pays a fee of 2s. 6d., then the cancellation of the registration for his brand automatically takes place. On the other hand, if the owner merely notifies the Registrar that he has no further use for his brand, and does not require the use of another brand in its place, it is also cancelled. In the first instance, 2s 6d. has to be paid, and a form filled in, but in the second the person simply notifies the Registrar, in his own handwriting, that he no longer requires a brand, and the registration is cancelled without the payment of 2s. 6d. Who would be foolish enough to make application under paragraph (a), which entails the payment of 2s. 6d., when he can do so under paragraph (b)? Why the discrimination?

The MINISTER FOR LANDS: Paragraph (a) provides for the case of a registered owner who applies for the cancellation of his brand and, at the same time, for the registration of a new one. But where a stockowner has no further use for his brand, it is only necessary for him to notify the department.

Mr. Kelly: He does not pay the 2s. 6d. then.

The MINISTER FOR LANDS: That is so.

Mr. MARSHALL: Why does not the Bill state that?

Hon. A. H. Panton: It will be in the regulations.

Mr. MARSHALL: More regulations! What the Minister now says is not in this particular Bill. There is nothing in paragraph (a) to give legal authority for the action outlined by the Minister, unless it is shown somewhere in the parent Act.

The MINISTER FOR LANDS: It is in the parent Act, and covered by Schedule "A," which deals mainly with cases where owners wish to change their brands.

Mr. Kelly: Do they pay the 7s. 6d.?

The MINISTER FOR LANDS: It means a cancellation and the issue of a further brand, and they pay 2s. 6d.

Mr. Kelly: Yes, but do they still have to pay the 7s. 6d. for the new brand?

The MINISTER FOR LANDS: Frankly I cannot answer that.

Mr. MARSHALL: There is a difference between a brand and an earmark, although both are identification marks. A brand is usually placed on some part of the body, as set down in the Act, but an earmark is a different thing altogether.

The MINISTER FOR LANDS: In answer to the member for Yilgarn-Coolgardie, who interjected previously, I have since discovered that the 7s. 6d. does not apply. I realise that earmarks and brands are different, because branding is done with a hot iron and is used on cattle and horses and the like. But the word "earmark" is used as well, and the Act covers both earmarking and branding.

Mr. MARSHALL: The wording in this clause is a repetition of the parent Act. I can see nothing in the proposed amending Bill that is not in the parent Act. The Bill states that the Minister or the Registrar of Brands notifies the owner and allows him three months to reply. If the owner of the brand takes no action, then the Minister or the Registrar gives a further month's notice through the Press circulating in the district. All that is provided for in the parent Act under Section 25. I do not like the section which says that the Registrar of Brands may cancel a registration if, in his opinion, the reasons given by the owner are insufficient. It is right that there should be some appeal, because very often there is animosity between owners of brands, and unless some appeal is provided and owner might be deprived of his brand unjustly. Will the Minister advise me whether the parent Act provides for an appeal, or whether it is at the sole discretion of the Registrar of Brands?

The MINISTER FOR LANDS: I take it we must leave it to the Registrar. He is not lackadaisical and would not arbitrarily cancel the registration of a brand. It is necessary to have control over brands, and the Registrar would not cancel one without due inquiry. I will make a note of the hon. member's objections, and advise him before the third reading.

Mr. MARSHALL: The principal Act was passed in 1904. The development of our rural and pastoral industries in those days was a mere nothing and brands were not of vital importance. But there is a difference today and I agree with the Minister

that the matter should be tightened up. We should make sure that brands are not registered and then used as a means by which to perform illegal acts. In remote parts of the State there are a few fine pastoralists who unfortunately have received no education and may not be able even to read or write. Such persons could be dragged down to the city at great inconvenience and expense in order to defend themselves. The Minister has given an assurance that he will take up the matter with the Registrar of Brands to ensure that no injustice is done. To that extent I am in agreement with the Minister.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—HOSPITALS ACT AMENDMENT.

Second Reading.

Debate resumed from the 7th September.

HON. A. H. PANTON (Leederville) [5.12] I am not at all happy about the Bill as I think the Minister is setting out to cause a lot of worry for himself and future Ministers for Health. At the moment the definition of "public hospital" is set out in the Act to include the following:

> The expression "public hospital" also includes a maternity home, and any convalescent home which is part or a branch of a public hospital; but it does not include any hospital, maternity home, or convalescent home carried on for the purpose of private gain, or any philanthropic institution carried on without any Government subsidy.

It is the last few words that the Minister proposes to amend by inserting after the word "subsidy," the words—

> except such a philanthropic institution as aforesaid as the Minister, acting with the consent of the institution, shall, in his absolute discretion and by notice published in the "Gazette," declare to be a public hospital under and for the purposes of this Act.

From what the Minister said I understand that the reason for the amendment is that he is unable at present to utilise money from the Hospital Funds Act to assist a philanthropic institution. I do not disagree with much of the Bill in principle, but have been unable to discover what a philanthropic institution is. I have looked up a couple of dictionaries at my home, and the nearest I could get to the meaning of the word is that a philanthropist is a lover of mankind with marked generosity in making gifts. The speech of the Minister dealt with the Armadale-Kelmscott District Memorial Hospital Incorporated. I do not know and have not seen that hospital. I am advised that it is not a first class building for a hospital, but I leave that with the Minister, as it is his responsibility.

What has puzzled and worried me is how this hospital becomes a philanthropic institution. As I understand it, the history of the hospital is that it was first used as a private hospital for maternity work. Then like most maternity hospitals—I understand it is now a five-bed institution—it found itself in difficulties and approached the Minister for assistance. He, wisely, suggested that the local residents take up the matter and assist the hospital. An association was then formed, and the institution ceased to be a private hospital. From then on—and now—it has been called a philanthropic institution. I do not know whether the member for Swan has much information about that hospital but, if so, I would like him to tell the House how it becomes philanthropic. I have not been able to fathom how an institution becomes a philanthropic institution under the ordinary definition of the word.

If the Bill in its present form becomes an Act I am afraid the Minister will still be in the same position as he is now, in that unless he can satisfy himself that this is a philanthropic institution he will be unable to utilise the Hospital Funds Act with which to assist it. The Bill covers not only the Armadale-Kelmscott Hospital but any other institution that may declare itself to be a philanthropic institution, or that by some stretch of the imagination could be declared to be such. Under those circumstances I think the Minister would be bombarded by requests from many pepole who might consider themselves to be conducting philanthropic institutions of this sort. If I understand the word "philanthropic" aright it would be necessary only for some organisation to put five or six beds into a building and call it a philanthropic institution for hospital purposes, to be able to bombard the Minister with requests for assistance. Considerable political pressure could be brought to bear.

From my eight years' experience as a Minister I am able to say that a great deal

of political pressure can be brought to bear at times in matters of this kind. First and foremost I desire to know what a philanthropic institution is. Without wishing to be critical of the Minister I do not think it is fair to put into an Act of Parliament words directing the Minister to use his own discretion in a matter on which he should seek advice from his experts. The Bill proposes to give the Minister, at his own discretion, power to do certain things after publishing details in the 'Government Gazette." We have a Commissioner of Public Health who is regarded as an expert in health matters and, speaking from my own experience, I should say that on a question of this sort, one would naturally look to that official to advise. I am prepared to give the Minister discretion provided the Commissioner of Public Health has made a decision or tendered advice, not that this is a philanthropic institution, but that it is a suitable or satisfactory building for a hospital.

There is no need for me to dwell upon the subject of hospitals. I was hopeful—and I suppose the same can be said of every member of the Government—that we would be able to improve our system of hospitals in the country, but I am afraid that the proposal in this measure will make conditions a little worse or perpetuate the trouble arising from having unsuitable buildings as hospitals. Most of these small hospitals with an average of five beds or even fewer are usually housed in structures that were erected for an entirely different purpose.

I understand that in the case in question a large residential building was formed into a maternity hospital, and I point out that a hospital with an average of five beds is likely to develop into a place with 10 patients. In that event beds would have to be put here, there and everywhere and there would be no suitable accommodation for staff, and thus we should have dotted about the country a system of what will be known as philanthropic institutions financed by subsidies from the hospital fund. That is not the intention of the Hospital Funds Act. When the statute was introduced in 1937 by the then Minister, Mr. Munsie, no reason, so far as I can find in "Hansard," was given for the insertion of that provision. Why that should have been so, I do not know, because there must have been some reason in the mind of the Minister.

If the Government desires to pursue this matter, I cannot see why a Bill should have been introduced at all. When the Minister was speaking, I asked by way of interjection who was conducting this hospital, and the Minister replied that it was being conducted by a committee. I then asked, "Purely for philanthropic purposes?" and the Minister replied, "It is run on a public basis." How the dickens a philanthropic institution can be run on a public basis, I cannot understand.

The Premier: I think it has been run by public subscription.

Hon. A. H. PANTON: That may be so, but that would not make it a philanthropic institution. I venture to say that there is a number of private hospitals even in the metropolitan area not making a profit and consequently they must be philanthropic institutions, whereas an institution that is making a profit cannot be described as a philanthropic institution. That is where tremendous difficulty will arise under this provision. I should say that the hospital in question is not a philanthropic institution and, if it is not, what is there to prevent the Minister's having it declared a hospital under the Act? If that were done, the Minister could then subsidise it to the extent he thought fit. That would be the best way out of the difficulty. If the Minister's desire is to subsidise this institution, he should have it declared a public hospital, even though it may have an average of only five beds.

I suggest that the Committee stage be deferred in order that consideration might be given to the points I have raised. I am not prepared to leave the Minister in the unhappy position of having to exercise his discretion as to whether he will subsidise a philanthropic institution. I have given notice of an amendment which may not be all that the Minister or the House desires, but I am satisfied that we should place the onus on the Commissioner of Public Health of advising the Minister or giving a certificate that the building is a suitable place for a public hospital. I do this purely with the object of protecting not only the present Minister for Health, but also his successors in that office.

The Minister ought to have expert advice to guide him. He has not the time to run here, there and everywhere to inspect such buildings. Even if he did so, he would probably overlook quite a number of disabilities that would be immediately obvious to the eye of a medical expert. That is why I should like to see the Commissioner of Public Health brought into the picture. To the general principle of the Bill, I have no great objection, though I am still worried to know exactly what a philanthropic institution is. If someone can tell me, perhaps we shall be able to see a little more daylight as regards the Armadale-Kelmscott institution or any other to which it might be desired to extend similar consideration.

MR. WILD (Swan) [5.28]: I support the second reading of the Bill and endorse the remarks of the Minister. The hospital in question has had a change over in the last few years. It was originally run by Sister Whitehead 14 or 15 years ago as a maternity hospital, but during the war, when hospital accommodation in the city was hard to obtain, it was converted to a general hospital. She is a fairly old lady and 2½ years ago she relinquished possession owing to the difficulty of carrying on. The Armadale Road Board in its wisdom decided to take over the hospital from her, and leased the place to Matron Brady. It was then found that under the Road Districts Act the board was not empowered to run such an institution and the people of the district were faced with the prospect of the hospital being closed in a matter of 14 days.

A public meeting was convened, at which it was decided that the hospital should be taken over for the sum of £2,400 and set up as a war memorial to those who fell in World Wars I and II. That sum of £2,400 was subscribed by the people of Armadale and district, mostly by relatives of men who had fallen in those wars. The money was duly paid over and a small committee was formed from among the leading residents in the district. The Armadale-Kelmscott hospital is licensed for five beds only. There is no other hospital between Perth and Pinjarra and it serves some 10,000 people. A little over twelve months ago, owing to the inability of the Perth hospitals to accommodate patients, 18 had to be put up in the Armadale hospital.

A little less than 12 months ago two serious cases were sent to Perth, but Perth was unable to take them. They were returned to this hospital and the matron was forced to vacate her own bed and give it up to one of those patients. As members will agree, running a private hospital is different from running a public hospital.

Hon. J. T. Tonkin: I thought this was not a public hospital.

Mr. WILD: It is now. At least, we hope it is.

Hon. J. T. Tonkin: That is the point I would like someone to explain. Why is it not a public hospital? Or is it?

Mr. WILD: It is not a public hospital within the meaning of the Act, and that is the reason for the introduction of this amending Bill. The object is to obtain money to assist the hospital. Until it becomes a public hospital we cannot get that assistance.

Hon. J. T. Tonkin: It is not a private hospital?

Mr. WILD: No.

Hon. J. T. Tonkin: What is it?

Mr. WILD: I should say it is a philanthropic institution.

Hon. A. H. Panton: It is registered as a hospital, though. Is it not?

Mr. WILD: Yes. The position is that slowly, month by month, the hospital is gradually slipping back financially. It is licensed for five beds only, although in recent weeks it has accommodated ten and eleven patients. The £2,400 which I mentioned was paid for the hospital and its equipment. An overdraft was arranged with one of the banks and it was guaranteed by two of the leading citizens. The overdraft has now reached the sum of £1,500 and the committee finds that it cannot carry on. I agree with the member for Leederville that this is not an ideal hospital; but at the same time hospital accommodation in the city is so limited that we must have this small institution in our district until such time as bigger hospitals are built. The member for Leederville said that he does not think this is a philanthropic institution. In the dictionary which I have here, "philanthropic" is defined as "pertaining to philan-

thropy; general benevolence; entertaining goodwill towards all men." The hospital is not being run for profit; it is being conducted as a war memorial hospital.

All that the residents of the district desire is that it should merely pay its way and provide a very necessary service in the district. As I said, it is absolutely impossible to continue to carry on the hospital unless it is subsidised in some way or other by the Government. The finances have been slipping back to the extent of £70 a month, although I understand that in the past two or three months this has been reduced to £30 or £40 a month. The committee has come to the stage when it has reached the limit of the overdraft and if this assistance cannot be obtained, it means that the hospital will have to be closed. The gentlemen who comprise the committee have gone thoroughly into the whole matter. One can readily appreciate the position of the two guarantors, now that the limit of the £1,500 overdraft has been reached. They are not feeling happy about the position, because, unless something is done, next month the overdraft will have to be increased to £2,000.

The member for Leederville also said that in his opinion the Commissioner of Public Health should be the person to decide whether this is a public hospital. However, as he has licensed it as a five-bed hospital he must be quite satisfied that it is a fit and proper place to receive and treat patients. Bearing this in mind, the Government would be quite justified in giving the institution some assistance from the hospital fund tax.

Hon. A. H. Panton: That is my argument against introducing this Bill. The hospital is not a philanthropic institution, but it is a registered hospital, so I cannot see why assistance should not be given to it.

The Minister for Health: The Solicitor General advises against that. I shall try to give the House the grounds for his advice when I reply.

Hon. A. H. Panton: That is because you call it a philanthropic hospital.

Mr. WILD: Mr. Speaker, I cannot elucidate the meaning of this word. I feel that the Crown Solicitor considers that if it were a philanthropic institution it would be quite right for the Minister to assist it. We are quite justified in accepting his word. I support the measure.

HON. J. T. TONKIN (North-East Fremantle) [5.36]: I have not a great deal to say on this Bill, but I must confess that up to the present I am in a fog about it. The Minister said that this hospital has had a somewhat chequered career since it has been running on a public basis for the past two or three years. Therefore, the hospital has been running on a public basis, yet he tells us that it is not a public hospital and it is, because he cannot give a subsidy to it that this Bill is required. The definition of "public hospital" in the Hospitals Act is as follows:—

> "Public hospital" includes (subject to the exceptions hereinafter mentioned) any institution founded or maintained (whether wholly or partly by or under governmental authority or otherwise howsoever) for the reception, treatment, and cure of persons suffering from disease or injury, or in need of medical or surgical treatment or assistance, whether the treatment or assistance afforded by the institution is wholly or partly gratuitous or otherwise.

It seems to me that that definition would cover almost any possible hospital.

Mr. Leslie: Read the exceptions.

Hon. J. T. TONKIN: Yes. I will complete the definition if the hon. member gives me time. The definition continues—

> The expression "public hospital" also includes a maternity home, and any convalescent home which is part or a branch of a public hospital; but it does not include any hospital, maternity home, or convalescent home carried on for the purpose of private gain, or any philanthropic institution carried on without any Government subsidy.

But there is no definition of a philanthropic institution! Therefore, who is to declare that this is that kind of institution and not a public hospital according to the definition? That is what I would like the Minister to explain. He has declared that this is not a public hospital. I should also like to know why it has been declared a philanthropic institution after it has been carried on for two or three years on a public basis. From the information already supplied to us, it appears to me to meet all the requirements in the definition of "public hospital."

MR. LESLIE (Mt. Marshall) [5.44]: I happen to have had something to do with this hospital.

Hon. A. H. Panton: That is what is wrong with it.

Mr. LESLIE: There is nothing wrong with it, except what the member for North-East Fremantle said. It is a question of determining whether this hospital comes within the ambit of the definition of philanthropic institution or public hospital.

Mr. Marshall: What is a philanthropic institution?

Mr. LESLIE: I do not know. Because this is a hospital, or a philanthropic institution, call it what you like, and it is being conducted without a Government subsidy, it cannot be made a public hospital. That is the legal attitude taken up, we are informed, by the Crown Law authorities.

Hon. A. H. Panton: Let the Government give it a subsidy and it will be a public hospital.

Mr. LESLIE: It cannot be, unless it is a philanthropic institution. What this Bill proposes to do is to clarify the position. It is a question of making the law a little clearer.

Mr. Styants: It applies not only to this case, but to similar cases in the future.

Mr. LESLIE: I would not object to that. I think there are similar institutions which have received assistance in the past.

Hon. A. H. Panton: Can you name one?

Mr. LESLIE: Dowerin.

Hon. A. H. Panton: A philanthropic institution?

Mr. LESLIE: Yes.

Hon. J. T. Tonkin: How do you know it is a philanthropic institution if you cannot give a definition?

Mr. LESLIE: I say the circumstances are somewhat similar.

Hon. A. H. Panton: A Bill was not brought down with respect to Dowerin.

Mr. LESLIE: No. But in the meantime the Crown Law Department has become more particular in seeing that the law is carried out. I see nothing wrong with the Bill. It would make the position clearer to say not only that the Government can declare a philanthropic institution to be a hospital, but that any hospital, maternity hospital, convalescent home or philanthropic institution can be declared a public hospital and so receive Government assistance. That would make it clear and above board. But the Crown Law people think this Bill will meet the position and is perfectly satisfactory. The hospital has been run in the past on the basis of a public hospital, because it is not a profit-making institution. The drawback seems to be the fact that it is owned and operated by an incorporated body.

Hon. A. H. Panton: It is only non-profit-making because it has not sufficient funds coming in.

Mr. LESLIE: On the contrary, I would point out to the hon. member that if the hospital had a surplus it would not be counted as a profit, but would go to provide additional amenities for the patients. Nobody gains any profit from it. The incorporated association includes several hundred members who pay a minimum subscription of 2s. 6d. a year.

Hon. A. H. Panton: If a profit of £1,000 were made in one year, it would go to build up a better hospital?

Mr. LESLIE: To build up a better hospital and provide amenities.

Hon. A. H. Panton: Then they would have a better asset.

Mr. LESLIE: Yes. I will qualify what I have said by adding that it is not a profit-making hospital for any individual. It is not being run for individual profit. It is possible for a Government hospital to make a profit.

Hon. A. H. Panton: I have never heard of one doing so.

Mr. LESLIE: If a Government hospital made a profit, that would be used to provide additional equipment or would go to Consolidated Revenue, as the case might be. This hospital is in the same position. The whole difficulty arose because instead of the hospital being run by a committee elected by the public, it was conducted by an incorporated association. The reason the incorporation was undertaken was so that financial assistance might be obtained from the bank. To all intents and purposes the hospital is the same as any committee hospital subsidised by the Government. The Bill will enable the Government to pay a subsidy in this case and to satisfy the Crown Law Department and the Auditor General that it is conforming to legal requirements.

THE MINISTER FOR HEALTH (Hon. A. V. R. Abbott—North Perth—in reply) [5.44]: I agree with members that a good legal argument is available on this definition. Quite frankly, I would have preferred to subsidise the hospital without any amending Bill. As a matter of fact, I tried to do so, but the Crown Law authorities advised me it was impossible. Their ruling was that according to the definition a public hospital includes any institution founded by or under Governmental authority or maintained by the Government.

Hon. J. T. Tonkin: Or otherwise howsoever.

The MINISTER FOR HEALTH: I am informed those words still relate back to the words "founded or maintained."

Hon. J. T. Tonkin: Yes, they relate back; but not to the words "founded or maintained by the Government."

The MINISTER FOR HEALTH: Yes—founded or maintained by the Government. That is what I am advised, and I do not propose to argue a legal case against the Crown Law advisers. As members know, in some legal problems the Privy Council is the only body that is right.

Mr. Hegney: They have the last guess!

The MINISTER FOR HEALTH: A former Chief Justice of the High Court, Mr. Justice Griffiths, when he had one of his judgments commented upon because it had been over-ruled by the High Court, said, "You know why the Privy Council is right?" His friend replied, "No, I do not"; whereupon Mr. Justice Griffiths explained, "It is because they have the last say." The advice I have been tendered by the Crown Law Department is that this hospital was not founded by the Government and is not wholly or partially maintained at Government expense at present, and therefore is not a public hospital; and as the Hospital Funds Act says that only public hospitals may be subsidised, I cannot subsidise this hospital. As to the query about "philanthropic," which is a difficult word to say—

Hon. J. T. Tonkin: It is more difficult to explain, apparently!

The MINISTER FOR HEALTH: I have here the legal meaning as given by the Solicitor General, who says—

> The judicial meaning of "philanthropic" is defined both by Stroud and Roland Burrows, K.C., in their respective works as follows:—"Philanthropic" is no doubt a word of narrower meaning than "benevolent." An act *may* be benevolent if it indicates goodwill to a particular individual only, whereas an act may not be said to be philanthropic unless it indicates goodwill to mankind at large.

Hon. J. T. Tonkin: That suggests that this does not refer to what is generally known as a hospital at all, but to something like a rest home or a convalescent home.

The MINISTER FOR HEALTH: The term "philanthropic" is used in the Act, is it not? Why, I do not know. It says "any philanthropic institution carried on without a Government subsidy," assuming, I suppose, that if it had a Government subsidy, it could be carried on.

Hon. J. T. Tonkin: I do not think so. It rather suggests to me that it is an institution other than one which is generally known as a hospital and that is why it is excluded.

The MINISTER FOR HEALTH: Whatever it may be, the Bill has been drafted in that way.

Hon. A. H. Panton: That is the trouble.

The MINISTER FOR HEALTH: I am here only to argue the principle of the Bill, but I propose giving to the Crown Law officers the comments of the member for Leederville, before the Committee stage. If some better wording can be arrived at to achieve the object of the Bill, it will be adopted. I might say that there is another association which is run on the same legal principles at the present moment, and that is the Children's Hospital, which is an association incorporated under the Associations Incorporation Act.

Hon. A. H. Panton: The Children's Hospital is subsidised.

The MINISTER FOR HEALTH: Yes, and I am advised that it is being assisted because it was subsidised before the introduction of the Act, and therefore was not excepted by the exclusion at the end of this section. I made the comparison myself that it was somewhat similar, and I was advised that the distinction was that the Children's Hospital was being subsidised when this Act came into being and, therefore, by force of the Act, was a hospital which was being partly or wholly maintained and, so did not come within the exclusion. There was also some comment by the member for

Leederville as to why this hospital was not being taken over and made a public hospital, in the ordinary sense of the word, by being vested in the Crown. I am advised that that is not as simple as it might seem. There are two methods by which the Solicitor General says that could be done. First, it could be purchased. Well, the Crown does not desire to purchase this institution.

Hon. A. H. Panton: I do not blame you for that.

The MINISTER FOR HEALTH: The second method is that of resumption. Here again, the Crown has no desire to resume it. On the other hand, with the present shortage of hospital beds, the impossibility of providing hospital accommodation on the basis that we hope one day to see, it is wise to make use of such accommodation as is available.

Hon. A. H. Panton: I have no objection to that.

The MINISTER FOR HEALTH: That is the reason why it is desired to assist this hospital to carry on for the time being. Until we have something more suitable in the way of a public hospital. It is desired to assist this hospital without the Crown acquiring the property and being responsible to pay for it.

Question put and passed.

Bill read a second time.

BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 7th September.

HON. A. H. PANTON (Leederville) [5.55]: We have debated this Bill each year since 1915. Last year, the Minister said that consideration would be given to continuing it for a period of five years so that we could have a spell away from it. There can be no objection to the measure, because it seems to be necessary. I make another suggestion to him, that at the end of the five years consideration be given to bringing down a further Bill and deleting the period altogether.

The Minister for Lands: I hope I shall be here to do so.

Hon. A. H. PANTON: I hope not. I am not too sure about the legal aspect of that, but the Minister could find out. If the term could be deleted from the measure, we could make it permanent, because it can only be used for one purpose. I do not object to the Bill.

On motion by Mr. Smith, debate adjourned.

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 7th September.

HON. A. R. G. HAWKE (Northam) [5.57]: It is necessary to continue the existing legislation because of the condition in Western Australia in respect of housing and the materials required for house construction. I was particularly interested to hear the remarks made by the Minister in connection with the situation created when any type of building material has been decontrolled. He told us that several such materials had already been decontrolled, with the result that the trade handling them had been relied upon to ensure that sufficient of them would always be available for the house building programme of the State Housing Commission. The Minister also assured us that the experience along these lines had been satisfactory, and that the building contractors operating for the Commission had been able to obtain all the materials they required when there was within the State at least a sufficiency of such materials for housing needs.

I agree with the Minister that if that unofficial system of rationing is carried out fairly by the trade, it has advantages to the building contractors, in particular, because it enables them to obtain the materials they require with a good deal less inconvenience and trouble than if they had to obtain permits, as was the case some time ago. The Minister said he hoped to be in a position, in the reasonably near future, to decontrol timber. I have a slight suspicion that as an increasing number of building materials are decontrolled, and if their distribution is left entirely in the hands of private merchants, there might easily develop a tendency for an all too

large quantity of such materials to be sold to people who would either store it for long periods or use it for purposes other than those associated with the building of houses. On that point the Minister told the House that he would be prepared to re-impose control by the State Housing Commission on any building material that was not being distributed equitably by private merchants.

There the Minister has a good weapon in his hands. He has the legal power—which he will still hold—to re-impose controls if those responsible for the sale and distribution of building materials should ever fail to do the fair and proper thing. I hope the Minister is quite sure that the private merchants concerned are distributing all decontrolled materials fairly and are giving absolute priority, in the distribution of those materials, to contractors who are building houses for the Commission. I have a slight doubt on that point because of some of the replies given by the Minister on Tuesday night to questions submitted by the member for East Perth. The Minister was questioned as to the number of outstanding applications for tenancy homes as at the 1st January, 1947, and, later, as at the 1st of July last.

By his figures the Minister indicated that the number of outstanding applications had increased by 3,525 during that comparatively short period. That could possibly indicate that the quantity of decontrolled building material available for housing is not as high a percentage of the total as it should be. It could easily indicate that private merchants are selling and distributing far too great a quantity of decontrolled building material into channels where it is not used for the building of houses at all. Unless the Minister has some other acceptable explanation for the great increase in the number of outstanding applications for tenancy houses during the period from the 1st January, 1947, to the 1st July, 1948, I suggest that he should have a close investigation made by trained investigators, to ascertain whether private merchants are in fact making available to those building contractors, who hold contracts from the State Housing Commission, all the building materials required by them to enable them expeditiously to fulfil those contracts.

I remember that some of the private merchants in the metropolitan area did peculiar things with building materials—things that were not at all honest and that prejudiced to a considerable extent the building of houses in this State. It might, therefore, be that some of those merchants—I hope only a small minority—are doing the same kind of things today as they did at that time. It might very well be that they are disposing of a quantity of decontrolled building materials into avenues where it should not go. The effect would be that the building of houses would be prejudiced and needy families urgently requiring houses would not be able to obtain them as soon as they should. I ask the Minister not to accept as gospel the assurances received from all the private merchants trading in building materials. Some of them might be spiriting quite a substantial quantity of such materials into channels other than housing, despite the fact that contractors building houses might require much more material than they are receiving and could, by obtaining additional quantities, build houses at a greater speed than is at present the case.

I would like the Minister to tell the House how many prosecutions have been launched under this Act during, say, the last two years, or each of the last two years. If the Minister has not the information with him perhaps he could obtain it for next week. If possible, I would also like to know how many breaches of the provisions of the Act have been discovered during the last two years, even though prosecutions might not have been launched in every case. I ask for that information because I think it is desirable that members should know the extent to which the Act is proving successful in its major purpose, and also the extent to which people have attempted to get around its provisions. In all legislation of this kind the severest administration is necessary to achieve the best results. Unless the legislation is administered in a fairly severe fashion, and unless those who breach the Act are shown that it does not pay to do so, the legislation loses a lot of its effectiveness and the people for whom its provisions were enacted do not receive the protection that it was framed to give them.

The principles of the Act have proved themselves in practice and I am inclined to think they will be required as the law of this

State for a fairly long period to come, as it is clear, from statements made by the Minister and from general observations which every member is able to make in his own electorate, that the acute shortage of housing is likely to continue for the best part of the next five years. I have no objection to the principles of the Bill nor have I any objection to the legislation being continued for the further period outlined in it, and therefore I support the second reading.

On motion by Mr. Hoar, debate adjourned.

House adjourned at 6.12 p.m.

Legislative Council.

Tuesday, 14th September, 1948.

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

QUESTION.

HOSPITALS.

As to Royal Perth and Infectious Diseases Branch Staffs, etc.

Hon. A. THOMSON asked the Honorary Minister for Agriculture:

(1) What number of—

(a) sisters;

(b) staff nurses;

(c) third year trainees;

(d) second year trainees;

(e) first year trainees,

were employed at the Royal Perth Hospital in—

(a) July, 1946;

(b) July, 1948?

(2) What number of beds were available—

(a) in the old building prior to the use of the new wing;

(b) What number of beds are now available in both the old and new portions of the hospital?

(3) What number of beds will be available in the new hospital?

(4) What number of beds will ultimately be available in the new building and the two reconditioned blocks of the old building?

(5) Will this number constitute the full plan of hospital beds on the present site?

(6) What number of nurses, as defined in question (1), will be needed to meet the nursing needs of these patients?

(7) Does this include the number of nurses required to staff the Infectious Diseases Branch?

(8) What number of nurses, as defined in question (1), are normally required to staff the Infectious Diseases Branch?

(9) What is the maximum number of nurses, as defined in question (1), that have been employed in a peak period in the Infectious Diseases Branch prior to the present poliomyelitis epidemic?

(10) What is the maximum number of nurses, as defined in question (1), that have been employed during the present poliomyelitis epidemic?