

NOES.

Mr. Brown	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. S. F. Moore
Mr. Daglish	Mr. Murphy
Mr. Davies	Mr. Nanson
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. Layman
Mr. Hardwick	(Teller).
Mr. Jacoby	

Amendment thus negatived.

Clause put and passed.

Progress reported.

House adjourned at 10.54 p.m.

Legislative Council,

Wednesday, 19th October, 1910.

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

QUESTION—RAILWAY ADVISORY BOARD'S REPORTS.

Hon. J. W. LANGSFORD (without notice) asked the Colonial Secretary: Will the Minister make available to members of this Chamber copies of the Railway Advisory Board's reports and plans which have been submitted to another place?

The COLONIAL SECRETARY replied: Yes. It is an oversight that copies have not been laid on the Table.

QUESTION—PUBLIC SERVANTS AND DEFENCE FORCES.

Hon. J. W. KIRWAN asked the Colonial Secretary: 1. Is the report correct that Warder Wise, of the Fremantle Prison staff, was dismissed for having disobeyed an order of the Comptroller-General in refusing to sever his connection with the military authorities? 2. If there be any truth in the report, what are the facts? 3. In view of the possibility of such a report creating doubt in the minds of Government servants as to the attitude of the Government towards those of them who have already joined or are desirous of joining the defence forces, will the Ministry give the assurance that the action of Government servants joining the militia or volunteers meets with their warm approval?

The COLONIAL SECRETARY replied: 1 and 2. Yes, the exigencies of the prison service necessitated the Comptroller General of Prisons requesting the resignation from the Defence Force of two warders employed in the Fremantle Prison as it interfered with their duties as warders. One of the two warders affected by the instructions sent in his resignation: the other, Warder Wise, though warned of the consequences, persisted in refusing. 3. Yes, provided such service does not interfere with their duty to the department in which they are employed. The Commonwealth Government, however, have recognised the difficulties attending the disciplinary staff of prisons, and the amending Defence Bill provides, inter alia, for the exemption from service of persons employed in the police or prison service, etcetera.

QUESTION—SCHOOL PREMISES, VICTORIA PARK.

Hon. J. W. LANGSFORD asked the Colonial Secretary: 1. Has the State school at Victoria Park been condemned by the Local and Central Boards of Health as unhealthy for the children in winter? 2. Have the Public Works Department designs prepared for a new school? 3. When is it proposed to start the new building?

The COLONIAL SECRETARY replied: 1, No; but the local board has given notice that if certain improvements are not carried out the school will be declared uninhabitable under the provisions of the Health Act. 2 and 3, Yes; but after full investigation it has been decided that by expending £100 the existing building can be rendered hygienic. It is also intended, before the end of the summer, to raise and regrade the surface of the playgrounds and to form channel drains, etcetera.

LEAVE OF ABSENCE.

On motion by the COLONIAL SECRETARY, one month's leave of absence granted to the Hon. E. M. Clarke on the ground of urgent private business.

BILLS (2)—FIRST READING.

1. Leederville and Cottesloe Municipal Boundaries Alteration.
2. Cemeteries Act Amendment.

BILL—GAME ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small measure to amend the Game Act, 1902. In that Act power is given to declare a close season for any native animal in the State, but the Act is defective in giving effect to the proclamation which brings about a close season, inasmuch as it is almost impossible for an inspector to prove a case of killing during the close season. In the case of kangaroos a close season is declared for certain districts; in the case of opossums there is a close season covering the whole State. The Bill before us gives power to make regulations so that it will be an offence for a person to have the skins or bodies of these animals in his possession during the close season. If in any district where there is a close season proclaimed travellers are found with kangaroo or opossum skins in their possession they will be committing an offence under the Act unless they can satisfac-

torily account for them. The Bill further provides that the Railway Commissioner may refuse to convey on the Government railways any of these skins unless he has the assurance that the animals have not been killed or the skins procured in a district covered by a proclamation of a close season. The Bill is simply to provide regulations for carrying out the Act already in force. I move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill, debate adjourned.

BILL—FERTILISERS AND FEEDING STUFFS ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small Bill providing a few small but very necessary amendments to the Fertilisers and Feeding Stuffs Act, 1904. In Section 8 of the principal Act it is only necessary for the seller at the sale or delivery of a fertiliser to give the purchaser an invoice stating the registered contents of the fertiliser. Clause 2 of the Bill before us, which amends Section 8 of the principal Act, provides that the seller must also give a certificate at the time of the sale and at the time of the delivery of the fertiliser. It frequently happens that the agent for the vendor in selling fertilisers states that the fertiliser contains certain properties, but when the stuff is delivered some time afterwards and the certified invoice as to the contents has been sent along, it is entirely different to that represented by the agent for the seller. Now, in order to obviate this, Clause 2 provides that the certificate shall be given both at the time of the sale and at the time of the delivery. It is an extra precaution to see that pure fertilisers are sold. Clause 3 amends Section 14 of the principal Act and gives inspectors greater powers. Section 14 merely provides that the inspector may take a sample at factories, warehouses, stores, shops, and other places, but it is doubtful whether a railway truck or other vehicle comes within the meaning of "other

places," and in order to get over the difficulty and make it quite clear this clause provides that railway trucks, cars, carts, lorries, vans, or other vehicles in which fertilisers may be in the course of transit are covered by the section. It gives the inspector power to take a sample off a railway truck after the stuff is shipped at Fremantle from the seller and before it reaches the buyer, or if the fertilisers are being carted in a car or other wagon through the streets or roads he has power to take a sample. Clause 4 contains an amendment consequential on Clause 3. It gives additional powers to the inspectors to take samples before a justice of the peace or a police officer. At present he can only take these samples before the vendor or his agents, but in taking a sample off a railway truck or a cart passing along the road it is not always convenient—in fact, it is impracticable—to take it before the vendor or his agent. The clause provides it may be taken before a justice of the peace or a police constable. Clause 6 provides for the amendment of Section 26 of the Act with regard to obtaining convictions for offences. This is a matter which was not made clear in the Act. There is nothing else referred to in the Bill. It is simply a small measure to make clear the intentions of existing legislation, and also to provide better facilities for the delivery of pure fertilisers. I move—

That the Bill be now read a second time.

Hon. R. W. Pennefather: Have there been any prosecutions under the principal Act?

The COLONIAL SECRETARY: I presume so.

Question put and passed.

Bill read a second time.

BILL—SUPPLY (£710,410).

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly): This is the second Supply Bill which has been before the House this session. The first Bill provided for a three months' supply. Unfortunately, through unforeseen circumstances happening in another place the annual Estimates

of Revenue and Expenditure have not yet been dealt with, and the three months' supply that has already been assented to by Parliament has now expired, and it is necessary, therefore, to ask for a further two months' supply to cover the current month and the month of November. The Bill provides for the voting of supplies also from Loan Suspense Account for the various public works which have already been approved by Parliament and which are now being carried out. It is rather an unwise thing to make promises, but I think I can say with safety that it will probably be the last Supply Bill which will be asked for during the present session. I move—

That the Bill be now read a second time.

Hon. J. P. CULLEN (South-East): The redress of grievances is so ardently taken up by gentlemen in another place that I do not propose to trouble the House with any grievance that I may have; but there is one point of criticism in this Bill I would draw the Minister's special attention to, and I hope he will impress it upon the author of the measure. I have read the Preamble. Where on earth did the author of the Bill pick up the old verbiage that we are confronted with here? The Legislative Assembly is making a vote to the Sovereign, and this is the language that it adopts. "The House, therefore, must humbly beseeches your Majesty that it may be enacted." Some modern Legislatures have dropped all this old stuff and have used plain English, "Be it enacted," and that covers everything. New South Wales, which is supposed to be very conservative, has dropped this.

Hon. R. W. Pennefather: They have a preamble.

Hon. J. P. CULLEN: But they have dropped the verbiage. Queensland simply starts off, "Be it enacted." They speak like men. Even South Australia has dropped this language. It still lingers on the little Tasmanian book and in old Victoria. Why on earth should we, in Western Australia, a modern House of Parliament, repeat this old stuff. "Do humbly beseech your Majesty to let us give you some money." I suppose the Minister's

answer will be that he is following precedent, but how far does precedent go back? You would have to go back 300 years in British history to get an appropriate setting for this kind of thing. You would have to go back until you come to King James to find a Sovereign who tolerated this kind of stuff. That King was content to be called the "wonder of the world"; but I guarantee if the Legislative Assembly went to any sovereign we have had for 100 years past and talked in this way the sovereign would have said: "If you have anything to give me, stand up like men and plank it down on the table, and let that be the end of it." No need to go crawling and humbly beseech him to accept money that you have the right to give. If we only went a little further back in precedent we would find the members of Parliament of the time hanging by their tails to the trees, throwing nuts at each other. It suggests the wonderful picture of members of Parliament hanging from chandeliers throwing *Hansards* at each other as the best substitute for nuts. There are, perhaps, no nuts in *Hansard*. I do hope the Minister will drop this verbiage.

Hon. J. W. Hackett: Will you move to eliminate it?

Hon. J. F. CULLEN: I am quite prepared to do that.

Hon. J. W. Hackett: There will be a row if you do.

Hon. J. F. CULLEN: Why should there? Why should members to-day challenge socialism by this old fulsome and crawling style of speech. "We humbly beseech your Majesty to let us vote you some money." Is it not absurd and entirely out of date? Precedents like that had better be thrown away. All precedents should be brought into keeping with the spirit of the age. The truest loyalty is the loyalty that is intelligent and does not stoop to crawling. When the time comes I shall certainly move that the Preamble be modernised.

Question put and passed.

Bill read a second time.

In Committee.

Clauses 1 and 2—agreed to.

Preamble:

Hon. J. F. CULLEN moved an amendment—

That all the words up to and inclusive of the word "and" in line 7 be struck out.

The Preamble would then start in the modern way, "Be it enacted by the King's Most Gracious Majesty." It could not be proved that it was incorrect to say that the money was voted cheerfully, but it was certainly incorrect to say that the money had been granted, cheerfully or otherwise.

Hon. R. W. Pennefather: It is not the language of this Chamber.

Hon. J. F. CULLEN: It was the language of the Legislature. Assuming it was an address, he (Mr. Cullen) objected to retaining the old verbiage, which was absolutely superfluous. If Providence would mercifully send Parliament a draftsman for the work of drafting our Bills generally it would be the best gift that could be conferred.

The COLONIAL SECRETARY: It was hard to imagine that the hon. member was serious. Having entered a protest he would presume that the hon. member did not intend to go further. After all, it made very little difference whether it was the Preamble in the Bill under review or any other. There was a good deal in precedent, and it had been the custom to adopt such preambles for many years. It was not the duty of the Committee to alter the preamble in any way. The matter, however, would be brought under the notice of the Government so that it might receive consideration. It should be said that it was not the fault of the Parliamentary draftsman, and it should be added also that the Government was well equipped at the present time with two good Parliamentary draftsmen. There was no blame attachable to the Parliamentary draftsman. Why should he discontinue to draft a Preamble that had been in existence from time immemorial?

Hon. R. W. Pennefather: We have no right to amend the Preamble.

The COLONIAL SECRETARY: It would be made as a request.

Hon. J. W. HACKETT: The member was well aware that this question of the Preamble had been brought up many times and many fights had waged around this question, and one must accept the view of the interjector, Hon. R. W. Pennefather, that we had no right to touch the Preamble. We had nothing whatever to do with the matter; it was an attempt to ask the Council to run its head against a stone wall, so to speak. It might lead to a conflict between the two Houses at once, and for what? To get rid of an excellent precedent around which the warfare of centuries had waged.

Hon. J. F. CULLEN: It was well to remove two false impressions. His reference to the draftsman was not specially connected with the Preamble of this Bill but with the drafting generally of Bills before the House, notably the Hospitals Bill. With regard to the remarks of Dr. Hackett, to whose judgment he attached a great deal, that member was hardly correct in saying that so much had been made of this matter of verbiage. The verbiage had nothing whatever to do with the question.

Hon. J. W. Hackett: You remember the fights in Victoria?

Hon. J. F. CULLEN: No; he went farther back. The fights in Victoria were no guide to us. There was a time when such language was quite within keeping with the manners and customs and thought of the age, but that time had gone by. We did not now call the King the wonder of the world; we honoured him as the representative of the nation and the ultimate voice of the nation, and his crown was the symbol of the nation, and we stood up as men for him.

Hon. J. W. Langsford: The members of another place thought the same.

Hon. J. F. CULLEN: The members of another place never thought anything of the kind. It was simply in the Bill on the ground of precedent, but they did not bother about it. Surely it was time an intelligent Legislature in Western Australia should bring this matter into line with other advanced Legislatures. Why did New South Wales, South Aus-

tralia, and Queensland drop this old verbiage? Because the intellectual development in those States was quite compatible with their loyalty; they were ashamed of the old verbiage. The only thing he could see in what had been advanced was that inasmuch as this was the Assembly's verbiage and we had no power to amend the Bill, only to suggest amendments, time would be wasted in the interchange of courtesies on the matter, and probably, attention having been drawn to it, the point would be gained. He could hardly conceive another place repeating this old verbiage after attention had been drawn to it. With the leave of the House he would withdraw the amendment.

Amendment by leave withdrawn.

Preamble—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—PARKS AND RESERVES ACT AMENDMENT.

In Committee.

Resumed from the previous day.

On motions by the Colonial Secretary, the interpretation of "ranger" was amended by striking out the words, "and includes," also "park-keeper or other officer," and by adding at the end the words, "or by the said Acclimatisation Committee."

Clause as amended agreed to.

New clause—Extension of Act to Zoological Gardens:

The COLONIAL SECRETARY moved that the following be inserted to stand as Clause 6:—

The gardens under the control and management of the Acclimatisation Committee appointed under "The Zoological Gardens Act, 1898," shall be deemed a park or reserve within the meaning of this Act.

Hon. J. W. KIRWAN: Could not the Colonial Secretary extend the scope of the Bill. There was a number of parks and gardens that would not come within the scope of the measure. Outside the King's Park, the Zoological Gardens, and grounds

vested in His Majesty, there were various other squares and parks that would not come within the provisions of the Bill. He would suggest that the Colonial Secretary might add a provision to the new clause, which would not do any harm, to this effect, "any ground under the control and management of local governing bodies may be declared by proclamation to be a park or reserve within the meaning of this Act." No doubt the number of these parks and gardens would increase in the future, and this would give the Government power to include them within the scope of the Bill where necessary.

The COLONIAL SECRETARY: The suggestion could not be accepted. In the first place, it would be foreign to the Title of the Bill; in any case were it not so it would not be workable. The Bill would have to be recast, for the measure set forth that the certificate of the ranger should be signed by the chairman. That would not apply to municipalities. This might be made an amendment to the Municipalities Act. Probably the hon. member would have an opportunity of dealing with it later on in the session should time permit of an amendment of the Municipalities Act being brought forward. It had been suggested that the Bill would give the rangers unnecessary power. If that were the case in connection with a big park like King's Park, it would be still more unnecessary in the case of a small municipal park like that referred to by the hon. member, which was within a stone's throw of a police station. It would be almost impossible to fit the suggestion of the hon. member into the Bill.

Hon. J. W. Kirwan: It could be fitted in if the Colonial Secretary so chose.

Hon. J. W. HACKETT: The suggestion made by Mr. Kirwan could hardly be worked into the Bill. This was an amendment of the Parks and Reserves Act and if the hon. member looked into the measure he would find that his proposed amendment would be unworkable.

New clause put and passed.

New clause—Ranger to hold certificate of appointment:

The COLONIAL SECRETARY moved that the following be added to stand as Clause 7:—

No ranger of any park or reserve shall exercise any power conferred on him by this Act unless he shall have in his personal keeping at the time a certificate of his appointment as ranger signed by the chairman or vice-chairman of the board of such park or reserve, or the president of the said Acclimatisation Committee.

Hon. R. W. PENNEFATHER: Was there power in the Bill by which a ranger could be forced to produce his authority? It was necessary that such should be provided. It might be possible, unless the ranger were forced to produce his certificate, for a man who was not a ranger to take another in charge.

The COLONIAL SECRETARY: Clause 2, as amended, provided that the ranger should produce his certificate.

New clause put and passed.

Title—agreed to.

Bill reported with amendments; the report adopted.

Recommittal.

On motion by the COLONIAL SECRETARY, Bill recommitted for the further consideration of Clauses 2 and 4.

Clause 2—Ranger may apprehend any offender whose name is unknown.

On motion by the COLONIAL SECRETARY, in line 6 the word "readily" was inserted after the word "cannot."

Clause 4—Powers, duties and privileges of rangers:

The COLONIAL SECRETARY: When the Bill was in Committee on the previous day amendments were made to Clause 5 which rendered Clause 4 unnecessary. He moved—

That the clause be struck out.

Question passed, the clause struck out.

Bill reported with further amendments.

BILLS (2)—FIRST READING.

1. Geraldton Municipal Gas Supply. Received from the Legislative Assembly and, on motion by Hon. W. Patrick, read a first time.

2. General Loan and Inscribed Stock Bill. Received from the Legislative Assembly.

BILL—HOSPITALS.

In Committee.

Hon. W. Kingsmill in the Chair.

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. J. F. CULLEN: According to the clause "Minister" meant the Colonial Secretary; but in the event of other dispositions of work by different Governments this might prove awkward. With a view to subsequently inserting the words "Minister charged with the administration of this Act," he moved an amendment—

That the words "Colonial Secretary" be struck out.

Amendment passed.

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

That the words "Minister charged with the administration of this Act" be inserted.

The COLONIAL SECRETARY: Although having no objection to the striking out of the words, "Colonial Secretary," he thought the words usually found in such interpretations should be adhered to, namely, "the Minister of the Crown administering this Act."

Hon. J. F. CULLEN: There would be no objection to accepting the Minister's proposal. In order that the Minister might himself move the insertion of these words he would withdraw his amendment.

Amendment, by leave, withdrawn.

The COLONIAL SECRETARY moved a further amendment—

That the words "the Minister of the Crown administering the Act" be inserted.

Amendment passed.

Hon. D. G. GAWLER: Were the hospitals established by the Roads Board Act included under the definition of "hospitals"?

The COLONIAL SECRETARY: While the roads boards had power to subsidise hospitals, they could scarcely es-

tablish and maintain any, seeing that they were only allowed to expend a sum not exceeding $7\frac{1}{2}$ per cent. of their rates. He thought there were no such hospitals in existence. He moved a further amendment—

That in line 5 of the definition of "Public Hospital" the words "for three consecutive years" be struck out.

Being unnecessary these words were merely encumbering the definition.

Amendment passed.

Clause, as amended, agreed to.

Clause 3—Repeal:

Hon. J. W. KIRWAN: The drafting of the clause was peculiar, for having declared that the Hospitals Act of 1894 was hereby repealed it went on to say that it had not been repealed in certain respects.

The COLONIAL SECRETARY: The clause was in the usual form. The Act of 1894 had only been applied to two hospitals, namely, those of Perth and Fremantle, and under the Bill it would continue to apply to them until such time as they were proclaimed.

Hon. J. W. KIRWAN: Could not the clause be made to read that the Act of 1894 should not apply to any proclaimed hospital? It would then mean just the same as in its present form.

The COLONIAL SECRETARY: If the clause were so altered it would leave the Act of 1894 on the statute-book for all time. As a matter of fact that Act only applied to the two hospitals mentioned, and when they were brought under the provisions of the Bill that Act would be repealed by virtue of the clause.

Clause 4—Appointment of Trustees:

On motion by the COLONIAL SECRETARY, Subclauses 1 and 2 were consequentially amended by striking out the words "Colonial Secretary" and inserting "Minister" in lieu.

Hon. J. W. KIRWAN moved a further amendment—

That the following subclause be added—"Of the trustees other than the Minister one shall be representative of the Geraldton and Murchison district, one of the South-West district, one of

the Eastern Goldfields, and one of the metropolis and Fremantle."

The clause provided that the trustees were to consist of the Minister and four other persons. As the powers of these trustees extended over the work done by the boards administering the various hospitals, the amendment would ensure that the trustees would not consist entirely of City members, and that they would have a thorough knowledge of all the circumstances of the hospitals of the State. The conditions of the State varied considerably and it was almost impossible to get one possessing knowledge concerning the whole of the State. People did not travel about sufficiently to possess that knowledge. The principle advocated in the amendment was adopted in connection with the Fire Brigades Board and the Central Board of Health. The amendment was moved at the suggestion of the Kalgoorlie municipal council. If it was not in the form it ought to be, at any rate it was in the interests of a cause strongly advocated by the two Ministers in the House and by a good many country members. The cause was decentralisation, and the Ministers would agree with the principle involved.

The COLONIAL SECRETARY: The amendment was quite unworkable in its present form. Geraldton was in the South-West district, and there would need to be a better definition of "Murchison," whether it applied to the Murchison goldfields or to the Murchison district only. The hon. member in his desire to do away with decentralisation, which he was so fond of talking of—

Disorder.

Hon. J. W. Kirwan: You are very fond of it when standing for election, but only then.

The Colonial Secretary: At the word "decentralisation" the hon. member seems to get very angry.

Hon. J. W. Kirwan: I do so against men who go back on their promises. They are traitors.

The Colonial Secretary: Did I understand the hon. member to call me a traitor?

The Chairman: I did not hear the hon. member. Did Mr. Kirwan use that word?

Hon. J. W. Kirwan: If the words "political traitor" are contrary to the rules of the House I will withdraw them.

The Chairman: They are extremely contrary to the rules of the House.

Hon. J. W. Kirwan: Then I withdraw.

The Colonial Secretary: Do I understand that the hon. member called me a political traitor? If so, he should apologise to me and to the House.

Hon. J. W. Kirwan: If the hon. member is going back on the policy of decentralisation I cannot do anything further than withdraw, unless specially ordered by you, Mr. Chairman.

The Chairman: I may say at the outset I have to accept the testimony of other members. I did not hear the words myself. But if the hon. member used the words "political traitor" to any member, in my opinion he should not only withdraw but he should apologise. Did the hon. member use the words?

Hon. J. W. Kirwan: I used the word "traitor," but I intended to use the words "political traitor," and I think under the Standing Orders—

The Chairman: Do I understand the hon. member wishes to make a personal explanation?

Hon. J. W. Kirwan: If the hon. member regards the word as offensive, of course, under the Standing Orders, I must withdraw; but I would like if you, Mr. Chairman, would be good enough to point out what Standing Order requires me to apologise.

The Chairman: Does the hon. member wish to object to my ruling?

Hon. J. W. Kirwan: Do you rule—?

The Chairman: I rule that the hon. member should apologise if he admits using those words.

Hon. J. W. Kirwan: Is that your ruling?

The Chairman: It is my ruling. If the hon. member wishes to object to it he must do so at once in writing.

Hon. J. W. Kirwan: Will you excuse me while I look up the Standing Orders? If I find it is contrary to the Standing

Orders I certainly shall, but I would be glad if you would point out the particular Standing Order.

Hon. R. Laurie: Why do you not apologise?

Hon. J. W. Kirwan: I would like to see the particular Standing Order under which it is necessary that I should do so, and I would ask that the Chairman be good enough to indicate the particular number of the Standing Order under which it is necessary. I am very anxious to comply with all the conditions of the Standing Orders and to do everything necessary. I know there is some reference to offensive words which I cannot find just for the moment.

Hon. A. G. Jenkins: Look at Standing Order 414.

Hon. J. W. Kirwan: I find that Standing Order says—

If any member (a.) Persistently and wilfully obstructs the business of the Council; (b.) Is guilty of disorderly conduct; (c.) Uses objectionable words and refuses to withdraw such words; (d.) Persistently and wilfully refuses to conform to the Standing Orders, or any one or more of them; (e.) Persistently and wilfully disregards the authority of the Chair—

The Chairman: I think paragraph (c.) hits the position.

Hon. J. W. Kirwan: Well, I withdraw the words out of deference to your ruling.

The Chairman: I will ask the hon. member to withdraw and apologise. An apology is not mentioned in the Standing Orders; but under the Parliamentary procedure by which this House should be guided I claim I am justified in asking what I have asked the hon. member to do, that is, to withdraw and apologise. If the hon. member objects to my ruling I ask him to do so in writing.

Hon. J. W. Kirwan: Out of deference to you, Mr. Chairman, and to this Chamber, I wish to say that I will withdraw the words, and that I regret very much I cannot take any other course.

The Chairman: I would point out that if the hon. member will not comply with

my ruling the only course for me to follow will be to leave the Chair and report the proceedings to the President. Do I understand that the hon. gentleman will not apologise?

Hon. J. W. Kirwan: I am very sorry I can only withdraw the words.

The Chairman: I will leave the Chair. [The President resumed the Chair.]

The Chairman: I have to report that the Hon. Mr. Kirwan, on being asked to withdraw and apologise for certain expressions ruled by myself to be disorderly, consented to withdraw, but refused to apologise.

Hon. J. W. Kirwan: I wish to say that I will do anything that you, Mr. President, might point out under the Standing Orders it is necessary for me to do. I would be glad if you would point out to me what Standing Order it is necessary for me to follow.

The Colonial Secretary: I think it is my duty, and I am reluctant to refer to the matter, being the member referred to, to point out that in Standing Order 416—

Hon. J. W. Hackett: The President has not said anything yet.

The President: It has been reported to me by the Chairman of Committees that the Hon. Mr. Kirwan has refused to obey his orders. The Chairman of Committees has reported to me that he ordered words, which he considered to be offensive to the Colonial Secretary, to be withdrawn; also that an apology should be made. This apology has been withheld up to the present time. I point out that the apology is due to the Council itself, and I ask the Hon. Mr. Kirwan to apologise to the Council for having unwittingly used offensive words. Standing Order 416 indicates in some measure what a member of the Council is expected to do. It says—

“When any member has been reported as having committed an offence he shall be called upon to stand up in his place and make any explanation or apology he may think fit.”

Under that Standing Order I ask the hon. member to stand up in his place, and as he has withdrawn the offensive

words, to follow up the withdrawal by making some apology.

Mr. Kirwan: I am very much obliged to you, Mr. President, for putting the matter in that way. The Chairman of Committees scarcely put it in that way, or rather possibly I misunderstood the position. If it be an apology that is to be made to this Council for having said these words then I am glad to make it to the Council, on the distinct understanding that it is to the Council that the apology is rendered. I much regret having made a remark of that kind, and, as far as the Council is concerned, I wish to apologise. I understood from the Chairman that it was to be an apology of an altogether different type and was intended to be made to an individual.

Hon. W. Kingsmill: I think if the hon. gentleman considers the question he will see that an apology to an individual member of the House is practically impossible. Hon. members are too apt to forget—I do not want these remarks to be regarded as anything in the form of a lecture—or they are apt to show a tendency to neglect to address themselves to the Chair. I would point out that you, Mr. President, in your position as President are the embodiment of this Council, and any apology tendered to you is undoubtedly tendered to the Council and not to any individual member. I never for one moment intended to convey to the hon. member a suggestion that his apology should have any personal application. It is an apology which, I take it, should be offered to the Council itself. It would be as much out of order to offer an apology to an individual member of the Council as it would be to use terms such as those which have been used. If the hon. member understood that I intended he should apologise to anyone personally, I am sorry he misunderstood my meaning.

[The President left the Chair.]

Committee resumed.

The COLONIAL SECRETARY: The clause as drafted would be quite unworkable. Apart from that it might be argued that the clause could be amended,

but, in any case, it was totally unnecessary. The clause under discussion dealt with trustees and they were simply trustees for holding property. It might be possible to get a man to act on the Murchison or on the Eastern Goldfields, but then again how were the trustees to meet? They might have to travel 500 miles in all directions to attend a meeting which would probably last only ten minutes. It could not affect the matter one iota whether they resided in Perth, Geraldton, Kalgoorlie, Esperance, or anywhere else. They were there for the purpose of holding the land of the hospitals of the State. Unless an alteration took place the hospital referred to at Geraldton would have no interest in the Bill; it was a Government hospital and therefore there would be no property for the trustees to hold. The same thing applied to the Eastern Goldfields. There was no hospital there likely to come under the Bill. There was no necessity for the amendment and it was to be hoped the Committee would not accept it.

Hon. J. F. CULLEN: If Mr. Kirwan considered the matter further he would surely withdraw the amendment. The hon. member's object, as far as could be seen, was that the trustees should work sympathetically with the hospitals throughout the State. That object would be better gained as the Committee went through the Bill in taking the precaution that the trustees would not be more than trustees; that was to say that they would not be a controlling power for the local hospitals. If they were to be purely trustees, the method of appointment proposed in the clause was the best; it was not possible to have popular election of trustees.

Hon. J. M. DREW: The principle embodied in the amendment would have his support but it could plainly be seen that the amendment would have to be redrafted, because the Greenough and Murchison districts were undefined, and so was the South-Western district. The trustees would be representative of the various portions of the State interested in the hospitals, and owing to the local knowledge they would be able to render

valuable help in the administration of the hospitals.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. W. KIRWAN asked leave to withdraw his amendment.

Amendment by leave withdrawn.

Hon. J. M. DREW moved a further amendment—

That the following subclause be added:—Of the trustees other than the Minister, as far as practicable, one shall be representative of the Eastern Goldfields, one of the Murchison goldfields, one of the metropolitan area and the other of the rest of the State

The amendment was not mandatory, it was left pretty largely to the Minister's discretion, but at the same time any appointment which the Minister made he would be called upon to justify. If the Minister could not secure a person on the Murchison goldfields to act as a trustee he would, under the amendment, be at liberty to appoint anyone he chose. There would be a representative of the mining interests on the Eastern Goldfields, a representative of the Murchison goldfields and a representative of the City interests on the board, and as it was difficult to define the boundaries that would admit a representative of the agricultural interests he had drafted the amendment so that the rest of the State would be provided with a representative. No doubt the Minister in making the appointment would consider the agricultural interests.

The COLONIAL SECRETARY: The amendment did not alter the principle which he had stated before tea. Each hospital under the Bill was administered by its own board appointed by the subscribers. The board was composed of trustees in every sense of the word, who held the property in trust for the boards of management of the hospitals. The trustees would have power to mortgage lands at the request of certain boards. They were not likely to meet frequently, but at the same time it might be quite inconvenient to have a representative, say, from the Eastern Goldfields on the board. At the present time

in order to meet the wishes of the people on the goldfields he had for some years appointed a member from the Eastern Goldfields on the Central Board of Health, and so inconvenient was it that the present member and the one before him had not attended one meeting in six. While he was administering the Act his desire would be to see that all interests were represented. It did not affect any particular class or industry, but the trustees would hold the land as trustees and not as a board. His (the Minister's) desire would be to place gentlemen on the board with a knowledge of the different parts of the State, for the reason that in mortgaging and selling land some members would have the particular knowledge of certain portions of the State, which would be of value to the board.

Hon. J. F. CULLEN: There was less objection to this amendment than to that proposed by Mr. Kirwan, and he did not see any serious objection to it, because it would be largely without effect in the direction which the mover desired, and it would not unduly hamper the Minister. There was one point which had been overlooked. There was no mention in the Bill of remuneration. He understood the positions were honorary and it would be almost impossible for anyone coming a long distance to attend the meetings of the board, therefore, provision would have to be made in the Bill to cover the expense. Inasmuch as the amendment made it permissive for the Minister to appoint whom he liked there was little objection to it.

The Colonial Secretary: Some of the districts mentioned might not have any interests.

Hon. J. F. CULLEN: The trustees would have the sympathies of the various boards of the State, which was worth considering.

Hon. J. M. DREW: If the Minister was unable to find on the Eastern Goldfields a gentleman willing to undertake the duties he would be free to appoint a person from somewhere else, and if the trustees only met two or three times a year it would not be costly to bring them from the country and the Govern-

ment would pay the travelling expenses of the trustees, for that had been the custom in the past, even for persons occupying honorary positions. The amendment stated, "as far as practicable."

Hon. J. W. KIRWAN: The Colonial Secretary wished that all portions of the State should be represented, and the amendment merely guaranteed that for all time that would be the principle recognised. The amendment provided that the trustees should be representative of the whole of the State, and the Colonial Secretary had stated that that was his wish. The trustees had considerable power, and so far as the difficulty of meeting was concerned, the meetings need not be held frequently: once every two or three months might be sufficient.

Hon. B. C. O'BRIEN: There need be no worry on the score of expense, because the trustees would not be called upon to meet oftener than, perhaps, twice a year. The Minister had stated that each of the hospitals had its own board, but the Minister must remember that there were many hospitals that would come under these trustees, consequently, if the Minister's idea was carried out, we would have a number of boards, perhaps not unanimous in the desire as to what should be done by the trustees. If a representative was appointed from each district the hospitals in each district would be unanimous and there would be amicable working.

Hon. J. W. LANGSFORD: It would be unwise to pass the amendment. We should not place the Minister who is in charge of the Bill in such a position that he had to act "as far as practicable." His power should be definite and not indefinite in the way suggested. It was proposed that there should be representatives of various districts who would be able to come to Perth. If members knew of such let them say so and let something definite be put in the Bill.

Hon. V. HAMERSLEY: It seemed that the trustees would have the allotment of the funds to a great measure, and would have to decide what sums were to go to the boards in the various districts.

The Colonial Secretary: What funds?

Hon. V. HAMERSLEY: All the funds of which they were trustees. In some of the districts where boards had already come into being at the instance of the authorities they were under the impression that there was a guaranteed sum to be paid to them, and they were anxious to know what their funds would be in the future. They had taken control of the hospitals and now did not know whether or not they were to receive a definite sum as a subsidy. It appeared that the subsidies were to be controlled by the Ministers and the trustees.

The Colonial Secretary: The trustees will have nothing whatever to do with the funds voted by Parliament.

Hon. V. HAMERSLEY: They would be the trustees of the property from which a great deal of revenue would be derived and which must be divided among the boards. The trustees would have a large say in the allotment of funds to the various hospitals.

The COLONIAL SECRETARY: It was suggested that there should be a direction to the Minister that members should be appointed from each district. Take the districts and see what the representation would be. Geraldton and the Murchison would have one member. At present the Murchison, on the basis of their hospitals, would be entitled to more than one representative, but the Eastern Goldfields would not be entitled to any because they had no interest in the matter, the institutions there being Government hospitals, and likely to remain so. Therefore, there would be a direction that there should be a representative from a place which had no interest in the question. As a matter of fact, the Murchison would be entitled to more representation than Perth, which district would probably only have one representative.

Hon. J. W. Kirwan: And the Colonial Secretary.

The COLONIAL SECRETARY: Mr. Hamersley could not have carefully read the Bill, as he spoke of the allotting of funds by the trustees. The trustees would hold the land and would administer endowments, but only in accordance with

the bequests. They would have no power to give a lump sum to one hospital and take a certain amount away from another. There would be no power at all to make representation in connection with the allotment of funds, and they would have no more to do with the administration of hospitals than any member of this House.

Hon. J. E. DODD: Under the Bill the trustees were being given very wide powers. It was no use trying to minimise their powers as the Colonial Secretary seemed desirous of doing. Anyone looking through the Bill would see that not only had the trustees power over land but also over certain moneys, legacies, and bequests, and moneys that might accrue from hospitals that closed down. As a rule there was not much money left after a hospital had closed down, but in some cases on the goldfields it would be found that a considerable sum would be obtained from the sale of the property.

The Colonial Secretary: But they have to pay the debts too.

Hon. J. E. DODD: It was possible there would be hospitals on the fields which, if sold up, would realise a large sum of money after the debts had been paid. The trustees would have power over that money. They had also power to dismiss officers. The amendment should be carried. If objection were taken to the words "as far as practicable" there was no reason why they should not be struck out. Apparently they were only inserted to meet the wishes of the Colonial Secretary.

Hon. S. STUBBS: The Colonial Secretary said it was his desire to see that all sections of the community were represented on the board of trustees. It might be better, if the Minister and Committee thought that all sections were to be represented, that there should be an amendment proposed, that the mining industry, the agricultural industry, and commercial pursuits be represented on the board of trustees.

Hon. J. W. HACKETT: Why not have a representative for the religions?

Hon. J. T. GLOWREY: And one for the fruitgrowers and dairying industries?

Hon. S. STUBBS: The intention of the mover of the amendment was to have mining represented, and to have a representative of the metropolitan area and others from different parts of the State. It was his intention in the circumstances to support the amendment.

Hon. W. PATRICK: No good could arise from the adoption of the amendment. The trustees had simply to take charge of the property belonging to different hospitals of the State. They were bound to deal with the trust according to the measure under which they were appointed. The best men to be found should be appointed from whatever part of the State they were obtained. The trustees should represent no portion of the State, for it was their duty to represent the State as a whole.

Hon. R. LAURIE: The only thing likely to happen if the amendment were carried was trouble and annoyance to future Ministers controlling the measure. The trustees should not be appointed for any particular district but should rather represent all districts. Surely it could not be said that there were not men in Perth with as full a knowledge of the Murchison or the Eastern fields, or the South-West, as those who lived in those particular districts.

Hon. J. W. KIRWAN: Some members seemed to think the trustees were merely the guardians of the money in connection with the hospitals of the State. Their powers, however, went further and the clauses showed that a local knowledge by the trustees was very desirable. Under the powers of the trustees regarding the expenditure of money the boards had to get the consent of the trustees for the purpose of the erection or equipment of buildings required for the purposes of any hospital, and there should be a trustee, therefore, with knowledge as to whether or not it was desirable that such consent should be given. Furthermore the trustees would have to give their consent to the work of repairs to hospitals. It was desirable that one, at any rate, of these trustees should have local knowledge concerning any hospital that might ask for consent in the matter of repairs. Also, in regard to the acquisition of land

required for the site for any hospital local knowledge on the part of trustees would be desirable. There were many instances in which this local knowledge would be even essential. Included in the powers of trustees was that for the purpose of erecting buildings for any proclaimed hospital or for making additions, alterations, or repairs, or for the repayment of any debt for which a hospital was liable. It was difficult to see how the trustees could properly discharge their duties without local knowledge, not only of existing conditions in any particular district, but also of the prospects of that district. In another clause in the Bill provision was made that all legacies or bequests to any proclaimed hospital to the value of £100 or over must vest in the trustees. The powers of the boards were considerably restricted by the powers of the trustees. Surely it was essential that these trustees should have some local knowledge concerning the local hospitals. Under Clause 22 the Government might, by proclamation, make any hospital subject to the Bill. Apparently the Colonial Secretary did not contemplate that the hospitals of the Eastern Goldfields would be brought under the provisions of the Bill; still the fact remained that any of them might be brought under its provisions by proclamation.

Hon. J. M. DREW: The trustees would have considerable powers over the properties which came into their hands, and also in connection with the establishment of hospitals. Under Clause 11 the trustees had large discretionary powers. It furnished a good argument why the various portions of the State should be represented on the board of trustees.

Hon. D. G. GAWLER: It seemed clear that local knowledge on the part of the trustees was desirable, if not indeed absolutely necessary. The powers of mortgaging, selling, and exchanging properties required local knowledge on the part of the trustees. However, he was afraid the amendment was unworkable, and that the proposed words "as far as practicable" would nullify its effect. How could it be determined that the Minister had exer-

cised his powers "as far as practicable"? Another objection was the difficulty of getting the attendance of members from such distances.

Hon. R. W. PENNEFATHER: What would be the use of appointing a Perth trustee to administer the hospital in Broome? The trustees should have local knowledge. He believed it should be the duty of the Government to see that as far as possible trustees were appointed from the particular localities in which the hospitals were situated.

Hon. B. C. O'BRIEN: In order that finality might be reached, and with a view to bringing the clause nearer to the wishes of the Minister, perhaps Mr. Drew would agree to the removal from the amendment of the words "as far as practicable." That would give the Minister a little more scope and go nearer to meeting the wishes of those few members who had objected to the amendment before the Committee. He moved an amendment on the amendment—

That the words "as far as practicable" be struck out.

Hon. R. D. McKENZIE (Honorary Minister): During the last three or four years he had personally visited a good many of the hospitals in the North-East province. He was well acquainted with the members of the boards of most of these hospitals. During a recent visit to the Northern fields from Kalgoorlie he had made it his business to interview the various committees of the hospitals, to whom copies of the Bill had been previously sent, and opportunity afforded for its study; yet on being asked to freely state any objections they might have, none of them had raised any objection to the clause under discussion, and, so far as he could see, they were all perfectly satisfied to have the trustees appointed in the manner proposed in the clause as printed. No doubt it would be an advantage if the trustees appointed under the Bill were conversant with all parts of the State, but he failed to see how that could be possible. Indeed, it would be very difficult to find a suitable man resident on the Eastern Goldfields who could claim a local knowledge of the many hospitals in

the district extending from Kalgoorlie to Laverton. It was advisable to pass the clause as printed. The question of decentralisation though brought into the discussion was really not involved. No one in the Chamber had stood up for decentralisation more than he had. When the Fire Brigades Bill was under discussion he was successful in getting the members of the board appointed from various parts of the State. In administering the measure the Colonial Secretary had appointed from the goldfields one of the two Government nominees, showing that the Minister, in administering these matters, had every wish to give all parts of the State representation. In the Bill before the Committee, it would be a great mistake to hamper the Minister in the appointment of trustees.

The COLONIAL SECRETARY: Whether the words "as far as practicable" were struck out or not, the principle involved in Mr. Drew's amendment was the same, though possibly it would be less objectionable if the words were struck out, seeing that the proposal would be more in keeping with what a section of an Act of Parliament should be. The same objection would apply even if the words were struck out. It would mean putting districts in a Bill when they might have no interest in the Bill at all.

Hon. J. F. Cullen: But they would all come in.

The COLONIAL SECRETARY: The hon. member could not form that opinion. The one best able to form that opinion was himself; but he could not say all the districts would come in under the Bill. We had to pass a clause not to deal with the present position, but to deal with matters for all time, and it would not do to have the Minister committed to give representation to a district that was not interested in the Bill.

Amendment (Mr. O'Brien's) on further amendment put and passed.

The COLONIAL SECRETARY: Mr. Kirwan had drawn attention to the control over mortgages, but had omitted to mention that on the Notice Paper there was an amendment to strike out the provision. Again, in regard to Clause 11

mentioned by Mr. Drew, certain power was given to the trustees in the event of money being left to establish a hospital, but when that hospital was established it would be put under the control of a board. Certainly the trustees should have knowledge of all parts of the State; but if there were representatives from different districts, their knowledge would be confined to the individual districts, yet they would have equal votes with others in deciding matters concerning the whole of the State. Preference should be given to men with general knowledge as business men or with general knowledge of the State.

Hon. J. F. CULLEN: The Minister was not acting advisedly in letting it be understood that any part of the State would be outside the Bill. The intention of the measure was to secure that all hospitals should come in. Hospitals had already been taken over in certain districts, the people acting in good faith under the impression that all hospitals would be brought in. It was known that in order to induce Kalgoorlie to come in the Government had offered to contribute the whole of the sum now contributed, whereas in the case of Katanning only half was to be given by the Government, and in the case of Albany only three-fourths of the present contribution. When the proper time came it would be necessary to insist that there should be a more rational system of subsidising the hospitals. At any rate the clause had to be viewed in the light of its being the intention of the Government to bring all hospitals in.

Amendment (Mr. Drew's) as amended put, and a division taken with the following result:—

Ayes	..	..	..	7
Noes	..	..	..	11
				—
Majority against	..	..	..	4
				—

AYES.

Hon. J. F. Cullen	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. S. Stubbs
Hon. J. M. Drew	Hon. V. Hamersley
Hon. J. W. Kirwan	(Teller).

NOES.

Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. D. G. Gawler	Hon. E. McLarty
Hon. J. T. Glowrey	Hon. W. Patrick
Hon. J. W. Hackett	Hon. R. W. Pennefather
Hon. A. G. Jenkins	Hon. J. W. Langsford
Hon. R. Laurie	(Teller).

Amendment thus negatived.

Clause, as previously amended, put and passed.

Clause 5—Trustees to be a body corporate:

Hon. J. F. CULLEN: The wording of the clause involved a serious principle. The trustees were not to be called "trustees of public hospitals," although it was their main business; but they were to be called, after an incidental matter, "Trustees of the Public Hospitals' Endowment." It was his intention to move the omission of the word "Endowment." Surely the trustees should be named after their main object, that was to say, they were to be trustees of the hospitals and the properties used for the hospitals. Under cover of the Bill the Government had under contemplation a mischievous intention that had already been put into other Bills. Here and there over the State they would hand over to the trust allotments of land. The Bill definitely said that the Government might hand over to the trust any waste lands. Hon. members might not all have had experience of the mischief of this kind of endowment. It was tried for a time in New South Wales and scouted as a complication that always made trouble. Already a number of allotments in Katanning had been given to the University trustees and these allotments were already useless. No one was responsible for them and they were kept idle and blocked the progress of the town around them. The University trustees were blamed, but what could absent trustees do?

Hon. J. W. Hackett: That is not the point. They have not the money to do anything.

Hon. J. F. CULLEN: If they had a million of money how could absentee trustees administer twopenny-halfpenny blocks?

Hon. J. W. Hackett: We do so in Wagin and other places and we will do so in Katanning if we have the chance.

Hon. J. F. CULLEN: The hon. member had evidently not familiarised himself with the experiments made in other States on these lands.

Hon. J. W. Hackett: What about New Zealand?

Hon. J. F. CULLEN: In New South Wales a lot of land was set apart and it was found that absentee management was a curse and so it was blotted out. It was said there, "Let the State deal in land, let private owners deal in land, but save us from the absentee landlord." The Government had serious intentions or they would not make the name of the trust that which they proposed. Why not give them their proper names, "Trustees of Public Hospitals." He moved an amendment—

That in line 2 the word "Endowment" be struck out.

The COLONIAL SECRETARY: It was difficult to see the terrible danger in the words that the hon. member made out. The primary object of the trustees was to control endowments.

Amendment negatived.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Property vested in trustees:

The COLONIAL SECRETARY moved an amendment—

That in lines 1 and 2 of paragraph (c) the words "devised, given, devolving on, purchased or otherwise," be struck out.

That and other amendments which were on the Notice Paper were submitted for the purpose of curtailing the powers of the trustees; indeed all the amendments relating to the trustees were put in with that object. It was mentioned during the second reading that this course would be followed.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That in line 2 of paragraph (d) the words "by purchase, gift, devise, bequest or otherwise" be struck out.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That in lines 2 and 3 of paragraph (h) the following words be struck out:—

"or which is invested in securities by the trustees on account of any board under this Act."

Amendment passed; the clause as amended agreed to.

Clause 8—Hospital reserves:

Hon. J. F. CULLEN: It would be necessary to add to the end of this clause the words "of Section 7." The clause referred to reserves having been classified as Class (A) and it was necessary to add the proposed words to make the meaning clear.

The COLONIAL SECRETARY: The hon. member was altogether wrong. The clause had nothing to do with the preceding clause. Under the Permanent Reserves Act it was laid down that when a reserve was classified as Class A it came within the provisions of that Act, and it was merely sufficient, as had been done in the clause, to refer to a reserve as having been classified as of Class A. This meant that it could not be used, sold or altered without the consent of Parliament.

Clause passed.

Clause 9—Trustees to hold hospital lands subject to trusts:

The COLONIAL SECRETARY moved an amendment—

That paragraph (ii) of the proviso be struck out.

Some hospital might become extinct or it might not be necessary to use it. It was thought that the power given in the clause was too wide. Now the trustees would have to approach Parliament to get permission to use the money for any other hospital.

Amendment passed; the clause as amended agreed to.

Clauses 10, 11—agreed to.

Clause 12—The Padbury bequest:

The COLONIAL SECRETARY: A considerable amount of discussion was centred around this clause when the Bill was before the House on the second reading. The clause as printed was necessary to overcome a difficulty which he then explained, but he was not bound to the wording of it. The principle was to appoint trustees of the hospital endowments as trustees of this particular fund. He had made it his business to see a number

of the hospital committees, and he had written to all of them, and it was pointed out, and he agreed with it, that according to the wording of the clause it would be impossible for the committees to get the full benefit of the income of their portion of the bequest. The clause gave them the power necessary, but it was too restrictive. It empowered them to establish a convalescent home, and they could not do otherwise. The committee of the Laver-ton hospital might send a patient to this convalescent home for a month, but it would cost a great deal to send the patient down. He moved an amendment—

That all the words after "Act," in line five, to the end of the clause, be struck out, and the following inserted in lieu:—"in trust to invest the same, and apply the annual income equally between the Boards of Administration of the said hospitals. Provided that the capital or any part thereof may, with the approval of the Governor, but not otherwise, be applied by the trustees equally between the said hospitals, to such purposes in furtherance of the intention of the testator as to the trustees may seem fit. Provided, also, that before the capital or any part thereof is so applied, a scheme for the application thereof shall be laid before both Houses of Parliament for a period of not less than fourteen days."

Hon. J. W. Hackett: If a hospital died what would happen?

The COLONIAL SECRETARY: There might have to be an amendment of the Act, or the amount might be divided among the remaining hospitals.

Hon. J. W. Hackett: That could not be under the clause.

The COLONIAL SECRETARY: The clause as amended would mean that the income from the moneys invested would be divided in equal shares to the use and benefit of the hospitals concerned.

Hon. J. W. Hackett: What is the amount of the bequest?

The COLONIAL SECRETARY: It was not definitely settled. More claims had come in; he thought 17 new ones. It might amount to £1,000 or £1,100 per hospital.

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

Clause 13—agreed to.

Clause 14—Trustees to assume liabilities on closed hospitals:

The COLONIAL SECRETARY moved an amendment—

That the words "and such debts and liabilities shall be a charge on" be struck out and "to the extent of" be inserted in lieu.

The clause provided that the trustees should assume the liabilities of hospitals. It was possible the liabilities might be more than their assets, therefore, the trustees would have no right to pay them. The amendment provided that the trustees should pay the debts to the extent of the personal property of the hospital.

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

Clause 15—agreed to.

Clause 16—Powers of leasing, mortgaging, sale and exchange:

On Motions by the COLONIAL SECRETARY, the words "Subject to the provisions of Section 9" were inserted at the commencement of paragraph (d) of the proviso, and the words "Save in the exercise of power by this Act expressly given," in the same paragraph, were struck out.

Clause as amended agreed to.

Clauses 17, 18—agreed to.

Clause 19 (Meetings, quorum, and proceedings of trustees)—consequently amended by striking out "Colonial Secretary" and inserting "Minister" in lieu.

Hon. J. W. KIRWAN: Why was it necessary to request the Governor to appoint the vice-chairman? It was extraordinary; surely the trustees could appoint their own vice-chairman in the absence of the chairman.

The COLONIAL SECRETARY: The trustees were appointed by the Governor, and then the trustees would nominate one of their number as vice-chairman; he would be permanently appointed by the Governor.

Hon. D. G. GAWLER: There was no necessity for the appointment of a vice-chairman to be in the hands of the Gov-

ernor. It should be left to the governing bodies themselves to choose their vice-chairman.

Clause, as amended, put and passed.

Clause 20—agreed to.

Clause 21—Investments:

The COLONIAL SECRETARY moved an amendment—

That in line 1 the words "and all moneys received from any board for investment" be struck out.

It was thought that if the words were retained the trustees would have the right to take from the boards surplus money and invest it. For instance, a board might have £100 to its credit, and might want to put it on fixed deposit until it was needed, and it was imagined that the trustees would be able to take that money if they desired. To make it quite clear that this could not be done the amendment was drafted.

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

Clause 22—Proclamation and closing of hospitals:

Hon. J. W. KIRWAN: The Colonial Secretary had said it was not the intention of the Government to bring the hospitals on the Eastern Goldfields under the provisions of the Bill. There was a very the representatives of the local bodies on large hospital at Kalgoorlie, the second largest in the State, and some time ago the fields were consulted with the view to taking over the control. The conditions under which the arrangement was proposed were not acceptable on the fields, with the result that the negotiations fell through. There was a feeling there that if the Bill passed in its present form the hospital would be declared as coming within the provisions of the measure and that a local board would be appointed. On that account he desired to move an amendment to the clause so as to provide that the people of the district should have a say as to the bringing of the hospital under the Bill. He moved an amendment—

That the following words be added to paragraph (a):—"Provided a petition be received from the local governing

bodies in the district served by the hospital praying that such proclamation should issue."

The COLONIAL SECRETARY: The amendment would have the opposite effect from that intended by the hon. member, for it would prevent the people who desired to do so from taking the hospital over. The Bill provided that before a hospital could be proclaimed it must first have a board. Later on in the Bill there were provisions that before the board could take control they should find one quarter of the revenue, and that, if they found more revenue than that proportion, they would have more representation. Take the case the member quoted, that of the Kalgoorlie hospital. If the amendment were carried and there were nine gentlemen in Kalgoorlie who desired to form a board and manage the hospital under the measure, and who had promised to find the needed proportion of revenue, they would not be able to do so without the consent of the municipal council. What had the municipal council to do with it? It was no concern of theirs or of the local roads board if people wanted to take the hospital over. The hospital could not be taken over until the people desired to do so; and the Government could not compel persons to go on the board; those persons would have to accept office voluntarily. Therefore, it would be a voluntary transaction on the part of the people if the hospital were taken over. The amendment should be rejected.

Hon. V. HAMERSLEY: It was too great a power to give to the Government to allow them to declare that any hospital in the State should come under the measure, and that if the people did not care to take over the control of the institution it would be closed. The people should be given the opportunity of saying if they would take over the hospital. Some districts had decided to do so and had found that their neighbours, who had declined to do so in the first instance, obtained very much better conditions than they who had voluntarily acceded to the desire of the Government. Those who had

acceded were now regretting their eagerness to do so. If the clause were passed as printed the Minister could force the hands of the local people. The amendment was an excellent one.

Hon. J. E. DODD: Was it not in the power of the Government to appoint a board?

The COLONIAL SECRETARY: Yes; but members who were unwilling could not be appointed. No hospital could be proclaimed unless there was a board, and before there was a board the people must voluntarily undertake the management of the institution.

Hon. J. E. DODD: In any community there would always be certain people ready to act on such a board. All the Government need do was to get these people to form a board and then the hospital would be proclaimed. In connection with the Kalgoorlie institution it was found that one or two of those who had been members of the board were willing to take over the responsibility of forming a new board and bringing the institution under the measure. In such circumstances it would not be a difficult matter to bring the hospitals on the Eastern Goldfields under the Bill.

Hon. J. W. KIRWAN: The Colonial Secretary had asked what the municipal councils had to do with the charge of hospitals. He should be able to answer that question himself, for when he desired that the Kalgoorlie hospital should be taken over by the local bodies it was the representatives of the local governing bodies whom he consulted on the matter. Local bodies were concerned in all matters of public interest to the people of their district, and the hospitals were of very considerable concern to all the residents. A protest had been received by him from the roads board against the Bill, and it was on their suggestion that he submitted the amendment. The letter asked that he would use his best endeavours to secure such an amendment to Clause 22 as would necessitate the getting of the consent of all the local bodies in the district before a hospital was declared subject to the Bill. Among these local

authorities it was feared that the Government, if the Bill were passed, would proclaim hospitals without consulting the local bodies. The Colonial Secretary had declared that the amendment would prevent the people having control, and that if there were to be found nine men willing to take over the control the Government should have the power to hand the hospital over to them. The chief duties of these boards would be to collect subscriptions. There were in every district certain persons who were always contributing to charitable institutions and, consequently, the formation of the boards would mean a further tax on those people who were always paying. If the Government were going to abandon the present system would it not be better to devise a special levy which would fall equitably on all the community? For his own part he considered that the hospitals should be regarded as national institutions.

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

Ayes	..	..	..	5
Noes	..	..	..	11
				—
Majority against	..			6
				—

Ayes.

Hon. J. E. Dodd	Hon. S. Stubbs
Hon. V. Hamersley	Hon. B. C. O'Brien
Hon. J. W. Kirwan	(Teller).

Noes.

Hon. J. D. Connolly	Hon. R. Laurie
Hon. J. F. Cullen	Hon. R. D. McKenzie
Hon. D. G. Gawler	Hon. E. McLarty
Hon. J. T. Glowrey	Hon. W. Patrick
Hon. J. W. Hackett	Hon. A. G. Jenkins
Hon. J. W. Langsford	(Teller).

Amendment thus negatived.

Clause put and passed.

Clause 23 agreed to.

Clause 24—Boards of Administration:

Hon. J. F. CULLEN (South-East): The Colonial Secretary ought to liberalise Subclause 2. It was a mistake to rigidly fix the number of such a board. In the Katanning district was a board of 11, and any fewer number could not give adequate representation to the several centres in the district. He would suggest

that the number be made not fewer than six and not more than 12 or 15.

The COLONIAL SECRETARY: Experience showed that big boards were unworkable. Close at hand was to be found an instance of a board of 14 who, after years of more or less unsatisfactory working, had voluntarily resigned in order that the board might be re-appointed on a basis of seven members. This latter board had got on very well and proved thoroughly workable. On the other hand there were, of course, instances where it was desirable to have bigger boards. He had intended to have an amendment drafted giving power under certain conditions to have bigger boards. However, as a general principle it was desirable to restrict the size of the boards. If the hon. member would agree to allow the clause to pass he (the Minister) would undertake to recommit it with a view to adding a proviso in the required direction.

Hon. J. F. CULLEN: While accepting the Minister's offer he would recommend that instead of fixing the actual number of the board, the minimum and maximum numbers only should be laid down.

Clause put and passed.

Clause 25 agreed to.

Clause 26—Appointment of members:

The COLONIAL SECRETARY moved an amendment—

That in line 2 the words "except in the case of the hospital founded pursuant to Section 12" be struck out.

The amendment was merely consequential.

Amendment passed.

Hon. J. F. CULLEN: In this clause the Committee were faced with the vital question of the Government subsidy to proclaimed hospitals. It was not quite clear how the Minister was going to get over the clause. There was no provision in the Bill fixing the Government to any prescribed subsidy to hospitals. As the Bill was drawn it seemed that the hospital which was the biggest beggar situated in the most penurious community would get the most assistance. Where people recognised their duty and did what they could, and were modest in their

requests to the Government, they got the least subsidy. That was an utterly unsound basis. No doubt it was difficult to fix a proportionate subsidy, but some scheme could be formulated whereby the Government could say that for buildings the board would get so much per pound, for maintenance the board would get so much, while added to that there might be a special provision in regard to indigent patients. There was nothing in the clause to commit the Government to pay anything. The clause should be postponed and a scheme brought forward for subsidising hospitals.

The COLONIAL SECRETARY: It was impossible for the Council to insert such a scheme in the Bill. It was purely a Bill for the administration of hospitals, and such a provision as the hon. member suggested, even if it were permissible to insert it, could hardly be included. The Municipalities Act did not provide that a certain subsidy should be given. Parliament each year fixed the subsidy for municipalities, and so Parliament would each year fix the subsidy for hospitals. Again even if it were possible to put in such a provision it would be impracticable. The basis that would apply to-day might not apply to-morrow. The pound for pound basis was found to be unworkable after years of experience. Subscribers of one or two guineas, well able to pay for their upkeep, might get treatment in a hospital, and the Government would be paying pound for pound towards their upkeep. Again, in the case of beds, 49 out of 50 beds in one hospital might be occupied by indigent patients, and in another district there might be not more than 10 per cent. of indigent cases. Fully two-thirds of the patients treated at the Kalgoorlie hospital were indigent patients. At York on the other hand all classes of people used the hospital because there were no private institutions in the town, and the percentage of indigent cases might not be more than 10 per cent. The experience in the working of hospitals showed that the only way was to take each district and its population and calculate that so much would keep, say, 5,000 indigent patients at Kal-

goorlie, and 500 at Katanning. If Parliament desired the amount increased it could do so.

The CHAIRMAN: A great many of the remarks were very wide of the clause. The debate on this question should be dealt with on Clause 44.

Clause, as amended, put and passed.

• Clauses 27 to 38—agreed to.

Clause 39—Consent of Minister to certain appointments:

Hon. V. HAMERSLEY: This was a drastic clause. Why should the written consent of the Minister be necessary for appointments and dismissals by boards?

The Colonial Secretary: You can strike out "dismissal" if you like.

Hon. V. HAMERSLEY moved an amendment—

That the words "or dismissal" after "appointment" be struck out.

Hon. J. F. CULLEN: It was surprising the Minister so promptly agreed to this. Each board would have the power of suspending officers, but it was a serious matter that a board should dismiss a nurse or a matron without the consent of the Minister.

The COLONIAL SECRETARY: These were Government hospitals, and the Government could not rid themselves of the responsibility. It was their duty to see that the secretary, matron, or doctor were competent for the positions. The object of putting in the words "or dismissal" was so that the Government might have protection over any officers who stood out against certain wishes of a board; but as a matter of fact it would be useless to try to keep a doctor or a matron in a hospital that a committee wanted to get rid of. Therefore he consented to the words being taken out of the clause.

Amendment passed; the clause as amended agreed to.

Clause 40—Contracts by board:

Hon D. G. GAWLER moved an amendment—

That in Subclause 2, line 3, the word "may" be struck out, and "shall" inserted in lieu.

If it was necessary that contracts between private persons should be in writ-

ing, it was all the more important that they should be in writing when made by a board.

Progress reported.

ELECTION RETURN—EAST PROVINCE.

The PRESIDENT announced the return of the writ for the election of a member for East Province, showing that Mr. Warren Marwick had been duly elected.

Hon. Warren Marwick took the oath and subscribed the roll.

House adjourned at 9.50 p.m.

Legislative Assembly.

Wednesday, 19th October, 1910.

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

QUESTION—MARCONI STATION, FREMANTLE.

Mr. GORDON (for Mr. Murphy) asked the Premier: 1, Has he any infor-

mation to give to the House as to when the Marconi station will be started at Fremantle? 2, Has a site been selected, and, if so, where?

The PREMIER replied: I have no definite information on the subject, but a site on the south side of Point Walter reserve was inspected by the Federal authorities during Admiral Henderson's visit, and a verbal intimation was given that the land would be made available for the purpose of a "Marconi" station if this site were chosen.

QUESTION—RAILWAY SOUTH SIDE OF SWAN RIVER.

Mr. GORDON (for Mr. Murphy) asked the Minister for Railways: 1, Are there any reports in existence from the present Railway Commissioner as to the advisability or otherwise of the construction of a south side railway? 2, If so, does he intend to lay such reports upon the Table of the House? 3, If not, will he call for such a report to be made at as early a date as possible?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, Not until fuller reports now being obtained are available. 3, The Government have called for further information, together with reports from the Commissioner of Railways and the Engineer-in-Chief. When these are available they will be laid upon the Table of the House if deemed advisable.

QUESTION—COUNCIL ELECTION, EAST PROVINCE.

Proposed amendment to Constitution

Mr. BATH asked the Premier: 1, Will the Government take into consideration the advisability of refunding to Mr. Fitzgerald Frazer the amount of his deposit as a candidate for the East Province, his nomination having been refused as informal owing to the candidate being under the necessary age? 2, Will the Government provide in the Amending Constitution Bill for a provision making the minimum age for candidates for the Legislative Council the same as that for the Assembly?