Legislative Council,

Thursday, 30th November, 1911.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

QUESTION—SAVINGS BANK AND COMMONWEALTH DEPARTMENTS.

Hon. J. D. CONNOLLY (for Hon. M. L. Moss) asked the Colonial Secretary: Is it the intention of the Government to take immediate steps to remove the Savings Bank business now transacted for it by the Commonwealth Government to some State department?

The COLONIAL SECRETARY replied: The question is under consideration.

QUESTION—RAILWAY CROSSING, MELBOURNE ROAD.

Hon. D. G. GAWLER (for Hon. A. G. Jenkins) asked the Colonial Secretary: Is it intended to proceed with the erection of the overhead bridge at Melbourne road crossing? If so, when?

The COLONIAL SECRETARY replied: Plans are in course of preparation and it is expected that the work will be commenced in about six months' time.

QUESTION—RAILWAY EXCURSION FARES.

Hon. R. D. McKENZIE asked the Colonial Secretary: 1, Have any reductions been made by the Railway Department on summer excursion fares for the present season from Southern Cross and stations north thereof to Albany, Bunbury, and Busselton? 2, If not, is it the intention of the Government to give the question any consideration in the interests of the people living in the hot, dusty districts of the State?

The COLONIAL SECRETARY replied: 1 and 2, Summer excursions for men are the same as last year, but in respect to women and children extra facilities at the special cheap rates (12s. 6d. for children and from 25s. to 40s. for women) are being provided; and instead of only two special excursions being run at these rates, as was the case last summer, it has been arranged for them to commence next week, and continue at intervals of not less than one week throughout the summer, if the traffic warrants. Perth and Fremantle have also been added as stations to which these cheap tickets will be issued.

QUESTION—ROADS ACT AMENDMENT.

Hon. W. KINGSMILL (for Hon. C. Sommers) asked the Colonial Secretary: Is it the intention of the Government to bring in a Bill this session to amend Section 328 of the Roads Act, 1911?

The COLONIAL SECRETARY replied: The Government do not propose to introduce any amendment of the Roads Act, 1911, this session.

BILL—VETERINARY.

In Committee.

Resumed from the previous day.

The CHAIRMAN: Progress had been reported on postponed Clause 21, to which an amendment had been moved by Mr. Moss to strike out all the words after "has" in line 12, with a view to inserting in lieu thereof the words "previous to the commencement of this Act been for a period of five years bona fide engaged in Western Australia in practice as a veterinary surgeon, either separately or in conjunction with the practice of medicine,

surgery, or pharmacy as a duly qualified medical practitioner or duly registered pharmaceutical chemist."

Hon. M. L. MOSS: On the previous evening he had suggested that the Minister should get the Parliamentary Draftsman to draft a clause which would carry out the generally expressed wish to have two lists of registered veterinary surgeons. That draft had just been handed to him, and he had not yet had time to digest it. In his opinion it ought to be put upon the Notice Paper.

Progress reported.

BILLS (2)—FIRST READING.

1. Workers' Compensation Act Amendment.

2, Early Closing Act Amendment.

Received from the Legislative Assembly.

BILL—INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

Second reading stage.

The COLONIAL SECRETARY moved:

That the second reading be made an order of the day for the next sitting of the House.

Question passed.

Hon. M. L. MOSS: Seeing that so much work was already set out for next week, and that this Bill was one of first-rate importance, the second reading ought not to be taken on Tuesday, but should be put off until the next succeeding day.

The PRESIDENT: The question had now been passed, but the taking of the Bill could be postponed on Tuesday.

The COLONIAL SECRETARY: There was very little probability of the Bill being taken on Tuesday. It would be postponed from Tuesday until some future date.

BILL—DEPUTY GOVERNOR'S POWERS.

Returned from the Legislative Assembly without amendment.

BILL—LOCAL COURTS ACT AMENDMENT.

In Committee.

Resumed from the previous day.

Postponed Clause 6—Insertion of new sections after Section 36:

Hon. D. G. GAWLER: Having looked into the clause he did not propose to offer further objection to it.

Clause passed.

Title—agreed to.

Bill reported with amendments.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Clauses 1 to 11—agreed to.

Clause 12—Addition of new section—power of Governor to make regulations:

Hon. J. D. CONNOLLY: There was too much restriction in the Bill. Although in favour of the measure it did not go far enough, it only went about one-quarter of the way. According to this clause persons coming under Chapter 68 of the Criminal Code could be dealt with under this clause. He had looked up the Criminal Code and, as far as he could see, this would render the clause null and void. A criminal had to be convicted of two crimes under Chapter 68, or under some other chapter, and on the commission of a subsequent offence he could be convicted. First of all, a person had to be convicted of two crimes under the one chapter, and these were serious crimes, such as arson and attempted rape. How many persons in the State would be convicted of two offences under the one chapter? And then a subsequent offence had to be committed before the person could be convicted and dealt with under the clause. This matter should have been dealt with apart from the Criminal Code altogether, for, as the Bill stood, there would not be one person in 12 months brought under the clause. At present there were less than 40 women in the Fremantle prison; some of them had been convicted of as many as 40 offences, yet the clause would be useless to touch these persons.

The Colonial Secretary: Oh, yes.

Hon. J. D. CONNOLLY: Many of these persons had committed 40 offences but two of those offences did not come under Chapter 68 of the Code, because Chapter 68 applied to crimes. It would be well for the Colonial Secretary to report progress and in the meantime interview the Parliamentary Draftsman, or the Attorney General, and see if it was not possible to alter the different chapters. There were at the present time over 100 persons in the Home of the Good Shepherd, and at least 80 or 90 per cent. of these would have been in the Fremantle gaol to-day if it had not been for this institution being in existence, and there were also numbers of persons in the Salvation Army homes. This Bill would not touch the women at all and it was of little effect in regard to male persons. The principle of the Bill was good; it was all principle, there was no machinery.

Hon. J. F. CULLEN: The hon. member admitted that the Bill was good as far as it went. That being so we should throw on the other House the responsibility of following up the good beginning made. If the Bill was good as far as it went, that was enough for us. It would be a great pity not to pass the measure and it might cause the impression that the House was raising difficulties.

The CHAIRMAN: The clause before the Committee dealt with the power of the Governor to make new regulations.

The COLONIAL SECRETARY: This Bill had been prepared in accordance with instructions issued by Mr. Connolly when Colonial Secretary. The hon. member directed a minute to the late Attorney General asking him to frame a Bill on these lines and that Bill was now before members.

Hon. J. D. Connolly: Will you read the minute to the Attorney General?

The COLONIAL SECRETARY: It was not before him at the present moment.

Hon. J. D. Connolly: Then I contradict what you said.

The COLONIAL SECRETARY: The minute was there; there was nothing to be ashamed of; the hon. member gave no instructions to embody the provisions of the Influx of Criminals Act of the Eastern States in the Bill. His first instruction was to the Attorney General to draft a Bill. The hon. member also stated that this Bill could not be carried into effect for some time, but the measure was of a retrospective character. If, for instance, there was a man in Fremantle gaol who had committed murder or attempted murder, or manslaughter or conspiracy to murder, or inflicted grievous bodily harm, or for unlawful wounding, if that man committed any of these offences twice he could be put on trial as an habitual offender. If there was anyone in gaol who had committed offences against morality on two occasions and he committed them again next week, immediately after the Bill had passed he could be treated straight away as an habitual criminal. The Bill would come into operation at once. The same thing applied to cases of injuries to property, arson, obstructing, injuries to railways, causing an explosion, sending letters threatening to burn and destroy. There was no necessity to redraft a Bill which had been sent to the Legislative Council by another place.

Hon. J. D. CONNOLLY: After the Colonial Secretary had been in office a little longer—and it was surprising that he did not already know it—he would learn that when he instructed the Parliamentary Draftsman to draw up a Bill, that that did not mean any Bill bearing the particular title which had been sent to him. The Bill that might be returned might not be the one the hon. member would accept by a long way. On the previous day he explained that he had given instructions to have a Bill drafted in connection with indeterminate sentences, and yet the Colonial Secretary would repeat the statement that the Bill before the House was his (Mr. Connolly's) Bill. He repeated what he had said on the previous day: that the Bill had not been drafted up to the time he left office. That was by way of personal explanation. That was not his Bill, it belonged to the leader of the House, who would have to take every responsibility for it.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is submitted for the purpose of correcting certain errors which appear to have crept into the Health Act which was passed last year and they are errors which bring the measure manifestly into conflict with not only the intention but the desire of Parliament. Last year the Bill was introduced into another place and as introduced Clause 244 called upon the local authorities to provide hospitals, and in the event of failing to do so, it made it mandatory that they should do so at the request of the Commissioner. In the other place the words "and shall whenever the Commissioner so requires" were struck out. The then Colonial Secretary moved in this Chamber for the re-insertion of these words, but after some debate the motion was defeated by 14 votes to 6. There was a lengthy discussion on the amendment and I will quote, if I may be permitted, from the debate which took place—

> The Colonial Secretary moved an amendment—
>
> *That in line 2, after "motive," 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.

And so on. There was strong opposition to the amendment proposed by the then Colonial Secretary. Other members spoke against the contemplated amendment and as I said before, it was defeated by 14 votes to 6. Later on Clause 248 of the Bill and 247 of the present Act, "agreements by local authorities with hospital for reception of patients," was considered by this House. The clause as it stood enabled the board or managing authority of the hospital to receive aid from the State to enter into any reasonable arrangements with any local authority for the reception in the hospitals of persons suffering from infectious diseases, and it further provided power of enforcement by the Commissioner to which the House had previously objected. This provision should not have appeared in the Bill at all. It was defeated in another place and was deleted there, yet, through some clerical error, it came to the Legislative Council and an effort was made to strike it out although it should not have been there at all. Mr. Cullen moved in the direction of having the compulsory features removed but it was a thin House and that was defeated by eight votes to six. The Bill then went to another place with the result that the Council's amendment to Clause 248, the only recognition by this House of compulsory provision, was defeated, and the only power which this House gave to the Commissioner was taken away. So that both Houses practically approved of the principle that the Commissioner should not have power to compel local authorities to provide hospitals for infectious diseases. In spite of that, although both Houses decreed that the Commissioner should not have power, the late Government served a notice on the City council compelling them to provide hospitals for the purpose of treating infectious diseases. The sole object of this Bill is to make the Act consistent and carry out the intentions of Parliament. There are two other amendments in the Bill to render the position more clear with regard to the registration of nurses in

midwifery cases. It is now impossible to register any nurse as a midwife unless she has been twelve months as a midwife prior to getting her certificate. The Bill provides that any nurse who has had three years' training shall be required to serve only six months before receiving her certificate. The Bill also provides that the registration board shall have greater discretion in regard to registering any nurses who hold certificates of midwifery from any portion of the British Empire. I have pleasure in moving—

That the Bill be now read a second time.

Hon. Sir E. H. Wittenoom: What is the meaning of the word institution?

The COLONIAL SECRETARY: Any institution that is approved by the board. The board must be allowed some discretion.

Hon. J. D. CONNOLLY (North-East): This is a short but certainly a very important amendment of the Bill. I do not quite follow the Colonial Secretary in his remarks, but I take it that the gist of them was that Parliament last session expressed the opinion that the local bodies should not be made to pay for half the cost of indigent cases of infectious sick, and the object of this Bill is to relieve them of that burden so that the State may pay instead of the local bodies.

The Colonial Secretary: To make the Act consistent.

Hon. J. D. CONNOLLY: Do I understand the Minister to say that the Bill is for the purpose of relieving the local bodies of the cost of caring for infectious cases and that instead of the State paying half and the local bodies half, the local boards will pay nothing and the Government will pay the whole?

The Colonial Secretary: We intend to carry out the desire of Parliament.

Hon. J. D. CONNOLLY: Is that the object the Minister has in view?

The Colonial Secretary: I will explain the object later on to the hon. member.

Hon. J. D. CONNOLLY: The object of the Bill is a simple one indeed. Under the Health Act of 1898, the Colonial Secretary was created Minister of Public Health, and I certainly cannot congratulate the hon. member as that Minister on introducing a measure of this kind. It will be remembered that the Public Health Act of 1911 was before this Parliament on and off for about six years. It went before at least two select committees and eventually passed all its stages last session. I know this Bill from A to Z because I have gone through it every session for a number of years, I have been on select committees, and was the Minister of Health during the whole period, and I say that beyond question—and I will be supported by Mr. Kingsmill and others who have occupied that position—it is one of the best Health Acts in the southern hemisphere. That is the opinion not only of myself but of all Australian experts. It is the opinion, by the way, of the Commonwealth Chief Quarantine Officer (Doctor Norris), who was principal medical officer in Victoria for a number of years, and is a recognised authority on health matters. All public health authorities have expressed the same opinion, and the department have had letters from all the other States congratulating them on this Act. The Act has been in force only since June last, and yet the Minister brings down a Bill which will make this thoroughly good statute quite unworkable. It will destroy all the powers that are so necessary to be given to the officer at the head of public health affairs. It was admitted when the Act was before Parliament, particularly by the members of the party to which the leader of the House belongs, that too stringent powers could not be held by the central authority in regard to infectious diseases and public health generally, and it certainly pleased me to have those powers increased rather than decreased, when the measure was before Parliament. But Clauses 3 and 4 in the Bill destroy the whole usefulness of the Act. I appeal to my legal friends in the Chamber to say whether it will be possible for anyone to say what power the Commissioner has, and what power he does not possess, if these amendments are agreed to. The leader of the House spoke about an error which had crept into this Bill when it went

through another place, and I will explain briefly what that error was. Hon. members will notice that Section 247 of the principal Act, which this measure seeks to amend, contains these words—

> The local authority of any district may, from time to time——

Mark these words—

> and when the Commissioner so requires, shall enter into an agreement with the board or managing authority of any hospital for the reception into such hospital and the treatment and maintenance of persons suffering from infectious disease.

That is exactly how the clause reached this Chamber, and, as the Colonial Secretary has remarked, Mr. Cullen at that time moved an amendment to strike these words out, but they were not deleted, and the measure went back to another place in exactly the same form as regards that particular clause. The object of putting those words in the Act was this: ever since 1898, when the former Act which the statute of 1911 repealed, was passed, the onus of providing for infectious diseases has been thrown on the local boards. That point has been decided in the Supreme Court and that was the ruling given. That responsibility, if questioned by the local boards, was never openly disputed by them until some four or five years ago when Mr. Molloy became mayor of Perth and chairman of the local board. He then refused to ratify this agreement to pay half the cost of indigent cases that had been sent to the Perth public hospital from the Perth health district. Under the old Act the Government may pay half, but in the Act of 1911 it was made definite that the Government would pay half the cost. The old procedure necessary to make the local boards do their duty in this matter was a very cumbersome one. The central board had to pass a resolution making an arrangement with the Perth public hospital on their account. The central board had then to pay the Perth hospital for all cases sent by the local boards, and then collect the local boards' share of the cost from those bodies. That was a cumbersome and roundabout process. The Perth local board of health protested against these payments, in company with East Fremantle, North Fremantle, and several other boards, and I agreed to have a test case taken to the Supreme Court. In the decision then given the action I had taken was held to be legal, and the Perth local board had to pay the whole amount in dispute. That was the position when the Bill of last year, now the Act, was introduced. The Government were not seeking at that time to introduce any new principle, but simply to simplify the process then in existence by inserting these words "and when the Commissioner so requires shall enter into an agreement." That was merely in order to get over a difficulty which sometimes occurred when a local board declined to do anything in conection with an infectious case, and said that the patient could be sent to the Perth hospital, and left it to the Government to pay the cost.

Hon. M. L. Moss: They were leaving it to the Government to shoulder the responsibility.

Hon. J. D. CONNOLLY: Yes, just as if the hon. member wanted something and thought that if he waited long enough the Government would buy it for him. But it was not the law for the Government to do this and the Government had either to step in and do the work, when the local board was in default, or leave the infectious case there. To get over that difficulty, as I said before, we put in the words "and when the Commissioner so requires shall." The Act came into force on the 1st June, and about that time it was first brought under my notice that these particular words should have been struck out. I made certain enquiries and I found from the Clerk of the Legislative Assembly that, according to the record of Votes and Proceedings, the deletion of these words had been moved and carried, but through some fault on the part of the Chairman, or Clerks, they had not been struck out of the Bill, which was passed with the words remaining.

The Colonial Secretary: Then why did you act on them?

Hon. J. D. CONNOLLY: If the hon. member will wait a little I will tell him

something about the Act he is supposed to know and administer. When the Bill of last session came before this Chamber we were quite innocent of the mistake in it, and did not make the discovery until some four months after the measure had become an Act. The deletion of these same words had been moved in this House, but the motion was defeated, so that the position was that one House had said that they should be struck out and the other House had said that they should remain in. Now the whole purpose of those words was to force the local boards into an agreement without the cumbersome process fixed by the Act of 1898. It did not relieve the local boards of their responsibilities in the least so far as infectious diseases were concerned, because the whole of Part 9 of the Act deals with infectious diseases and clearly places the responsibility on the local boards. Another place passed the whole of that portion and did not protest at all, and it was apparent that they objected to these words in Section 247 because the law suits I have mentioned were still fresh in the minds of some members who happened to be connected with local bodies, and they wanted to avoid the local boards being forced to make these agreements. I took up this position; that as it was clear from the minutes of another place that it was the intention of that Chamber that these words should be struck out, I would not act on them, and I gave instructions that the Act was to be treated as if these words had been struck out.

Hon. M. L. Moss: But you made by-laws.

Hon. J. D. CONNOLLY: Will the hon. member let me speak? I know as much about this Act as he does. I gave instructions that the Act was to be treated as if the words had been struck out, but, I repeat, the striking out of those words did not relieve the local boards of their responsibility. Part 9 clearly places that responsibility on them, and I therefore issued instructions that they were not to be allowed to shirk their responsibilities, and that whatever duty was placed upon them under the Act they were to perform, except so far as these words in Section 247 were concerned. My intention then was to come before this House, explain the position, and ask members to either reject or endorse the words which had remained in the Act. But we find the Honorary Minister in another place, and to some extent the Colonial Secretary here to-day, stating that these words had been struck out of the Bill, and that because it suited the Minister administering the Act, he made use of the words that had, in error, remained in. That is a deliberate mis-statement and a very improper statement for a man holding such a responsible position to make.

The Colonial Secretary: What statement do you mean?

Hon. J. D. CONNOLLY: The statement that I made use of these words. The Honorary Minister in another place insinuated that I had in some surreptitious way got in these words.

The Colonial Secretary: Yes, I say so, or your department did it.

Hon. J. D. CONNOLLY: Do I understand the hon. member aright to say that I, by some surreptitious way, got these words into the Act?

The Colonial Secretary: No, certainly not, but you administered the Act as though these words were in it.

Hon. J. D. CONNOLLY: I have already said and I say it again that my instructions to the department were to administer the Act as though these words were out of the Act, and they were never made use of under my instructions. Does the hon. member deny that?

The Colonial Secretary: Yes. I have here your letter to the Perth municipality.

Hon. J. D. CONNOLLY: Will you hand it to me.

The Colonial Secretary: Yes.

Hon. J. D. CONNOLLY: This is a letter dated 18th September, 1911, forwarded to the municipal council of the municipal district of Perth. It reads:

> I, Reginald Cyril Everett Atkinson, Deputy Commissioner of Public Health of Western Australia, under the provisions of the Health Act, 1911, do hereby, in order to check and prevent the spread of infectious

diseases of diphtheria, membraneous croup, scarlet fever, or scarlatina, typhoid fever, and enteric fever, require the municipal council of the municipal district of Perth to provide and equip in exercise of powers and functions conferred upon the said council by Section 243 of the said Act, a hospital suitable and sufficient for the reception and treatment of persons suffering from infectious disease, and the reception of persons who have been in contact with infected persons.

The Colonial Secretary: You had absolutely no power to do that.

Hon. J. D. CONNOLLY: Let me explain. The hon. member is administering the Act. The section I have been dealing with is Section 247.

The Colonial Secretary: That letter refers to Section 243.

Hon. J. D. CONNOLLY: What I have been arguing on is Section 247; that is the section the dispute occurred about, the section in which the words were retained. They were struck out of Section 243, and until this moment there has never been a hint that there is anything wrong with Section 243. It was under Section 243 the letter was written.

The Colonial Secretary: But it should not have been written; you had no statutory power.

Hon. J. D. CONNOLLY: I did not authorise that particular letter. The hon. member claims that I had no right to act under Section 243. I will read Section 243. It is merely a permissive section, yet the Minister tells me I had no right to allow that letter to be sent. It was on Section 247 the dispute occurred.

Hon. J. F. Cullen: But Section 243 does not cover your letter.

Hon. J. D. CONNOLLY: I shall read the section. It reads—

> The local authority may from time to time, of its own motion, provide, equip, and maintain hospitals suitable and sufficient for the reception and treatment of persons suffering from infectious disease.

It was merely asking them to do their duty.

Hon. J. F. Cullen: No; you call upon them to do it.

Hon. M. L. Moss: That is only trifling with words.

The PRESIDENT: Order!

Hon. J. D. CONNOLLY: It is merely trifling with words as the hon. member says, and I am surprised at the Minister attempting to say that I tried to compel them by simply writing to them under a section passed by both Houses, under a section about which there has been no dispute.

Hon. J. F. Cullen: As if you had the power.

Hon. J. D. CONNOLLY: The hon. member does not know much about the Act or he would not say that. Yet we have a statement made in public by Mr. Angwin insinuating, and very plainly insinuating, that I surreptitiously got these words into Section 247. Mr. Angwin knew, and the Colonial Secretary should know, that these words were kept in by an error on the part of the Chairman of Committees or some other official of another place; and the Colonial Secretary knows, if he looks at the papers, that I gave distinct instructions, not only in writing but verbally to deputations, that the power in Section 247 was not to be availed of; and it was not availed of. I make this explanation simply because of the statement publicly made by the Honorary Minister (Mr. Angwin) and evidently accepted and repeated to a certain extent by the Colonial Secretary here today. The Bill before us says—

> Section two hundred and three of the principal Act is hereby amended by the addition of the following words, that is to say:—"Provided that no local authority shall be compelled by virtue of any by-law made under this section to exercise any function or power conferred on it by section two hundred and forty-three or two hundred and forty-seven.

And so it goes on in the next clause to take the same power out of Section 204. The object is to prevent the Commissioner from making the local boards pay for their cases—undoubtedly that is it—but under the Act the Commissioner has very

big powers. If the Colonial Secretary will look at the index to the Health Act he will see that the Commissioner has power to carry out Part IX. on infectious diseases. In Clause 34 he may take proceedings against defaulting local authorities and in Clause 225 he has to be satisfied with the performance of duties by the local authorities under Part IX. Yet the Bill before us says that no local authority shall be compelled by virtue of any by-law made under Section 203 to exercise any function or power conferred on it by Sections 243 or 247. Both sections are very simple. The whole of this part of the measure deals with infectious cases; and by putting this clause in not only does the Minister seek to strike out the words—which I have no objection to his doing because they are the words Parliament was supposed to have struck out before—but by Clauses 3 and 4 he is going to make a muddle of the whole Act. The Commissioner will have no power at all. Not only do we take away from the local boards the responsibility in regard to infectious diseases—and I do not care a button about it so far as the cost is concerned—but just imagine the condition a town might get into if an infectious disease arose when we take away all the powers given to the Commissioner under the Act of 1911 to step in and take the necessary action. What I want to say to the Colonial Secretary is this: that in Section 247, the one there has been all the trouble about, it is provided among other things that the Minister shall pay to the local authority from moneys appropriated by Parliament for the purpose half the cost of the treatment and maintenance of cases. That is what the whole trouble is about. The Colonial Secretary has told us that it is the object of the Government to relieve the local authority of any cost of these cases, but that object could have been attained and made as clear as daylight, and I would not offer any objection because it is purely a responsibility of the Government as to whether they find the money or not. It could have been done, not by stirking out the words in Section 247 "and when the Commissioner so requires shall," but by striking out the words "one half" and inserting in lieu "the whole." There we would have it in two words, and it would not interfere in the least with any other sections, or interfere with the very necessary powers given to the Commissioner. The Colonial Secretary says it is to give effect to the wishes of Parliament. If the wish of Parliament can be interpreted to mean anything it is this: when the Assembly moved to strike out the words, "and when the Commissioner so requires shall," the local authority was still liable to one half of the cost, but the payment could not be enforced. Now, if we strike out the words "one half" and put in "the whole," we have the thing as plain as daylight, and it would mean that the infectious cases would not cost the local authorities one penny. I do not wish to see the words "and when the Commissioner so requires shall" struck out. I strongly recommend their retention, because it will force the local authorities to do their work and will force them to make agreements, but they will not need to pay the cost, which the Government will have to pay by the striking out of the words "one half." There we have the whole thing. I know the great danger of interfering with the Health Act and the great danger of muddling up the powers given to the Commissioner to deal with infectious cases. If we want to give effect to the wish of the Assembly last session—which was carried, by the way, on the casting vote of the Chairman—let us give effect to it by all means, so that the local boards shall not be charged with the cost of these infectious cases, and let the Government do it, but it can be done quite clearly by a simple amendment to strike out the words "one half" and insert "the whole" so that the Government should pay the whole instead of half. I make this explanation because I think I was certainly maligned and misrepresented by Mr. Angwin in the public statement he made which was repeated again to a certain extent by the Minister to-day. I say in justification for the leader of the House that probably he got it from Mr. Angwin who is now administering health matters.

The Colonial Secretary: What statement?

Hon. J. D. CONNOLLY: That I was instrumental in having these words put in.

The Colonial Secretary: What statesuch a remark as that.

The PRESIDENT: The hon. member can make a personal explanation.

The COLONIAL SECRETARY (in explanation): I never intended to make any such statement. I said it was a clerical error, but what I did say was that the hon. member was exercising power he had no authority to exercise.

Hon. J. D. Connolly: As the hon. member has charged me again with exercising power I had no right to exercise I would ask him for an explanation.

The COLONIAL SECRETARY: It is in that letter. I intended to explain this letter; but the hon. member approached the House last session and asked for power to enable him to compel local authorities to establish hospitals for the treatment of different infectious diseases. The matter was considered and the House, in addition to another place, by a large majority decided that he should not have that power. In the fact of that what do we find? As late as the 18th September this letter being issued under Section 243, the section upon which he was defeated, the section in connection with which he introduced the amendment giving the Commissioner compulsory powers.

Hon. J. F. Cullen: No, it is a different section.

Hon. M. L. Moss: You are mistaking it.

The COLONIAL SECRETARY: I am not mistaking it. Section 243 is referred to in the letter.

Hon. J. F. Cullen: But the section in dispute was 247.

The COLONIAL SECRETARY: Section 247 is what Mr. Connolly referred to, but I say Mr. Connolly exercised powers which he did not possess, and I will read this letter to prove my statement. This is a letter dated 18th September, 1911, forwarded to the municipal council of the municipal district of Perth. It reads:—

> I, Reginald Cyril Everett Atkinson, Deputy Commissioner of Public Health of Western Australia, under the provisions of the Health Act, 1911, do hereby, in order to check and prevent the spread of infectious diseases of diphtheria, membraneous crop, scarlet fever, or scarlatina, typhoid fever and enteric fever, require the municipal council of the municipal district of Perth to provide and equip in exercise of powers and functions conferred upon the said council by Section 243 of the said Act, a hospital suitable and sufficient for the reception and treatment of persons suffering from infectious disease, and the reception of persons who have been in contact with infected persons.

Now what does Section 243 of the Act say? It reads—

> The local authority may, from time to time, of its own motion, provide, equip, and maintain hospitals suitable and sufficient for the reception and treatment of persons suffering from infectious disease, and the reception of persons who have been in contact with infected persons.

Hon. W. Kingsmill: But did they do it?

The COLONIAL SECRETARY: No, but the hon. member strove to compel them to do it.

Hon. M. L. Moss: He did no more than to draw their attention to the power he had.

Hon. J. D. CONNOLLY: Perhaps I may now be allowed to finish. I think it is perfectly childish for a Minister to get up and quote a section in the Act which declares that they may provide infectious hospitals, and then hold that because the secretary to the Commissioner drew attention to this, and asked them if they were going to act upon it—because of this, to accuse me of compelling them to do something which I had no power to insist upon. It is perfectly childish. Let any hon. member look at the section and look at the letter, and he will agree with me. The

Municipal Act says that they shall make drains and everything else of the sort. Is it to be said that because the Minister writes to them and draws attention to the fact that there are no drains, that he is compelling them to do this? I do not know how the latter part of the Bill is going to give expression to the will of Parliament. There was no mistaking the nurses' division of the Act. It was provided that midwives in practice should be allowed to register after having been in an approved institution and attended a prescribed number of cases to the satisfaction of the board; but this now goes farther and says that they need have only six months in an approved training institution. Such a person may have been six months in such an institution and yet never have undertaken a case; and there is a vast difference between being in such an institution and having experience of these cases. It makes all the difference in the world. The amendment of Section 161 is merely to give power for the destruction of mosquitoes. I thought that was in the Act but evidently it was omitted. I simply want to say that I intend to oppose these Clauses 3 and 4, for the reasons I have stated. I am not here to oppose the Government in their desire to take the financial responsibility of these infectious cases. If they think they are justified in doing so that is their own concern. However, provision for this could be made by a simple amendment at the end of Section 247, striking out "half" and putting in "whole." That would fix it in two words; but by adding these clauses we are complicating the powers of the Commissioner over the whole of the Bill.

Hon. W. KINGSMILL (Metropolitan): This Bill appears to be surrounded by a good deal of history. I do not propose to look at it myself with a mind influenced to any degree by that history, but I intend to regard it as I find it; and, accepting it in this spirit, I find very little to support in it, so little that I intend to vote against the second reading. The Health Act referred to by Mr. Connolly is essentially a good Act, but apparently, like the sun it has spots on it, and one of the largest of these spots is that referred to by the hon. gentleman just before he sat down, when he spoke of the nursing sections. First let me say a word or two about the principle involved in Clauses 3, 4, and 5. Hon. members who have had something to do with the administration of the Health Act, and there are several in the Chamber, will no doubt agree with me when I say that the principal difficulty they have had to face has always been the difficulty of dealing effectively with the local authority when it comes into conflict with the central authority. The aim and object of the various Health Bills which have been drafted since about 1903 has been to increase the power of the central authority in cases where it was obvious that power should be exercised. That object was defeated, in so far as Section 243 of the present Act goes, by the action—as I think, ill-advised—which was taken in this House; at all events, the House refused to reiterate that again when they came to the consideration of Clause 247, around which so fierce an engagement has just been fought. They said the power of the Commissioner of Public Health to compel the local authority to do that which in his expert opinion was right should not be taken from him. And let me point out for the benefit of hon. members who think that it might be possible for the central authority to act tyrannically, that it is only in cases of infectious diseases that this power is put into operation. It is not for the creation of an ordinary hospital, nor for attention to be given to an ordinary case; it is to prevent epidemics, to prevent the appearance in Western Australia of diseases which might decimate the population that this power is given to the gentleman in whose hands is entrusted the principal executive office under the Act. I say it is a wise provision, and should not be taken from him. But this little Bill proposes in no uncertain way to reverse the decision given by this Chamber last session, and to take from that gentleman a power which I insist should be given to him; because when an epidemic is threatening this community it is a

matter of concern, not to any local authority, but to the whole State. Is it not, therefore, obvious that when we are threatened with an imminent danger to the whole State the central authority and not the local authority should act? Now let me pass along to the consideration of the nursing clauses; and perhaps I shall be permitted to take a course which may be unusual, but which I think is justified under the circumstances. I understood from Mr. Connolly last session that it was the intention of the then Government to introduce at no distant date a Bill for the registration of what are known as general nurses, as distinct from midwifery nurses. That was resolved upon because this Chamber, or another branch of the Legislature, struck out from the Bill then before Parliament all reference to general nurses; and Clause 6 of this Bill may reasonably be expected, if passed in its present shape, to form some precedent for the manner in which that subject is going to be dealt with. Let me say to those who believe that in these modern days any attempt to lower the standard of a profession is an attempt in the wrong direction, that the creation of a precedent such as might be created if Clause 6 were agreed to in its present form would be disastrous to a profession which many years ago passed from being a trade into the dignity of a recognised profession. Clause 6 provides that if a candidate is the holder of a general nursing certificate covering at least three years' training in an approved institution, or institutions, six months' training in midwifery nursing in an approved training institution will be sufficient. With the principle of the clause I have very little fault to find. The principle is that instead of having to undergo 12 months' training in a midwifery institution, she shall only undergo six months, in view of the general training she has already had. But what I do object to is the definition of a general nurse, as conveyed by the first part of the clause, namely, "three years' training in an approved institution, or institutions." You will notice that under this definition the training need not be continuous; it may have been broken up. This lady who has a general nurse's certificate may have rendered services so unsatisfactory that she found it advisable to leave one or two institutions in turn and continue her training at other institutions, and still it will have been possible for her to obtain a certificate. It simply means that it is to be a certificate of servitude for three years in an approved institution or institutions. I say, the thing is absolutely ridiculous. It does not even propose that the lady who holds the certificate shall have passed any examination. Are we to be asked to prejudice a measure which may be brought down next session to provide for general nurses, to the extent of passing a clause like this as a definition of general nurses? This clause, if the Bill passes its second reading—and I see no reason why it should so pass—before it goes into operation should certainly be amended in such a direction as will bring the requirements of the certificate for general nursing into line with those obtaining in other parts of Australia. That should be done by striking out in line 5 of the clause the words "approved institution or institutions" and inserting instead the words "in a hospital of 40 occupied beds, or four years in a hospital of 20 occupied beds." That is the standard insisted upon in the other States of Australia before an applicant for a general nursing certificate can obtain that distinction.

Hon. A. G. Jenkins: You would not let it be in a private institution?

Hon. W. KINGSMILL: No, certainly not. A private institution is not likely to have 40 occupied beds, but at all events I would not allow private institutions to come into this consideration. As the clause reads at present it does not even provide that the place where this training shall be received shall be a hospital. It provides that it shall be an institution. What is an institution? The Old Women's Home is an institution, the Hospital for the Insane is an institution; but the nurses at the Hospital for the Insane obtain certificates in mental subjects only, and not as general nurses.

Hon. J. D. Connolly: That is what I say. These candidates may never have seen a case.

Hon. W. KINGSMILL: Exactly, but I am referring to qualifications for general nursing.

Hon. R. Laurie: They may never have heard a lecture.

Hon. W. KINGSMILL: Exactly. It is the vaguest possible way of—I had almost said describing, but it is neither a definition nor a description—it is the vaguest possible way of putting into English whatever may be the intention of the department in this connection.

Hon. D. G. Gawler: It leaves it for the board to say.

Hon. W. KINGSMILL: I am not too well satisfied with the constitution of the board, if it comes to that, and I would prefer that anything of this sort should be left until we have our General Nurses' Registration Act in complete form on the statute-book to the satisfaction of both branches of the profession.

Hon. J. D. Connolly: I had a Nurses' Registration Bill drafted.

Hon. W. KINGSMILL: Well, that is a measure in regard to which I am afraid I am going to fall out with my friend, the late Colonial Secretary.

Hon. J. D. Connolly: But this Bill would have suited you.

Hon. W. KINGSMILL: Then I hope the Government will bring it down in the form in which the late Minister has drafted it, for if it suits me it will suit the profession I am endeavouring to defend here to-day. However, I think this clause should be amended very radically. Then Clause 7 replaces Section 261, and the intention and scope of that section is practically carried out by Clause 7 down as far as the end of paragraph (a), and paragraph (a) provides that "any specified certificate or diploma issued under statutory authority in any specified part of the British Dominions" shall be accepted in lieu of examination. I have not so much objection to that, because after all, it will be seen that if it is under statutory authority some little consideration must have been given to it and it may be fairly decent, but paragraph (b) says—

> That any specified certificate or diploma issued by any specified training class, or other specified institution—

This word "specified" seems to have taken the place in this particular clause of the great Australian adjective, so frequent is its occurrence. It sounds like the reverse of a benediction—

> established under statutory authority or otherwise in any part of the British dominions.

It is absurd to ask the House to pass a thing of this sort. It is leaving too much to the board, and, in addition to leaving so much to the board, is suggesting that the board should go very far in lowering the value of these certificates. Here is another point—"in any specified part of the British dominions." That may refer to Western Australia, and I would like the Minister, when he replies, to take the House into his confidence and state whether it is intended to refer to Western Australia. At first glance anyone reading "any specified part of the British dominions" would say that it does not refer to Western Australia, but it is possible that it may do so and I would like the opinion of the leader of the House on this point. For the reasons given I think that it would be best for this Bill to be ended, or if it is not ended, I hope that it will be amended in Clause 6 in the direction I have indicated, and in Clause 7 by the striking out of paragraph (b). I do not want to appear hypercritical. There is one little clause that appeals to me and I do think that Clause 2 should be left in, because I am of opinion that the destruction of mosquitoes should undoubtedly be provided for.

Hon. M. L. MOSS (West): When the Health Act was before the House last session I was one of those who protested on many occasions in Committee against any part of the charges for the treatment and maintenance of infectious diseases being placed on the local authorities. I then made my opinion plain that we were putting an undue burden on the hospitals in Perth and Fremantle, because I be-

lieved that nine out of every ten cases in the metropolitan area would be found to have been brought in from the country.

Hon. J. F. Cullen: Or oversea.

Hon. M. L. MOSS: Yes, or oversea. I am confident that 99 cases out of 100 originate in the country and break out in one of the districts of the metropolitan area. The Act cast the responsibility for half of these charges on the local authority, and I and Mr. Cullen, and others, did our best to prevent that. Now there has been a good deal of heat engendered in this debate, and accusations have been made against the late Colonial Secretary as to his exercise of powers which he did not possess. I do not pay any attention whatever to the letter sent to the local authority in Perth.

Hon. R. Laurie. It did not go to Fremantle.

Hon. M. L. MOSS: It did not matter to what authority it went, because it was being sent to people presumably with common sense, and the Minister was only referring them to Section 247 and requiring them to carry out a permissive power. If the Minister thought the local authority were getting lax in the carrying out of a permissive duty in regard to these infectious diseases, he could say that he required them to do that duty, and it would remain with the local bodies to say whether they would do it or not. But when it comes to Clause 247 it is a different thing altogether. Although this Bill, as drawn, is not the best way to give effect to it, I quite agree with the principle of the measure, and it has my hearty support because it is an attempt to achieve what I have strongly advocated in past sessions. I do not object to those in charge of the administration of the Health Act saying that the greatest amount of authority should be given to the Commissioner of Public Health, but I do object to the cost being unduly saddled on the metropolitan area. I agree with Mr. Connolly in regard to the suggestion to amend Section 247, the last proviso of which reads—

> Provided also that the Minister shall repay to the local authority, out of any moneys appropriated by Parliament for such purpose, one half of the charges paid for the treatment and maintenance of patients proved by the local authority to the satisfaction of the Commissioner to be indigent persons.

If that section is altered to read that the Minister shall repay, instead of half, the whole of the charges, then the object which a number of us had in view last session—and an object achieved in one division and defeated on a division taken shortly afterwards—will be given effect to. A dreadful storm in a teacup has arisen because in Section 247 the words "and when the Commissioner so requires shall" came to this House from another place, when they should have been deleted. But those who are making this tremendous noise forget that another place passed Sections 203 and 204, which enable the Commissioner to compel the local authority to make by-laws. That, I understand, is the attitude taken up by the late Minister. He resolved that he would administser the Act as if these words in Section 247 were not there, but that he could compel the local bodies to make certain by-laws in regard to the matters mentioned in Sections 203 and 204. But when they had made these by-laws that did not cast any pecuniary obligation on their shoulders. I am pleased, indeed, that the Government realise now that it is a fair proposition that the State as a whole should be saddled with the responsibility. It is very unfair to the province I represent, and also to the Metropolitan and Metropolitan-Suburban provinces, as the bulk of these cases arrive from different parts of the State and from oversea. If we were to have an epidemic of small-pox in Perth to-morrow, then the State as a whole should shoulder the responsibility and deal with it. I hope the Minister will not force the Bill into Committee, because I am not at all enamoured with it as it is drawn, and if he will delay the Committee stage for awhile I will do my best to put these clauses into better shape.

Hon. Sir E. H. WITTENOOM (North): It is always the fate of a

speaker who has to follow others that he is obliged to resort to an extent to repetition; therefore, I intend to make my remarks as brief as possible by saying that I endorse to a large extent the utterances by the previous speakers. I think they seemed to grasp the position very thoroughly, especially in regard to the earlier clauses, whilst the clauses relating to nursing were dealt with very ably by Mr. Kingsmill. There are no reasons adduced why these arrangements should be made in regard to nursing. I was under the impression until a little while ago that there was no institution in Western Australia where nursing was taught or could be learnt, but I have quite recently been informed that there is an institution in Fremantle where a great deal of care is being taken to see if nurses cannot be made thoroughly qualified. The Colonial Secretary in introducing the Bill did not tell us anything of this institution, and he left laymen, who are not connected with nursing institutions or the medical departments, under the impression that there were no places in Western Australia where efficient training in midwifery could be obtained. Under these circumstances I intended to vote against Clause 6, because I find that in the original Act there is a very great protection without this amendment, and the amendment has a decided tendency to lower the efficiency of nurses. Subsection 256 seems to me to provide a great deal of protection for the nurses. It says in connection with regulations—

> Such regulations shall provide, amongst other things, that candidates for registration shall produce evidence of having undergone at least twelve months' training at an approved institution; and may provide that candidates shall produce evidence of having conducted a prescribed number of cases.

That seems to me as if it were making provision that nurses should be properly educated and prepared, but this amendment proposes to reduce the period to six months, with the additional condition that they shall have been at least three years in training in an approved stitution. As it was very properly stated by Mr. Kingsmill, an institution may mean anything. Therefore in any case these words should be amended, whatever happens. I take it the object of relaxing this condition is that either there is a large demand for nurses on farms, stations or isolated places, or the number of nurses is too few for the work to be done; but I think it would be even better for those in the isolated parts, where a nurse would be left to her own resources, to be able to get the services of an experienced neighbour rather than the services of an experienced nurse. Nothing would be worse away in the wilds than to have an inexperienced nurse to deal with complicated cases. Perhaps the object underlying the amendment is a good one, in trying to afford as much convenience to isolated people as possible; but rather than send out unqualified nurses it would be better if the Government had two or three rooms at every hospital in the country, in the goldfields, or any isolated place, and over these two or three rooms a thoroughly certificated nurse. Then instead of having to send individual nurses to cases within 100 miles of the hospital, the patients could come to the hospital and have the advantage of the attendance of certificated nurses. That seems to me an alternative proposal that would deal with the subject far more effectively. The Bill has been discussed; and from the tone of those who ought to know something about it, a good deal of hostility is shown to it. I will not say hostility, but there seems to be a great deal of objection to it. I do not know much about the earlier clauses, but I do not think Clause 6 ought to be approved of, at all events in its present form. Under the circumstances it seems to me it would be wise for the Colonial Secretary to withdraw the Bill. At any rate I can hardly see my way to approve of the second reading.

Hon. J. F. CULLEN (South-West): I would support the last speaker's suggestion as far as the clauses referring to midwives are concerned, but the first part of the Bill is necessary. It might be said that the Administration could

ignore the few words that crept in by error. Of course they could, but they have taken the proper course in asking the Legislature to correct the error that was made. So the first part of the Bill must be dealt with; but I am sure the Minister would be well advised if he held back the clauses referring to midwives to be dealt with in a Nurses' Registration Bill which must very shortly be brought in. A lot of time will be consumed over these two clauses. It would be impossible for the House to pass them as they stand. We want to maintain a high standard for all professions; but we want to combine with that a provision for the needs of the country, especially remote parts of the country, as regards nurses and midwifes. We shall probably find a happy solution of the difficulty in the way we have followed with regard to veterinary surgeons—or rather the way we propose to follow in that regard—to maintain a high standard and at the same time keep a second list which will enable us to do justice to those who have not complete qualification but are yet sufficiently qualified to render good service. I am satisfied that on somewhat similar lines as have been adopted by the Imperial Parliament in connection with veterinary surgeons, and which therefore gives us a sound precedent, we shall have to deal with legislation for all professional matters. I want the Minister to consider carefully whether it would not be wise to withdraw these two clauses. Then there would be very little debate on the remainder of the Bill, which is urgent. The subject matter of these two clauses can be dealt with, and properly dealt with, in a complete measure for nurses' registration later on. I have only one other suggestion to make. I am not going to enter into the controversy between the Minister and the ex-Minister, as they are quite capable of arguing the matter out for themselves, but I would make the suggestion that in all similar amending Bills it would save an immense amount of labour and time on the part of hon. members if the sections to be amended were printed with the Bill. It would be a trifling cost, but it would save hon. members chasing up back numbers of the statutes, and three of them wanting the one copy. It is a suggestion that would cost very little and give a great deal of satisfaction. I shall, of course, vote for the second reading and do my best to get the part with regard to nurses rejected.

Hon. A. G. JENKINS (Metropolitan): I hope the Colonial Secretary will not withdraw the Bill, because the first part of it concerns a matter that is certainly arousing great interest among the various municipal and health bodies throughout the State, and it is just as well it should be settled once and for all as to what the decision of Parliament is to be on the matter. Personally I know, so far as the Perth board of health is concerned, the duty sought to be put on them of building an infectious hospital is one their funds simply will not stand the strain of, and they strongly opposed the Act as it was originally drafted, and are strongly in favour of the Bill as the Colonial Secretary has introduced it. In regard to nurses, I am in entire accord, with hon. members who have spoken, that these nurses should be competent. I think the clauses will lower the standard of one of the noblest professions. There are ladies working here, many of whom have given the best years of their lives to passing their diplomas under most exceptional circumstances, and I think the House should do nothing to let into such a profession women who perhaps are only half-trained. I quite agree that, if the nurses receive a proper training of three years, instead of needing to have the 12 months' training necessary under the present Act, six months should be sufficient; but as the clause is drawn at present, it will lead to the greatest dissatisfaction. I feel quite certain we should have a lot of very incompetent persons thrust upon the community. I am not prepared to give such a wide power to the board, which changes from time to time, to say what shall be an approved institution and what shall not be an approved institution. I think no private institution should be approved by the board. It would be a mistake.

Nurses cannot get sufficient training in private institutions, and it places a very difficult and unfair task upon the lady who controls a private institution to call on her to give a certificate as to whether one of her employees is a satisfactory person or not. No doubt she would find it most difficult to decline to give such a certificate, and I do not think it is fair to ask her to do it. I notice that by Clause 6 anybody who obtains a specified certificate, etcetera, can come here and, without passing any examination, practise in this State. I would like to draw the attention of the leader of the House to the fact that the Australian standard is one of the highest in the world, that is, in the other States, and that if nurses go from Australia to England they have to pass an examination. I have made inquiries and I believe this is so; and I do not think it is fair that, when the ladies who pass such a high standard as we have in Australia have to pass an examination again when they go to England, we should accept English diplomas without examination when they are no better than, if as good as, our own. If our nurses are, as I believe they are, sufficiently well trained to hold their own with any other nurses in the world, they should have the same and equal opportunities. I shall vote for the second reading of the Bill, but I hope that the nursing clauses will be struck out. As the leader of the House has intimated that he intends to introduce a Bill dealing with the whole question of nurses, the whole matter can then be dealt with.

On motion by Hon. F. Davis, debate adjourned.

BILL—DWELLINGUP STATE HOTEL.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is a very short one, but nevertheless it is a very important one. It is not altogether a question of whether it is advisable to establish State hotels, so much as it is a question of whether it is advisable in this particular instance that the State should undertake the establishment of an hotel at Dwellingup where the State has already a sawmill established. What we have to consider is whether it is desirable to permit a private individual to come along and establish an hotel there against the wishes of the people who have already pronounced an opinion on the subject and have petitioned the Government, 608 of the residents of that district, to establish a State hotel. So far the private individual has been prevented from getting a license, but we have had the opinion expressed by the licensing bench that, unless the State takes action in the direction of establishing a State hotel, a licence will be granted to the private individual.

Hon. W. Kingsmill: Why must you have a Bill?

The COLONIAL SECRETARY: I shall come to that later on. In the circumstances we want the House to authorise the Government to establish a State hotel at Dwellingup. The people there, by signing a petition, have shown a keen desire, not only to prevent the private individual coming in, but for the State to take action.

Hon. J. F. Cullen: What was the strength of the petition?

The COLONIAL SECRETARY: There were 608 names on it. We have been compelled, owing to the provisions of the Licensing Act preventing us from doing otherwise, to bring down this Bill to authorise the establishment of an hotel. Hon. members might be aware of the fact that the Licensing Act provides for the submission of the question of licenses to the electors, that is as to whether they are in favour of establishing State hotels in the district, and as to whether all new licenses shall be controlled by the State.

Hon. J. F. Cullen: What is the distance of the nearest hotel?

The COLONIAL SECRETARY: I think it is about 15 miles. It may be the unanimous wish of the people that the State should undertake the establishment of an hotel, but it could only be done when the question had been carried by a majority in the district, which was in

favour of an increase in the number of licenses in that particular district, with the result that under the Licensing Act we are not able to establish a State hotel there, yet, apparently, the licensing bench could permit a person who already held a license in the vicinity to transfer his license to the town, and the only step that the Government could take would be to buy out some hotelkeeper within a convenient distance from the spot. That, however, would involve a considerable expenditure. The holder of the publican's general license in the district, but who is some distance away from Dwellingup, made an application to the licensing bench for the transfer of his license to Dwellingup, but at the same time the people of Dwellingup almost unanimously expressed the wish, by petition, that the State should take action; hence this Bill.

Hon. W. Kingsmill: Is this Bill reversing the decision of the people?

The COLONIAL SECRETARY: A big majority of the electors of that part of the State decreed in favour of State hotels, but, I understand, there was a majority against an increase of licenses.

Hon. J. F. Cullen: That is for the whole of the electoral district?

The COLONIAL SECRETARY: Yes.

Hon. W. Kingsmill: Should this not be an amendment of the Licensing Act?

The COLONIAL SECRETARY: Not necessarily. The court, by granting the transfer of the license from another part of the district to Dwellingup, would not be increasing the number of licenses, but the Government would have to go to the expense of purchasing the rights of the licensee, and would have to pay for goodwill.

Hon. C. Sommers: By the erection of this house they are increasing the number.

The COLONIAL SECRETARY: Yes, but they are carrying out the wishes of the people of that particular district. The position is that if the Bill is not passed the private individual will have the right to hold the license there. We do not want that position to arise. It is our desire to establish another State hotel in Western Australia, and this particular part has been selected in which to continue the experiment. From an estimate given by those who ought to know, it appears that the life of the No. 2 mill at Dwellingup is 20 years, that of the No. 1 mill 5 years, that of the mill at Marranup 5 years, the Nanga Brook mill 10 years, and Holyoake 10 years, so that the hotel would serve the district for at least 15 years. Of course, there is no idea as to what may occur in the future, as to the establishment of new industries, but there is every indication that the district will prosper, and that the population will increase. Under these circumstances I have no hestitation in asking the House to pass the measure. By way of explanation, while we say in the Bill "notwithstanding anything contained in the Licensing Act, 1911, to the contrary, it shall be lawful for the Colonial Treasurer to establish a State hotel at Dwellingup, in the Forrest licensing district, and to carry on by his authorised agent in such State hotel the trade and business of a person holding a publican's general license." it is our intention to apply the provisions of the Licensing Act in every respect so far as the conduct of the hotel is concerned, and, when the local option poll is taken, it is our intention to bring the hotel under its provisions. I also wish hon. members to understand that it is not intended to relieve that particular hotel, if it is established by Act of Parliament, from the provisions of the Licensing Act. Those provisions will apply to it just as if the Bill had not been introduced to Parliament.

Hon. C. Sommers: What is the estimated cost of the hotel?

The COLONIAL SECRETARY: That is a matter that has not been gone into: the cost cannot be high, because the timber is on the spot.

Hon. Sir E. H. Wittenoom: You are taking over the building which is there, I understand?

The COLONIAL SECRETARY: I do not think I am at liberty to state what has been asked for the building and the goodwill, but it is a large sum. As I said before, there is a petition, on the file, signed by 600 people in the locality, in favour of a State hotel there. The local option poll, which was recently taken, was

in favour of the State controlling licenses in the Forrest electorate, by 8 to 1; that being so, there is no reason why the State should not carry out the wishes of the people. If a State hotel is established there, and conducted on the lines of the Gwalia hotel, I do not think that drinking will be considerably increased. What is the position now? A lot of drink is taken to the locality in such a way that the Government, or the police, cannot take action, and the drink is not of the best kind.

Hon. J. D. Connolly: Does not that exist to-day, at Gwalia, where the State hotel is?

The COLONIAL SECRETARY: To a very limited extent only. It exists in this particular timber locality to a great extent, and, in spite of the efforts of the police, they find they are almost powerless to cope with the difficulty. The drink is ordered by the men, and no offence is therefore committed; that is not what one might call "sly grog-selling." The measure is one that does not require any further explanation, at the present stage, and I have pleasure in moving—

That the Bill be now read a second time.

Hon. E. McLARTY (South-West): I know this locality very well, and I am quite satisfied that some accommodation is required there. I am not altogether in favour of the Government running hotels, or any other such businesses, but application has been made, on several occasions, by private parties, for a license, and it has been refused, and the only other alternative is for the Government to take the business into their own hands. At the present time there is a population numbering anything between 1,200 and 1,500 people, within a radius of 3 or 4 miles, and the travelling public require some place of accommodation, and there is a good deal of traffic on that railway, and, having travelled there myself, I know it is not very easy to obtain any accomodation. It is a difficult matter to prevent drinking on these mills, and I am quite certain that the establishment of a properly conducted licensed house will not have the effect of increasing drunkenness. I think a great defect in the present Licensing Act is that the holder of a publican's general license is permitted to travel 15 or 20 miles on the assumption that he has orders from people living within that radius, and to supply them with van loads of drink. This is being done constantly, in the timber districts. I contend that when the Licensing Act was before the House last year, it never occurred to hon. members that such a thing would be possible. A man who holds a publican's general license should have that license to sell on his premises, and he should not be permitted, either by himself, his servants or his agents, to hawk drink around, as is done, indiscriminately, at the present time. There is a great amount of drinking going on at Dwellingup, Marrinup, and at the other mills, and there is no doubt also that there is a good deal of sly grog selling. This will continue until there is a properly-conducted house. I am not so sure that the opposition to the granting of a license at Dwellingup was so much on account of the interests of the people, as it was to some extent for private reasons. An application was made to the licensing bench at Pinjarra, some time ago, and the publicans residing there employed a solicitor from Perth to oppose the granting of the license at Dwellingup, simply because they thought it would interfere with the profits of their own businesses. I am satisfied that if the Government decide to take up the business it will be an acquisition to the district, and will not only serve the timber mill and the large population gathered around there, but will be a sort of half-way house between Pinjarra and Marradong, where there is a good deal of traffic, and the people travelling to and from Williams will avail themselves of the convenience of a house of this kind. I hope, if the Government decide to open this hotel, they will have some consideration for the pluck and enterprise of the party who, at considerable expense, provided the accommodation required, in anticipation of securing a license. He erected a fine building, not of timber but of bricks, which he obtained from Armadale at considerable cost, and which he railed to Dwellingup, and I hope

the Government will see their way to relieve the owner of this place. I heartily support the second reading of the Bill because I am sure the place is required. I also hope the matter I have referred to of hawking liquor through the district will be looked into and some amendment of the Act made in order to stop that practice. The men on the timber mills like to get their beer occasionally, and if they cannot get it by legitimate means they will seek other means of obtaining it. I contend that a properly licensed house would be far less harmful to the district than the indiscriminate selling of drink of inferior quality. I have been in favour all along of a license being granted. The house was built on a suitable design for the business, but unfortunately the magistrate was placed in a difficulty in view of the voice of the people being opposed to the granting of the license. I am satisfied that that voice was raised more in private interest than in the interests of the people generally. I have always been in favour of a license being granted, and I shall gladly support the second reading.

Hon. W. KINGSMILL (Metropolitan): It is not my intention to oppose the second reading of the Bill, although I am not too well satisfied about the propriety of its introduction. It may perhaps be my fault, but I did not gain from the speech of the leader of the House when introducing the Bill a reassurance as to the propriety of introducing an Act of Parliament to set aside the result of the local option poll of the people. No doubt the honourable gentleman will say that the people of the district are in need of an hotel; but does it not point to the fact that under the Licensing Act the division of the State into licensing districts has been improperly made?

Hon. D. G. Gawler: Cannot a small locality petition for an hotel?

Hon. W. KINGSMILL: No: certainly not. If a smaller locality could petition for an hotel and get it there would be no reason for the taking of a poll.

Hon. J. F. Cullen: A smaller locality 15 miles from the nearest hotel can so petition.

Hon. W. KINGSMILL: It is rather peculiar to pass an Act of Parliament one session and start to chop little bits out of it in the next. It is not a practice that should be encouraged. I think the title of the Bill is altogether wrong. Instead of being entitled a Bill to authorise the establishment of a State hotel at Dwellingup it ought to be "A Bill to amend the Act controlling the sale of fermented liquors." That is what it amounts to. It is the setting aside by gentlemen who, we are led to believe, would be the last in the world to set aside a verdict of the people—it is the setting aside of that verdict in favour of one locality. I am astonished, I am almost shocked at the impropriety of such a Bill. I could understand it if the other political party in the State had brought it in, the party who are always being accused of disregarding the wishes of the people as a whole. But for the party in power to bring it in, and so soon after the poll, seems incredible. How short the memory of man! It is a most peculiar state of affairs. I wish to make it plain that I am now arguing this question with no reference whatever to the feelings of those people who reside at Dwellingup. It is a very peculiar combination of circumstances. The most cogent argument the leader of the House used was undoubtedly that wherein he stated that if this hotel were not undertaken by the State it would be undertaken by a private individual who, I understand, lives some distance away and has a license some distance away. Am I to understand that it is possible to transfer a license not only from person to person but from place to place?

Hon. A. G. Jenkins: Yes.

Hon. W. KINGSMILL: Then this Act is more elastic than I thought. And from what Mr. McLarty said not only is it possible to transfer licenses but it is possible to transfer liquor also. What sort of an Act are we working under?

Hon. A. G. Jenkins: We are told that there will be an amendment of it presently.

Hon. W. KINGSMILL: We have one here before us. Say what they will, this is an amendment of the Licensing Act. I have every wish to see the urgent wants of these people at Dwellingup satisfied, but I maintain that the action in chopping little bits out of an Act passed last session in this manner is one which is, I will not say unconstitutional, but which undoubtedly should be most unusual. Furthermore, is this going to be a precedent? And if this is going to be done for the State would it be competent for private members by means of private Bills to seek for the granting of licenses at various places throughout the State, this session or the coming session? If it can be done by the Government in this particular case there is no reason why it should not be done by a private member in another case. Out of respect for the wishes of the people at Dwellingup—it is a good thing they have a moderate climate, or some of them would have perished by now—I do not intend to oppose the Bill, but I must protest against it forming a precedent for anything of the kind in future.

Hon. J. F. CULLEN (South-East): The last speaker is labouring under a misconception. The Licensing Act provides for a local option poll for an electoral district, and the poll in this particular district said that there was to be no increase in licenses. But the Licensing Act also provides that any locality within a licensing district may by petition ask for a license, even in the face of that local option poll.

Hon. J. D. Connolly: That is not so.

Hon. J. F. CULLEN: I hope the honourable member will restrain his youthful exhuberance until I have finished. He has got so deep into the habit of argument that it is hard for him to restrain himself. The Licensing Act provides that notwithstanding a local option poll saying that there is to be no increase of licenses a locality may by petition ask the administrator of the Act for a license for any site 15 miles from an existing hotel. That is the law.

Hon. J. D. Connolly: Is this 15 miles from an existing hotel?

Hon. J. F. CULLEN: Yes, or a little more. My only difficulty about the Bill is that it is a superfluous reference to the legislature. There was no need for it. Yet one could hardly blame the Government for saying "We will take the double safeguard and submit this not only to the people but to the Legislature before we spend any money." There was no need for this. The Government on petition of the people could have established the State hotel. At best it is an act of superfluity in referring to the people's representatives for indorsement of the Government's proposed action.

Hon. W. Kingsmill: Then it is not only improper but superfluous.

Hon. J. F. CULLEN: It is only a double safeguard against transgressing the views of the people. I do not think it can be called anything worse than an over-riding of the law. But the honourable member is entirely wrong when he speaks of this as either amending or over-riding the law, or in way interfering with the law. The Government are acting entirely within the powers conferred by the Licensing Act. But the point now is that, the Government having submitted this question to the Legislature, each House is, I think, justified in giving a vote as to whether it is a proper and wise thing to do to establish a State hotel at Dwellingup. If my advice were asked by the people of the locality I would say "You are very much better off without drink." Their answer would be that the majority of the people are accustomed to it and that they were determined to have it. The only question then is as to the best way in which to provide for it; and the people by petition of 600 names have asked for a State hotel. I think there is a peculiar fitness in establishing a State hotel at Dwellingup. The experiment of a State mill is in process there, and so far it is working satisfactorily. It would seem a very unwise exercise of the vote of the House to say, "You have a State mill and now you ask for a State hotel. But we refuse it; we say no, you must have a private enterprise publican amongst you." By

saying this we would, so to speak, perpetrate an anti-climax and compel the people either to have sly grog shanties and peddling drink sellers, or a privately owned hotel. Could the Legislature have any justification for saying this? Furthermore, the licensing bench for the district, on the last application for a license—I am referring now to a report in the *West Australian*—the licensing bench said distinctly "We are refusing this application on the understanding that further steps are to be taken, that there is to be a State hotel; but if such provision is not made this bench will be inclined to grant a private application for a license." I for one have no hesitation in voting for the State hotel for Dwellingup. I think the Government would be wise not to expend a great amount of money at Dwellingup, because we cannot tell at this stage whether other industries will follow the timber industry sufficiently to justify a large hotel, and the hotel can easily be added to if the development of the place justifies it. I do not think the Government would be justified in expending more now than will be necessary to meet the present requirements of the people and, possibly, provide a few rooms for visitors. Although I am a strong temperance man and an advocate of local option, it is doing no violence to my principles to support the establishment of this hotel, which is the least objectionable of the three courses open, one of which must be taken.

Hon. A. G. JENKINS (Metropolitan): I am pleased, indeed, to see so many members support what is undoubtedly an excellent principle, namely, that in places such as this State hotels should be established instead of those privately owned. Which is going to be better for the community, an hotel run by the State not for the purpose of making an enormous amount of profit, but run on the same good lines as the State hotel at Gwalia, or an hotel which is the property of a private individual seeking to make as much money as he can and as quickly as he can, and in many cases irrespective of the consequences? This is a Bill that should strongly commend itself to the House. Here we have a district, which, we are informed by Mr. McLarty, is practically over-run by sly grog sellers and suppliers of liquors in an illicit manner. If an hotel is built there and controlled by the State—and there are at least 1,000 timber workers there—these men will be able to have good liquor supplied to them in a proper manner. There is a petition from the majority of the residents for the establishment of this hotel, and that being so, and another place having passed the Bill practically unanimously, I think that this House should give the Bill most favourable consideration. If the life of this mill is going to be 20 years, as was stated by one of the speakers, to give this license to a private individual would be putting £50,000 or £60,000 into his pockets if the man lived that long. Why should the State, when it can control the hotel itself, put such an amount of money into the pockets of a private individual for nothing? The man who gets that license will net £2.000 or £3,000 a year out of the hotel. These men earn big wages, and they will spend a lot of money. Members must know what an amount of money is spent in farming districts, and the tremendous premiums which hotels in those areas are bringing, and, remembering that, I am certain that any hotel in this district would mean an absolute fortune to any private individual. Of course, if the Government can buy at a reasonable price the hotel that has been built there, they would do well to acquire it, but we cannot expect the Government to pay a prohibitive price to an individual who erected an hotel on the chance of getting a license, because he has no more right there than any other individual. I hope the Bill will pass. I have not the slightest doubt that it is a step in the right direction, and I am satisfied that under Government control the hotel will be a great success.

Hon. D. G. GAWLER (Metropolitan-Suburban): What is apparently the objection to this Bill is that, in the face of a local option poll at which the residents in the district said they would not

have further licenses, the Government are now going to over-ride that decision. But when the Act is looked into it will be found that that is not so. Section 45, dealing with new licenses, reads—

> No license to which Part V. of this Act applies shall be granted in any district for any premises not licensed at the commencement of this Act until a resolution has been duly carried under that Part that the number of licenses in the district may be increased . . . . . Except when Resolution D has been carried and is in force in its discretoin grant a license for premises in any locality in which no licensed premises are situated within a radius of fifteen miles from the premises to which the application relates.

That clearly shows that in cases where the application is more than 15 miles from the nearest licensed house the magistrates may in their discretion grant a license notwithstanding any local option poll. Apparently the Government are not prepared to go before the licensing bench and take their chance with the private individual, and I do not know that they are to be blamed on that account. They are seeking to get this license by Act of Parliament. Personally, although not agreeing with entire State control, I think in this instance it is desirable. Looking at it from the point of view of the licensing law, with a view to minimising the evils of drink, I am in favour of the State taking over the control of the traffic in many instances, because I believe in eliminating the element of private profit, which does more than anything else to encourage drunkenness. In this case, at any rate, I am in favour of State enterprise. I would suggest to the Colonial Secretary that some words should be inserted to bring this hotel under the Licensing Act, because it is not clear at present that the hotel will be controlled by the ordinary licensing laws.

The Colonial Secretary: We have to apply for a license.

Hon. D. G. GAWLER: However, I will support the second reading, and I think the Government are justified in bringing the Bill forward.

Hon. J. D. CONNOLLY (North-East): Like the last speaker I, to a certain extent, favour the control of the liquor traffic by the State, and I think this is an instance where, probably, it is well that there should be a State hotel. I certainly would not support this Bill if it in any way set aside the local option vote. But provision is made in the Act whereby licenses can be obtained when the premises are situated 15 miles from any existing license, and that, I am told, is the case in this instance. I cannot see, however, why the Treasurer did not send his agent to apply to the bench in the ordinary way for this license. I agree with the principle of the Bill to this extent, that it gives the approval of Parliament to the establishment in this centre of a State hotel, but at the same time the passing of this measure gives the Treasurer his license. That seems to me to be making one licensing law for the State and another for the private individual. I would be pleased to see the license granted, but I think there is an objection to creating Parliament a licensing court for the State and having a special licensing bench for the private individual. Whilst favouring State control, I think we are entitled to more information than is contained in the Bill. My idea in saying that I support State control is that the State should not and would not force the sale of drink. If a person wants a drink he will be able to get it at a State hotel, in the same way as if he wants a meal he can walk into a restaurant, but there should be no inducement held out to anybody to drink; rather the reverse. In the existing State hotel at Gwalia we have a very competent manager who conducts a good hotel, but it has never been conducted in the way a State hotel should be conducted, and there is a tendency on the part of the manager to extend his establishment unnecessarily. There should be no question of having billiard rooms and other sorts of attractions in a State hotel, but that is what has happened at Gwalia, and I think there was some suggestion to place a library there instead of in the miners' institute.

That was for the purpose of attracting men there to drink, and I do not think that is carrying out the true intention of a State hotel. In regard to the proposed hotel we should have had some information as to the style of the building, so as to be able to judge whether we should leave the hotel to the State or hand it over to a private individual.

The COLONIAL SECRETARY (in reply): I do not wish to delay the House but I desire to furnish Mr. Kingsmill with some information in regard to certain points which he raised. The hon. member was surprised that instead of amending the Licensing Act we simply introduced a Bill giving us authority to establish a State hotel at Dwellingup. While in the first instance, the idea occurred that the Act should be amended, yet, after mature consideration we came to the conclusion that the best course to follow was to come to Parliament and explain the object we had in view. A peculiar position had arisen involving a hardship to some 600 people, and we thought that if we came to Parliament and explained the hardship and the circumstances in which we were placed by the adverse local option poll, Parliament would exercise its common sense, and if it approved of the measure enable us to carry out our intentions. It is intended that the Licensing Act shall apply to this hotel in every respect. With regard to the probable cost of the hotel, I am not in a position to furnish any information, but members may be sure that every economy will be exercised consistent with the convenience and comfort of people in that district. The Government have no desire to waste money, and members may rely upon it that having regard to the present state of the finances economy will be exercised. At any rate, I assure members that there will be no waste or extravagance so far as the structure and provision of furniture are concerned. I am pleased, indeed, with the reception afforded to the measure by the House.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment; and the report adopted.

House adjourned at 5.48 p.m.

Legislative Assembly.

Thursday, 30th November, 1911.

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

PERSONAL EXPLANATION.

Mr. A. A. Wilson and Collie Magistrate.

Mr. A. A. WILSON (Collie): I wish to make a personal explanation. On the 9th November I asked the Minister for Justice—

> Is he aware that Mr. Barlee, R.M., recently, at Collie, tried two cases on the same day, and allowed Collie Burn alleged co-operative miners 13s. 5d. per day wages in the one case, and 5s. per day wages, for miners not working at Collie Burn, in the other case?

I desire, in justice to Mr. Barlee, to make an explanation. I find, on investigation,