The Premier: Then they are breaking the law.

Mr. PRICE: No good service could be rendered by closing the Kalgan river. The river should not be thrown open for indiscriminate fishing by fishermen for sale, but there could be restrictions on the mesh of the net used. If the settlers were compelled to fish by lines only it would mean that they must leave the work of developing their holdings in order to go to the river to catch fish. They should be given the opportunity of netting fish for their own private consumption. Why the Immigration and Tourists and General Information Bureau was brought into existence was somewhat of a mystery. The department was not going in any way outside the beaten tracks of the old Immigration Bureau. Its efforts were concentrated on the caves at Busselton, but there were other spots in Western Australia besides these caves. Albany district was absolutely neglected by the department. Information was needed on this point, and also in regard to the comments by the Auditor General on the Police Department.

Mr. UNDERWOOD: I wish to speak generally.

The CHAIRMAN: The Premier had already replied to the general discussion. Hon. members were allowed to speak afterwards, but it was not anticipated they would speak at length.

The PREMIER: There was no desire to stop discussion, but hon. members would have the opportunity on each vote to raise points mentioned to-night. It was arranged with the leader of the Opposition to report progress and adjourn the House as soon as an item was reached.

Mr. Heitmann: I wish to speak on Item 1.

The CHAIRMAN: Does the hon. member call Item 1?

Mr. Heitmann: Yes.

Progress reported.

House adjourned at 11.22 p.m.

Legislative Council,

Wednesday, 21st December, 1910.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Plans of proposed railway, Katanning to Nampup. 2, Report of Commissioner of Taxation for the year ended 30th June, 1910.

LEAVE OF ABSENCE.

On motion by Hon. J. W. Kirwan, leave of absence for the remainder of the session granted to Hon. J. E. Dodd on account of ill health.

BILL—LICENSING.

Report of Committee, after recommittal, adopted.

BILL—HEALTH.

In Committee.

Hon. W. Kingsmill in the Chair.

Clause 1—Short title and commencement:

The COLONIAL SECRETARY moved an amendment—

That the following new subclause be added:—"The Governor may at any time after the passing of this Act make any such appointment of officers, to take effect upon the coming into operation of this Act, as he might have made if this Act had come into operation at the passing thereof."

The reason for the amendment was to make it clear that it would not be necessary to reappoint the officers in the Health Department in consequence of the passing of this measure. There was a doubt about the matter and to make it clear and so that there should be no break in the continuity it was considered advisable to insert the amendment.

Amendment passed; the clause as amended agreed to.

Clause 2—agreed to.

Clause 3—Interpretation:

Hon. D. G. GAWLER moved an amendment—

That in line 23 the words "Commissioner means the Commissioner of Public Health" be struck out and "Central Board means the Central Board as constituted by this Act" be inserted in lieu.

The COLONIAL SECRETARY: The matter might be allowed to stand over until the Committee reached Part 2. The amendment could then be moved in Clause 7.

Hon. D. G. GAWLER: There would be no objection to allowing the matter to stand over until Clause 7 was reached.

The COLONIAL SECRETARY: It would make the matter clearer if the amendment were made in the right place first, and then if carried, consequential amendments could be made on recommittal.

Hon. D. G. GAWLER: There would be no objection to the suggestion. By permission of the House he would withdraw it at this stage.

Hon. J. W. KIRWAN: It might be better to have the question discussed at an early stage and it could be used as a test and determined straight away. Even though it could not be discussed in its proper place, the matter was so important that would be advisable to settle it straight away.

The COLONIAL SECRETARY: The importance of the question was the reason for asking that it should be dealt with at the proper place. This was only a definition clause, and it would be hard for members to grasp what was aimed at if the amendment were moved at this stage.

Amendment by leave withdrawn.

On motion by the COLONIAL SECRETARY, the clause was amended by striking out of the definition of "lodging house" the words "the licensed premises of a licensed victualler," and by inserting the following in lieu. "premises licensed under a publican's general, wayside house, or hotel license."

Hon. J. F. CULLEN moved an amendment—

That in line 5 of the definition of "lodginghouse" the word "harboured" be struck out.

The word was entirely superfluous; the word "lodged" covered all that was intended.

The COLONIAL SECRETARY: The words in the clause had always been used and it was very necessary to make the intention of the Legislature clear, because in a court of law a lawyer might find it very easy to find a loophole. It might be argued that a man had not been lodged at a house but had been allowed to stay there.

Hon. J. F. Cullen: "Lodged" covered it all.

The COLONIAL SECRETARY: It had been held that "lodged" did not cover it all, and the word "harboured" had been inserted to make clear what was the intention of the Act.

Hon. J. F. CULLEN: We were neglecting the modern forms such as Sir Samuel Griffith had introduced in the drafting of Bills in Queensland and in the Federal Constitution. If we stuck to century old verbiage we would never reach a better style in our Bills.

Amendment put and negatived.

Hon. J. W. LANGSFORD: The clause contained a definition of "piggery," but that word occurred nowhere else in the Bill.

The COLONIAL SECRETARY: There was mention of power to make by-laws dealing with piggeries.

Hon. J. F. CULLEN: A boardinghouse was defined as a place where there were more than six persons living, and a lodginghouse as a place where there were more than three. He did not think that that was the intention.

The COLONIAL SECRETARY: Originally the definition had been three for a boardinghouse and three for a lodginghouse. It had been pointed out that a good many people took a few friends as boarders, and such people should not be subject to registration in the ordinary way. The select committee after hearing evidence had raised the number of persons in the case of a board-

inghouse from three to six and had left the lodginghouse at three.

Clause as previously amended agreed to.

Clauses 4, 5, and 6—agreed to.

Clause 7—Minister:

Hon. D. G. GAWLER moved an amendment—

That the word "Minister" be struck out and "Central Board of Health" inserted in lieu.

On the second reading he had explained his views on the matter of health control and there was no necessity to further labour the question. Briefly stated his objection to the commissioner was, in the first place, that it was almost impossible to get a man to carry out the duties of the position. Even if one man were obtained the State would be very unlikely to get another. The commissioner would want a combination of wonderful attributes of all sorts, including tact, firmness, judgment, and technical knowledge, which were rarely to be found in one man. It was doubtful also whether a single individual would have the same control over the local bodies as the present board had. The local bodies would be impatient of control by one man and would not submit to his dictation. A board composed of four or five men with equal authority was likely to have much more influence over the local bodies. The commissioner would need to have a knowledge of the general administration of health, of public buildings, and of sewerage and drainage amongst other matters, which, if he were a medical man, as was said to be the intention, he would be very unlikely to have. It was suggested that the commissioner could confer with the heads of departments, but it would be purely a matter of courtesy on their part if they assisted him, and, threfore, he would have to rely on his own knowledge. In the Bill the Minister was placed over the commissioner as a court of appeal from the decisions of the commissioner, and the consequence of appointing one man to control the health laws would be that, if he did not happen to possess all the qualifications necessary, he would refer all his responsibilities to the Minister.

The Colonial Secretary: The Minister is not a court of appeal under this Bill or under the present Act, but he has the right of veto.

Hon. D. G. GAWLER: The Minister was the last authority referred to. The commissioner would be something in the nature of a bureaucrat, and it was the tendency of bureaucrats generally to avoid responsibility by taking the power out of the hands of subordinates and passing it on to the higher officials. In that way they might expect the commissioner to simply pass on his responsibility to the Minister.

The Colonial Secretary: He would have no authority to pass it on to the Minister at all.

Hon. D. G. GAWLER: The commissioner surely had power of reference to the Minister.

The Colonial Secretary: No.

Hon. D. G. GAWLER: Of his knowledge of the central board he could say that many matters had been referred by the board to the Minister, and the position of the commissioner would be very much the same. He had had experience of the central board and he could say that that body had worked exceedingly well. He denied that there had been any clashing between the central authority and the local authority; very few cases of friction had occurred, and where the central board had had to exercise its authority it had done so most successfully. Only recently it had been necessary to put an end to the existence of a local board that had not done its duty. That was a very large power to confer in one man, and if exercised by him would make the local authority very impatient of control. If the power that was exercised the other day had been exercised by one man there would have been a great deal of trouble.

Hon. J. W. Langsford: How would you appoint the board?

Hon. D. G. GAWLER: The board as at present appointed was a successful body. It had a representative from the goldfields upon it and he (Mr. Gawler) would be agreeable to adopt the suggestion which had been made lately and have a representative from the metropolitan bodies which would make the board

stronger. The board had to guard the interests of the public and consequently must be a strong body to do so. Holding the views he did, he would be wanting in his duty if he allowed the constitution of the board to go by without entering a strong protest. Members might say that by passing this amendment the Bill would be wrecked in another place, but we should not be frightened by the suggestion of wrecking the Bill. What was the use of the Council if we were to be influenced by remarks of that kind? If another place saw fit to still retain the proposal in the Bill he (Mr. Gawler) would be the last to insist on the amendment being adopted.

The COLONIAL SECRETARY: The amendment was not quite in order, and would not be workable if carried, but he supposed the clause could be recast. The object of the amendment was that instead of having the Bill administered by a commissioner as laid down in the Bill it would be administered by a board of health. For some years past the health matters had been administered by a board and generally speaking the board had worked very well. The main fault was that the central board did not understand the wants of the local boards and they were not experienced in public health. In order to meet that difficulty, when the Bill was introduced in another place he (the Minister) had provided that three of the members should be nominated and the other two appointed on the recommendation of the combined boards, that was that one should be appointed from the coast and the other from the goldfields, but that idea had not met with the wishes of another place and the Bill was altered to as it now stood. He had nothing to say against the work of the central board in the past. The members had devoted a lot of time and got little for it, they had done good work, but there was always a difficulty. The system of having a commissioner was not new, for it was in force in New Zealand and judging from the reports which he had received the system was likely to come into force in other places. In New South Wales, Victoria, and Queensland they had central boards, but they were not working satisfactorily. The science of public health was advancing every day, and while ten years ago a central board might have been a good thing, it was not as workable as it should be to-day. The hon. member said the commissioner should have a great deal of knowledge. What the hon. member meant was that the central board as it now existed was composed of professional men. There was an engineer and an architect upon it and the president was a medical man.

Hon. D. G. Gawler: I also suggest that there should be delegates from outside places in touch with local matters.

The COLONIAL SECRETARY: That was no argument, because the Commissioner of Public Health would have the advice of the whole of the Government departments; he would be able to call on the Engineer-in-Chief or the Chief Architect for advice, and therefore he had the best professional advice at his disposal. The Minister was not, as the member stated, a court of appeal. The central board had certain duties to perform and could not refer them to the Minister. True, they referred certain things to the Minister, but it was a matter of courtesy that they did so. The only power a Minister had was that under Section 33 of the present Act he could veto anything the central board might do. The Minister had no power to veto any action of the local boards, unfortunately, nor had the central board any power to do so. The Minister had power to veto the actions of the central board, which would be an unusual thing to do, but he (the Minister) had done so on one or two occasions when he felt justified and he supposed his successors had done the same, but the commissioner's powers under the Bill would be exactly the same. There were certain statutory powers and obligations. But he (the Minister) would be sorry to have to administer a health Act. No Minister could administer a public health Act if it was left solely in his hands, it was purely a matter for professional men, but Parliament had said, and rightly so too, that the Minister should have the power of veto.

Hon. D. G. Gawler: The Minister was practically a court of appeal.

The COLONIAL SECRETARY: There was a great deal of difference between a court of appeal and the right of veto. There was also this difference which the hon. member, although a member of the Central Board of Health, had lost sight of, that the central board might at any time become unworkable. If the central board adhered strictly to their Act it was unworkable now because everything under the Act had to be done by the board, therefore the board would have to be constantly sitting. But the board had taken a commonsense view of the matter and small matters were left to the administration of the president of the board. That had worked very well in the past, but the difficulty was likely to arise at any time. Above all things we wanted in public health administration a professional man. There were questions cropping up frequently of the adulteration of food, and diseases, and these must be dealt with by a professional man who had statutory powers and would be responsible. The hon. member (Mr. Gawler) gave an instance where the central board superseded the local board, that was the case at Southern Cross, and the member said it would have created a great deal of bother if that had been done by the commissioner. At Southern Cross the board had neglected their duties, and if an action were taken that might offend a local board, still the health of the community had to be attended to. If sanitary matters were not attended to it would be right that the commissioner should step in to protect the health of the people generally. This amendment would make a radical alteration in the Bill and involve hundreds of amendments without effecting any real good. He did not say the central board was not a workable proposition, but the commissioner was the better of the two, more particularly as the science of health had advanced so much of late, that a professional man must be put in charge of the Act. In what condition of affairs would we find ourselves involved if the Minister had to give a decision on every small matter affecting a local board every day in the week? Manifestly it would be quite impossible. For these reasons he trusted the amendment would not be carried.

Hon. R. LAURIE: The proposed amendment was not a good one. The Minister must control and generally administer the Act. Certainly the central board had done its work well, but he believed that the fewer local men we had in authority in regard to public health the better. It was much safer that the question should be in the hands of one good, strong man, whose living depended upon it, than that we should have on a board representatives from different parts of the State. The commissioner would have the advice of his expert officers just as the central board had to-day. He had no faith in local inspectors, and for his part he would have all the inspectors appointed by the commissioner. Obviously a man who lived in a particular district, and was paid by that district, looked to satisfy that district, and not the central board or the commissioner. Of the two forms he favoured the commissioner as against the central board. The proposed amendment was a mistaken one.

Hon. Sir E. H. WITTENOOM: Hon. members must agree with the Colonial Secretary. Naturally a board consisted largely of irresponsible representatives, and he could not but think that the alterations as contained in the Bill would be advantageous. We had a responsible Minister who would appoint an expert commissioner—and it was to be remembered that an expert was precisely what was wanted in connection with the administration of public health. Under these circumstances it would be a great pity if the Committee accepted the amendment.

Hon. J. W. KIRWAN: After all, Mr. Gawler was but endeavouring to carry out the original intentions of the Government, as expressed in the Bill when first introduced in another place, when the Bill provided for the appointment of a central board. It was a pity the Government had not adhered to their intention in that respect, for a central board would be more likely to have a general knowledge of the whole State than any one individual

could be expected to possess. Moreover, it would be safer than any single individual. He had been struck with the way in which the Colonial Secretary had defended the Bill in its present form. The Minister had referred to the advantages of the system of commissioner, and had told the Committee how well that system worked in other States. In view of the Colonial Secretary's attitude it was surprising that in the original framing of the Bill provision had not been made for the appointment of a commissioner.

Hon. J. W. LANGSFORD: Whilst agreeing with Mr. Gawler in some respects, especially in regard to the very great powers vested in the commissioner under the Bill, he could not quite agree in the desire that we should go back to the system of administration by a central board. Although the proposal in the Bill to supersede the central board by a commissioner had been before the local authorities during the past two or three months, he had not heard of any objection on the part of those local authorities to the proposed change.

Hon. D. G. Gawler: It is all in their favour.

Hon. J. W. LANGSFORD: If that were so, and if those local authorities held that the change would conduce to the best administration, than it was something to which we ought to give favourable consideration. The principle of nominative boards was not held in high favour, more especially when an attempt was made to give each part of the State representation on such boards. By a continuance of the present system we would land ourselves in considerable difficulties; for at present it seemed to be considered sufficient if the two main divisions of the State, namely, the goldfields and coastal districts, were given representation on the board, whereas in the near future a number of other claims for representation would have to be considered. For his part he preferred the system of administration by a commissioner.

Hon. J. F. CULLEN: Personally he favoured the system of Ministerial control through a commissioner. The commissioner would be, to a certain extent, experimental. He would require to be eminently practical as well as scientific, and if he should prove to be a bit theoretic Parliamentary criticism would arise and the Ministerial control would come into operation. He was convinced that the system of administration by a commissioner was the better.

Hon. D. G. GAWLER: The vehement way in which the Colonial Secretary had defended the system of administration by a commissioner ought to arouse serious concern amongst the other members of the Cabinet who had originally favoured the system of administration by a board. The Colonial Secretary had denounced the system introduced by his own Government, namely, that of a central board, from top to bottom. It seemed peculiar that the central board system, which had been originally included in the Government's own Bill, should now be the subject of strong denunciation by the Colonial Secretary. The Colonial Secretary had declared that the Minister was not a court of appeal, either under the existing Act or under the proposed Bill. But it would be seen by Section 25 of the Act of 1898 that the Minister was a court of appeal; and the corresponding clause in the Bill was to the same effect, although somewhat differently cast. Undoubtedly the Minister was practically a court of appeal. He was not laying so much stress on the extra knowledge that possibly might rest on the central board, he was laying more stress on the increased control, prestige, and authority the board would be likely to have in regard to the general public and the local boards. The advantages claimed for the appointment of the commissioner would not accrue.

The COLONIAL SECRETARY had not condemned his own Bill nor the Central Board of Health. He had said the system of control by a central board worked well, but there were reasons why at times it might not work well. This Bill was badly needed for the detection of adulterated food stuffs, but the main point of contention during the number of years the Bill was before Parliament was with regard to the question of central control. Parliament always put forward

the argument that if a board was appointed it should be an elective board. That system was tried to a certain extent on the central board, but the experience in regard to representation of the Eastern Goldfields did not prove a success. It did not strengthen the central board. Out of the 50 meetings of the board held during the year only 17 were attended by the goldfields representative, and in the previous year the number of attendances was even less. There was no desire to condemn the central board, but the Bill was now altered in this regard and he honestly believed it was the better course to pursue.

Hon. J. W. KIRWAN: It was at the request of the local authorities concerned on the goldfields that he took up his stand in this matter. Mr. Hawkins, the secretary of the local bodies on the goldfields, wrote—

> My committee desire to enter a strong protest against the proposed abolition of the Central Board of Health and the appointment of a Commissioner in lieu thereof. After several years of experience of working under the Central Board of Health the committee are quite satisfied that the functions of that body have been carried out in a satisfactory manner. At present there is on the board a goldfields representative whose knowledge of local conditions and requirements has proved of service in matters affecting this district. With the commissioner administering the Health Act the local boards of health would have no say in questions concerning the goldfields. The committee are of opinion that the present system of administration is preferable to that proposed, and trust you (Hon. J. W. Kirwan) will endeavour to have the Bill amended so as to retain the central board.

Also the representatives of the local authorities had informed him personally that they much preferred the existing system to that laid down in the Bill in its present form.

The COLONIAL SECRETARY: The information contained in the letter read by the hon. member was entirely news. So far the only complaints heard from the goldfields local boards or other local boards was against the central board. These bodies wanted a freer hand. It was no argument to say that men with local knowledge could be secured on a central board. A man with a local knowledge in Kalgoorlie would have no more knowledge for general administration purposes than one living in Geraldton. Public health administration should be exactly the same in Kalgoorlie as in Albany or anywhere else. It was natural that a local board with a representative on the central board would wish to continue the system, seeing that the local board had one voice in five in decisions of the central board.

Amendment put and negatived.

Clause put and passed.

Clauses 8 to 20—agreed to.

Clause 21—Annexation:

Hon. J. W. LANGSFORD: The first part of the clause was in the present Act, and provided that a municipality could take in and govern in regard to health matters an area outside its boundaries, but Subclause 2 gave power to the Governor to appoint to the local board of health administering health matters in the municipality members representing the outside area. It did not say how big the district was to be nor how many outside members were to be appointed. Thus we would have elected and nominated members sitting on the one board, and the outside members would be able to exercise authority in regard to health matters in the municipal area. This would be sure to lead to great trouble. He moved an amendment —

That Subclause 2 be struck out.

Hon. E. M. CLARKE: As Clause 20 provided that members of local boards of health should be only seven in number, would this not clash with the clause now under discussion?

The COLONIAL SECRETARY: There were populated areas outside municipalities not sufficiently large to constitute health districts, and this clause gave the power often used to annex them to existing municipal districts. The health board had power to strike a health rate over an outside area, but without the provision

in Subclause 2 there would be no representation on the board for the outside area. Gwalia was a well populated district which was annexed for health purposes to the Leonora municipality. This provision would give representation on the Leonora health board to the people of Gwalia. There was no objection to limiting the outside representation.

Hon. W. Patrick: Would members representing the outside area be in addition to the seven members on the board?

The COLONIAL SECRETARY: Yes.

Hon. E. M. CLARKE: It appeared to him absolutely necessary that there should be a differentiation between a local board of health appointed by the Governor and a local board of health which might consist of a roads board or a municipality. So far as he could read there was no distinction between such boards. It was necessary to put in some amendment to the effect that it should not operate in the case of a municipal council. There would be confusion if members from surrounding districts were trotted in.

The COLONIAL SECRETARY: Under the Bill every municipality was a local board of health. Then in Clauses 19 and 20 it was possible to create an outside local board of health. If the clause was carried as it was printed these members would sit with the other seven. There was no objection to inserting a number, but it was difficult to fix that number. The clause might be left as it was, enabling the Governor to give proportionate representation.

Hon. J. F. CULLEN: The matter would be greatly simplified if the Roads Bill provided that all areas not governed by municipalities should be included in the roads district. That would have to come sooner or later. There was no reason why Gwalia should be entirely outside a municipality or a roads board government.

The Colonial Secretary: They are not a roads board now.

Hon. J. F. CULLEN: Then the roads board would get the representation. We made a municipal council the health board for its full area although the health district might really be only one ward in that municipality.

The Colonial Secretary: No, it must be the whole municipality.

Hon. J. F. CULLEN: But the health rate and the health administration might really only vitally concern one ward. The same applied to a roads board. The health provisions were really for the little townsite within a municipality, and yet the whole of the councillors or members of roads boards would for health purposes administer that Act. That was the position.

The Colonial Secretary: No, it is not.

Hon. J. F. CULLEN: While he did not think any injustice would arise he was pointing out that there was no exactness in these portions of the Bill. Where there was a nominated board at the present time that nominated board controlled only the townsite and nothing more. That was one reason why we had these nominated health boards as distinct from those of a roads bard or a municipality.

Hon. E. M. CLARKE: There was no objection to a new district having proportionate representation, but the Minister should look the matter up because it seemed to him that the position was somewhat contradictory.

The COLONIAL SECRETARY: The clause did not relate to a roads board or a nominated local board, it only related to a municipality.

Amendment put and negatived.

Clause put and passed.

Clause 22—agreed to.

Clause 23—Application of funds where local boards superseded by roads board:

The COLONIAL SECRETARY moved an amendment—

That in lines 11 and 12 the words "Commissioner" be struck out and "Minister" inserted in lieu.

It was thought better that the Minister instead of the Commisioner should have the power of distributing these assets.

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

Clause 24, 25—agreed to.

Clause 26—Officers of local authority:

Hon. J. W. KIRWAN: Attention had been drawn to Subclause 3 which provided that the medical officer of health should also be a medical officer of schools and

school children and should perform such duties and submit such reports in connection therewith as might be prescribed by the Commissioner. It had been pointed out that this would naturally be a considerable expense on the local bodies. The Commissioner might order a frequent inspection of school children, and this would undoubtedly be a great burden on the local bodies. The local bodies on the goldfields felt that they should not be called upon to bear the expense of a medical inspection of school children because they contended it was as much a national matter as the education of the children, and that it should be treated in very much the same way. The clause also stated that every medical officer should be paid by the local authority a salary of not less than £15 per annum. If a medical officer was also an inspector of schools and school children, and carried out these instructions frequently, an expense of several hundreds of pounds might be entailed. The local bodies felt that this would be a very severe burden on them, especially in the centres where the schools were attended by upwards of 100 children. Where there were small schools with few children attending them, it would not mean very much extra work to the medical officer to examine the children occasionally, but in such centres as Perth, Fremantle, and Kalgoorlie, the work would be extremely heavy.

The COLONIAL SECRETARY: The medical examination of school children had been instituted some years ago when Mr. Kingsmill was Colonial Secretary, and a very excellent system it was. At the present time there was an officer attached to the Health Department who did nothing else but examine the children, except at times when there was diphtheria outbreak or some other circumstances which required that his services should be loaned to the local authorities. The schools practically throughout the State had been examined and some of them had been re-examined many times. It was not intended to depart from the present system. The clause would not apply to centres such as Kalgoorlie where as many as 1,500 children attended one school; the intention was that the medical officer for the inspection of school children should examine every school, but there might be a small school like that at Mount Malcolm, for instance, to which children had been added during the year, and instead of the officer journeying up from Perth, it was not considered unreasonable to ask the local authority to instruct the local medical officer to carry out the examination of the new scholars. He did not think that it would add one penny to the cost of the local board, nor did he think the medical officers would object to it. At the present time the dentists of Perth were gratuitously carrying out the inspection of the teeth of children in the interest of the establishment of a dental college or school: they had volunteered to do that work and the Government had provided materials at the cost of about £300. The medical officers would have to do very much less work than the dentists were doing; that work would only occur in isolated centres, and in most cases the medical officers would be receiving from the Government anything from £50 to £300 per annum as district medical officer.

Hon. J. W. KIRWAN: The explanation of the Minister was fairly satisfactory so far as his assurance was concerned, but the subclause was mandatory in its phrasing and the matter of instructing the local boards to have the examinations carried out practically rested with the Commissioner. The Government or the commissioner in the future might, for the purpose of reducing expenses, require even the large schools to be examined by the district medical officer, and it was desirable that the Colonial Secretary should put in some safeguard so that the ideas to which he had given expression should not be departed from.

Hon. R. LAURIE: The fear which had been expressed by Mr. Kirwan had also been voiced by various local bodies. Whilst they could rest content with the statement of the Colonial Secretary that the local bodies would not be required to pay for the inspection of children in large centres, there was no guarantee that later when he was no longer controlling the department they would not be re-

quired to pay. He thought the suggestion of Mr. Kirwan in regard to the insertion of a safeguard was a good one.

The COLONIAL SECRETARY: It would be quite impossible to lay down any hard and fast rule. The Minister had full power to veto any action of the commissioner, and this would be clearly a case for the Minister to step in, if representations were made by the local boards that an undue burden was being placed on them. It might happen that in the school at a distant place like Cue, where the children might have been examined six months ago, the occurrence of sickness in the district would render it necessary to inspect some half dozen children newly attending the school. That work could be done by the medical officer in a few minutes, thus obviating the necessity of sending an officer all the way from Perth to do it. The possibility of instances like that arising showed the inadvisability of laying down a hard and fast rule. He knew that certain medical officers of health had been alarmed at the provision when it was first inserted, but when he had explained it to them they had all, with one exception, been perfectly satisfied.

Clause put and passed.

Clauses 27 to 29—agreed to.

Clause 30—Qualifications of inspectors:

Hon. E. M. CLARKE: This was an opportune time to warn the Minister against the appointment of theorists as health inspectors. No medical officer could become practical without having had practical practice, and he wanted these inspectors to be qualified in more ways than one—not merely qualified with book knowledge but also with good practical common sense. He had seen reports from inspectors which contained a lot of rubbish and suggestions that were impossible, and he asked for an assurance from the Minister that the inspectors would be men who would carry out the provisions of the Act firmly and yet with discretion and common sense.

Hon. J. F. CULLEN: There was a danger of theoretical requirements by a medical commissioner, which would perhaps throw out the most practical inspectors appointed by the local boards, and let in more theorists who would be an infernal nuisance to people affected by the Act. No man was such a nuisance as the incapable inspector. The so-called expert who was merely crammed with a lot of jargon and had no practical common sense was not unknown in Western Australia, even in high positions. There seemed to be a possibility of the commissioner putting a difficult paper before practical common sense inspectors of the local authorities, and because they did not cross their t's and dot their i's, passing them over and appointing men who were merely able to conform to the theoretical requirements.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. F. CULLEN: The main protection so far as he could see was in tabling all regulations in Parliament. That would give an opportunity for criticism, and if need be for further action.

Hon. J. W. LANGSFORD: In the appointment of inspectors the qualifications set out by Mr. Clarke were worthy of great consideration, that large commonsense and general tactfulness should be the two main qualifications in connection with inspectors.

The Colonial Secretary: They must have technical knowledge.

Hon. J. W. LANGSFORD: One was assuming that, but something more than technical knowledge was required. He hoped the men now employed, many very worthy, but who might not be able to pass the severe examinations yet in other respects who were a credit to the board, would be justly dealt with.

The COLONIAL SECRETARY: With the views expressed by Mr. Clarke he had great sympathy. Every inspector should be well qualified, and in the metropolitan area the inspectors had qualified and all of them held certificates from the Royal Sanitary Institute. But something more was wanted and the central board had endeavoured to get practical men. At the same time the department had under consideration a system of cadet inspectors, the idea being that instead of inspectors having to do the office work the

cadets would do the clerical work for the inspectors and go out with the inspectors thus getting practical knowledge. That would largely overcome the difficulty mentioned. The president of the central board was alive to this and understood that practical men were required as well as theoretical men.

Clause put and passed.

Clauses 31, 32—agreed to.

Clause 33—Reports by medical officer of health:

The COLONIAL SECRETARY moved an amendment—

That in lines 1 and 2 the words "two months" be struck out and "one month" inserted in lieu.

The clause provided that every medical officer of health should within two months of every year present a report of the sanitary condition of a district. The time was considered too long and the amendment reduced it.

Amendment passed; the clause as amended agreed to.

Clauses 34, 35—agreed to.

Clause 36—Appeal to Commissioner:

The COLONIAL SECRETARY moved an amendment—

That in line 3 of Subclause 1 the word "twenty-one be struck out and "seven" inserted in lieu.

This would reduce the time within which an appeal could be lodged.

Hon. J. F. CULLEN: Seven days would be too short in many cases; the grounds for appeal would take a little time to think over and prepare. There would have to be communication with the commissioner, and it might be from a place where there was a weekly mail. It was a mistake to tie the time down to seven days. Many just cases for appeal would go by default through shortness of time. It should not be less than 14 days.

The COLONIAL SECRETARY: This only applied to a decision of the local authority to whom appeal did not lie; but there would be no objection to 14 days, and he would alter his amendment accordingly.

Amendment (as altered) put and passed.

The COLONIAL SECRETARY moved a further amendment—

That the following be inserted to stand as Subclauses 2 and 3:—"(2.) Every such appeal shall be brought and conducted in accordance with regulations made by the Governor." "(3.) Notice of such appeal shall be served on the secretary to the local authority within the said period of seven days, but such notice shall not operate as a stay of proceedings on the order or decision unless the commissioner so directs."

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

Clause 37—Local authorities to report annually:

The COLONIAL SECRETARY moved an amendment—

That in line 2 the word "January" be struck out and "February" inserted in lieu.

It was provided that the local authority should report annually during the month of January. The period was short, therefore the amendment was required.

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

Clause 38—agreed to.

Clause 39—Power to levy general health rate:

The COLONIAL SECRETARY moved an amendment—

That in line 4 of Subclause (1) the words "upon the capital unimproved value in fee simple" be struck out.

When first the Bill was introduced in another place it had provided that the rating should be either on the unimproved capital value or on the annual value. To this an amendment had been made restricting the rate to the unimproved capital value, whilst in respect to the sanitary rate it was still left optional. He was moving this amendment to restore the original form, as the proposed system would be unworkable in the case of municipalities rating on an annual value, seeing that they would have to make a separate valuation for the purpose of a health rate. The optional system suited the roads boards very well because some rated on the capital unimproved value while others rated on the annual value; but in the case

of municipalities it would not be workable.

Hon. D. G. GAWLER: The amendment was a good one, and deserving of support. The clause seemed to have been accepted in another place on a most inadequate discussion.

The CHAIRMAN: The hon. member was not allowed to allude to the debate in another place.

Hon. D. G. GAWLER: At any rate there was another objection, namely, the difficulty of re-arranging the books of the local authorities. To carry out the rating on the unimproved value it would be necessary to have an entirely new set of books for municipal institutions. Moreover the tax would fall heavily on unimproved land. He would support the amendment.

Amendment put and passed.

The COLONIAL SECRETARY moved a further amendment—

That in Subclause (2) all the words after "exceed" be struck out and the following inserted in lieu:—"(a) in districts from time to time declared by the Governor by notice in the 'Government Gazette' to be within this paragraph of this subsection—(i.) ninepence in the pound on the annual assessment; or (ii) when the system of valuation on the basis of the unimproved value is adopted, one penny farthing in the pound on the capital unimproved value of the land in fee simple; and (b) in other districts—(i.) sixpence in the pound on the annual assessment; or (ii.) when the system of valuation on the basis of unimproved value is adopted, three farthings in the pound on the capital unimproved value of the land in fee simple."

Hon. J. F. CULLEN: During the second reading debate he had pointed out how absurdly high were the rates. The Minister had now reduced them to a little more than one-third. He would support the amendment.

Hon. J. W. LANGSFORD: Would the Minister give the Committee some information as to the differential rates to be charged and the principle the Governor would observe in distinguishing between certain municipalities and health boards? For instance some might rate at sixpence and some at ninepence on the annual assessment, while on the unimproved values some might rate at one penny farthing and others at three farthings in the pound.

The COLONIAL SECRETARY: It would depend upon the requirements of the district. In some cases it might be necessary to strike a rate as high as ninepence, while in other cases sixpence would be sufficient.

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

Clause 40—Sanitary rate:

Hon. E. M. CLARKE: There seemed to be no fewer than five different rates. Clause 39 provided for a general health rate. Clause 40 for a sanitary rate, Clause 41 for a supplementary rate. Clause 43 for a borrowing rate, and Clause 86 for a pan rate. Would the Minister explain the necessity for five different rates?

Hon. D. G. GAWLER: There are but three. Clause 86 is optional with Clause 40.

The COLONIAL SECRETARY: The local authority might levy a sanitary rate or, alternatively, a pan rate, in addition to which there was the general health rate and the loan rate. The general health rate was for ordinary purposes. If a municipality carried out its own sanitary work it might strike either a sanitary rate or a pan rate. The borrowing rate was in order to raise money for, say, purchasing a plant to carry out the work of the local authority.

Hon. E. M. Clarke: And the supplementary rate?

The COLONIAL SECRETARY: That was clear enough; it was intended to meet any unanticipated expenditure due to some outbreak of disease.

Hon. E. M. CLARKE moved an amendment—

That in line 13 the words "ten shillings" be struck out, and "two shillings and sixpence" inserted in lieu.

The COLONIAL SECRETARY: The amount of 2s. 6d. would be altogether inadequate to do the work. Surely 10s. per

annum was little enough, as a sanitary rate.

Hon. E. M. CLARKE: Certainly the work could not be carried out under the pan rate at less than 10s. for a tenement, but it would appear that the pan rate was to be in addition to the sanitary rate.

The COLONIAL SECRETARY: No; the local authority could charge either the sanitary rate or the pan rate, and 10s. was quite little enough under either system.

Hon. W. PATRICK: Was 10s. to be the minimum charge whether services were rendered or not?

The Colonial Secretary: The minimum charge for a tenement was 10s.

Amendment put and negatived.

Clause put and passed.

Clause 41—Supplementary rates:

The COLONIAL SECRETARY moved an amendment—

That in line 2 the word "Commissioner" be struck out and "Governor" inserted in lieu.

It was thought wise to give power to require a local authority to levy a special supplementary rate to meet any extraordinary or unanticipated expenditure, but the power should be in the hands of the Governor.

Hon. J. W. LANGSFORD: It was a wise alteration the Minister proposed. One did not know of any instances where the power given in this clause had been rendered necessary, though it might appear to the Minister at times that local boards should strike higher rates to carry out their health work properly. It was to be hoped the power would be exercised very cautiously.

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

Clauses 42 to 90—agreed to.

Clause 91—New cesspools for nightsoil forbidden:

The COLONIAL SECRETARY moved an amendment—

That all the words after "constructed" in line 2 be struck out and "except within such portion (if any) of the district as may be prescribed by the local authority" inserted in lieu.

The clause entirely prohibited the construction of any pits for the deposit of nightsoil in any district; but as this might prove harsh in some country districts, the local authority was given power to prescribe any portion of a district which might be inconvenienced by the prohibition contained in the clause.

Hon. E. M. CLARKE: Was provision made by which the local authorities could be paid for sanitary services rendered to Government buildings?

The COLONIAL SECRETARY: If a sanitary rate was struck by the district there was a valuation of the Government buildings and a charge was made accordingly; but if the local board charged a pan rate the Government paid just the same as private individuals. This, however, did not always work out satisfactorily. For instance at Broome the charge, based according to the valuation of the gaol, did not amply pay for the sanitary work done. To get over the difficulty it was provided in the Bill that the local authority could charge the Government either on the pan rate or on the sanitary rate so that they would get fully paid for the work done.

Hon. J. W. LANGSFORD: The amendment moved by the Minister was reverting to a system of disposing of nightsoil supposed to be out of date many years ago. It would leave it open for districts within the metropolitan province to carry on this old system.

Hon. E. M. CLARKE: The amendment was a good one, looking at it from a practical standpoint. There was great difficulty in country health districts. For instance, at Brunswick, the board made a levy of so much per annum within a certain radius of the post office, and did not allow anything but pans to be used within that radius. In a country town there must be some method of disposing of nightsoil.

Hon. J. W. Langsford: A sanitary rate will be imposed.

Hon. E. M. CLARKE: It was held that a tax could not be imposed without representation, but, when we came to add to that, taxation for services which were not rendered, the matter became even worse. We should not make a law which it would not be possible to carry out, and this one would be next to impossible.

The COLONIAL SECRETARY: For the reasons given by Mr. Clarke the neces-

sity for making a proviso of the kind proposed became apparent. Under the Act there was no vetoing the action of the local board.

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

Clauses 92 to 114—agreed to.

Clause 115—By-laws:

On motion by the COLONIAL SECRETARY the clause was amended in line 1 of paragraph 18 after the word "made" by adding the words "when no annual charge is made under Section 86;" also by the deletion of similar words appearing at the end of the paragraph; also by substituting "Governor" for "Commissioner" in paragraph 34.

Clause as amended agreed to.

Clauses 116 to 121—agreed to.

Clause 122—Plans of buildings to be submitted to local authority:

The COLONIAL SECRETARY moved an amendment—

That the following be added to stand as Subclause (2):—"The Governor may from time to time declare by proclamation that subsection (1) shall apply in any other district or in any portion of any other district, and may at any time revoke any such proclamation, and while such declaration remains in force subsection (1) shall apply in such district or portion as if it were a municipal district."

Amendment passed: the clause as amended agreed to.

Clauses 123 to 137—agreed to.

Clause 138—Notice to be given of intention to build or open public buildings:

Hon. J. W. LANGSFORD: This clause dealt only with public buildings, and when it was the owner's intention to build he had to give notice to the Commissioner and send to the Commissioner plans and specifications drawn to a certain scale with full particulars. He quite agreed with that provision, because the Commissioner alone had the right to say that a certain public building was fit to be opened. At the same time notice had to be given to the local authority. A duplicate set of plans had to be prepared, specifications to a certain scale had to be made out, and the local authority had no right to say that the building should not be opened. They need not be consulted. It was placing upon those who wished to build unnecessary trouble and expense seeing that the local authority had no jurisdiction whatever with regard to the opening of public buildings. It was right, possibly, that notice to build should be sent to the local authority as well as to the commissioner, but it was not necessary that duplicate plans also should be sent.

The COLONIAL SECRETARY: The clause applied only to public buildings, but still the term "public buildings" had a fairly wide meaning. He was rather inclined to agree with Mr. Langsford that if the clause were strictly enforced it might cause hardship, particularly in the case of churches and buildings of that description. He was prepared to agree to a modification to the extent of sending to the local authority merely a notification of the intention to build.

On motion by Hon. J. W. LANGSFORD the clause was further amended by inserting after the word "notice" in line 1 of Subclause 2 the words "to the commissioner."

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

That Subclause 3 be struck out.

The preceding clause provided that plans should be sent to the local authority, and Subclause 3 prescribed how the plans should be drawn. That was entirely unnecessary. The architect might not draw his plans in that way, and there would then have to be special plans drawn regardless of what was the custom. The ordinary architect's plan with a block plan of the ground showing the building *in situ* should surely be ample.

The COLONIAL SECRETARY: It was necessary that the details of proposed public buildings should be strictly scrutinised before permission to build was given. If, for instance, there was a defect in a door, a block might be caused during a stampede on account of an outbreak of fire, and in that way many valuable lives might be lost. It was the details of public buildings that required the most attention. The pro-

vision might cause a little expense, but it was very necessary in the interests of public safety.

Amendment, by leave, withdrawn.

On motion by the COLONIAL SECRETARY Subclause 3 was consequentially amended by striking out the words "or local authority," in the last line; also Subclause 5 was amended by striking out the words "and lodged with the local authority," in the last line.

Clause as amended agreed to.

Clause 139—agreed to.

Clause 140—Inspection:

On motion by the COLONIAL SECRETARY the clause was amended by striking out of Subclause 3 the words, "if he so think necessary" at the beginning of paragraph (b).

Clause as amended agreed to.

Clause 141—agreed to.

Clause 142—Regulations as to overcrowding, etc., in public buildings:

On motion by the COLONIAL SECRETARY the clause was amended by striking out of line 1 the word "Commissioner" and inserting "Governor" in lieu.

Clause as amended agreed to.

Clauses 143, 144—agreed to.

Progress reported.

ADJOURNMENT—CHRISTMAS HOLIDAYS.

The COLONIAL SECRETARY moved—

That the House at its rising adjourn to Tuesday, 17th January, 1911.

There was an unusual procedure this year in having to reassemble after Christmas, but of course that is a matter beyond the power of this House. However, I can assure hon. members that I do not relish having to sit after Christmas any more than do other hon members. At the same time, as it has not been found possible to get through all the important legislation it will be necessary to meet again. I cannot of course, give any information as to how long it will be necessary to sit in the new year; it may be for a fortnight, or perhaps a month—that will largely depend on hon. members and another place. However, I take this opportunity of wishing you, Mr. President, and also the Chairman of Committees, hon. members, and the officers of the House the compliments of the season.

Question passed.

House adjourned at 8.45 p.m.

Legislative Assembly,

Wednesday, 21st December, 1910.

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

PETITION—WONGAN HILLS-MULLEWA RAILWAY BILL.

Mr. S. F. MOORE presented a petition from the Midland Railway Company praying that the Bill to authorise the construction of a railway from Wongan Hills to Mullewa be referred to a select committee, and that the company be permitted to be represented by counsel and to call and examine witnesses before such select committee.

Petition received and read.

PAPER PRESENTED.

By the Premier: Report of the Commissioner of Taxation to 30th June, 1910.

QUESTION—MR. J. G. HAY'S CLAIM.

Mr. BATH (without notice) asked the Premier: Have any inquiries been made into the claim of Mr. J. G. Hay against the Government Labour Bureau, and, if so, with what result? Possibly the Premier could not answer offhand, but I will