

## Legislative Council,

Saturday, 21st February, 1891.

Audit Bill; Message from the Legislative Assembly;  
Suspension of Standing Orders—Adjournment.

THE PRESIDENT (Sir T. C. Campbell, Bart.) took the chair at 11:30 a.m.

## PRAYERS.

AUDIT BILL—MESSAGE FROM THE  
LEGISLATIVE ASSEMBLY.

THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—"Mr. President, 'The Legislative Assembly, in reply to 'Message No. 10, acquaints the Legislative Council that it agrees to Amendment No. 1 in the Bill intituled 'An Act to amend the law relating to the Receipt, Custody, and Issue of the Public Moneys, the Audit of the Public Accounts, and the Protection and Recovery of the Public Property,' but suggests that clause 16 be further amended by striking out the word 'Parliament' in line 9, and inserting the words 'the Legislative Assembly' instead thereof. The Legislative Assembly agrees to Amendment No. 2 which proposes the insertion of a new clause, and suggests that the new clause should be numbered 20 and the other clauses be numbered consecutively.—JAS. G. LEE STEERE, Speaker."

The Standing Orders were suspended.

## IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the further amendment proposed by the Legislative Assembly, in clause 16, be agreed to.

Question—put and passed.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the new clause added to the bill by the Legislative Council be numbered 20, as proposed by the Legislative Assembly.

Question—put and passed.

The resolutions were then reported to the House and the report adopted, and a Message was ordered to be sent to the Legislative Assembly, acquainting them that the Legislative Council have agreed to the further amendments in the bill proposed by the Legislative Assembly.

## ADJOURNMENT.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the Council, at its rising, adjourn until Monday, 23rd February, at 8 o'clock, p.m.

Question—put and passed.

The House, at 12:5 p.m., adjourned until Monday, 23rd February, at 8 p.m.

## Legislative Assembly,

Saturday, 21st February, 1891.

South-Western Railway Bill: introduced—Audit Bill: amendments of the Legislative Council—Public Health Act Amendment Bill: second reading—Tobacco (unmanufactured) Bill: second reading—Adjournment.

THE SPEAKER took the chair at 11 a.m.

## PRAYERS.

## SOUTH-WESTERN RAILWAY BILL.

THE PREMIER (Hon. J. Forrest) obtained leave to introduce a bill to authorise the construction of a railway from Bayswater to Bunbury.

AUDIT BILL: AMENDMENTS MADE BY  
THE LEGISLATIVE COUNCIL.

The House went into committee for the consideration of the Message received the previous day from the Legislative Council (p. 354 ante), respecting certain amendments in the Audit Bill.

## IN COMMITTEE.

THE TREASURER (Hon. J. Forrest) said that the substance of the Message received from the Council with reference to the proposed amendments in the Audit Bill had already received the concurrence of the Assembly; but he was sorry to say that there had been a clerical omission to correct the word "Parliament" in the

ninth line of clause 16, by substituting the words "the Legislative Assembly." If members would look at the clause they would see that, by substituting these words, the words proposed to be added to the clause by the Legislative Council would read all right. With regard to the other amendment made by the Council, the addition of a clause relating to the estimates of all harbor improvements being submitted to both Houses of Parliament for their approval, they had already agreed to the insertion of this clause. He would therefore now move the following resolution: "That the Legislative Assembly, in reply to Message "No. 10, agrees to amendment No. 1 in "the Audit Bill, but suggests that Clause "16 be further amended by striking out "the word 'Parliament,' in line 9, and "inserting the words 'the Legislative "Assembly' instead thereof. The Legislative Assembly agrees to amendment "No. 2, which proposes the insertion of "a new clause, but suggests that the "new clause should be numbered 20, and "the other clauses numbered consecutively accordingly."

Question—put and passed.

Ordered—That a Message embodying the above resolution be transmitted to the Legislative Council for their concurrence.

#### PUBLIC HEALTH ACT AMENDMENT BILL.

MR. DE HAMEL: Sir, in moving the second reading of this bill, I have no intention of wearying members of the House with any arguments upon it, because I consider the amendment proposed is one that must commend itself to the good sense of every member here present. I propose, therefore, to confine my remarks to the reasons which render the amendment desirable, and the objects that will be attained by it. Before doing so, I will remind members who are in the House for the first time that the Public Health Act now in force introduced an entirely new principle with regard to the taxation of the people,—a principle that is in direct opposition to the rule which prevails in every other part of the globe where people live under a free constitution. The principle I refer to is the appointment by the Governor, instead of the election by the people, of those who

are called upon to levy taxes upon the people, and to expend those taxes. Members are aware that even in this House we are responsible to our constituents for the way in which we spend the public money. So also are the members of our Municipal Councils responsible to the ratepayers who elect them for the way in which they expend the funds of the citizens. I see, therefore, no reason why a different rule should apply under the Public Health Act from that which prevails in connection with these other institutions. That rule carries evils in its train. It leads to friction between those who are called upon to administer the Act and those who are called upon to provide the funds for its administration. It also leads to friction between the Health Boards and the Municipal Councils. There is no cohesion, there is no unity; but there is a good deal of ill feeling and discontentment. This has been already shown. I need not refer to what has occurred in Perth; all members are aware of the friction that has occurred between the Town Council and the Local Health Board. In Albany, the Public Health Act has become, practically, a dead letter. In Fremantle the Act is administered by compromise; the compromise being that the members of the Health Board have been selected by the Governor from amongst the members of the Municipal Council. But I say that where an Act can only be carried out in that way, when compromises have to be resorted to, it shows that the Act itself must be inherently faulty and bad; and the sooner it is amended the better. I go further, sir, and I say that the present clause in the Health Act is really an insult cast upon the members of our Municipal Councils; for, why should it be urged or thought for one moment that the members of these Councils, who are elected by the people to carry on the general management of municipal affairs, cannot also be trusted to carry out the provisions of the Health Act, more especially when they would be subject to the direct control of the Central Board of Health with which body the amendment proposed in this bill does not in any way interfere. Another great good which will be obtained by the passing of this amended bill is that much expense will be saved.

At the present time there are actually two sets of officials employed, one set by the Municipal Council and another by the Health Board, when one set would answer every purpose if the Health Act were administered by the Municipal Council. The towns in this colony are rated pretty heavily, as we know; and, if this amendment is passed, and the whole of the work of these two bodies is done by one, a great saving will be effected, to the benefit of the ratepayers, and more money will be available for expenditure for sanitary purposes. In submitting this amendment, I propose to make very little alteration in the principal Act. I only propose to repeal one section which deals with the nomination of members of the Health Board by the Governor, and one clause of another section, dealing with the interpretation of the term "Local Board of Health," which will have a different meaning in the future, if this amendment is agreed to, from what it has in the present Act. The House will find that I have safely—jealously, I may say—safeguarded the spirit of the Act; for though the duties of the Health Boards would be thrown upon the members of the Municipal Council, yet they would sit when dealing with sanitary matters not *quâ* a Municipal Council but *quâ* a Health Board. They will sit in the latter capacity as an entirely separate body; and, having this end in view, I wish to keep the spirit of the Act intact. It is provided by the 6th clause of the bill that the members of the Council, sitting as a Health Board, shall have the right, from time to time, to appoint one of their number as Chairman. I put that in, not only to protect the spirit of the existing Act, but also (if I may say so) to protect the Mayors. We all know that the Mayors of our municipalities have a much heavier call upon their time than the other members. At every meeting of the Town Council the Mayor must preside, *ex officio*, and at all committee meetings; and it appeared to me that it would be putting too much work on the Mayor to require him also to attend all the meetings of the Health Board. Of course, if the Mayor at any time is willing to take the chair at these meetings, there is nothing in this bill to prevent him from doing so; and no doubt the members of the Board would only be

too glad to elect him as their chairman. But should he consider his other duties onerous enough already, we here propose to give the Board the right to elect one of their own number, from time to time, to be chairman of the Board. With regard to the date of the commencement of this amended Act, it is fixed to come into operation on the first day of May, of the present year. I have fixed upon that date as it is the date, both under the Municipalities Act and the Public Health Act, when the annual audit of these bodies takes place, and I propose that the duties of the old Board shall cease, and the duties of the new Board commence, on that date, immediately after the annual audit. I trust the House will recognise the desirability of placing the powers now vested in an irresponsible body, the Local Health Board, in the hands of a body elected by the ratepayers and responsible to the ratepayers, a body which is certainly the proper body to administer this Public Health Act. With these few remarks, I now move the second reading of the bill.

THE PREMIER (Hon. J. Forrest) said he did not intend, himself, to speak on this subject, but he would ask the hon. member, after other members had spoken, to postpone the second reading until the next sitting of the House. The Attorney General was unavoidably absent to-day, and he should like him to be present before the bill was read a second time. He should not like to commit the Government to the second reading unless the Attorney General was present.

MR. DE HAMEL: I may say that I submitted the draft bill to the Attorney General, and discussed the whole of its provisions with him, and that he, with his own hand, altered the draft in one or two instances to make it in accord with his own views. The Attorney General thoroughly approves of it.

MR. HASSELL said he should have much pleasure in supporting the bill. He knew the friction that had occurred in Albany over the working of the Health Act, and the circumstances which had caused the bill to be brought in; and he should be glad to see it pass.

MR. QUINLAN said he felt it his duty to say a few words on this proposed amendment of the Public Health

Act. When it was mooted in the House some days ago that there ought to be some improved system adopted for dealing with the night-soil nuisance, he then suggested that the Central and Local Boards be amalgamated, and placed under the control of the Municipal Council. He had thought the matter over since, and came to the conclusion that it would not be advisable to have those two bodies amalgamated, as he thought it was necessary there should be one supreme authority in sanitary matters, which ought to be the Central Board. He thought, however, that the Local Boards should be placed in the hands of the Municipal Councils, as proposed in this bill, which he would have much pleasure in supporting. He thought it was very necessary that this should be done, in the interests of the ratepayers. He could speak specially of Perth, where, he knew, it had been a very difficult matter to get anybody to undertake the duties of the Local Board of Health, which were by no means pleasant duties, especially when the number of members was small. With the Municipal Council, where the number of members was greater, they would have a stronger body for carrying out sanitary reforms, and a body against which the ratepayers, who elected them, would not be so inclined to kick as they were against a body that was not elected by them, and who was not responsible to them in any way. He intended to support the bill.

MR. SCOTT said that being one of those who took a most active part in the passing of the Public Health Act of 1886, he ought perhaps to say something with regard to the principle sought to be introduced in this Amendment Act. No doubt the principle in itself was a right one; but, with regard to the administration of sanitary matters, he believed it had been pretty generally recognised that bodies elected by the popular voice were very prone not to deal with such matters in that stringent way in which they ought to be dealt with. They did not care to offend their supporters, the ratepayers. Of course if the people of this colony were bent upon having the Municipal Councils to administer the Health Act, all he could say was he hoped those bodies would rise equal to the occasion, and do what no Municipal

Council in this colony had yet done—strictly enforce the provisions of the law as regards sanitary matters. No doubt the principle was a good one, that those who provided the funds for such purposes should have a voice in the appointment of those entrusted with the administration of those funds. This brought them face to face with another phase of the question. With regard to taxation for the administration of the sanitary government of towns, the question of whether the funds should be provided entirely by each individual Municipality, or whether partly by the State, touched upon the question of who should be the party administering the funds. If the burden of taxation bore most heavily upon Municipalities they ought to administer them; but if the money was to be supplemented by the State, as he thought it ought to be, the State had a claim to be represented by a different class of people altogether. He did not propose to oppose the bill, as it seemed to be the wish of the people generally to have this alteration, but he was doubtful as to its issue.

MR. CANNING thought the hon. member for Perth had put his finger on a weak spot in the bill, and that was: whether the members of a Municipal Council, being elected by the people and dependent on the people for their position as councillors, would have the same freedom as the members of an independent Board nominated by the Governor. He did not intend to oppose the bill, but he thought it should be recorded that they had observed this weak spot in the bill, so that if hereafter the bill was found not to work well, they would be able to speak with more effect on the subject than if they had adopted the bill as a perfect one.

MR. RANDELL said that when the Public Health Act was first introduced he took very strong grounds on this point, and did his best to obtain a victory in the direction now proposed, namely, that the Municipal Council should also constitute the Local Health Board. It was notorious that the principle introduced into the existing Act had not worked satisfactorily. He might go further, and say that even although the Municipal Council, as now proposed, should also be the Health Board, the Act—and the same applied to any other

Act—would not work satisfactorily and efficiently unless the people themselves threw their energies into it. The present Act had excited a great deal of ill-feeling, in consequence of the members of the Local Board being nominated by the Governor, and the fact had been recognised by the Government, for, of late, the practice had been to ask the Municipal Council to appoint some of its own members as members of the Board of Health. This was done, he presumed, as a concession to public opinion. But even that did not seem to have answered very well, and there appeared to be no other course open but that now suggested. The only question was whether the present was a suitable time for altering the Public Health Act. He was not prepared to say that it was, or that it was not. What he meant was, whether the Act had yet had a fair opportunity of showing whether it was capable of working well or not. It had not been in operation very long, and it introduced an entirely new principle. With regard to the proposal in clause 6, that each local Board should appoint its own chairman, it was the custom elsewhere for Municipalities to appoint various committees for dealing with various branches of the municipal work, and, amongst others, they appointed a Sanitary Committee, and he believed that in some instances the Mayor was *ex officio* the chairman of these committees, while in other cases they elected their own chairman. He did not know whether it would be better to have a clause permitting this to be done—that was, giving them the option—or whether they should provide that each Board should appoint one of its members to be the chairman. The Premier had expressed a wish that the bill should not be read a second time until the Attorney General was able to be present. He might say that he had heard, on several occasions from the present Attorney General, before he was Attorney General, an expression of his personal opinion in favor of the principle sought to be introduced by this bill—that the Municipal Council should also be the Local Health Board. Perhaps the hon. and learned gentleman was not so strong on the point as he (Mr. Randell) was, but he held that opinion. He might also be permitted

to mention that in the course of a public speech recently made here by a very high authority, in speaking to the toast of the City Council, words to this effect were used, in reference to the claims which the Council had on the sympathies of the citizens: "They are the guardians of our health,—if they are not they ought to be." He made a mental note of the expression at the time. He was prepared to support the bill, on the whole, though, perhaps, if it had been deferred to another session, the result might have been better. But as the bill had been introduced, perhaps it would be as well to let it pass.

MR. PEARSE thought the principle sought to be introduced in the bill was a very good one. He thought it was only right that the municipal authorities should have the control over sanitary matters. He knew that in Fremantle the members of the Health Board were also members of the Municipal Council, and they had done their work well, and there was very little fault to find with them. When the Board consisted of members nominated by the Governor it did not work so well, and there was a good deal of friction between the Board and the Town Council. He believed that good results would come from this measure if carried into law. He should, therefore, support the second reading.

MR. R. F. SHOLL said that when this bill was before them on a former occasion he was rather opposed to it, for the reason that he did not think that the members of the Municipal Council, who were dependent on the ratepayers for their seats, would strictly carry out the Health Act, or, in other words, enforce a strict supervision over sanitary matters, in the interests of the public health. But he found that the present system worked so very unsatisfactorily that he thought it would be well if something else were to be done as a trial, at any rate, by way of experiment. No doubt, the members of the Municipal Council, who were responsible to the citizens who elected them, ought to be able to deal with sanitary matters in a manner more satisfactory to the public than a body that was responsible to no one. At any rate, the ratepayers, if they were dissatisfied, would be able twice a year to call their representatives to account if

they did not carry out their duties. He knew it had caused a great deal of dissatisfaction among municipal bodies to have to levy a health rate to be expended by another body over whom they had no control whatever, so that he thought that on the whole it would be better to give a trial to this new system, and let us see what the Municipal Councils would do. He must say that under the present system the health rate had been virtually wasted, and the Public Health Act had not been carried out as it ought to be. Therefore, he intended to support the present bill, though, with the hon. member for the Moore, he thought, instead of bringing it forward at the fag end of the session, it would have been better if it had been postponed until next session, when they would have had more time to consider the whole subject.

MR. TRAYLEN thought that for the very reason just given by the hon. member for the Gascoyne they ought to go carefully to work before amending the Public Health Act in the direction sought by the hon. member for Albany. At the next session, he was persuaded, it would be necessary for somebody—either the present Board of Health or the Municipal Council—to come to that House for increased powers. He thought it was impossible to work the sanitary arrangements of the city of Perth satisfactorily unless the Legislature gave increased powers to whatever body was entrusted with their administration; and, if the hon. member who had brought forward this bill would consent to postpone it until the next session of the Legislature, he thought it would be advantageous, because the whole subject would then be brought under review. He might point out that there had lately been sitting a committee consisting of members of the Local Board of Health and other gentlemen interested in the subject, and the recommendations of that committee would shortly be before the public. It would then be found that the committee advocated a completely new system of dealing with certain phases of sanitation, which system might meet with the approval of the citizens. Therefore, he thought it would be unwise to make an alteration in the Health Act now, when in a few months hence they might

want further alterations in the Act. There certainly was one strong argument in favor of amending the existing Act in the direction sought by the hon. member for Albany, and it was this: the present Board of Health had no control whatever over the soil of the streets. That soil was vested in the Municipality; and, however much the Board of Health might find it advisable to recommend any alteration in this drain or that gutter, it was impossible for the Board to do anything in the matter, because they had no control over the soil of the streets. There were two or three very pressing cases of this kind now, and the only way out of the difficulty was that some new drains should be laid down in the streets of the city; but people could neither put down these drains themselves nor could the Board of Health authorise them to do so. In the meantime all the waste water in that part of the town was not only a nuisance to the occupiers of the premises themselves, but also, in one particular instance, a nuisance to the whole neighborhood. He did not oppose the principle sought to be introduced by this bill,—that of making the Municipal Council the Local Board of Health; but he thought it would be well if the hon. member could see his way clear to postpone it until further amendments, which were absolutely necessary, as he thought, for the sanitation of Perth, might be brought before the House.

MR. DE HAMEL said that, where an evil existed and was acknowledged to exist, the right course was to remove that evil as soon as possible,—take the shears and lop it off. Therefore, he should certainly be opposed to any further postponement of this measure, unless he heard some stronger argument for delay. A certain evil was proved and acknowledged to exist, and the sooner that House removed it the better. As to the late period of the session at which the bill had been introduced, he might say that he had wished to introduce it at an earlier period, but the Government had their own important measures before the House, which occupied their full attention; and, in addition to that, he wished to place the draft of the bill before the Attorney General, and it took some time before they were able to get an opportunity of

going through it. He had only to say, in conclusion, that the Central Board of Health was really the keystone of the whole of the Health Act; it was the pivot on which the whole Act turned; and the Municipal Council would only have to administer the Act under the direction of the Central Board. It might be necessary hereafter to strengthen that Board; but, to do that would not make any further powers necessary as regards the Boards acting under its guidance. No alteration of the Act could affect the principle involved—that of handing over to the Municipal authorities the control of local sanitary matters and the administration of the Health Act, instead of having it vested in a Board nominated by the Governor.

Motion—put and passed.

Bill read a second time.

#### TOBACCO (UNMANUFACTURED) DUTY BILL.

##### SECOND READING.

THE TREASURER (Hon. J. Forrest): As was agreed to by the House yesterday, I now submit for the approval of members a bill to increase the duty payable on unmanufactured tobacco. I do not think it will be necessary for me to add very much to what I said yesterday with reference to this measure. As I said then, the object which the Government have in view is to protect the revenue of the country. At the same time we do not wish to press hardly upon individuals. As I pointed out yesterday, the position in which the local manufacturer will be placed in this colony, when this additional duty is imposed on the raw material, will not be worse—and, in some cases, it will be better—than the position of the manufacturer in the other colonies. Looking at all the circumstances, the Government were of opinion, having regard to their duty to protect the public revenue, while at the same time not unmindful that individual enterprise, in the form of establishing a local industry, was deserving of encouragement—the Government were of opinion that an increase in the duty on unmanufactured tobacco from 1s. to 2s. would be a fair and reasonable increase. Of course I am aware that this increase must necessarily press upon the local

manufactory recently established in our midst; but, so long as we do not press more hardly upon our local manufacturers than the other colonies do upon their local manufacturers, I do not think these gentlemen will have any just cause for complaint. It has been suggested to me that, in order to partly make up the deficiency in the revenue, the duty on manufactured tobacco should also be increased; but I do not see any reason why we should tax the whole community of smokers for the benefit of individual manufacturers. I take it that the House, in agreeing to the resolution which it did yesterday, has already affirmed the principle of this bill; the amount of the increased duty we can discuss in committee, but I do not think it can be said that the Government propose anything that is unfair or unreasonable. It is impossible that we should run the risk of losing some £10,000 a year, or more, in order to encourage the local manufacture of tobacco. We are all very desirous of encouraging the establishment of local industries amongst us, but we cannot be expected to do it at such a cost to the revenue as all that. The first object of the Government must be the protection of the revenue of the country. We are about to inaugurate an extensive system of public works, and members are as well aware as the Government is that we cannot afford to lose any revenue. While we do not wish to do anything to jeopardise or unnecessarily harass any local industry, I think it would be unreasonable for any individual manufacturer to expect us to sacrifice £10,000 or £15,000 a year for his benefit. I know, of my own knowledge, that when the gentleman who has established this factory at Fremantle interviewed myself and other prominent members of the late Legislature, some time ago, on this subject,—as to whether an additional tax was likely to be imposed—my reply to him was that he must take his chance of that; so that he knew very well that this rod was hanging over him, and if he was a wise man (as no doubt he is) he must have known that the Legislature of the colony must take care that the public revenue is protected. That, as I have said, is the only object the Government have in view—the protection of the revenue of the colony—in asking the House to agree

to this increase in the duty on unmanufactured tobacco.

MR. RICHARDSON said it appeared to him that rather an important element, in considering this question of an increase of duty on the unmanufactured leaf, was this: how much of the raw material went to make up a pound of the manufactured article. The proposed duty would leave the local manufacturer a margin of 1s. to work upon, pound for pound; but then came the further question of whether 1lb. of the leaf tobacco did not make a great deal more than 1lb. of manufactured tobacco. If it made 2lbs., then the local manufacturer was doubly protected. On the other hand, if the leaf lost in weight when made up, the local manufacturer did not have a margin of 1s. to work upon. He thought the House was entitled to this information from some impartial authority. He should also like to know what amount of revenue the colony was likely to lose by these differential duties upon the unmanufactured and the manufactured article. He believed in fostering local industries. The fact of this company having come here and established themselves as manufacturers of tobacco, introducing labor, and spending some thousands in the erection of buildings and machinery, entitled them to some consideration; but the question was, to what extent could the colony afford to be considerate,—how much revenue could it afford to sacrifice, in order to encourage this particular industry in the case of this particular company.

MR. A. FOREEST said that perhaps the Premier, by Monday, before going into committee, would endeavor to find out from some independent source the quantity of leaf it took to make up the same weight of manufactured tobacco. He had been told by one authority that 1lb. of leaf would make 4lbs. of tobacco; but he could hardly believe that. Another authority told him the gain was only about 7 per cent.

MR. R. F. SHOLL said the revenue, no doubt, must be protected; at the same time he did not think it was the wish, either of the Government or of that House, to strangle in any way this new industry started in their midst. It had been suggested that the duty on the imported manufactured article should be

increased; he was totally opposed to that. He thought the duty on manufactured tobacco was quite heavy enough already.

Motion agreed to.

Bill read a second time.

#### ADJOURNMENT.

The House adjourned at one o'clock, p.m.

### Legislative Council,

Monday, 23rd February, 1891.

Federal Constitution for Australia: Message from the Legislative Assembly—Federal Convention: appointment of delegates to—Scab Bill: first reading; Suspension of Standing Orders; second reading; committee; progress—Adjournment.

THE PRESIDENT (Sir T. C. Campbell, Bart.) took the chair at 8 o'clock.

#### PRAYERS.

#### NATIONAL (FEDERAL) CONVENTION—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—

“*Mr. President,*

“The Legislative Assembly acquaint the Legislative Council that they have this day agreed (1) to the following resolutions adopted by the Australasian Federation Conference on the 13th of February, 1890:

“(a.) That, in the opinion of this Conference, the best interests and the present and future prosperity of the Australian Colonies will be promoted by an early union under the Crown; and, while fully recognising the valuable services of the Members of the Convention of 1883 in founding the Federal Council, it declares its opinion that the seven