Mr. UNDERWOOD: We required up-to-date Western Australian knowledge in all our employees in the London office.

The Premier: In the boy who licks the stamps?

Mr. UNDERWOOD: We should arrange for frequent exchanges betwen the clerks in the London office and clerks here in the State.

Mr. FOULKES: Several times he had gone into the London office and found no one there who knew anything at all about Western Australia.

Amendment put and negatived.

Vote put and passed.

Progress reported.

House adjourned at 6.16 p.m.

Legislative Council,

Tuesday, 6th December, 1910.

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

PAPER PRESENTED.

By the Colonial Secretary: Report of Sir Newton J. Moore on his visit to Great Britain.

RETURN—TIMBER LEASES, PARTICULARS.

On motion by Hon. M. L. MOSS: Ordered, That a return be laid on the Table showing: 1, The number of timber leases held under the Land Act, 1898, and the Land Regulations in force prior to the passing of this Act. 2, The names of the lessees, the areas of the leases and the localities in which they are situate. 3, Whether the terms or conditions of the leases have been complied with. 4, If not, what leases are liable to forfeiture for non-compliance with such conditions.

BILL—MOUNT LAWLEY RESERVES.

In Committee.

Hon. W. Kingsmill in the Chair.

Clause 1—agreed to.

Clause 2—Reserves vested in His Majesty:

The COLONIAL SECRETARY: When the Bill was under discussion previously a point had been raised as to whether the transfer had taken place from the owner, Mrs. Slade, to the Crown or whether it was sought to get a transfer through the Bill. He had then stated that he had information from the Crown Law Department that the land had been transferred in the ordinary way, but on looking through the papers he now found that the transfer was here attached and signed by Mrs. Slade on 18th March of this year, so that the land had been transferred by Mrs. Slade to the Crown for the sum of 5s.

Hon. M. L. Moss: I am quite satisfied with that statement.

Clause agreed to.

Clauses 3, 4—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—PERTH MUNICIPAL GAS AND ELECTRIC LIGHTING.

Recommittal.

On motion by the COLONIAL SECRETARY Bill recommitted for the purpose of further considering Clause 9.

Clause 9—Votes of ratepayers, how taken:

The COLONIAL SECRETARY moved an amendment—

That Subclause (1) be struck out, and the following inserted in lieu:—"For the taking of such poll, a special roll of ratepayers shall be prepared, re-

rised, and authenticated in the time and manner prescribed in the First Schedule hereto."

When the Bill had been in Committee it had been pointed out that there was no machinery whereby the roll could be corrected in the event of a person's name being wrongly on the roll, or in the case of a name being omitted. It was in order to get over that difficulty that he moved the amendment. The necessary machinery to give effect to the amendment would be provided in a Schedule, but in moving for recommittal he had overlooked the Schedule, and it would be necessary to further recommit the Bill immediately Clause 9 had been disposed of.

Hon. Sir E. H. WITTENOOM: This was an instance of the folly of trying to work too quickly. The second reading had been followed immediately afterwards by the Committee stage, and therefore members had had no opportunity of studying the remarks of the Colonial Secretary. Ordinary etiquette always intended that the second reading should be taken on the one day and the Committee stage on another day, so that members might have an opportunity of digesting the Minister's remarks and explanations. One could hardly blame the leader of the House for trying to get the business through as speedily as possible.

The Colonial Secretary: It was at the request of the metropolitan members that we took the Committee stage straight away.

The CHAIRMAN: The discussion was quite out of order.

Amendment put and passed.

Bill again reported with further amendment.

Further Recommittal.

On motion by the Colonial Secretary, Bill further recommitted for the purpose of inserting a schedule.

New Schedule:

The COLONIAL SECRETARY moved an amendment—

That the following be inserted to stand as the First Schedule:—

1, The town clerk shall cause a list to be prepared which shall contain the names of all persons whose names appear in the current year's rate book for the municipality as owners or occupiers of rateable land. 2, The said list shall be available for inspection to any ratepayer at the town clerk's office not later than fourteen days before the date fixed for the holding of the poll. 3, On or before the tenth day before the date fixed for the holding of the poll—(a) Any person who claims to be the owner or occupier of rateable land in the municipality, and whose name does not appear upon such list, may apply to have his name inserted thereon. Such application shall be made in writing, delivered or sent through the post, addressed to the town clerk, and shall contain certain particulars of the land in respect of which the applicant claims to be ratepayer. (b.) Any person whose name appears upon such list, or who claims to have his name inserted thereon, may object to any other person as not being entitled to have his name retained thereon. Such objection shall be made in writing, delivered or sent by post, addressed to the town clerk. It shall be in duplicate, and shall specify the grounds upon which it is based, and it shall be the duty of the town clerk to post one copy thereof to the person objected to. 4, The council at a meeting to be held for that purpose, before the date fixed for the holding of the poll, shall determine upon the validity of all such claims and objections, and shall make all corrections in the said list necessary to give effect to such determination. At least three days' notice of the date of such meeting shall be given by advertisement in a daily newspaper published in Perth. Any such meeting may be adjourned from time to time. 5, The determination upon validity of claims or objections shall be by the majority of those present at the meeting or adjourned meeting, and in case of an equal division the mayor or chairman shall have a casting vote in addition to his deliberative vote. 6, The mayor or chairman shall initial every addition or alteration in the list, and shall cause to be written at the foot or end thereof a certificate that the same

has been revised, and is correct with the date thereof. The mayor or chairman, and not less than two other members of the council, shall severally sign such certificate and the list so revised and certified shall be the special roll of ratepayers referred to in Section 9 of the Act.

The schedule was inserted for the purpose of having a check on the roll before the poll was taken. As in the case of the Municipalities Act provision was made for notice being given of objections to names on the roll, and those objections would be dealt with before a court consisting of the council. It had been necessary to make those new provisions, because the machinery in the Municipalities Act would not apply, inasmuch as the polls provided for therein extended only to owners. The Bill was intended to apply to only one poll in the one municipality of Perth, for the specific purpose of enabling the council to take over the Gas Company's business, and therefore it was thought necessary to insert special provisions.

Hon. J. F. CULLEN: It would be very much better to add the provisions contained in the schedule as six new clauses. By what stretch of language could those new clauses be put together and called a schedule? The term would mislead anybody.

The Colonial Secretary: What is the difference?

Hon. J. F. CULLEN: Schedule had a definite meaning. It was a form of prescribed fees, or a list of regulations or provisions. The schedule before the Committee was part and parcel of the Bill, with no differentiation from other clauses. It was a breach of form to call such provisions a Schedule.

The COLONIAL SECRETARY: What difference could it possibly make whether it was a schedule or whether they were clauses? The schedule had been drawn up by the City council solicitor, and had been endorsed by the Parliamentary Draftsman.

Hon. M. L. MOSS: A similar example was not known where so much had been put into the schedule of a Bill. People who were accustomed to deal with these matters never looked at the schedule at all. If one took the Roads Act or the Municipalities Act, or any other Act dealing with local government, it would be seen that the provisions with regard to rolls were contained among the clauses and not in the schedule.

Hon. J. W. LANGSFORD: One naturally read the clauses of an Act of Parliament and the schedule afterwards. In this measure there was no reference to the first schedule.

The Colonial Secretary: Read the clause we have just passed.

Hon. J. W. LANGSFORD: That certainly referred to the schedule. However, he thought schedules usually were made up of forms, modes of agreement, or modes of application.

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

Ayes	.. .. ..	8
Noes	.. .. ..	12
Majority against	..	4

AYES.

Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. M. Drew	Hon. C. Sommers
Hon. C. McKenzie	Hon. A. G. Jenkins
Hon. R. D. McKenzie	*(Teller).*
Hon. B. C. O'Brien	

NOES.

Hon. T. F. O. Brimage	Hon. R. Laurie
Hon. E. M. Clarke	Hon. E. McLarty
Hon. J. F. Cullen	Hon. M. L. Moss
Hon. D. G. Gawler	Sir E. H. Wittenoom
Hon. J. W. Hackett	Hon. S. Stubbs
Hon. J. W. Kirwan	*(Teller).*
Hon. J. W. Langsford	

Schedule thus negatived.

Bill reported without further amendment.

The COLONIAL SECRETARY moved—

That the consideration of the report be made an Order of the Day for the next sitting of the House.

Hon. M. L. MOSS: The schedule had been rejected simply on the grounds of clumsy and bad draftsmanship. It was to be hoped, however, it would find its way into the Bill in the form of clauses. The Colonial Secretary should recommit

the Bill with the idea of getting these clauses added in the proper places.

Hon. A. G. JENKINS: It was understood that the leader of the House was not willing to recommit the Bill. It might be advisable to move that the Bill be recommitted for the purpose of inserting new clauses.

The Colonial Secretary: I said nothing of the kind.

Hon. A. G. JENKINS: I thought you told me so when I asked you to recommit the Bill.

The PRESIDENT: When an amendment is made in Committee the report of the Committee cannot be considered on the same day. The consideration of the report must be made an Order of the Day for a subsequent sitting of the House, according to our Standing Orders.

Motion passed.

BILL—FREMANTLE FREEMASONS' LODGE No. 2 DISPOSITION.

Second Reading.

Debate resumed from 1st December.

Hon. J. W. HACKETT (South-West): The object of this Bill has already been explained to members and needs only a few words from me to commend it. It is simply a case of the Fremantle Freemasons' Lodge holding property at Fremantle. This lodge transferred its allegiance from the Grand Lodge of England to the Grand Lodge of Western Australia. It is the same lodge, it has the same members, the same privileges, and the same property. They desired to carry their property over and found that there was no record of certain steps having been taken by the lodge in its former capacity. This Bill is to render that possible, and it has no other object. There are some blemishes, as has been pointed out in the course of the debate, and I take it that the hon. member who is in charge of the Bill will give the House the opportunity of considering those on another day. All that is asked from the House at the present time is that the Bill be read a second time, and I heartily commend it.

Question put and passed.

Bill read a second time.

BILL—HEALTH.

Second Reading.

Debate resumed from 1st December.

Hon. W. KINGSMILL (Metropolitan): It is not my intention to make more than a few remarks on the second reading of this Bill mainly because, as the hon. gentleman who introduced the Bill said, it has been fairly well considered by this House already on more than one occasion, and by a section of the House, the select committee which was appointed to sit upon it, and I think I may say it was by them remarkably well considered. If there is one thing I admire more than another it is the christian like attitude taken up by the leader of the House in accepting this Bill as it comes before us. The hon. gentleman was kind enough to inform us that there had not been many amendments made to it, but if we alter the whole system of the control of the Health Department I venture to say that a somewhat drastic amendment has been made by another place. However, the hon. gentleman seems satisfied, and it would ill-become me to cavil at the amendments made. I would, however, much sooner that amendment had taken another direction. It will be noticed that the controlling influence of the Central Board of Health has been struck out of the Bill, whereas the local boards are left with their full and usual powers. I think hon. members will agree with me when I say that I wish the reverse process had taken place, and that the central board had been left and that the powers of the local bodies had been somewhat curtailed.

The Colonial Secretary: They are curtailed.

Hon. W. KINGSMILL: They ought to be curtailed even more. These local bodies are very often troublesome to deal with and neglect to carry out their proper duties, and only take a proper and reasonable view of their duties when those duties are carried out for them. The Colonial Secretary said in his second reading speech that the duties of the office of Commissioner of Public Health

—a most important office—should be carried out by the Principal Medical Officer in addition to his other duties. I have not one word to say against the Principal Medical Officer, but I think when heaping duties on him in the way we are doing, firstly, by giving him more duties in connection with hospitals under the Hospitals Bill now before Parliament, and next by increasing the responsible nature and scope of his duties as we are doing, and more than should be done, able and willing as he is, it will be more than he will be capable of standing. It is possible to carry this amalgamation process too far. We have seen the result of this kind of thing already in connection with the amalgamation of the Fisheries and Aborigines Departments, and I think if this is done under this Bill either one or the other of the big departments, Medical or Health, will suffer. The duties will be more than it will be possible for one man to carry out. I think, too, that the health of the community is a subject upon which this State can well afford to spend more money than it is doing at the present time. Dr. Hope with his staff should be confined to either one or the other of the two great positions to which he is to be appointed, namely, Principal Medical Officer or Commissioner of Public Health. In either of these positions Dr. Hope and his officers will find any amount to do: to combine the two will be taxing his powers too much. I hope the Colonial Secretary will take this matter into consideration.

The Colonial Secretary: He has expert assistance.

Hon. W. KINGSMILL: I know he has expert assistance, but when we appoint a Commissioner of Public Health I take it we shall appoint a gentleman who has not to depend upon expert assistance but who must use his own discretion and knowledge, rather than be guided by his officers, who, after all, are not as responsible to Parliament or to the commissioner as the statutory commissioner under the Health Act will be. I hope the Colonial Secretary will reconsider his purpose in proposing to keep these two departments—most important departments—under one administrative head, and let me say that the Health Department is the more important of the two. There is much to be said in commendation of the general purposes of the Bill; very much to be said indeed. I hope that no interference will be made with those clauses which deal and deal, I think, as it was proposed to deal before, with the adulteration of food. That is a most important thing, and I am glad that full power is given to the health authorities to see that food and drugs, which are supplied to the community shall be good of their kind, and adequately punish those who wish to foist on the public inferior articles. There is one part of the Bill on which I rejoice exceedingly that an amendment was made in another place, and that part is entitled Part XI., Protection of Life, and it deals now with the creation of a midwives' registration board. This Part XI. provided for a system of local registration of general nurses as well as the local registration of midwives, and there was to be the same board for both classes of nurses. The two classes of nurses are very distinct, very distinct, as is shown by the probationary period, which is required for each. In the case of midwifery nurses that training is, according to the Bill, 12 months which, I think, is a somewhat excessive term. I think possibly the training could take place in this country, as it does in other countries, in six months, providing that a specific number of cases have been dealt with. On the other hand, general nurses—and the subject has a far greater scope in this country, and practically in all other countries where registration is granted—the period of training is from three to four years. It will be seen what a tremendous distinction there is in the two classes of training, and to put them under the one board for registration is not in the best interests of the profession, a profession which is a very hard one to work in, that is the training of nurses, and I speak as one having relatives and friends in the profession. It is a profession which is trying enough to break the nurses down. The life of the nurses in the hospitals in this State is very hard, and under the

system of economy which has been introduced I think these nurses are overworked. They are overworked, because in many hospitals it has become a habit for doctors to use the public hospitals in the same way as they would use their own privately established hospitals. It is a pity that should be so; it is hard to prevent, I know from my experience when Colonial Secretary, but that it does take place is unquestionable, and it comes very hard on the nurses. It has been used as an argument that it is necessary to establish these locally registered nurses because there is a dearth of nurses in Western Australia, but that reason will not for one moment hold water. This morning, in order to make myself fully acquainted with the circumstances of the case, I rang up the matrons of three nurses' homes in Perth, three of the principal nurses' homes that supply nurses to a great extent to the patients who do not go into private or public hospitals; and I found that in these three nurses' homes there were 51 nurses, and of the 51, 34 were engaged in the practise of their profession, while 17 were awaiting engagement.

The Colonial Secretary: Are you referring to general nursing, or midwifery cases?

Hon. W. KINGSMILL: General nursing.

The Colonial Secretary: I did not say there was a dearth of general nurses, but of midwifery nurses.

Hon. W. KINGSMILL: I have not the slightest fault to find with Part XI. as at present in the Bill. I am glad to see it. I say there is no dearth of general nurses, and no profession can be said to be wanting in the supply of skilled nurses to the public when there are 33⅓ per cent. of the whole profession awaiting employment, and we may take the nurses' homes as representing the average employment, and there we find that 33⅓ per cent. of the whole profession is awaiting engagement. I hope the Colonial Secretary will, so far as general nursing is concerned, leave Part XI. as it stands, for I do not see any necessity to alter it.

The Colonial Secretary: Yet you say there ought to be a Bill for the registration of nurses.

Hon. W. KINGSMILL: I was about to say if the Colonial Secretary was inclined to alter it, that it would better be done by bringing down a Bill separating nursing from the Health Bill, as is done in the other States.

The Colonial Secretary: Where?

Hon. W. KINGSMILL: In New Zealand. There they have a Health Act, they have a Midwives' Registration Act, and a General Nurses' Registration Act, and the Colonial Secretary will do well to follow what is done there. I put this in connection with general legislative tactics. Members know that if you have an Act for the registration of general nurses, and if it is necessary to amend that Act at any time, it would be better to amend that Act than bring down a Bill that may have for its title, a Bill to amend the Health Act, and which opens up the whole health legislation. It is a risky experiment for any Minister to make. There may be objectionable amendments made to the Bill, and the result may be that the Bill will not secure its passage through Parliament. It is easy to make Bills too cumbersome. I give this as another reason why the honourable gentleman should accede to my request, not a request by myself alone, but of members of another place, and I believe, a large number of members of this House. If these clauses are to be dealt with, then we should have them under a separate Act of Parliament. I am pleased to find at the end of Part XI., Clause 265, which gives that which I hope it will give on this occasion, because the Bill has a better chance of getting through this session than it ever had before; it gives statutory power to examine physically and mentally children attending the State schools.

Hon. J. W. Langsford: Any school.

Hon. W. KINGSMILL: Yes, children attending any school. I do not think there has been a report on what has been done in connection with the school hygiene up to the present.

The Colonial Secretary: A report was brought forward only a fortnight ago.

Hon. W. KINGSMILL: I hope there has been carried out a systematic examination of school children, because it is one of those things that must make for race character, and must make for race development. I congratulate the Minister for including this clause in the Bill. The principle objection I have to the Bill, to use a Hibernianism, is something that is not in it, and I hope that when the Bill passes through Committee we shall not find that it is not in the Bill. I support the second reading.

Hon. J. F. CULLEN (South-East): The radical change in the Bill, which the previous speaker referred to, is not to be understood as a change of the centre of gravity from the old board to local boards. The real meaning of the change is from the old idea of the central boards to the Minister. The Minister is the centre of administration now, and I hope the Government, and especially the Minister in this House, will recognise the enormous responsibilities thrown on the Minister in connection with this matter. From my point of view I think the change important. I think the Minister will face it, and remember his responsibility to Parliament, and that the change will be for the better. As regards his buffer, the proposed commissioner, the House can only look on that as an experiment. How that experiment will work has yet to be proved. You may get a thorough scientist in medicine but an utterly impractical man. As a matter of fact the more completely the scientist has given himself up to his science and become absorbed in it, the less he is fit for the ordinary every day work of administering a department. I look upon it as an experiment which will have to be worked carefully, that of placing the every day work of administering this department, in the hands of a pure scientist. For that reason I want to draw the attention of the House carefully to the enormous rating powers that this Bill is going to give to this department. There is always this risk, that each department will act as if it were the only burden upon the poor unfortunate taxpayer. It is a grand thing to legislate in a Bill to make the homes and the conditions of life healthy, but if in doing that you tax a man right out of that home, what comfort to him will it be to know that his home would be healthy if he only had one? Look at the taxing powers of the Bill. First there is a general health rate, and a very high one, of threepence in the pound on the unimproved value, that is supposed to be equivalent to 2s. in the pound on the annual value. I am taking the working out of the matter in the Bill.

Hon. Sir E. H. Wittenoom: That is the maximum, is it not?

Hon. J. F. CULLEN: Yes. But on top of that there is the sanitation rate of ¾d. in the pound, equivalent to 6d. in the pound annual value. Any reasonable man would say that is a very fair taxing power to be placed in the hands of one local department when there are five or six other departments to have a look in at property owners. But the power does not stop there, the Commissioner may call on the local authority to put on a rate for supplementary purposes, that is tax No. 3. There is no limit to that, the local authority can put on a supplementary rate at its own sweet will, 1d. in the pound or even 6d. in the pound on the unimproved value. No limit! Then on top of that there is a fourth rate that may be levied. Where it is thought necessary, either by the local authority or by the Commissioner directing that local authority, a loan may be raised, and a special rate for interest and redemption of that loan may be levied on top of all the others. And this little Bill is only one of half a dozen taxing Bills that the unfortunate owner of property has to face and subject himself to. Now where is the security? It is very lightly said, "The local board will be composed of responsible men; they are taxpayers themselves and are not likely to be unreasonable." But what are the actual facts of local authority in Western Australia? The facts are these—that the fittest men will always refuse duty if they can get out of it. It is a great shame and a great pity, but it is a fact. If you want a mayor in Western Australia you

have practically to go and rope a man in. He does not care for the honour of it. You have to beg and pray men to take the position of mayor—as a rule: it may be different in Perth, slightly different in metropolitan districts, but throughout the country districts, I speak in cold fact, you have metaphorically to rope a man in and make a mayor of him, to beg and pray him to be a mayor, and much more have you to beg and pray men to become members of roads boards and municipal councils. As for health boards in other than municipal areas, these bodies are composed of good, worthy men who take this disagreeable duty on themselves, but as a rule they are men who suffer very little from taxation; they have very little to be taxed; and there is always a temptation to a man who is not seriously sharing the tax, to magnify his office and spend money right lavishly. I warn members that in this Bill we are giving very dangerous powers of taxation to men who may not be the most practical or of the soundest judgment. I shall certainly try to get the maximum of 3d. in the pound on unimproved value reduced. I say to members, "Do not give any taxing powers you do not want to have exercised. Depend upon it, it will be the maximum pretty well every time." Now, speaking of the Bill as a whole, I am satisfied that we must have a Health Bill, but I point out that many of the provisions in this Bill are extremely experimental. A lot will depend on the commissioner, and happily, I say, still more will depend upon the Minister. I hope the Minister will face this department of his work very seriously and keep a guard not only over the health of the people but over the livelihood of the people.

Hon. D. G. GAWLER (Metropolitan-Suburban): In supporting the second reading of this Bill I would like to point out that it is one of those highly technical Bills in the framing of which the Government naturally have to rely a good deal on their technical advisers; and the views of technical advisers are often somewhat narrow, so that it behoves members of the House in many instances to take up a position between the views of experts and the interests of the public, because I take it we to a large extent represent the views of the public. The most important question in the Bill is that of placing all the power in a central authority, which central authority, according to an amendment made in another House, is to be an officer and not a central board. The functions of the central authority are very important. The central authority represents the public interest as against the local interest. Its duties are to collect and disseminate useful information as to health and the prevention of disease, and to control, stimulate and supplement local effort. It is also a court of appeal in the case of persons dissatisfied with the actions of local boards, and it has also to see that the local boards perform their duties. As regards the constitution of a central authority there are examples in other States. In New South Wales the central authority is a nominee board; in Victoria it is a board partly nominated and partly elective; in South Australia it is the same; in Queensland there is a commissioner; in Tasmania there is a department of health, while in England it is the Local Government Board, which I believe consists of the president of the Local Government Board and his assistants who really are heads of departments. It will be seen therefore, taking the experience of other countries, that the difference in the constitution of these central authorities is somewhat fairly distributed. My experience, and I speak as having been a member of the central board, is that its work has been entirely satisfactory. I was a member of the board for something like four years. I have heard and seen statements made in another place to the effect that friction very frequently occurs between the local authorities and the central board, but I can give that an emphatic denial. From my own experience of the central board we had very few cases of friction with the local authorities, and the few that did occur were readily adjusted. We took up the position that the local authorities knew more of their own affairs than the central board, and therefore in every possible instance

we deferred to the wishes of the local authority. It was only when we found that the local authorities were doing something that was likely to interfere with the general interests of the public, or likely to act unfairly towards some individual, that we exerted our authority as a central board. In this Bill the central authority rightly has very full powers of supervision and control conferred upon it. Of course when I speak of the central authority I am speaking of the single commissioner, but my view of the alteration placed in this Bill by another place is that it is in the wrong direction. I do not think a commissioner can do the work required. In the first place a paragon would be required to carry out all the duties, to exercise the judgment, tact, and firmness, and have all the qualifications necessary for a position of this sort. I think a man like that would be most difficult to obtain. We might obtain one, but I very much doubt whether, as a general rule, we could obtain such a man just when we required him. Undoubtedly the power to appeal lies to the Minister, but the Commissioner is the man who will have to exercise the vast powers vested in the central authority. The position conferred upon him in this Bill is that of an autocrat, or a bureaucrat. It seems to me to be setting up a bureaucracy similar to that set up in Russia. It is said that "a bureaucrat has a wholesome dread of formal responsibility and generally tries to avoid it by taking power out of the hands of subordinates and passing it on to the higher authorities." I think this very possibly will be the case with the Commissioner appointed under this Bill. If the local authorities are impatient of the control of the central board such as we have under the present Act—my experience shows they may have been impatient but no serious difficulties occurred—how much more so will they be impatient when controlled by one individual? It is really self-evident. It is said these matters can be referred to the Minister as a court of appeal, but I take it the Minister will not wish every matter referred to him. He will have enough to do without really carrying on the duties of the Commissioner. I do not think the Minister would thank the Commissioner for passing everything on to him. From whoever administers this Bill special knowledge will be required, special knowledge of public buildings, sewerage, and drainage. Whether the Commissioner will have available the experience of other departments I do not know, but I hardly think he can expect it to be given to him. At any rate if that special knowledge is given to him it will be gratuitous, I take it, because other departments have their own work to do. With regard to the question of rating, I see that it is mandatory that the general rate shall be struck on the unimproved value of land, but the sanitary rate is optional, and the pan charge can be levied on the owner or occupier. This means that the general rate must be levied on the unfortunate owner of unimproved land, and in the other two cases it may be possible. This will result in three taxes or rates being imposed on the owner of unimproved land. As a general rule it may be said that it is not the owner of unimproved land that should, in the ordinary course of things, be taxed for the services rendered under this Health Bill, but it is really the occupier who should be taxed because he gets the benefit of the services. That is to say, the services are rendered, as it were, to the improvements and not to the unimproved value of the land. This may result in large areas of unimproved land in some of these districts being taxed and obtaining no services at all for the taxes paid. I am strongly in favour of allowing the rating to be optional, either on unimproved values or on annual values. Roads boards now can rate on one or the other, and I take it it is only fair and reasonable that the same should be done in this Bill. Again, there is the question of the alteration of rate books involved in the case of municipalities, and also in the case of those roads boards which now rate on annual values. It may be news to hon. members, but the debate on the amendment placing the rate on the owner of unimproved property occupied less than one page of *Hansard* in another place, so it seems to me very little consideration

was given to the question. Now in regard to the adulteration of foods, when we come to the advisory board I would like to see one of the unofficial persons on the board nominated by the Chamber of Commerce and another nominated by the Chamber of Manufactures. This is done in New South Wales. There the board consists of the president, a professor of chemistry, a professor of bacteriology, and a medical practitioner, also a representative from the Chamber of Commerce and Manufactures, and a representative of the Pharmacy Board. So we have an example before us as to the constitution of an advisory board. There was a very important alteration made in another place with regard to the adulteration of food, and it requires a good deal of consideration, that is, as to whether a conviction against a man for selling adulterated goods shall be advertised in his shop window. Because it is a very drastic step to take. I would like to point out that in some States the court may on the first offence and shall on the second offence, publish the conviction in the *Government Gazette* and in some newspaper; so there is a precedent for drastic action of that sort. At the same time, I think it is too drastic that this should be done on the first offence. Then there is the question of vaccination. Personally, I think the prejudices of private persons are very often allowed to interfere with the interests of the general public. There are provisions in some of the other States that the vaccination can be dispensed with by the appellants declaring that they have conscientious scruples against the operation, and also in cases where it is declared to be dangerous to the life of the child. In the latter case I would be perfectly willing to allow the exemption, but I would hesitate to allow a person to escape vaccination simply on account of conscientious objections. I notice that an eminent doctor in Newcastle-on-Tyne, in England, Dr. Harold Kerr, says—

> Owing to the increasing proportion of parents who take advantage of the exemption, there is a correspondingly steady annual increase in the number of unprotected members of the community, and this can only result, sooner or later, in a widespread epidemic in the course of which many innocent persons will suffer for the fault of a few whose ignorance and obstinacy render them unconvincible by any argument or evidence.

That is strong language, and I commend it to hon. members as the view of an eminent medical man who protests against these prejudices being allowed to form a source of danger to the general public health. With regard to the question of nurses, I cannot go into that with the same knowledge as was displayed by Mr. Kingsmill, but I do think the question of midwives is the more important to us in this scattered State, with families isolated as so many of them are. I take the view that it is not so much a direct technical training that is required as a fair training with good practical knowledge; in fact, as it was rather well expressed by a member of another place, you want qualities of heart as well as of training. With regard to the registration of general nurses, the Bill as originally proposed made it optional, and I am inclined to agree that the whole question is sufficiently important to form the subject of a separate Bill. I have no doubt the measure will receive every attention at the hands of hon. members.

Hon. J. W. LANGSFORD (Metropolitan-Suburban): As Mr. Kingsmill has said, this Bill is an old friend which we have considered on more than one occasion. On each succeeding occasion some important amendments seem to have been added to the Bill for our consideration. The leader of the House states that if the Bill passes into law we shall have the most up-to-date Health Bill in the Commonwealth, and I can quite believe it. Great care seems to have been taken in the framing of the various clauses of the Bill. The whole life of the individual, from the cradle to the grave, is provided for in this measure. How he shall come into the world, the standard of milk he shall take when he begins to take milk, his progress in regard to his teeth—and so on right through, the whole years of

his life are to be protected by a paternal Government.

Hon. Sir E. H. Wittenoom: Then the Licensing Bill comes in.

Hon. J. W. LANGSFORD: Yes. This provides what we shall eat and the Licensing Bill what we shall drink. In every department the liberty of the subject seems to be involved somewhere. Evidently it is for the general good that these restrictions are being placed on us in one direction and another. With hon. members who have spoken one very readily sees that the Commisioner of Health is all-important in this department. There are two Acts of Parliament which our local municipal councils have to administer, namely, the Municipalities Act and the Public Health Act. Under the Municipalities Act they can take action for themselves, within limitations, without the consent of any outside authority, beyond, of course, their own ratepayers. The same ratepayers who elect their representatives to carry out the municipal functions elect the men to carry out the public health functions, but under the Bill they will be restricted very considerably by the almighty power given to the Commissioner of Health. That, it seems to me, will naturally lead on to the Minister controlling the department, and I sincerely trust that if my friend Mr. Connolly is controlling that department when the Bill comes into force his ease will not be interfered with: for I can forsee many deputations waiting on the Minister which have hitherto been diverted to the central board. I have been wondering whether too much has not been attempted. Clause 11, which refers to the protection of life, is the only clause in the Bill with which the local authorities have nothing to do. In connection with the protection of life no reference is made at all to the local authority, and I think it would have been better if that clause had been reserved for a separate measure. Our local authorities will be looking through the Bill trying to discover what they have to do with Clause 11, and they will soon discover they have nothing to do with it. Then they will wonder why Clause 11 was put in the Bill. The Commissioner of Health has the sole right of appointing the inspectors, the medical officers, and the analysts. Under the Bill he has to confirm these appointments by the local authorities, and certificates will be required of the inspectors, who must pass an examination to be conducted by the Commissioner. In the interests of the State I hope that examination will not be too stiff. That remark applies also to the examination in the milwifery classes. In many of the country places those who attend the mothers at such important time have to perform nearly all the duties of the house, and I take it these household duties will form an important part of the examinations to which these registered midwives will have to submit. Because not only do we require technical skill in midwives, but we require in them the ability to look after the homes of the mothers, who very often have no grown-up daughters or anyone else able to help them at such a time. A novel feature is referred to in Clause 21, where it is provided that any area outside a municipality can be annexed to the municipality.

The Colonial Secretary: That is in the present Act.

Hon. J. W. LANGSFORD: Subclause 2 is, I think, a new feature in the Bill. Under it we shall have a local board composed partly of the members of the municipal council elected by the ratepayers, and of two others appointed by the Governor and representing an area outside the municipality. I scarcely think the mixture is advisable. I quite agree that outside the municipality there may be some areas which ought to be under the control of the municipality; but having the two sitting together, namely, those nominated by the Governor and those elected by the ratepayers, will, I think, prove unworkable. Should a local board desire to economise in their administration they cannot reduce the salaries of the analyst, the inspector, or the medical officer without the consent of the Commissioner of Health. I do not know why these gentlemen should be protected

by the Commissioner. There are no other officers of the health board—and there are many others who have to carry out the laws of health—whose salaries are protected by the Commissioner. But these highly paid gentlemen have to be protected, and their salaries cannot be reduced without the consent of the Commissioner, no matter what might be the condition of the finances. The clause referred to by Mr. Cullen, under which the Commissioner has power to order the making of a supplementary roll for extraordinary purposes has, I take it, been framed to meet the contingency of a serious outbreak of plague, smallpox, or some other infectious disease If this is the intention of the clause I think the Government should bear the cost of any increased expenditure rendered necessary by outbreaks of that character.

The Colonial Secretary: It is not for that at all. Very often a local board will not strike sufficient rate to cover its ordinary requirements.

Hon. J. W. LANGSFORD: But it does not refer to ordinary requirements. Clause 41 says, "to meet any extraordinary or un-anticipated expenditure." That evidently refers to something outside the ordinary requirements of the year, and in reading it through I had in mind some of the more serious outbreaks, such as that which occurred in Geraldton some years ago.

The Colonial Secretary: The central board always take charge of those things.

Hon. J. W. LANGSFORD: Yes, and the Public Health Commissioner will take charge of them now, and the expense of these serious outbreaks, which, perhaps are not local altogether, should be borne by the central authority.

The Colonial Secretary: It is always the excuse of the local boards that they have not the money to do what we want them to do.

Hon. J. W. LANGSFORD: Yes, but this is an extraordinary requirement. I notice, too, that the inconvenience placed upon owners and those who wish to erect public buildings, is perpetuated in the Bill. Notices have to be sent, not only to the Public Health Commissioner, but also to the local board of health, who under the law have nothing to do with the passing of plans and specifications of public buildings. That is reserved for the Commissioner, and yet plans and specifications have to be duplicated and sent to the local board.

Hon. M. L. Moss: They might want to look into the sanitary arrangements.

Hon. J. W. LANGSFORD: Before a building is opened the only certificate required is from the central authority.

The Colonial Secretary: I think the local authority should be made aware of the erection of buildings.

Hon. J. W. LANGSFORD: The local authority should be made aware, but why should people have to be put to this expense if the local board have no say as to whether these buildings are fit to be opened or not. In regard to the vaccination conscience clause, when the measure was before the House a year or two ago I opposed the measure, but I would like to know from the leader of the House whether the provisions of the compulsory Vaccination Act are being enforced.

The Colonial Secretary: Yes.

Hon. J. W. LANGSFORD: Well, at that time they were not. The children being vaccinated were equal to about only one-third of the births. In another place, a year or two ago, the salary of the compulsory vaccination officer was struck out. If we are to maintain our compulsory vaccination, the clause of that Act should certainly be enforced, and I am glad to have the assurance of the leader of the House that notwithstanding the striking out of that salary the Act is being enforced.

The Colonial Secretary: The work is given to the police now.

Hon. J. W. LANGSFORD: Power to enter a house is given to the Commissioner for certain purposes, and in this case, as in all cases where inspectors have to visit houses, some authority should be forthcoming to the householder. We have so many inspectors of different kinds coming around nowadays that soon we shall not know what men we can keep out of our houses. I think some authority or

badge of office should be given to the inspectors, so that we may know that they have a right at certain reasonable hours to inspect. I have pleasure in supporting the second reading, and I should like to compliment all of those who have had any hand in the compilation of this Bill.

Hon. Sir E. H. WITTENOOM (North): This is undoubtedly a most important Bill, and I am glad to see that it has had so much consideration. We learned the other day from the introductory speech of the Colonial Secretary, that the Bill had been before the House once or twice before, and that it had also been submitted to a select committee. It seems to me that this is a matter so much bound up with expert knowledge and experience, particularly experience, that it is almost impossible for an amateur or an ordinary lay member to say much about it, except as a mere matter of opinion that may be worth nothing. I think that experience in a case like this is better than expert knowledge, because those who have gone through these experiences, and those who have been on health boards are in a position to say actually how these provisions would work. Therefore, in those circumstances, I do not propose to address myself to the Bill at any length, because I am not an expert, and I have not had a great deal of experience, nor have I been connected with a health board in any way. However, I would like to say in regard to the vaccination clauses that I am totally opposed to those who, no doubt for the best of reasons, think that there should be a conscience clause. I am opposed to it on results. We have had compulsory vaccination in the whole of the Commonwealth for a great number of years, and I think it is pretty good proof of the efficacy of vaccination that we have had so few outbreaks and none of any size or duration. At different times smallpox has been introduced, but it has been promptly dealt with and has been put aside quickly. It is well within my recollection that years ago smallpox broke out in Western Australia, and we had some 50 or 60 cases. They were, however, promptly isolated, vaccination was resorted to, and with a minimum of trouble and expense the disease was thoroughly stamped out. I say that the fact that throughout the Commonwealth so little smallpox has been experienced is proof that vaccination is of some good, and all doctors and nurses will testify that those who have been attacked and have been vaccinated suffer much less than those who have not been vaccinated. There is another matter on which I wish to touch. The rating clauses seem high, but no doubt they have had very careful consideration by those who have been assisting in compiling this Bill. Probably some of those members have had experience in paying the rates in the past and may have to pay them again; and in the circumstances, as a fellow feeling makes us wondrous kind, we may conclude that they have considered the interests of the general public. But it does seem a heavy tax, as was pointed out by Mr. Cullen, and the multiplication of the opportunities for placing these little imposts on us does seem large, especially when the rates are added up and presented in so convincing a manner as Mr. Cullen presented them. At the same time we must realise the great necessity for the protection of public health. I have very much pleasure in supporting the second reading.

On motion by Hon. E. M. Clarke, debate adjourned.

BILL—LICENSING.

In Committee.

Hon. W. Kingsmill in the Chair.

Clause 1—Short title and commencement:

The COLONIAL SECRETARY moved an amendment—

That all the words after "on" in line 1 be struck out, and "a day to be fixed by proclamation" be inserted in lieu.

The Bill provided that the Act should come into force on 1st January, but as there had been some delay in the passage of the Bill there might be some difficulty in commencing it from the first of the year. The Act would probably be proclaimed towards the end of January

so as to give time for the arrangements to be made for the necessary poll to be taken in April.

Amendment put and passed: the clause as amended agreed to.

Clauses 2, 3, 4—agreed to.

Clause 5—Interpretation:

Hon. J. F. CULLEN: There was a redundancy in line 26. Line 14 read "Intoxicating liquor or liquor means any spirits," whilst in line 26 liquor meant "intoxicating liquor."

The COLONIAL SECRETARY: The words might be necessary, and as the clauses of the Bill were dealt with the necessity might be apparent. The suggestion of the hon. member would, however, be borne in mind.

Clause passed.

Clauses 6 and 7—agreed to.

Clause 8—Licensing Courts:

Hon. Sir E. H. WITTENOOM moved an amendment—

That in line 2 of Subclause 2 all the words after "persons" be struck out and "be appointed from time to time by the Governor" inserted in lieu.

The object of the amendment was to have a nominated bench instead, as the Bill proposed, an elective bench. The clause as it stood provided that the court should be composed of two members to be elected under certain conditions which were elaborately set out, and that the resident magistrate should be appointed by the Governor. The amendment was in the direction of the court remaining as it was at present constituted, namely, nominated by the Governor. He was exceedingly prejudiced against a judicial bench being elective, though if he was sure that two teetotallers would be elected the objection might be waived. This elective bench would be the means of a great deal of difficulty arising and the creating of strong feeling in the country. It was to be hoped that another place would not consider that these amendments had been suggested in any spirit of opposition; the desire was to make the Bill as good as possible, recognising that the primary object was an excellent one, namely, to consolidate the various measures and to control the traffic.

Hon. E. M. CLARKE: While giving the amendment his support it should be pointed out that those who framed Clause 14 foresaw that there would be some trouble.

The COLONIAL SECRETARY: Personally he was not enamoured of the idea of an elective licensing court, but we had to remember that the Bill when first introduced did not contain this principle. In his opinion a nominated court would be better, but, on the other hand, it was extremely important that the Bill should become law, and hon. members should remember the desire was to get a liquor Bill which would please all parties; therefore he would ask members not to insist upon everything, but to try and make the measure as workable as possible, and to make up their minds to give something away. It was true that elective courts would be an innovation in this State, but they had been tried in other countries, and here after all the matter would be in the hands of the people, and if the temperance people were strong enough to elect two members, and give the control of the traffic to these people, we could not complain. If, on the other hand, a sufficient number from the other side did not turn up to vote then the people would be to blame. The elective principle had been strongly insisted upon by another place, and we would not be running any undue risk in giving the matter a trial.

Hon. J. F. CULLEN: It was to be hoped that the remarks of the Minister would carry some weight. If this were purely a judicial court he (Mr. Cullen) would object as strongly as any other member, but it would not be a purely judicial court, it would be more in the nature of a business board.

Hon. M. L. Moss: Nothing of the kind.

Hon. J. F. CULLEN: It would be in the nature of a business board exercising an immense measure of discretionary judgment. The board would determine public opinion of the locality and it would be entirely different from a court administering the laws of the nation. For the reason given by the Minister members should be urged to

give and take, and it should be remembered that a very large majority in another place had decided in favour of this licensing board.

Hon. D. G. GAWLER: Those who placed their faith in a nominated board should not give up their grounds of objection to the elective principle; members might be asked to give up every ground of objection in order to allow the Bill to pass. This was a most important provision and the amendment moved by Sir Edward Wittenoom would receive his hearty support: as a matter of fact he had a similar amendment on the Notice Paper.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. SOMMERS: In speaking on the second reading he expressed the hope that the Government would not insist on elective courts; we might as well elect magistrates and judges. He had been in a country where officials of this character were elected, and it had led to corruption. The two elected members of the court might be local optionists or in favour of the liquor traffic, in which case only one party would have their wishes carried out. If sensible, broad-minded men were appointed by the Government, generally speaking, they would be a success. If there was any reason for throwing over the present system he would be in favour of a trial of some new system, but he thought it would be a step in the wrong direction to elect members of the courts.

Hon. J. W. LANGSFORD: The judicial functions of the members of the courts had been unnecessarily emphasised. The election of the members of the court was complementary to the local option principle. The vote of the people should be wisely and sympathetically carried out. If a vote was in favour of reduction then the court should be in sympathy with it, if it was in favour of increase the court would of necessity be in sympathy with that. The only thing which differentiated this measure from the present system was the election of licensing courts, really the local option principle. By giving the people the vote only, without sympathy on the part of the court was only giving people half the privileges contained in the Bill.

Hon. J. M. DREW: It was to be hoped the principle of elective courts would not be removed from the Bill. We had had a lengthy experience of the present system, and the result had been such a growth of liquor licenses that there had been a demand for reform. In the past the courts had been creatures of the Government and their sole aim, in many cases, seemed to be to increase the flow of revenue into the Treasury. The nominee principle had not been successful, and this Bill was, therefore, rendered necessary. It had been urged that a nominated court would be a biassed court, but the duties of the court were, to a large extent merely administrative; it was the machinery by which the decrees of the people were carried out. If the people declared in favour of reduction and no-license, it was desirable that the court should be so constituted that they would carry out the will of the people. It would render the local option vote abortive unless the court was in sympathy with the decrees of the people. The Government were not possessed of a thorough knowledge of the whole of the residents of Western Australia and therefore, would have to seek advice as to the persons to be appointed to the courts. The Government would have to appeal to the resident magistrate or the representative of the district, therefore the board would be representative either of the resident magistrate or the representative of the district. There was a time when the Council was nominated, but now that it was elected it carried the greater confidence of the people, and the House was just as much a judicial body as that contemplated by the licensing court. Members differed in their views, but each reflected the views of the different provinces. One of the arguments against the elective system was that a member who misconducted himself could not be removed, but a great deal depended on what was meant by misconduct. If it was corruption there were the laws to deal with persons guilty of corruption; if it meant a member of the court was not acting in accordance with the views of the Government, then he for one objected to

Government interference of this nature. If it was safe to trust the people with the large powers contained in the Bill, to decide if there should be increases, reduction, or no-license at all, then we should go a step further and act in accordance with what we had already done, give the people power to elect the court.

Hon. J. W. Hackett: Suppose the bench was opposed to the vote.

Hon. J. M. DREW: According to the Bill they had no option but to take steps in the direction of the vote of the people.

Hon. M. L. MOSS: This Bill was unlike the measure introduced in another place. He did not blame the Government for conceding many matters, but he blamed them for giving way on a vital principle like this. He had listened to the speech of Mr. Cullen, who said that these licensing courts were largely to exercise discretionary judgments and to reflect public opinion. If that was so then they had to do what every court of justice was doing in carrying out their duties. The functions of government were administrative, judicial, and legislative. According to the law of England, and it was on the law and custom of England that all institutions were modelled, nothing had been attempted, except New Zealand, to imitate the American idea of elective courts. It might be said this was merely a board, but it was nothing of the kind. It was a tribunal exercising important judicial functions. On that account Mr. Drew's observations were so irregular in arguing that the idea of having these boards nominated might be with the object of compelling them to subject themselves to Government interference. Was it ever attempted? If so, it had never come to light. Members of these nominated licensing benches would be the last to tolerate any dictation at the hands of any Government. But if these courts were elected we would not have on them parties representing, as was the impression in some quarters, either side. The elections would take place on a ticket, and both the elected members in each district would therefore represent the views of one section or the other. One could readily understand what the result would be. The persons so elected would be worse than delegates. The question of controlling this traffic would always be a burning one. If candidates for seats on the licensing benches had to go on the hustings and express their opinions in connection with the various phases of the administration of the liquor law, rabid extremists would submit themselves as candidates; and as the prohibition party would have nothing to do with the moderate man, accordingly the liquor interests would have persons representing them who would be extreme in the other direction. But in all matters affecting the government of the country we ought to have moderate men who could look at both sides of the question and not decide according to the views of extremists. How could we get the most efficient tribunal, not the most one-sided one, to grapple with the difficult questions of the liquor law? There could be no two opinions. A tribunal constituted of men of moderate minds and moderate opinions would best serve the interests of the community at large, and those moderate men would not be secured by the system of electing licensing benches.

Hon. T. F. O. BRIMAGE: Though favouring local option, its application in this instance he did not favour. Therefore, he would support the amendment. The system in vogue of appointing justices of the peace as members of licensing benches was a good one and sufficiently protected the public. The electors had a chance of electing members of Parliament, and members of Parliament in turn had the right to pass Bills, so that the public were fully protected. There was no cause of complaint. In the past those appointed to licensing benches had always been held in high respect, and no wrong had been done by them. There was no reason for incurring the extraordinary expense of electing licensing benches.

Hon. R. LAURIE: According to Mr. Drew, to carry out the system of local option logically, the licensing bench should record the views of the local optionists, but there might be two members elected to the licensing bench not willing to carry out the vote of the local optionists. Licensing benches would have to carry out

judicial duties and to consider evidence put before them, but they could not do so if they were elected with the one idea only. According to Mr. O'Brien's remarks on the second reading these elected boards would probably be biassed. How could we expect judicial functions to be performed by biassed boards?

Hon. B. C. O'BRIEN: In speaking on the second reading and referring to licensing benches he had said he did not hold particularly strong views, and that possibly we might get a biassed bench. Of course that might equally apply the other way. We had already affirmed the principal of local option, the main feature of the Bill, and people were crying out for a full measure of local option, that they should declare "yea" or "nay" to increases, reduction or prohibition, and, further, they should have the right to elect their own licensing benches in their own particular districts. Having affirmed the one we would be stultifying ourselves if we denied the other. On the second reading he had said he would go as far as he possibly could with those endeavouring to bring in a measure of reform.

Hon. E. McLARTY: Having expressed the opinion on the second reading that an amendment in the direction of that moved by Sir Edward Wittenoom should be passed, he saw no reason to alter his opinion. In country districts particularly there were local prejudices against certain houses, and individuals would make themselves energetic in going around to obtain petitions and votes. The best selection was not always made in that way. He preferred to leave the selection of the benches to the Government. They could make inquiries, as they always did, to ascertain the most suitable men, men who were independent and not likely to be biassed, and who had no particular purpose to serve except to do justice to all. This applied more particularly in small populated districts. There was too much going around with petitions. People very often regretted signing them. He had no faith in elective benches.

Hon. S. STUBBS: Having listened to the arguments advanced he would support the amendment to have nominated benches.

Hon. C. McKENZIE: Mr. McLarty's remarks in regard to petitions could hardly apply. If people could not be trusted to elect their licensing benches we could not trust them at all. The elective principle should be supported. It would be simply giving to the people the right to choose their representatives in the courts as they now had the right to choose members of Parliament.

Hon. Sir E. H. WITTENOOM: There could be no gainsaying the fact that the court would have judicial powers to exercise. Under the circumstances, therefore, it would be wiser to make the court a nominative body rather than elective. It had been said that members of the House were elected, and that if the people were capable of electing members they would be equally capable of electing the licensing courts. But, while members were elected to frame laws, those laws went to the courts of justice to be administered, and those courts, as all knew, were appointed, and not elected. In the same way whatever decision was arrived at by the people at a local option poll it would be administered by the licensing court, which to be logical, should be a nominated court. Surely the Government could be trusted to nominate only reasonable people. There was the instance of the Perth licensing bench: a member of that bench was a total abstainer, yet it could fairly be claimed that the principles of that member were not found to be outstanding in the decisions of the bench.

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

Ayes	12
Noes	7
Majority for	5

AYES.

Hon. T. F. Brimage	Hon. M. L. Moss
Hon. E. M. Clarke	Hon. W. Patrick
Hon. D. G. Gawler	Hon. C. Sommers
Hon. J. W. Hackett	Hon. S. Stubbs
Hon. R. Laurie	Sir E. H. Wittenoom
Hon. E. McLarty	Hon. A. G. Jenkins (*Teller*).

Noes.	
Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. J. F. Cullen	Hon. B. C. O'Brien
Hon. J. W. Langsford	Hon. J. M. Drew
Hon. C. McKenzie	(*Teller*).

Amendment thus passed.

The COLONIAL SECRETARY moved—

That Clauses 8 to 24 be postponed.

The carrying of the amendment in Clause 8 would have the effect of altering the whole of this division of the Bill, hence his motion.

Motion passed, the clauses postponed.

Clause 25—Court to sit quarterly:

Hon. D. G. GAWLER moved an amendment—

That after "district" in line 2 the words "on the first Monday" be inserted.

He would subsequently move a further amendment, and the effect of the dual amendment would be to restore the old order in regard to the sittings of the licensing court, namely that they should be held on a fixed day in the month. Under the clause it was proposed that they should be held on any day notified in the *Government Gazette*. In his opinion it was much more convenient to have the sittings on a fixed day, while the second part of his dual amendment would serve to meet the case of a country bench which might find it practically impossible to sit upon a certain fixed day in the month. Another objection to the system contemplated in the clause was that the only notice of the sittings would be by advertisement in the *Government Gazette*, which nobody ever read.

The COLONIAL SECRETARY: No objection would be offered to the amendment.

Amendment put and passed.

Hon. D. G. GAWLER moved a further amendment—

That in line 4 the words "on a day to be" be struck out and "or on such other day as may be" inserted in lieu.

Amendment passed.

Hon. M. L. MOSS: What did the proviso mean? No purpose for the special sittings of the licensing courts could be discovered in the Bill.

The COLONIAL SECRETARY: There was no such proviso in the present Act, but experience had proved the necessity for such a proviso being inserted in the Bill. At a place like Bullfinch, for instance, where it might be desired to grant a new license provided "increase" had been carried at the polls, it would be necessary to wait till the ordinary session of the licensing court, whereas under the proviso the court could hold a special sitting to deal with applications for that district. The proviso might be amended so that the sitting should only be at the discretion of the Governor instead of at the discretion of the court. In regard to the period of notice suggested by Mr. Cullen, there was no reason why the seven days should not be extended to 14 days.

Hon. M. L. MOSS moved a further amendment—

That the proviso be struck out.

There was the strongest possible objection to the proviso. At the present time the general public knew the dates of the sittings of the licensing court, and were in a position to bring forward their opposition to new licenses, but to enable special sittings of the court to be held at times when, perhaps, the public knew nothing about them, despite the fact of 14 days' notice in the *Government Gazette*, would be to open the way for the granting of licenses in a hole and corner manner.

The Colonial Secretary: You have still to stick to the provisions of the Act.

Hon. M. L. MOSS: It was true that before an application was granted notice of intention to apply had to be published in the Press, but that would not give the general public the same warning as the fact of the court sitting on regular dates as at present. At the most, people would only have to wait three months for the ordinary sitting of the court, and there could be no hardship in applicants having to wait that time.

The COLONIAL SECRETARY: It was to be hoped that the Committee would not agree to the amendment. He was willing to put further safeguards

in the proviso by extending the term of notice to 14 days, and by providing that the days for the special sittings of the court should be appointed by the Governor. While it was true that the proviso did not find a place in the present Act, it had been inserted because experience had taught the necessity for it.

Hon. J. F. Cullen: Is it in any other State?

The COLONIAL SECRETARY: Surely it was not necessary in a small matter like this to look for a precedent in another State. At Bullfinch, where land a few months ago had been practically waste, thousands of people would be actually residing if there were proper hotel accommodation.

Hon. M. L. Moss: You do not mean to say that three or six weeks will make a difference?

The COLONIAL SECRETARY: The hon. member had no knowledge or experience of the rapid rise of places on the goldfields or he would recognise the necessity for the proviso. It was quite impossible for the license to be granted in a hole and corner manner. The court had to be called into existence by 14 days' notice in the *Government Gazette*, and the license could only be granted where "increase" had already been carried. In addition to that each applicant had to bring a petition signed by a majority of the people in the particular locality for which the license was sought. That was a sufficient safeguard against the license being granted in a hole and corner manner.

Hon. T. F. O. BRIMAGE: If provision of that nature was not allowed to remain in the Bill, places like Bullfinch would have to wait three months before getting a license. It was a dry and thirsty place, and a public house would be a welcome institution.

Hon. Sir E. H. WITTENOOM: There could be no reasonable objection to allowing the proviso to remain. It was merely providing for an unforeseen state of affairs, and even though there might be no precedent for it there was no reason why we should not strike out for ourselves. Although there might be much in what Mr. Moss had said, it would be wise to allow the proviso to stand and give the Government an opportunity of using that power if the necessity arose.

Amendment put and negatived.

The COLONIAL SECRETARY moved a further amendment--

That in line 7 the word "court" be struck out and the word "Governor" be inserted in lieu.

Amendment passed.

Hon. J. F. CULLEN moved a further amendment--

That in line 8 the word "seven" be struck out and the words "twenty-one" be inserted in lieu.

The COLONIAL SECRETARY: The amendment would nullify the proviso altogether. The longer the notice the less effective the proviso would be. Seven days' notice would be quite sufficient, but in order to meet the hon. member's wishes he would accept 14 days.

Hon. J. F. Cullen: I will agree to that.

Amendment (as altered) put and passed, and the clause as amended agreed to.

Clause 26—Place of sitting:

Hon. T. F. O. BRIMAGE: When it was a question of only three members of the licensing bench travelling they could easily rest a day in the smaller places and hold a court. He had seen 20 or 30 people travel from Leonora to Malcolm to attend a court there. That happened until the Government shifted the court to Leonora.

The COLONIAL SECRETARY: The clause was clear enough. It gave the Minister power to have licensing courts wherever he thought fit.

Clause put and passed.

Clause 27—agreed to

Clause 28—Licenses:

The COLONIAL SECRETARY moved an amendment—

That the following be inserted to stand as paragraph (d):—"Australian wine and beer licenses."

When the Bill was amended in another place this particular form of license was struck out. It was considered unfair to deprive these people of their licenses, just as it would be to deprive a general publi-

can of his license. The object of the amendment was to preserve the license as it existed at the present time. It did not provide for future licenses; future licenses would be subject to the local option vote.

Hon. C. Sommers: Do I understand we have the Australian wine license by itself and another form of Australian wine and beer license.

The Colonial Secretary: Yes.

Hon. Sir E. H. WITTENOOM: It was his intention to vote against the amendment. There seemed to be a total absence of policy or method on the part of the Government. The Government who were responsible for this Bill had really no policy in connection with it, and they had shown no desire to reduce licenses or amend the position of the spirit traffic. In his opinion, there should be two classes of licenses only, the publican's general license, where one could procure whatever one liked from a glass upwards, and a license where people could buy liquor in bulk from a gallon upwards. We found now that the Government proposed to introduce another license.

The Colonial Secretary: Oh, no.

Hon. Sir E. H. WITTENOOM: Well, it was proposed to put in an additional one.

Hon. B. C. O'Brien: It is already in existence.

Hon. Sir E. H. WITTENOOM: It was not in the Bill, and the Committee were asked to add it to the list. From what members heard from Mr. O'Brien a few days ago, there could be no more harmful places existing than these wine and beer saloons. If there was to be any attempt on the part of the Government or Parliament to reduce this class of liquor traffic, these licenses should be cut out altogether.

Hon. M. L. MOSS: The hon. member did not appreciate what the position was to-day, or he would not have spoken as he had done. There was a wine and beer license which had been granted in Western Australia for over 30 years, and we would not now be starting off scratch in the matter. Unless the amendment moved by the Minister was carried, not only would we inflict a hardship on the holders of the licenses, but we would interfere with a good many persons who had a security over this particular class of house, and an injustice would be done if we did not reinsert this kind of license. We would either have to do that, or give these people a general publican's license. It was not expedient to grant a full license to these places. It was a good thing to have a class of house where one could purchase Western Australian made beer or wine.

Hon. T. F. O. BRIMAGE: In his opinion an Australian wine license was quite sufficient. There were many houses in South Australia where the Australian product was sold, and also in this State we had shops which were dispensing glasses of wine and gallon flagons as well. If we permitted beer to be sold in those places we would spoil those shops altogether. In many places too the licensing benches had raised buildings, which carried wine and beer licenses to the status of hotels. He hoped that the word "beer" would be omitted so that only Australian wines might be dispensed.

Hon. W. PATRICK: Some members were under a misapprehension. Sir Edward Wittenoom had suggested that only general publicans' licenses and spirit merchants' licenses should be granted. If we passed a Bill with only these two kinds of licenses contained therein we would be doing a very great injustice to a number of people. Possibly a majority of the wayside house licenses were to all intents and purposes general publicans' licenses, only they were outside municipalities and therefore paid a lesser fee. Wine and beer licenses were different from wine licenses. Very little wine was sold in these licensed establishments, but in Geraldton there was one license with premises that had cost several thousands of pounds to erect, and a great injustice would be done to this person if the license was not permitted.

Hon. B. C. O'BRIEN: The Bill provided that in future no wine and beer licenses should be granted, but the Minister endeavoured to re-enact that particular license. If this license was abolished a great hardship would be inflicted on many people. The wine and beer license

differed very materially from a publican's general license. He knew of scores of these particular licenses in the State and they were held by owners of little shanties, mere drinking shops, where a person could obtain cheap beer and cheap wine, but no accommodation could be obtained. The Minister suggested that the license should be continued subject to the local option poll, and that seemed fair. Let the people in the future say whether these licenses should be passed out or not. In his opinion the license was unnecessary.

Hon. C. Sommers: There were only about six wine and beer licenses in the State.

Hon. B. C. O'BRIEN: There were scores of them: in nearly every town there was one.

Hon. C. Sommers: The hon. member was hardly correct.

Hon. J. M. DREW: It would be well if the wine and beer licenses were abolished. In a majority of instances the premises were simply hovels, but there were instances where premises had been erected at great expense and vested interests in such cases would be seriously interfered with unless the provision granting licenses to existing licensees was made. If an amendment were made that no wine and beer license should be granted except for premises already licensed at the commencement of the Act, that would meet the case.

Hon. E. McLARTY: It would be difficult to do away with this class of license and it would be unjust in many cases. Wine was a local product which we wished to encourage. His objection was that wine was sold without restriction and supervision. To do away with the license would create a hardship on those who had built large premises.

Amendment put and passed.

Hon. D. G. GAWLER moved a further amendment—

That after paragraph (h) the following be inserted:—"(i.) One gallon licenses."

He wished to go back to the gallon license. This was a license which could not be done without if we wished to cater for the small householder. It had been said that in the hands of many grocers this class of license had been abused, but he had failed to find such abuse. If it was abused then the law should have been put in motion. If gallon licenses were taken away it would have the effect of considerably injuring a number of individuals who had spent a large amount of money in erecting extensive premises and who could not carry on their business with a two gallon license.

Hon. J. F. CULLEN: It was to be hoped the Committee would not accept the amendment. There was abundant evidence of widespread gross abuse of this form of license. The grocer started it, and a kind of illicit business was developed. Customers who would not go to an hotel went to the grocer's shop, and some did not even have the courage to buy the liquor as spirits or beer. Some grocers were forced to take up this license because their competitors were taking away their trade, and so this illicit business went on until it became a curse to the community. Respectable grocers fought against it until they found their general trade suffering through persons going to where they could get grog in secret.

Hon. D. G. Gawler: Has the hon. member heard of instances of that?

Hon. J. F. CULLEN: There were numbers of instances. It was quite a common, crying scandal.

Hon. B. C. O'Brien: It is quite true. It was given in evidence in the court.

Hon. J. F. CULLEN: Grocers admitted it was a most immoral business from their point of view, and they would gladly give it up but for their competitors. Did Mr. Gawler contend that the business was so large and lucrative that grocers had enlarged their business premises and stocked a lot of liquor?

Hon. D. G. Gawler: There are other gallon licenses.

Hon. J. F. CULLEN: These licenses were almost entirely grocers' licenses. They were known as grocers' licenses, just as the two-gallon licenses were intended only for breweries, to which they should be strictly limited, the gallon license at the same time ceasing to exist, as pro-

vided in the Bill. The proper place for people to go for drink was to the hotel. By these grocers' licenses we allowed grocers to undersell hotel-keepers, and there was no inspection as to the qualities of liquors kept.

Hon. M. L. Moss: An inspector can go anywhere.

Hon. J. F. CULLEN: Has there ever been a case?

Several members: Any number.

Hon. J. F. CULLEN: At any rate, there was nothing like a systematic inspection of grocers' liquors. These grocers were secret vendors who cultivated the business behind the back of the open trade of the public house. One could not understand those who sympathised with this subordinate kind of business, a form of business abused throughout the country and tending to develop drinking habits on the part of numbers of people who scarcely otherwise would touch spirituous liquors.

Hon. C. SOMMERS: One would think, according to the hon. member, people who drank anything were not respectable unless they stood up at the bar of a public house to do so. As for underselling the publican, there was more profit in retailing liquor by the glass. The hon. member should have gone further and said that the grocer sold liquor by the glass and kept his house open all night for card-playing. People objected to being compelled to go to publicans to take any brand the publicans chose to keep. In fact some publicans were tied down by spirit merchants and breweries as to the liquors they must sell. Publicans might be too busy to deliver an order or might be able to deliver one brand only. Again, why should people be compelled to buy two gallons when one gallon would suit their purpose? The gallon license had gone on for years and to-night one heard for the first time that it was a form of license that was abused. It supplied a want to the community. The grocers' shops were perfectly open, and the grocers made no secret of being able to supply liquor, and good liquor. If we did away with the gallon license we might as well do away with other licenses, and without compensation also. A man who worked up a good gallon trade was just as entitled to protection as a man holding a publican's general license.

Hon. M. L. MOSS: One's experience differed widely from Mr. Cullen's. He (Mr. Moss) knew of no common, crying scandal in connection with gallon licenses, nor of any widespread gross abuse existing in connection with it, nor of any respectable grocer fighting against obtaining a license until compelled to get it to retain other business. The gallon license was not to be looked at from the point of view of the publican, nor from the point of view of extremists on the other side who desired that there should be no facilities for obtaining liquor in the community. We should decide what was expedient from the public point of view. This was a matter for moderate men to form their opinions on. Though practically a total abstainer, he was reasonable enough to regard this matter from a sensible standpoint. Those people who required to get liquor in moderation, should have reasonable facilities for getting it. He would rather see a woman go into a grocer's shop to get half a dozen of beer to be utilised reasonably as the requirements of the house demanded it, than see that woman breast a public bar to get those same six bottles, especially at some of the houses of those holding publicans' general licenses. There were highly respectably conducted places, but there were others which were not conducted in the interests of the community; and if persons did not wish to go to those places and desired to get liquor in moderation under private conditions, we would be doing something in the interests of the community by providing them with the means through these gallon licenses. Of course there was the other point, namely, that vested interests had grown up; but in regard to the gallon license he would not consider vested interests, because it was not like the public house where the whole value of the premises disappeared with the withdrawal of the license.

Hon. E. McLARTY: No argument had been adduced to show that the evils said to exist under the gallon license did not exist under the two-gallon license. The grocer who would sell a single bottle under a gallon license would do the same thing under a two-gallon license. If we were going to grant anything in the nature of this form of license we ought to study the convenience of the public and make it a gallon license.

The COLONIAL SECRETARY: No objection would be offered to the amendment. It was not as if no similar license existed. Under the clause all those who at present held a gallon license would be forced to take out a two-gallon license, or a spirit merchant's license. With these two forms of licenses in existence the arguments against the gallon license fell to the ground. It might be that the gallon license was abused, but not, he thought, to the same extent as was the general publican's license; because we were told that the general publican's license was broken every day in the week, and more particularly on Sundays. Moreover, to strike out the gallon license would be to give a vast monopoly to the hotels. It was in favour of the gallon license that the storekeeper had to close his premises at 6 o'clock at night, on five days of the week, and 9 or 10 o'clock at night on Saturdays.

Hon. J. W. LANGSFORD: Presumably, the mover of the amendment would include it in the local option provisions when we came to that part of the Bill. One of the strongest objections to the gallon license was that grocers who had no such license were very often compelled to close up business. The holder of such a license had a distinct advantage over others who had no such license. If those who administered the Act desired to learn how often the gallon license was broken, they had only to stop the grocers' carts and make a search of their contents.

Hon. Sir E. H. WITTENOOM: It was his intention to support the restitution of these gallon licenses. He had never heard of the gallon license being abused, or at most he had heard but very little of it. In his opinion, it would, perhaps, be better if the amendment were altered so as to include the gallon license in the wine, beer and spirit merchant's license.

Amendment put and passed.

The COLONIAL SECRETARY moved a further amendment—

That the following be added to stand as Subclause 1:—"No hotel license or Australian wine and beer license shall be granted except for premises so licensed respectively at the commencement of this Act."

Amendment passed; the clause as amended agreed to.

Clause 29—agreed to.

Clause 30—Hotel licenses:

The COLONIAL SECRETARY moved an amendment—

That the proviso be struck out.

This, as hon. members would see, was entirely consequential on the latest amendment to Clause 28.

Amendment passed; the clause as amended agreed to.

Clause 31—agreed to.

Clause 32—Australian wine license:

Hon. M. L. MOSS moved an amendment—

That in line 1 the words "be named in the license" be struck out.

Prior to the passing of the Act referred to in the marginal note there had been in Western Australia a license known as the colonial wine license, which authorised the holder to sell Western Australian wines. Following upon Federation the High Court had laid it down that the continuance of that license was not lawful, inasmuch as it exercised a discrimination between Western Australian wines and wine manufactured in other States of the Commonwealth. In consequence of that ruling the Australian wine license was created, under which the holder was licensed to sell wines of Western Australia, or of any other State in the Commonwealth. The object of the original colonial wine license had been to give encouragement to the manufacture of Western Australian wines; but under the existing license the licensee had to elect whether he would have the privilege of selling Western Australian wine, or wines from any other one of the Australian States. The result was

that nobody took out a license to sell Western Australian wine, while most of the licensees elected to sell South Australian wines. With regard to the Fremantle magisterial district, he had been informed that no licenses had been taken out this year for the vending of West Australian wines. It was unlawful, in view of the decision of the High Court, to discriminate between this State and any other State, but we ought to give our own growers the same facilities for disposing of their wine as were accorded to growers in other parts of the Commonwealth. The only way in which that could be done, it seemed to him, was to have a license to sell wine "made in Australia." That would enable shops holding a colonial wine license to take a certain proportion of West Australian wine as well as wines from the other States. Until the product of West Australia equalled or excelled that of South Australia, the licensees would not take out West Australian wine licenses. In order to sell West Australian wine it cost the applicant £10, and the South Australian grower was getting the benefit of the license. If they authorised the licensee to sell wine made in any State of the Commonwealth, they would enable the West Australian grower to persuade holders of wine licenses to stock some West Australian wine, and it would cost them no more to do that than to stock South Australian wines; otherwise West Australian wines would get very little show at all.

The COLONIAL SECRETARY: The object in altering the licenses was to compel wine vendors to take out licenses not only for West Australian wines, but also for the wines of other States. If it was unconstitutional to compel them to take out licenses for the sale of West Australian wines only and prohibit the sale of other Australian wines, the difficulty then arose that when the choice was left to the vendor it tended to operate against our own wines. The whole object of the Australian wine license was the encouragement of our local wine-making industry; therefore he would offer no objection to the amendment.

Amendment put and passed.

Hon. W. PATRICK moved a further amendment—

That in line 7 the words "thirty-five" be struck out and "twenty" inserted in lieu.

The clause provided that colonial wine should not contain more than 35 per cent. of proof spirit. Proof spirit, according to the definition in Clause 172, meant 58.8 on Sykes' hydrometer. According to Clause 175, whisky, brandy, or rum could be 25 degrees under proof, whilst gin could be 35 degrees under proof. In other words wine could contain much more spirit than was usually contained in bottled whisky. That was too high.

The COLONIAL SECRETARY: The clause as printed now, so far as it related to proof spirit, was exactly the same as the existing law.

Hon. J. W. Hackett: It is a question for experts.

Hon. W. PATRICK: There was no doubt as to what 35 per cent. of proof spirit meant; it meant 35 per cent. of proof spirit as defined in the Bill, which meant about 57 per cent. of alcohol. Possibly that was one of the reasons why colonial wine was not conducive to the health of the people, because it was customary to drink wine neat, whereas brandy, whisky, and rum were diluted with water? Twenty per cent. might be too low, but 35 per cent. was a great deal too high.

Hon. C. SOMMERS: Thirty-five per cent. was evidently the maximum necessary for the keeping of some wines, and if that meant that the wine would be as strong as the Hon. Mr. Patrick had indicated, there must be something wrong in the clause.

The Colonial Secretary: It means 35 per cent. of 58, that is about 20 per cent.

Hon. C. SOMMERS: There must be something wrong and he would suggest that the clause be postponed.

The COLONIAL SECRETARY: If members would turn to Clause 172 they would readily see that 35 per cent. meant 35 per cent. of 58.8; that meant really only 20 per cent., which represented the standard at which the wine was always sold. If hon. members would allow the

other amendments to the clause to be disposed of he would have the Bill recommitted for the purpose of further considering the provision in question.

Hon. W. PATRICK: While Clause 172 defined what proof spirit was, Subclause 3 of Clause 175 defined what was the legal standard for whisky, rum, brandy, or gin, and stated that the first three could be sold at 25 degrees under proof. That meant 33.8 of proof spirit, which would make whisky a great deal weaker than wine as defined in the clause under discussion. He had no objection to deferring the point till the recommittal of the Bill.

Amendment by leave withdrawn.

On motion by Hon. M. L. MOSS Subclauses 2 and 3 were consequentially struck out.

Clause as amended agreed to.

Clause 33—Packet license:

Hon. A. G. JENKINS: At present steamers on the river opened their bars the moment they cast off from the wharf, even though they were going only for a ten minutes' run. This was the only State in Australia where such a thing was allowed. At Sydney even the big passenger boats going to Manly had no bars at all, and there was no reason why the steamers on the Swan River should have bars, because people who patronised them went out for an airing and not for the purposes of getting liquor. At the present time it was necessary on some of the boats on occasions to have a policeman on board for the purpose of keeping order. If steamers went to Rottnest, or out into the harbour, their case was different altogether, but steamers on the river should not be floating hotels. As he desired to move an amendment that steamers engaged only in the river traffic should not be allowed to have bars, he asked that the clause should be postponed.

The COLONIAL SECRETARY: The hon. member might allow the matter to stand over until after Clause 42 had been dealt with.

Progress reported.

BILL—YORK MECHANICS' INSTITUTE.

On motion by Hon. A. G. JENKINS, report of select committee adopted.

House adjourned at 10.48 p.m.

Legislative Assembly,

Tuesday, 6th December, 1910.

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

BILL—SUPPLY, £207,443.

Appropriation Message.

Message from the Governor received and read recommending appropriation from Consolidated Revenue Fund for the purpose of a Supply Bill (£207,443).

PAPER PRESENTED.

By the Premier: Report of Sir Newton J. Moore on his visit to Great Britain.

QUESTION—RAILWAY PROJECT, SOUTHERN CROSS-MARVEL LOCH.

Mr TAYLOR (for Mr. Horan) asked the Premier: 1. Having regard to the numerous mines already opened and of proved values in the auriferous area be-