this occasion am going to cast my vote in favour of leaving the preferential voting clauses as they stand. I believe preferential voting is a great advance on ordinary voting. Professor Nanson, in dealing with the question, said—

> Preferential voting resembles ordinary voting about as much as the cutting instruments of the present day resemble the flints of our ancestors. At no distant date contingent voting will be the rule and ordinary voting the exception. When the reform comes the wonder will be, not that it has come, but that its coming was so long delayed.

What I desire to impress on the House is that preferential voting has come in this State. We have not given it a fair trial yet, and it is now our duty instead of making further alterations in it to give it a trial a little while longer until people are educated in its effects. In respect to postal voting, I believe the system should be absolutely done away with. It will be remembered the very serious assertions made some years ago in connection with the East Fremantle election so far as postal voting was concerned. It will also be remembered in connection with my own election that there was a number of absolutely bad voting papers cast. Had it not been for that I would have had the pleasure of making the acquaintance of hon. members three years earlier than I did. On that occasion no fewer than four persons, after discovering that their votes were improperly recorded, sent word to the returning officer desiring that these votes should be withheld. But the returning officer was unable to withdraw these votes, and we knew that people who had been out of the district for years voted at that and other elections. In the circumstances I say postal voting should be abolished. Further than that, I think it would not impose any hardship on any if this were done. It has been my experience that wherever postal voting has been actively canvassed there has been little or no difference in the number of votes cast on opposite sides; in other words I think it will be found there are as many absent voters on one side as on the other. Consequently I say that the abolition of the postal voting system would result in purer elections without inflicting injustice upon anybody. I hope that in Committee the Attorney General will not treat this Bill as he did the Redistribution of Seats Bill, but will give us an opportunity of expressing our views on the various clauses. I feel sure if he will listen to reason we shall be reasonable and endeavour to make the amending Bill better than the existing Act.

Question put and passed.

Bill read a second time.

House adjourned at 4.44 p.m.

Legislative Council,

Tuesday, 24th January, 1911.

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

PAPER PRESENTED.

By the Colonial Secretary: Return showing the number of timber leases under the Land Act, 1898, and the Land Regulations in force prior to the passing of such Act.

ASSENT TO BILLS (3).

Message from the Governor received and read notifying assent to the following Bills:—

1. Permanent Reserves Rededication, No. 1.

2. Perth Municipal Gas and Electric Lighting.

3. Fremantle Freemasons Lodge (No. 2) Disposition.

BILLS (2)—FIRST READING.

1. Fremantle Harbour Trust Act Amendment.

2. District Fire Brigades Act Amendment.

MOTION—MANDURAH BAR, OPENING.

Hon. E. McLARTY (South-West) moved—

That in the opinion of this House it is desirable that steps should be taken at an early date to permanently open the Mandurah Bar.

Most hon. members who had visited Mandurah would agree that the time had arrived when it was necessary to permanently open the Mandurah bar. This place had become a fashionable seaside resort for visitors, and during the last two summers, at all events, pleasure yachts from Perth and Fremantle frequently visited Mandurah for week ends, and carried a large number of passengers. One steamer had carried as many as 120 passengers on a recent trip, but when the boats got near to Mandurah they were prevented from entering the river by the very shallow water on the bar, and this necessitated the whole of the passengers disembarking into small motor boats to get into the river, thus causing considerable delay and inconvenience, and additional expense. When we realised that we had there a magnificent inland sheet of water extending for some 20 miles in length and from four to six miles in breadth, and literally teeming with fish, it would be realised that the small expenditure required to open the bar would be quite justified. Last summer he had driven the Under Secretary for Works and another officer to Mandurah to inspect the bar, and he had been surprised to learn from Mr. Stronach that the estimated cost of the work, after a number of surveys had been made, was only £4,000.

The Colonial Secretary: Would it remain open?

Hon. E. McLARTY: The engineers estimated that the work could be permanently done for that sum. The bar was having a considerable effect upon the lands along the river banks. There were three large rivers emptying into the estuary; one was the Harvey on the southern end, upon which the Government had spent a large sum of money in straightening the course and clearing the channels; then the Murray River drained an enormous extent of country extending back over the Great Southern, and there was also the Serpentine river. The result was that the estuary became filled up; there was not sufficient outlet at the bar in the winter season, and the water was backed up until the most valuable lands along the river, the alluvial flats, became flooded and very often crops were destroyed. If only to assist the people living along the river banks, the expenditure in opening the bar would be justified. It was also a question as to whether the fact of the bar being closed did not have a bad effect upon the fishing. He had made inquiries from a number of people engaged in the industry, and there seemed to be a unanimous opinion that the larger fish, which travelled up and down the coast in shoals from time to time, passed by the estuary, whereas, if the bar were deepened, great numbers of them would beyond doubt, be caught in the inlet and would pass into the estuary. Hon. members must be aware of the quantity of fish sent from Mandurah to the City markets. He had ascertained from authentic sources that during last year 158 tons 4 cwt. of fresh fish had been entrained at Pinjarra, whilst as much as 21½ tons had been sent in one month from that station. That total did not include the fish preserved at Mandurah and brought to Fremantle by boat. The output of preserved fish during the past year had not been very extensive, but he believed that it would be greatly increased this year; so hon. members would see that it was a matter of considerable importance that we should maintain the fishing industry in that estuary. Apart from that there were other indus-

tries which he was satisfied would be started if the bar were opened, and boats —craft of larger dimensions than those that could be utilised at present—could be put into use. People engaged in trade at Fremantle had informed him that it was becoming difficult indeed to obtain firewood. One gentleman had told him that with the scarcity, the cost of it was becoming almost prohibitive. Around the estuary there were thousands upon thousands of cords of wood, in fact an almost inexhaustible quantity, and for a distance of over 40 miles the wood was found growing almost to the water. It would be very inexpensive to load that into large boats and deliver it at Fremantle. Some years ago, before corrugated iron came into use, he practically supplied the building trade of Perth and Fremantle with sheoak shingles from that locality. Of course there was some difficulty with regard to the bar, but with the use of "flats" it was possible to send in 100,000 shingles at a time. If the bar were deepened and boats of two or three times the capacity of "flats" could be used a great supply could be taken to Fremantle. A large number of men would also be employed, and the nature of the country would be considerably improved by having the timber removed. There was no desire to labour the question because it spoke for itself, especially when they were told at what a comparatively small cost it would be possible to open the bar. Even if it cost more than the amount estimated by the Under Secretary for Works the work would be justified. Personally he did not know much about fishing, but he had heard it said that it was a diminishing quantity, and fish were getting very scarce. He had made inquiries lately, but he was glad to say that that contention was not borne out. Some of the fishermen declared that there were still large quantities of fish in the estuary; but he had also heard anglers, who had visited Mandurah and the Murray, say that this year they had not been able to catch any fish. He did not believe, however, that that was entirely due to the fact that there were no fish there. The reason was that there was so much food in the waters that it was difficult to induce the fish to take bait. The Murray was teeming with small fish and prawns, and that was the reason why the fishing had not been as good this summer as it had been in the past. There was no doubt about it that fish were there, and if the bar were opened a great number of fish, which now passed by, would find their way into the estuary. In consequence of the opening up of some of the large watercourses, during the past couple of years, the estuary last year rose much higher than it had ever done before. At the Peninsula Hotel at Mandurah the land was submerged, and the hotel was surrounded by a sheet of water; that had not been the case before, and what happened last year would happen again. The only solution of that difficulty was to deepen the mouth of the river and provide an outlet for the three flooded rivers he had mentioned. Large numbers of people would hail with satisfaction the opening of the bar, because, as he had pointed out, it was inconvenient for pleasure-seekers to have to tranship from steamers into small boats in order to be taken to Mandurah, and then to have to go back the same way. If the bar were opened the traffic between Mandurah and Fremantle would very considerably increase. He was aware that motions adopted in the Legislative Council were not always carried into effect, or at least, not much notice was taken of them. Last year he moved a motion with reference to the discoverer of Collie coal, and asked that a small concession should be granted to that gentleman in the shape of a free pass over the railways, not that he was going to travel to any extent, or make any great use of it, but it would be the sort of thing that he would be able to hand over to his son, and thus show that the State had, to some extent, recognised his services as the discoverer of coal in Collie. That motion was supported by a large number of members, and was carried unanimously by the House, but he was sorry to find that the gentleman in question some time afterwards received a letter, couched not in the most courteous terms, and which was in effect that he had had quite enough, and that he was not going to get any more. The man's

feelings were rather wounded, and he (Mr. McLarty) was much annoyed, because it was a matter which would have cost only a couple of sovereigns, and the State would have been paying a well-deserved compliment to one who had done good service for it, and who had not been sufficiently rewarded. He merely mentioned this matter to show that motions carried by the Legislative Council did not have very much effect. He hoped, however, that a better fate would await the motion which he was submitting to the House. It was a national work, and would fully justify the expenditure which would be involved.

Hon. Sir J. W. HACKETT (South-West): While supporting the motion he questioned whether it did not go a little close to the border line which supplied material for discussions as to the rights and privileges of the respective Houses. But, treated as an abstract proposition, and irrespective of such considerations, the motion must commend itself to the House. Those who were familiar with the district knew very well of the accuracy of what the member said about the importance of fishing, the pleasure excursions, the getting rid of flood waters in the river, and various other purposes, all depending upon the deepening of the bar. The Colonial Secretary, judging by an interjection, believed that a good deal would depend upon the permanence of the work. The difficulties before the Government were, first what it would cost, and, secondly, whether the work would be permanent. For his part, he was hardly sufficiently acquainted with the literature on the subject, but he hoped that the leader of the House would give an assurance that he would place on the Table at an early date those official reports and statements of which we had heard a great deal but which we had not seen. If this work could be carried out for £4,000, or a sum of money approaching it, it should in these days when public works were carried out for every conceivable object, and rightly so, if they redounded to the advantage of the State, this was one that should hold a high place among them. If it should cost double or treble that sum of money, it would be a work well worthy of the consideration of the House.

On motion by the Colonial Secretary debate adjourned.

BILL—SUPPLY, £377,000.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is the fourth Supply Bill that Parliament has been asked to pass this year. The Estimates have been rather late this session, and the last Bill which was introduced provided supplies up to the end of the last calendar year. This measure covers the period from the beginning of January to the middle of February, six weeks. That portion of it relating to the revenue is taken from the figures in the Revenue Estimates, which have been passed by another place. With regard to the amount from the loan vote, that is the estimate for carrying on during the next six weeks the works now in progress. The amount taken from the Loan Suspense Account is the estimate which will be required for new works which have been passed, and which are contained in the Loan Bill, which is now before another place. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair.

Clause 1—Issue and application of £377,000:

Hon. J. W. LANGSFORD: An amount of £500 had been placed on the Estimates, so he was informed, to defray the postages and the cost of telegrams of members. He did not know if members had heard of this, but he had not received a circular; perhaps other members were in the same position. Members of this Chamber had as much right to these privileges as members of another place, and he would like the Colonial Secretary to say whether it was intended to circularise

members or how it was intended that the postages and cost of telegrams in connection with Parliamentary duties were to be defrayed.

The COLONIAL SECRETARY: There was an amount provided on the Estimates to defray the postages and cost of telegrams on official business, for members.

Hon. M. L. Moss: For one Chamber only?

The COLONIAL SECRETARY: No; for members of both Chambers. He did not think any member had been circularised for the reason that the amount had not yet been passed.

Hon. M. L. Moss: What was the amount?

The COLONIAL SECRETARY: A sum of £500.

Hon. Sir J. W. Hackett: Each?

The COLONIAL SECRETARY: No; altogether. These costs were defrayed for members in other States, and that was the reason why the amount had been placed on the Estimates here. Further information could be supplied to members when the Appropriation Bill was before the House.

Clause passed.

Clause 2—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILLS (3)—FIRST READING.

1. Northampton-Ajana Railway.
2. Roads.
3. Public Library, Museum, and Art Gallery of Western Australia.

Received from the Legislative Assembly.

BILL — BRIDGETOWN-WILGARRUP RAILWAY EXTENSION.

Read a third time and *passed.*

BILL—REDISTRIBUTION OF SEATS.

Third Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) moved—

That the Bill be now read a third time.

Question passed.

The PRESIDENT: Before this Bill is read a third time I have to state that in accordance with Section 6 of the Redistribution of Seats Act, 1904, the third reading of this Bill must be carried with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council. I declare that the vote just taken is in accordance with the statutory requirement.

Bill read a third time, and *passed.*

BILL—HEALTH.

In Committee.

Resumed from the 18th January; Hon. W. Kingsmill in the Chair.

The CHAIRMAN: Progress was reported on this Bill at the end of what was formerly Clause 202, but which was struck out.

Clause 203—agreed to.

Clause 204—By-laws to prevent the spread of infectious disease:

The COLONIAL SECRETARY moved an amendment—

That in Subclause 9 between the words "animals" and "suspected" the words "or insects" be inserted.

Under the existing Act there was a doubt whether the law was sufficient to allow the authorities to deal with the mosquito pest; in order to make it clear this amendment was moved.

Amendment passed; the clause as amended agreed to.

Clause 205—agreed to.

Clause 206—Special powers when authorised by Minister:

The COLONIAL SECRETARY moved an amendment—

That in line 3 the word "officers" be struck out and "any public health officer" be inserted in lieu.

This amendment was consequent on the abolition of the central authority, and it should have been made in another place.

Amendment passed; the clause as amended agreed to.

Clauses 207 to 211—agreed to.

Clause 212—No personal liability:

The COLONIAL SECRETARY moved an amendment—

That in line 1 after "shall" the word "Commissioner" be inserted.

The object was to afford the same protection to the Commissioner as to other officials.

Amendment passed; the clause as amended agreed to.

Clauses 213 to 217—agreed to.

Clause 218—Exposure of infected persons and things:

Hon. J. F. CULLEN: The verbiage was very objectionable in this clause. Subclause (*a*) read, "Any person who while affected with any infectious disease, wilfully exposes himself—." This was one of the offences under the Criminal Code to which a great deal of opprobrium was attached. Surely the clause could have been worded differently and just as effectively.

Clause passed.

Clauses 219 to 227—agreed to.

Clause 228—Regulations as to the spread of tuberculosis:

On motion by the COLONIAL SECRETARY the word "Commissioner" was struck out and "Governor" inserted in lieu, and the clause as amended agreed to.

Clause 229—Conscientious objections to vaccination:

The COLONIAL SECRETARY: It was not necessary to move to strike out the clause, but he would ask the Committee not to pass it. It was not in the Bill as drafted, but was an amendment carried in another place and one with which he entirely disagreed. It provided that any person having conscientious objections need not have children vaccinated. While in sympathy with persons having conscientious objections on certain matters, the line must be clearly drawn somewhere. There were persons with conscientious objections to having their children educated, but the State took no notice of their objections and compelled all children to be educated to a certain standard. While it was in the interests of the child to be educated to a certain standard, it was most certainly in the interests of the whole community that every child should be vaccinated. It was a matter not merely affecting the child but affecting the entire State. There was no Australian State to which compulsory vaccination should be more applied than Western Australia, because we were, so to speak, at the door of the Eastern countries from which smallpox was introduced; we had the first ports of call from those countries, and disease could be very easily introduced, and the passengers allowed to land before the disease made itself apparent. People could be perfectly healthy when leaving those Eastern countries and the disease might not be showing on them on landing, but it might afterwards break out among them. To abolish compulsory vaccination would have a serious effect in regard to shipping. Quarantine control was lately taken over by the Federal authorities, and Doctor Norris, the Chief Quarantine Officer, had said that his restrictions, so far as granting pratique to vessels, would be much stricter than now with abolition of compulsory vaccination. The fault Doctor Norris found was that our present Vaccination Act was obsolete. It could not be enforced in the way he (the Colonial Secretary) liked, or the way in which it should be enforced for the safety of the health of the State.

Hon. A. G. Jenkins: It is obsolete in the State Doctor Norris comes from.

The COLONIAL SECRETARY: It was not obsolete in Victoria where Doctor Norris was Commissioner for Public Health for many years. It was only on the distinct understanding that we adopted other methods, by using the police to enforce compulsory vaccination, that Doctor Norris waived placing severe restrictions on the shipping of the State. Apart from these reasons we should strike out the clause in order to protect the State because there was considerable danger in allowing the clause to pass. Statistics could be produced to show the difference in the death-rate in countries like Germany, where the law was strictly enforced, and those countries lax in this regard. It might be argued by some that, though the principle of vaccination was good, the actual vaccination carried disease, but he would not admit this. It may have been so in the past where the system of taking vaccine from one child to the other was

permitted, but that system was not permitted in this State. All the vaccine used here was imported from the State farm in New Zealand. There the calves were under Government supervision, and each calf was tested before being made use of, and thoroughly examined after its death, and if any disease was disclosed the vaccine from that calf was not sent out. We had a plentiful supply of pure vaccine in our Health Department, and it was used by the public vaccinators, so there was no disease likely to be conveyed from that source. A good deal of the disease put down to vaccination was not due to it at all. Mothers became careless and did not look after their children properly. Perhaps the bandages on the limb became dirty and filthy matter was taken into the blood. Yet this was put down to the vaccine. The great bulk of the diseases put down to vaccine were not due to it; indeed none of them could be due to vaccine under the system adopted in this State.

Hon. J. F. CULLEN: The clause was too sweeping, therefore he would not oppose its omission, but a great deal that the Minister and other people said in this connection was entirely unproven. Great sympathy should be shown to parents who required some saving clause. The vaccination theory for smallpox was based on a *post hoc proctor hoc* argument, but it was so world-wide and universal a belief that even on that ground it was a serious matter to interfere with it. Some years ago the Pasteur Institute experimented very carefully with the principle of vaccination for the terrible scourge of influenza, much more fatal than smallpox, but found their experiments disappointing and futile. At the other side of the argument there was the pestilence known as plague. How was it plague was reduced far more effectively in British communities than smallpox? Not through vaccination, but through increasing cleanliness and attention to the laws of health. The great plague which swept all countries of the world was now practically unknown in British communities, but if some system of vaccination had been introduced for the plague we would have exactly the same argument to-day as we had for smallpox. Smallpox had practically disappeared, therefore vaccination was unnecessary. However, the popular feeling was so strong that it was doubtful whether it would be wise to insert a clause saying that any father or mother could, if so desired, resist this popular expedient.

Hon. M. L. Moss: How do you account for the fact that when there is an outbreak of small-pox it is the people who are not vaccinated who catch it.

Hon. J. F. CULLEN: That was utterly unproved.

Hon. A. G. Jenkins: In any case what is the good of an expedient that lasts only two or three years?

Hon. J. F. CULLEN: That was another argument against the practice. The case for vaccination was entirely unproved. When the alleged facts concerning the results of vaccination were investigated, they were found to be not facts at all.

Hon. S. STUBBS: The clause was worthy of support. The Colonial Secretary had declared that in nine cases out of ten the evil results attendant upon vaccination were due, not to vaccination itself, but to neglect. A few years ago he (Mr. Stubbs) had the misfortune to have one of his children vaccinated, and for six months afterwards the child was in agony, the arm, from shoulder to elbow, being a mass of proud flesh. The medical attendant had declared it must have been a result of bad vaccine. The Colonial Secretary told the Committee the vaccine now used was pure; but the doctor who had vaccinated his (Mr. Stubbs') daughter had said the vaccine used was pure, and that he could guarantee it. However, the results had proved disastrous and rather than have another child of his vaccinated he (Mr. Stubbs) would suffer imprisonment for six months in Fremantle gaol.

Hon. A. G. JENKINS: The clause was deserving of support. Vaccination was a dead letter in Western Australia, for only ten per cent. of the children of the State were vaccinated. Year by year this conscience clause was sent up from another place in the form of a Bill. That

being so it was entitled to some consideration in the Chamber, and should not be thrown out at the sweet will of the doctors who, we all knew, were prejudiced in the matter. In the Acts of Victoria, New South Wales, and South Australia this conscience clause had a place. Since the last Bill embodying this clause had come up from another place a referendum had been taken in every municipal and roads board district in the metropolitan area, and in each district the result had been in favour of the clause.

The Colonial Secretary: What percentage of ratepayers voted?

Hon. A. G. JENKINS: It mattered not. If the people were opposed to the conscience clause they would have gone and voted against it.

The Colonial Secretary: The percentage makes all the difference.

Hon. A. G. JENKINS: Seeing that the people had voted in favour of the clause that vote had to be accepted as an expression of opinion. It was the only expression of opinion we could hope to get. The result of the referendum showed there was existing a strong feeling against vaccination. In another place the provision on the Estimates for a vaccination officer had been struck out last session.

The Colonial Secretary: And the whole of the police, instead of one man, are now looking after the duties.

Hon. A. G. JENKINS: That being so perhaps the Colonial Secretary would tell the Committee how many prosecutions had been instituted during the last twelve months. It was incontrovertible that not more than ten per cent. of the children of the State were vaccinated at the present time. What was the use of leaving on the statute-book a law which was not and could not be administered? The Colonial Secretary had referred to Germany as a country where, in consequence of compulsory vaccination, small-pox was practically unknown. In Germany not only had all persons to be vaccinated but under strict penalties the operation had to be repeated every two years. Compulsory vaccination had there been in force for over 35 years when an outbreak of small-pox occurred in Prussia, and 124,948 people succumbed.

The Colonial Secretary: In what year was that?

Hon. A. G. JENKINS: In 1872, and that after 35 years of compulsory vaccination.

The Colonial Secretary: On whose authority is that?

Hon. A. G. JENKINS: It was on the authority of Dr. Walter R. Horden, member of the sanitary committee of Gloucester. After thirty-five years of the most vigorous compulsory vaccination, Prussia has lost nearly 125,000 of her people. What had happened after that? Germany had had some two hundred millions of French money to spend in sanitary work, sewerage schemes, water supplies, and the provision of proper barracks, and in consequence of this expenditure the outbreaks of small-pox had since steadily diminished.

Hon. M. L. Moss: That proves nothing.

Hon. A. G. JENKINS: It proved nothing more than was proved by the bald statement of the Colonial Secretary when the Minister said that vaccination was a good thing. What was the use of leaving on the statute-book an Act which was for all practical purposes dead, more particularly when year after year the majority in another place sent up to this Chamber a Bill containing this conscience clause and when, as shown by the recent referendum, popular feeling throughout the metropolitan area was against vaccination?

Hon. D. G. GAWLER: It was a significant fact that those against vaccination were really the minority of the community and failed to recognise that they had the majority against them. Moreover, the majority of the community did not look at the question from an individual point of view, but took the view of the public good as a whole. On the contrary those representing the anti-vaccination movement objected to vaccination more from a personal point of view, and disregarded the aspect of the good of the whole community. Mr. Jenkins'

remarks had been directed rather to show that the existing Act was of no use. But that was no reason why this conscience clause should be retained in the Bill. Mr. Stubbs had had a painful experience, but Mr. Stubbs would scarcely expect the Committee to believe that the unfortunate position had arisen as the result of vaccination. It might have been a species of blood poisoning caused by the introduction of some poisonous matter. This was essentially a question for medical men and experts. If medical men stated that it was good for the whole community that vaccination should be enforced, we as laymen could do nothing but follow them. It would not be denied that the large bulk, if not the whole, of the medical opinion, was in favour of vaccination.

Hon. A. G. Jenkins: That is not so.

Hon. D. G. GAWLER: The hon. member, by his statement that medical men were interested in advocating vaccination, had suggested that they were all in favour of vaccination. He was thoroughly in accord with the clause being struck out, but, if it was not struck out, he proposed to move an amendment that not only should the parents sign a statement that he or she conscientiously believed that vaccination would be injurious to the child's health, but should also produce a medical certificate to that effect.

Hon. R. LAURIE: When the Vaccination Bill had been before the Chamber on a previous occasion there had been abundant evidence as to the existence of a concensus of opinion on the part of medical men that vaccination was essential in a country of this character. A short time ago he had had an opportunity of speaking to a gentleman who, though not very old, well remembered the time when it was pitiful to see the number of people who were pock-pitted. He could speak with some knowledge of it himself because he was one of a family, some members of which were not vaccinated. He fortunately had been vaccinated, and whilst the disease left him with not more than about a dozen marks, his young brother who had not been vaccinated was pock-pitted over his whole body, and was disfigured in the same way as some of the Malays who were frequently seen in the State. If people had suffered from vaccination, with what had they been vaccinated?

Hon. S. Stubbs: Pure lymph.

Hon. R. LAURIE: It would be interesting to see the pure lymph which could have injured any persons in that way. We took the advice of professional men in most things, and when we found a preponderance of medical opinion in favour of vaccination, we could do nothing but abide by that opinion. Hon. members would not find six medical men in Perth who were in favour of non-vaccination, and yet the Committee were asked to pass a clause by which a person, through not having his child vaccinated, might disseminate disease throughout the whole State. When a ship arrived at a port of the State with a case of smallpox on board, every person on board the vessel had to be vaccinated before he was liberated. Why?

Hon. J. F. Cullen: Because it is a popular belief.

Hon. R. LAURIE: When smallpox first broke out in Perth some 20 years ago, nearly every person in the State was running to the doctors to be vaccinated.

Hon. A. G. Jenkins: They have grown wiser since.

Hon. R. LAURIE: Perhaps they had grown wiser, but nevertheless when the crisis came everybody rushed to be vaccinated without disputing whether it was good or bad. Surely, then, if vaccination was safe when the necessity was here, we should not neglect the opportunity of lessening the trouble by taking precautions in advance. Asiatics were never free from the disease, and people in this State were doing business with them every day. Hon. members could point to very few people in the community who were suffering from vaccination.

The COLONIAL SECRETARY: It was all very well for pamphlets hostile to vaccination to be published, and for persons to have a doubt about the efficacy of the system, but we could not ignore the opinion of the great majority of eminent physicians throughout the world. The *Lancet* of 20th August, 1910, which was

a recognised authority on all medical matters, stated—

> Smallpox does not exist to-day in Germany except when brought in by immigrants. Every child must be vaccinated before December 31st of the year following its birth. Re-vaccination takes place at puberty, and on entering the Government service.

In France the vaccination of infants between the ages of three months and one year was compulsory. There was then re-vaccination between the ages of 10 and 11 years, and between the ages of 20 and 21 years. It was stated in the same number of the *Lancet* that a number of references had been made in the House of Commons to the great danger being run by Great Britain on account of not having compulsory vaccination. In regard to India, Major James of the Indian Medical Service, writing in 1909, had stated that in many parts vaccination was not well carried out, and in some it was almost neglected; yet deaths from smallpox had diminished purely on account of the vaccination laws. From the years 1868 to 1877 there had been 1,308,757 deaths from smallpox, and in the years 1898-1907 only 478,843. In many of the provinces where vaccination was carried out, epidemics had not occurred for many years. In Bombay in the 20 years from 1866 to 1886 there had been 10 epidemics, and from 1887 to 1907 none. This reduction was on account of the vaccination laws being better enforced. The figures for other provinces told the same tale, and Major James wrote—

> It is apparent to the most casual traveller, who steps over the border from British territory into some of the native States, that he is passing from an area where smallpox is rare into one where the ravages of the disease confront him at every step; and inquiry proves to him that vaccination is the only measure which satisfactorily accounts for this great difference.

Vaccination was not on its trial. The system had been proved to the satisfaction of everyone who was open to conviction. The proof of that lay in the fact that the system had been carried further. We found that bubonic plague had been dealt with in a similar way, and it was noticed that excellent results had followed in India, and it was noticed from the cables, also in Africa.

Hon. J. G. Jenkins: Is not this conscience clause in force in England?

The COLONIAL SECRETARY: England was not quoted as an authority at all. As far as this State was concerned he was ready to admit that vaccination was not carried out as effectually as one would like to see it. That, however, was not the fault of the department. The Act in force was obsolete; it was passed in the Sixties or Seventies, and was hardly workable, and therefore it was almost impossible to get convictions under it.

Hon. J. W. Langsford: Will you amend it next session?

The COLONIAL SECRETARY: As far as he was concerned he would like to do so, but unfortunately there had been a feeling, at any rate in another place, that did not give one much hope to introduce an amending Bill. With regard to the administration of the Act the vaccination officer had been withdrawn, but instructions had now been given whereby the police would prosecute where they were satisfied that vaccination had not taken place. He remembered very well when the smallpox scare took place in Western Australia seventeen years ago what happened at that time, and he ventured to predict that the same thing would happen now. At that time it was not a question of the conscience clause. People then thought that they could not get vaccinated quickly enough. If we put undue restrictions on vaccination we would constitute a danger; people would not be vaccinated. They would leave it until there was a scare and then they would be vaccinated hurriedly.

Hon. J. F. CULLEN: It should be remembered that medical science was still in its infancy. Medical science to-day said that vaccination was fallacious. There had been a number of fashions in medical science. At one time if a man got a scratch on the knee it was considered necessary to amputate the limb. Then there came purging, and then homœo-

pathy and popular medical science poohpoohed it. The funny part of it was that vaccination was pure homœopathy. He was not saying vaccination was not sound. He was saying that it had never been proved and some day possibly medical scientists would say, "Why, what childish rubbish." The German law to-day poohpoohed our law. The German law said, "What nonsense, vaccinate the child and do no more." But one must vaccinate many times before one could have a safeguard, and possibly the time would come when medical science would say, "Oh those dark old days when we risked the lives of so many to no purpose." Medical science to-day was the most backward of any science. This was because of two reasons. One was that the human subject was such a mysterious and difficult subject to deal with, and the other was that the man of brains was too busy with actual practice to spare time for investigation. He was not saying that vaccination was necessarily wrong, but he was saying that its virtues had never been proved.

Hon. E. M. CLARKE: The matter had opened up a very wide question. Instances had been given of the harm that vaccination had done, but no one had spoken of any fatal cases. Up-to-date medical science adopted the system of fighting one disease with nature's weapons, and he as an orchardist did the same only on a larger scale, and he noticed that some of the most up-to-date men in England were working on exactly similar lines. Dealing with the question of vaccination, speaking personally, he was vaccinated in a most amateur manner, that was to say that one of the family was vaccinated and the others vaccinated themselves, but found that the vaccine would not take at all.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. M. CLARKE: Two cases of diphtheria had come under his notice. One case happened before antitoxin was in vogue and the other case afterwards. After the antitoxin had been tried in the last case the effect was apparent within half an hour and a life was saved.

Hon. J. F. Cullen: That was antitoxin, this is protoxin.

Hon. E. M. CLARKE: It seemed that vaccination was the introduction into the system of some very friendly germ that destroyed all more dangerous germs. The majority of physicians believed vaccination was beneficial inasmuch as, although it did not prevent a person catching smallpox, it enabled the person to take the disease in only a mild form. It had never been known to him that vaccination did any harm, but it was beneficial, and that being so, although he respected everyone's conscience, he would not take upon himself to vote against what was generally believed in by doctors. He was satisfied that if smallpox got a hold in Western Australia people would be running to see who could get vaccinated first.

Clause put, and a division taken with the folowing result:—

Ayes	4
Noes	13
Majority against ..	9

AYES.

Hon. J. F. Cullen	Hon. A. G. Jenkins
Hon. J. T. Glowrey	(*Teller*).
Hon. B. C. O'Brien	

NOES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. D. G. Gawler	Hon. M. L. Moss
Hon. V. Hamersley	Hon. W. Patrick
Hon. J. W. Langsford	Hon. C. A. Piesse
Hon. R. Laurie	Hon. T. H. Wilding
Hon. C. McKenzie	(*Teller*).

Clause thus negatived.

Clauses 230 to 234—agreed to.

Clause 235—Puerperal Fever:

Hon. J. F. CULLEN: This was another clause to which he would like to draw the Minister's attention. It contained abstruse medical terms which were uncalled for. There was no need to go into scientific details, all that was necessary was to say "puerperal fever." It was to be hoped the Minister would get the Parliamentary draftsman to alter the wording of the clause.

The COLONIAL SECRETARY: The court might hold that it was necessary to describe puerperal fever.

Hon. V. HAMERSLEY: The clause was not drastic enough: we should not

wait for a death before a case was reported, but wherever this septic condition occurred the case should be reported and an inquiry held into the circumstances.

Clause put and passed.

Clauses 236 to 243—agreed to.

Clause 244—Local authority to provide hospitals:

The COLONIAL SECRETARY moved an amendment—

That in line 2 after "motion" the words "and shall whenever the Commissioner so requires" be inserted.

These words were struck out in another place, but they destroyed the full force of the clause, which would be unworkable with them omitted.

Hon. J. F. CULLEN: The Minister probably had in his mind places like Perth, Fremantle, and Kalgoorlie. But there was just a danger that an officer in Perth would say to a small local authority "You must provide an isolation hospital."

The Colonial Secretary: The Government would have to find half the money.

Hon. J. F. CULLEN: The clause might prove workable in cities, but it would involve hardship in country districts.

Hon. M. L. MOSS: These words should not be inserted. The local Government rates in the cities were quite high enough now. With water rates they amounted to nearly 5s. in the pound. It was no use saying this clause was taken from the New Zealand Act. The management of hospitals was entirely different in New Zealand. There the Dominion was divided into hospital and charitable aid districts controlled by charitable aid boards, and each board had under it a number of hospital committees. The whole of the obligation of maintaining the hospitals in New Zealand was cast upon the local authorities, with Government subsidies on rates raised locally.

The Colonial Secretary: The provision is in our existing Health Act.

Hon. M. L. MOSS: Then it must be a dead letter.

The Colonial Secretary: No.

Hon. M. L. MOSS: It was too great an obligation to put upon the local bodies. They had not the revenue to meet an obligation of this kind. He would oppose the amendment.

The COLONIAL SECRETARY: The obligation to provide for infectious diseases was thrown on local boards by the Health Act of 1898, but the wording of the Act was rather defective or, rather, the process was too cumbersome, and in order to make it more direct the section was taken from the New Zealand Act. But it was no new principle. There were some questions raised by the Perth local board of health as to the liability of the board, but the Supreme Court held that the responsibility lay with the local board. It was right local boards should provide for infectious cases. It would ensure their keeping their districts in a sanitary condition.

Hon. M. L. Moss: A lot of these infectious cases come from outside.

The COLONIAL SECRETARY: There was a further provision in the Bill that the Government paid half the cost of indigent cases. The local boards would have to provide half the cost of treating indigent cases and half the cost of equipping hospitals. The present process was for action to be taken on the motion of the Central Board of Health, but it was too cumbersome. It was also provided that boards should combine to build a hospital, as was done in Kalgoorlie. In Perth, cases were treated at the infectious hospital at Subiaco, which was an adjunct to the Perth hospital, and the cases were charged for by the local board of health at a stipulated rate. The same would apply under this Bill, but the amendment sought to provide that where the Commissioner thought it necessary a hospital should be equipped the local board should provide one. As the Government would have to pay half the cost it would be seen no hospital would be ordered to be put up where unnecessary.

Hon. J. F. CULLEN: Clause 250 practically covered all the ground that would be left outside the voluntary action of a local authority. That clause provided that the Government could establish and maintain hospitals for infectious diseases for prescribed areas, and that the local authorities from time to time should contribute to the expenses of the establishment and maintenance of such hospitals in such proportions that might be agreed

upon. There was no need for the compulsion in the clause before the Committee.

Hon. M. L. MOSS: The difficulty was in regard to infectious diseases coming from outside districts. It was a fair thing that the general money of the State should meet the obligation to treat these people. How could a local authority provide the funds to meet an outbreak of smallpox?

The COLONIAL SECRETARY: Local boards now carried out the provision without complaint. The existing provisions were from Section 130 of the Act onwards. The existing Act, however, did not provide for the local boards obtaining payment for cases coming from outside their district. This was provided for in the Bill, the Commissioner being given power to allocate charges to the particular districts which should be charged with them. Ample power of recovery was given to the local boards. The only thing was they must pay half the cost of indigent cases and half the cost of equipping the building. The present Act said that half the cost might be paid by the Government: the Bill provided that half the cost must be paid by the Government.

Hon. M. L. Moss: What subsidy on rates do you pay to municipalities?

The COLONIAL SECRETARY: That had nothing to do with the case. This was a health board matter. No municipal funds could be applied to it.

Hon. M. L. MOSS: The point was that although the municipal funds could not be utilised for the purpose, the municipal council and the local board were for all practical purposes one and the same, and had to provide the money. The subsidies on rates had been considerably reduced, which meant a reduction in the revenue of the local authorities. If we had a big epidemic of plague or smallpox——

The Colonial Secretary: It does not apply, it applies merely to such cases as scarlet fever and diphtheria.

Hon. M. L. MOSS: Even so, the revenue of the local authorities had been greatly reduced, while their obligations had increased. In view of this it should be left discretionary to these bodies.

The Colonial Secretary: They would still have to pay the cost, though indirectly.

Hon. S. STUBBS: The amendment went too far. Suppose an infectious case were to be brought into, say, Claremont, and that in a few weeks' time a large body of the people got the infection—how unfair it would be to cast the whole of the burden of the epidemic upon the residents of that district.

Hon. J. W. LANGSFORD: It was to be hoped the Colonial Secretary would not press the amendment. It was about time the local authorities took a firm stand against the disposition on the part of the Government to add to their responsibilities. Every session we had some Bill or another increasing the burden on the local authorities. It was unfair to give the Commissioner of Health the power of deciding where an infectious disease had come from; in fact, it was beyond the powers of any commissioner to properly apportion the expenses connected with an outbreak.

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

Ayes	.. .. ..	6
Noes	.. .. ..	14
Majority against	..	8

AYES.

Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. D. G. Gawler	Hon. C. Sommers
Hon. J. T. Glowrey	(*Teller*).
Hon. A. G. Jenkins	

NOES.

Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. J. F. Cullen	Hon. W. Patrick
Hon. V. Hamersley	Hon. C. A. Piesse
Hon. J. W. Langsford	Hon. S. Stubbs
Hon. W. Marwick	Hon. T. H. Wilding
Hon. C. McKenzie	Hon. R. Laurie
Hon. E. McLarty	(*Teller*).
Hon. M. L. Moss	

Amendment thus negatived.

Clause put and passed.

Clause 245—Special provisions with regard thereto:

The COLONIAL SECRETARY moved an amendment—

That in line 3 of Subclause 4 all the words after "diseases" be struck out.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That in Subclause 8 after "fit" in line 2 the words "and shall if the Commissioner so requires" be inserted.

While the amendment moved on Clause 244 had related to a single local board, this amendment related to a combination of boards. As a matter of fact, the system had been in force since 1898. While the Committee might have an objection to giving the commissioner power to force an individual board to build a hospital, the same objection would hardly apply to a combination of local boards. Such a combination already existed at Kalgoorlie and Boulder, and here in the metropolitan area we had a combined hospital serving all the local authorities. Instead of saying to a local board "You shall build" the commissioner, under the clause as proposed to be amended, would say, "You must combine and build."

Hon. J. F. CULLEN: The objection to compulsion was greater in this case than it had been in respect to the previous amendment to Clause 244, for the reason that it was rather a delicate business to bring two or more local authorities together. There should be no compulsion to make them combine. The Minister persisted in overlooking the fact that ample provision was given under Clause 250, and that on much sounder principles. The Minister would disarm a lot of opposition if he substituted "Minister" for "commissioner" in his proposed amendment. In any case, however, there was no need for compulsion.

Hon. M. L. MOSS: If the Committee were to agree to this amendment they would be nullifying the vote taken a few minutes earlier. The Colonial Secretary was exceedingly astute and if allowed to do so would gain his point very nicely by this amendment. There was no difference in principle between this and the amendment to Clause 244.

The COLONIAL SECRETARY: There was all the difference in the world. Under the proposed amendment to Clause 244 the commissioner would have been able to say to any single local board "You shall build an infectious hospital," but under this amendment he could only direct a combination of local authorities to build such hospital. It was necessary to have this power in order to get the local authorities to do their work.

Hon. M. L. MOSS: The Colonial Secretary had let the cat out of the bag; he wanted to get a lever over the boards and was practically asking the Committee to reverse their previous vote.

The COLONIAL SECRETARY: The Committee were asked to give power, where it was necessary to build a combined hospital, to compel the local boards to do so: that was a fair, reasonable, and businesslike proposal. Instead of each local board having to build and maintain its own hospital, it was proposed that several boards should, where possible, have a combined hospital, the upkeep of which would not be so expensive when distributed among several boards. The onus of providing for infectious cases was already thrown on the local boards, and this provision was just following that up, by requiring them to combine in the provision and maintenance of a hospital.

Hon. M. L. Moss: That might be left to the local authority.

The COLONIAL SECRETARY: The Government had to find half the money.

Hon. M. L. MOSS: The finding of half the money by the Government was a mere bagatelle compared with the finding of half the money by boards which had no money. The local bodies might be fairly well trusted to combine for the purpose of providing one institution where otherwise there would be two, but the clause meant that the boards must combine when the Commissioner gave his dictum: that was quite unnecessary.

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

Ayes	..	..	6
Noes	..	..	12
Majority against		..	6

AYES.

Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. D. G. Gawler	Hon. C. Sommers
Hon. J. T. Glowrey	*(Teller).*
Hon. A. G. Jenkins	

Noes.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. W. Patrick
Hon. V. Hamersley	Hon. C. A. Piesse
Hon. J. W. Langsford	Hon. T. H. Wilding
Hon. R. Laurie	Hon. S. Stubbs
Hon. W. Marwick	*(Teller).*
Hon. C. McKenzie	

Amendment thus negatived.

Clause as previously amended put and passed.

Clauses 246 and 247—agreed to.

Clause 248—Agreements by local authorities with hospitals for reception of patients:

Hon. J. F. CULLEN: The whole clause was unnecessary. In the first place it provided that where the commissioner so required the local board "shall" enter into an agreement with the hospital for the reception of patients—as if one party could be compelled to enter into an agreement! Then it was provided that the arrangement should be made with "any" hospital, and that meant that the Commissioner could direct a local authority to go to any hospital and make an agreement with the hospital to bring in a number of typhoid or other infectious cases and place them among the ordinary patients.

The Colonial Secretary: The same provision is in the Health Act of 1898.

Hon. J. F. CULLEN: So much the worse for the Health Act of 1898. He moved an amenment—

That in line 2 the following words be struck out "and when the Commissioner so requires shall."

The COLONIAL SECRETARY: The Committee should clearly understand that they had already agreed to place the burden of providing for infectious cases on the local boards.

Hon. J. F. Cullen: And the Government.

The COLONIAL SECRETARY: The same provision was in the existing Act except that the Government "may" provide half the cost of the building, whereas in the Bill it was obligatory on the Government to provide half the cost. The Committee having struck out the provision compelling local boards to provide a hospital, a further provision was in the measure that they might enter into an arrangement with a local hospital. Surely this latter provision was necessary seeing that the power to compel them to build a hospital had been struck out. The same principle was in operation in the metropolitan area by an order of the central board of health. The Perth hospital had been providing for infectious cases and the local boards had said that they would not pay the hospital. The hospital had then declined to take the infectious cases, and the local boards having refused to enter into an agreement with the hospital, the central board had stepped in and made an arrangement with the hospital for the reception of the cases, the local boards being liable for all cases sent there. The measure was cumbersome, however, in that instead of the local board suing the patient he had to be sued by the central board, and the fees were then paid over to the local board. That was altered in the Bill in order to make the local board directly responsible.

Hon. M. L. MOSS: This was the most remarkable piece of drafting he had ever seen. An agreement was an offer by one party and an acceptance by the other; it implied mutuality between two persons, but here was a new fangled notion that a third party should come along and compel the board to make an agreement—compel them to get into a position of mutuality with another party. What he complained of also was the marginal note. This was supposed to be an enactment of Section 131 of the principal Act, and he would show that the clause was an absolutely unworkable piece of legislation, and it was stupid to the highest degree, because no one ever heard of a third party intercepting two contracting parties to compel them to come to terms. Sections 130 and 131 of the existing Act provided a sensible working scheme; they might be cumbersome, but they were workable. Clause 248 was illogical and not sensible, and would never be workable. Section 130 provided—

> A local board may provide hospitals or temporary places for the reception of the sick, and for that purpose may themselves build or provide such places

of reception; or contract for the use of any such place of reception; or enter into any agreement with any persons having the management of any hospital or temporary place for the reception of the sick inhabitants of their district on payment of such annual or other sum as may be agreed on. Two or more local boards may combine in providing a common place for the reception of the sick.

And Section 131 provided—

If any local board, or local boards in combination, fails or fail to comply with any of the provisions of the last preceding section, the chairman of the central board, if so directed by an order of such board, shall proceed to carry out such provisions, and may sue in the Supreme Court or, notwithstanding any limitation of jurisdiction or otherwise in any Act relating to local courts, in any local court, for and recover from such local board or local boards all costs and expenses incurred in carrying out such provisions, and all medical and other expenses incurred in and about the maintenance of patients in such hospitals or places.

Clause 248 was the most awful piece of drafting he had ever looked at, and how it passed another place escaped his understanding. Where had it come from? Perhaps the Minister would enlighten the Committee.

Hon. W. PATRICK: The serious view which Mr. Moss took of the clause was not shared by him (Mr. Patrick); he saw no harm in it. It was a totally different thing to ask two persons to enter into an agreement than to ask two public bodies. It was really ordering two public bodies to enter into an agreement with the hospital. The clause was an excellent one and its three last provisions could not possibly be improved upon. Mr. Moss was making too much of the word "shall." It was not a matter of compulsory agreement between individuals; it was really a matter of the direction of two public bodies by a supreme authority.

The COLONIAL SECRETARY: Mr. Moss was illogical when he said that the present law was sensible, and the clause under discussion was not. The existing arrangement was not at all workable.

Hon. M. L. Moss: This is neither workable nor effective.

The COLONIAL SECRETARY: As far as the present law was concerned, if no arrangement was entered into with the hospitals the central board passed a resolution calling upon the chairman to make an agreement for and on their behalf. That had been done before.

Hon. M. L. Moss: Never.

The COLONIAL SECRETARY: It had been done in the case of the Subiaco local board, under Section 131.

Hon. M. L. Moss: Section 131 does not compel you to enter into an agreement.

The COLONIAL SECRETARY: No one had said that it compelled an agreement to be entered into. The machinery provided at present that the central board should enter into an agreement on behalf of the local authority, and the latter had to comply with the agreement. That had been held to be good in law.

Hon. M. L. Moss: I admit all that.

The COLONIAL SECRETARY: In a word, the local authorities could be compelled to enter into an agreement. The provision contained in the clause which it was proposed to strike out was necessary to make it equivalent to the existing law. If hon. members turned to the Notice Paper they would see that a weakness had been discovered in the drafting of the clause, and it was proposed to move a subclause, which read as follows:—

If a local authority refuses or neglects to enter into an agreement with the board or managing authority of a hospital when required so to do by the Commissioner under subsection one of this section, the Commissioner may in the name and on behalf of the local authority, enter into an agreement with the board or managing authority of such hospital, and the agreement when made shall, to all intents and purposes, be as binding upon the local authority as if it had been duly made by the local authority.

Hon. J. F. Cullen: That makes it workable.

Hon. M. L. MOSS: The thing was quite unheard of, for a third party to be intercepted to compel an agreement. In Section 131 of the Act there was not a word about an agreement; there was, however, provision that if the boards in combination failed to carry out the provision, the Central Board of Health could do so and recover portion of the expenses.

Hon. J. F. CULLEN: The framer of the Bill seemed to have a craze for compulsion.

The Colonial Secretary: It is necessary.

Hon. J. F. CULLEN: It was doubtful. The necessary compulsion was provided in Clause 220, which covered everything, and there was no need to drive it in every clause, and dragoon the local authorities into obedience. Having struck out the compulsion in the other two clauses it was much more important to strike it out in the one under discussion.

The COLONIAL SECRETARY: We were simply enacting the present law, although that was being done in a different form. He would be quite willing to have the clause redrafted, but the principle would have to remain. If the amendment were carried the Bill would be no better than the existing Act. We were providing for a local authority to enter into an arrangement with the hospital.

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

Ayes	..	..	6
Noes	..	..	8
Majority against		..	2

AYES.

Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. M. L. Moss	Hon. V. Hamersley
Hon. C. A. Piesse	(*Teller*).
Hon. S. Stubbs	

NOES.

Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. J. D. Connolly	Hon. W. Patrick
Hon. W. Marwick	Hon. C. Sommers
Hon. C. McKenzie	(*Teller*).
Hon. R. D. McKenzie	

Amendment thus negatived.

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

That in line 3 after "hospital" the words "for infectious cases" be inserted.

If an infectious hospital was meant there could be no objection to the amendment.

The Colonial Secretary: The whole division applied to infectious diseases.

Hon. J. F. CULLEN: Then the Minister would vote for the amendment.

The Colonial Secretary: No; the amendment should be submitted to the Parliamentary Draftsman first.

Hon. J. F. CULLEN: The clause could be held to refer to any hospital, not an infectious ward.

The COLONIAL SECRETARY: The wording of the clause was quite plain, and if the amendment was carried an agreement could only be entered into in connection with hospitals maintained for infectious cases. There were not infectious hospitals generally in the country, but general hospitals with infectious wards attached to them. This would be a further burden on the local bodies.

Hon. J. F. CULLEN: To meet the Minister's point he would alter his amendment to read, "possessing a ward for infectious diseases." From the remarks of the Minister what was contemplated was the taking of an infectious case into any hospital whether there was an infectious ward or not, and if that were done it was atrocious. By leave he would withdraw his amendment and move—

That after "hospital" in line 3 the words "possessing a ward for the treatment of infectious disease" be inserted.

The COLONIAL SECRETARY: The amendment was an insult to the Health Department. Did the hon. member suppose the Principal Medical Officer would send an infectious case into a hospital and place that case amongst general cases. It would be preposterous. The amendment was quite unnecessary and would lead to misunderstanding.

Hon. J. F. CULLEN: It was not supposed that the Minister wished to mislead the Committee, but his speeches had been misleading. Would the Minister say straight out that he did not contemplate infectious cases going into a general hospital other than a ward for the treatment of such cases? If he did not, then he wording of the clause was utterly misleading. Very few of the hospitals had

wards for the treatment of infectious cases, and the clause would read "any hospital." He knew at the present time infectious cases were taken into general hospitals.

The Colonial Secretary: Where?

Hon. J. F. CULLEN would not mention, but it was a fact.

The Colonial Secretary: It would be just as well to say that medical cases should not be put into surgical wards.

Hon. J. F. CULLEN: There were many infectious cases treated in general wards now. The main causes of the spreading of infection were official.

Hon. W. PATRICK: Mr. Cullen was taking an altogether too serious view of the clause. The custom in a small country town was to erect a tent for infectious cases.

Amendment put and negatived.

The COLONIAL SECRETARY moved a further amendment—

That the following be inserted to stand as Subclause 3:—"If a local authority refuses or neglects to enter into an agreement with the board or managing authority of a hospital when required so to do by the Commissioner under subsection one of this section, the Commissioner may in the name and on behalf of the local authority, enter into an agreement with the board or managing authority of such hospital, and the agreement, when made shall, to all intents and purposes, be as binding upon the local authority as if it had been duly made by the local authority."

This was consequential on the first part of the clause.

Hon. J. F. Cullen: Why not make it "Minister," not "Commissioner"?

The COLONIAL SECRETARY: The administration of the Public Health Act should be kept as free from political influence as possible.

Hon. M. L. MOSS: There was no intention to divide the Committee on the matter, but he must again protest against such tremendous power being put in the hands of the Commissioner. The local authorities would be so many automata. The Commissioner would make the agreements and they would pay the piper. They were already sufficiently burdened.

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

Clause 249—agreed to.

Clause 250—Governor may establish hospitals for infectious diseases:

Hon. M. L. MOSS: The clause was worthless and so much padding as it stood, because there was apparently no amendment to be made to compel local authorities to come to an agreement. There was objection to the Commissioner making these agreements.

The COLONIAL SECRETARY moved an amendment—

That the following be added to Subclause 2:—"or in the absence of agreement as may be determined by the Minister."

Hon. J. F. CULLEN: The framers of the Bill were ill-adviesd to pile up the agony of compulsion. The clauses already passed should be quite sufficient.

The COLONIAL SECRETARY: We had already provided that the local boards should maintain infectious cases and pay half the cost of indigent cases. The Committee had decided however that the local authority should not be compelled to build infectious hospitals, but should be compelled to enter into agreements with hospitals if the Minister so directed. The clause now provided that the Government could establish and maintain hospitals, and that the local authorities in the district should contribute to the expenses there should be further power to say to what amount the contribution should extend, and, in the absence of an agreement, that the Minister should make the arrangement.

Amendment put and passed.

The COLONIAL SECRETARY moved a further amendment:—

That the following be added as Subclause 3:—"The amount of such contribution shall be a debt due from the local authorities to the Colonial Treasurer, and in default of payment may be recovered by action in any court of competent jurisdiction."

Amendment passed, the clause as amended agreed to.

Clause 251—Local authorities may establish or subsidise hospitals:

Hon. M. L. MOSS: This was an old friend. On a previous occasion he opposed granting subsidies to private hospitals and he now moved an amendment—

That the words "district nursing system or hospital, public or private" be struck out, and "public hospital" inserted in lieu.

The COLONIAL SECRETARY: Local boards frequently complained they had no power to contribute to the support of midwifery nurses in their district. The Government were subdising nurses in several districts and this clause would give the power to the local boards to do so. It further gave power, where it was thought necessary, to subsidise a private hospital. This power was asked for by local authorities, as it saved them the expense of establishing and maintaining hospitals. As local boards were elected by ratepayers it should not open the door to abuse. The clause would do a lot of good in country districts.

Hon. M. L. MOSS: Some country local boards were a small clique who did not represent a fair proportion of the ratepaying community, yet they could subsidise up to 10 per cent. of the ordinary revenue any private hospitals, and this would open the door very widely to great abuse, especially as there was to be no supervision by the Minister.

Hon. C. A. PIESSE: If Mr. Moss desired to remove from the boards the power to establish and maintain such hospitals, he (Mr. Piesse) would support him in the matter. Apart from that, the clause should be allowed to stand.

Hon. M. L. MOSS: If Mr. Piesse intended to move in the direction indicated, he (Mr. Moss) would withdraw his amendment.

Amendment by leave withdrawn.

Hon. C. A. PIESSE moved a further amendment—

That in line 1 the words "may establish or maintain or" be struck out.

The COLONIAL SECRETARY: There would be no objection to the amendment, because it had not been intended that the local authorities should establish or maintain hospitals. As a matter of fact they could not do it on 10 per cent. of their revenue. In reply to Mr. Moss he desired to say that North Fremantle and Claremont had both established district nursing systems.

Amendment put and passed.

Hon. M. L. MOSS: With reference to the district nursing system which the Minister had said had been adopted at North Fremantle and Claremont, it was a very excellent system if it was a nursing system inaugurated and carried out for public purposes by a public body. What he objected to was the giving of 10 per cent. of the rates to a private hospital.

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

That in line 2 the word "district" be struck out and "public" inserted in lieu.

He warned the Committee against the danger of allowing any private claim to be made on public funds. There might be a catch majority present at a meeting of the local authority, and pressure might be brought to bear with the result that they would vote away public money to a private institution.

Hon. M. L. MOSS: It was necessary to be quite certain that any nursing system was a nursing system inaugurated by the local authority. The word "public" might mean very little in this connection. The nursing system might be a very proper one, but it should be a nursing system under the supervision and control of a local authority. To substitute "public" for "district" would not carry us any further. If the Committee desired that the nursing system should be under the control of a local authority, the clause required recasting.

Hon. W. PATRICK: While personally opposed to the central system of managing public health, he realised that in this regard he was out of touch with the rest of the community. There should be no cavilling at the proposed expenditure, because sick people had to be looked after, and whether the money came from the central Government or from the local authority did not very much matter. The people of Western Australia were better off so far as the expenditure of public money on health was concerned than were

the people in any other part of the world. It was well known that all the hospitals of the old country were maintained by private subscriptions, and got little or no Government assistance whatever. Here, on the other hand, we were making a lot of pother as to whether the central Government or the local authority should provide the money. For his part he would be pleased if all hospitals were managed by local committees. However, that was not the opinion of Parliament, and seeing we had decided that the management of public health should be in a central authority one could not cavil at the clause as it stood.

Hon. M. L. MOSS: We were not discussing the question of central authority. The clause proposed to subsidise a private institution with public funds.

Hon. W. Patrick: But they are not bound to do it.

Hon. M. L. MOSS: But these monies were contributed by the public.

The CHAIRMAN: It was necessary to remind hon. members that the question was that "district" should be struck out with a view of inserting "public." Hon. members would please confine themselves to the question.

Hon. M. L. MOSS: The proposed alteration would not affect his objection that the local authority might utilise the money as a subsidy for a private nursing system.

The COLONIAL SECRETARY: It was to be hoped the Committee would not agree to the amendment. The clause was sufficiently plain. "District nursing system" was a well-known and recognised term. Even if the local authority thought fit to subsidise such a system surely it would be legitimate expenditure seeing that the money would have been raised for public health purposes.

Hon. C. SOMMERS: Possibly if "ten" were struck out, and "five" inserted the difficulty would be overcome.

The CHAIRMAN: The hon. member could not move an amendment just now.

Hon. C. SOMMERS: At a later stage it might be advisable to strike "ten" out and insert "five," which would have the effect of limiting the power of the board to spend their income on such purposes.

Hon. W. MARWICK: It was very necessary in a district such as he came from to have these private hospitals and nurses, and the people would never object to the money of the board being applied to subsidising them. During the last four months he had had occasion to send to Perth three times for a trained nurse, but if the local authorities had power to subsidise a nurse the people in the district would be able to have one at their command when she was required. The Health Boards were not going to expend ten per cent. of their funds unless it was absolutely necessary to do so. He would like to see the clause retained if it was amended in the direction suggested by Mr. Piesse.

Amendment put and negatived.

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

That in line two the word "public" be inserted before the word "hospital."

His object was to test the feeling of the Committee, with the idea of afterwards striking out the reference to private hospitals.

The COLONIAL SECRETARY: It was desirable that the local boards should be able to subsidise a private hospital. There were many places where a small hospital was wanted. The Government did not feel justified in putting hospitals on a main line every ten or fifteen miles. For instance at Beverley and Narrogin there were hospitals, but there might be places between those towns where the people were desirous of having hospitals but were not prepared to build one; or, perhaps, all that was necessary was a casualty ward, but such a ward would be useless unless there was a staff. The maintenance of a staff would be too great an expense to incur for merely treating one patient for a few days in the year, but there might be a nurse who was prepared to establish a small hospital which the local board could subsidise.

Hon. M. L. Moss: Why should not the Government do it?

The COLONIAL SECRETARY: If the Government had to do it, it would be

necessary to keep up the whole establishment and such an expense was hardly justified for the sake of a very small number of patients in the year. This provision for subsidising hospitals had been asked for by the country districts.

Hon. M. L. MOSS: The danger of the clause was that in districts where there were public hospitals there was nothing to prevent ten per cent. of the revenue of the board being paid to a doctor. In new districts where it was necessary to subsidise a doctor who went there on his own account, that was the duty, not of the local authority, but of the central government. There was nothing to prevent the local authority in the city of Perth expending ten per cent. of its revenue in pampering up half a dozen of its doctors.

The Colonial Secretary: That is absurd.

Hon. M. L. MOSS: An absurd case was being quoted to show the extent to which this legislation could go. He did not feel justified in voting to allow the local authorities to spend up to ten per cent. of the whole of their revenue as they thought fit. He had no objection to their paying ten per cent. of their money to a public hospital.

Hon. W. PATRICK: The wishes of hon. members might be met if the clause were amended to read that the subsidy should be paid to a private hospital, only in the absence of a public hospital.

Hon. J. F. CULLEN: The principle of the clause was wrong. Public money must not be devoted to private purposes of any kind. If Parliament were to authorise any local authority to apply public money to private purposes the whole community would be set by the ears.

Hon. R. LAURIE: The Colonial Secretary had alluded to one district that had a nursing scheme. There was a public hospital in that district and the nursing scheme was being maintained, and to subsidise any private hospital in the district would be a grave danger. If a doctor started in the district and was subsidised by the local authorities all other doctors would be driven out of that district.

Hon. C. SOMMERS: It might be advisable to postpone this clause so that it might be further considered.

Hon. J. F. Cullen: No, let us divide on it.

The COLONIAL SECRETARY: The dangers which hon. members had pointed out were purely imaginary.

Hon. J. F. Cullen: The Minister does not know.

The COLONIAL SECRETARY: The public health of the State had been his care for many years past and he did know. The clause would not apply to big centres of population where there were large public hospitals in existence. In such places there would be no need to subsidise a private hospital.

Hon. M. L. Moss: But under the Bill it could be done.

The COLONIAL SECRETARY: Could hon. members imagine a local board of health at North Fremantle subsidising a private hospital there, when there was a public hospital in the district. Although he believed that the local authorities might be trusted in this matter, still, if the Committee wished it, he would be willing to insert a proviso that the local authorities should not subsidise a private hospital if there was a public one within a certain distance. It would not do to say "within the district" because some districts were very large.

Hon. E. McLARTY: The suggestion of the Minister would meet the case. The clause was one which would be useful in country districts where there were no hospitals. It might be in the interest of a district to subsidise a nurse or a doctor, and if there was no public hospital to be interfered with the subsidy would be a wise thing. Surely if the local authorities could be entrusted with the expenditure of the whole of their revenue, they could be trusted to wisely expend ten per cent. of it in this direction.

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

Ayes	3
Noes	15
Majority against ..	12

AYES.

Hon. J. F. Cullen	Hon. C. Sommers
Hon. M. L. Moss	*(Teller).*

NOES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. T. Glowrey	Hon. B. C. O'Brien
Hon. V. Hamersley	Hon. W. Patrick
Hon. A. G. Jenkins	Hon. C. A. Piesse
Hon. R. Laurie	Hon. T. H. Wilding
Hon. W. Marwick	Hon. S. Stubbs
Hon. R. D. McKenzie	*(Teller).*

Amendment thus negatived.

Hon. C. SOMMERS moved a further amendment—

That in line 4 the word "ten" be struck out and "five" be inserted in lieu.

His desire was that the expenditure in connection with the subsidising of these institutions should not exceed five per cent. of the ordinary income of the local authority. It would be wise to limit the power and not allow them to expend more than five per cent. The probability was that the cost of running this local service would be great and the authorities might impose a very high rate on outside districts for the purpose of carrying on a limited service.

Hon. V. HAMERSLEY: The utility of this clause in the country districts was recognised, at the same time there was a great danger in it because it might apply in other districts where there were hospitals and where the subsidising of hospitals was not limited to half a dozen or to two which might be close together. He would prefer that a limit should be paid to one hospital and that that limit might be made £100. Under the clause the local authorities in some of the larger centres might be called upon to pay an enormous sum.

Hon. C. A. Piesse: There is no compulsion about it.

Hon. V. HAMERSLEY: But we might find one doctor getting a subsidy for a private hospital and another doctor who might happen to be elected on the local body would get a subsidy for a public hospital and there would be no end to the splitting up of the ten per cent.

The COLONIAL SECRETARY: The Committee ought to allow the clause to pass. It would be a big country board which would have a revenue of, say, £500, and even then the subsidy would only be £50. It was purely permissive and the board could make it one per cent. if it chose to do so.

Amendment put and negatived.

Clause as previously amended agreed to.

Progress reported.

House adjourned at 9.55 p.m.

Legislative Assembly,

Tuesday, 24th January, 1911.

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

PERSONAL EXPLANATION.

Avondale Estate Purchase.

The MINISTER FOR LANDS (Hon. J. Mitchell): In speaking on Thursday last the member for Cue made some reference to the Avondale Estate, and it would appear from his remarks that I did not advise Cabinet that there were 1,800 acres unfit for the plough. I just want to explain to the House that I did report this fact to Cabinet. Surveyor Marshall Fox reported as follows:—

In accordance with verbal instructions I have inspected the Avondale