Legislative Council.

Tuesday, 27th September, 1910.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report of the Royal Commission on the establishment of a University. 2, Roads Act, 1902—Additional By-laws of the Murray Roads Board. 3, Audit Act, 1904—Amendment of Regulations under Section 71. 4. Audit Act, 1904—Orders in Council under Section 35. 5, Annual Report of the Public Service Commissioner.

OATH OF ALLEGIANCE.

The Hon. C. Sommers (Metropolitan) took and subscribed the oath of allegiance to His Majesty King George V.

QUESTION — CRAWLEY PARK PURCHASE.

Hon. J. W. KIRWAN asked the Colonial Secretary: What was the price agreed on by the Government for the purchase of the Crawley Park estate; also the area acquired; and whether the sum will be taken from revenue or loan funds?

The COLONIAL SECRETARY replied: 1, £15,500. 2, 154 acres 2 rods 99 poles. 3, Loan funds.

QUESTION — TRANSCONTINENTAL RAILWAY, WATER SUPPLY.

Hon. J. W. KIRWAN asked the Colonial Secretary: 1 Whether good water was struck by the boring party at Madura (No. 3 bore) in the vicinity of the route of the Transcontinental railway at a depth of between 300 and 400 feet? 2, How does that water in the matter of supply and quantity compare with the artesian water subsequently struck below 1,300 feet?

The COLONIAL SECRETARY replied: 1, The local water struck at No. 3 bore at a depth of 300 feet is useable for stock and domestic purposes, but is not at all first-class boiler water. 2, The subartesian water struck at 1,270 feet gives indications of being a useful boiler water.

QUESTION—BANKRUPTCY LEGISLATION.

Hon. J. W. KIRWAN asked the Colonial Secretary: 1, Whether the attention of the Attorney General has been called to the severe strictures of Mr. Justice McMillan, as reported in the *West Australian* of 24th June last, regarding the bankruptcy legislation of this State, in the course of which his Honour referred to the various difficulties of reconciling the original Act with the amendment Act of 1898, and stated that if the original Act had been left untouched the commercial morality of the place would have been much higher than it was at present, adding:—"Some day we shall, I suppose, have uniform legislation for the whole of Australia, and when that time comes I have no doubt that this Act will find its way into the proper place for it, which, in my opinion, is the waste-paper basket. In the meantime I have to endeavour to make some sense out of the two Acts read together. As a rule I read nonsense, because it is impossible to bring about any other result, and to-day I am obliged to come to another nonsensical conclusion."? 2, Whether, as no promise of the introduction of uniform bankruptcy legislation has been made by the Commonwealth authorities, nor does there seem any likelihood of their bringing any such proposals forward in the near future, the Government do not consider it advisable to introduce legislation to overcome the grave difficulties pointed out by his Honour?

The COLONIAL SECRETARY replied: 1, Yes. 2, The Commonwealth authorities have already held a conference on this question, at which a representative of each State was present, and a Bill for the purpose of introducing uniform bankruptcy legislation has been prepared. Until the Federal Government give a definite statement as to their intentions with regard to such Bill, State action is not considered desirable.

MINISTERIAL STATEMENT—CHANGE OF GOVERNMENT.

The COLONIAL SECRETARY (Hon. J. D. Connolly): Since last this House assembled there has been a change in the Government. The late Premier, Sir Newton J. Moore, was forced to resign on account of ill-health. Notwithstanding that he is a young and apparently vigorous man the work of the office for which he was responsible was so strenuous that his health became impaired, and, as I say, unfortunately he had to resign. During the recess a new Ministry has been fomed by the late Minister for Works, the Hon. Frank Wilson. All the Ministers in the old Administration have taken office under Mr. Wilson, with the addition of Mr. Daglish, the member for Subiaco, who takes the portfolio of Works, and also the Hon. R. D. McKenzie, representing the North-East province, and Hon. A. Male, the member for Kimberley, who have accepted office as Honorary Ministers.

Hon. J. W. Hackett: What changes of policy are there?

The COLONIAL SECRETARY: The Premier will announce the policy of the Government.

LEAVE OF ABSENCE.

On motion by Hon. R. LAURIE, leave of absence for two months granted to Hon. M. L. Moss on the ground of urgent business.

On motion by Hon. J. F. CULLEN, leave of absence for two months granted to Hon. C. A. Piesse on the ground of urgent private business.

BILL—PHARMACY AND POISONS ACTS COMPILATION.

Introduced by the Colonial Secretary and read a first time.

BILL—JURY ACT AMENDMENT.

Introduced by Hon. W. Kingsmill, read a first time and ordered to be printed.

MOTION — STANDING ORDERS AMENDMENT, LAPSED BILLS.

Hon. W. KINGSMILL (Metropolitan) moved—

That for the greater expedition of public business it is, in the opinion of this House, desirable that Standing Orders be adopted by this House similar to those in force in the Commonwealth Senate, providing that the consideration of lapsed Bills may be resumed at the stage reached by such Bills during the preceding session.

He said: It would appear to anybody who has given the subject any thought that, like the flowers, this motion blooms in the spring. In 1907, in 1909 and, again, in this year, 1910, strange to say on each occasion in the month of September, I have been impelled to give notice of this motion. In the circumstances I do not think it necessary for me to dilate on the merits of the motion and its meaning, for it is practically self-explanatory. However, for the benefit of those members who have joined the Council since last session, it would, perhaps, be as well to point out what the object of the motion really is. As those members are perhaps aware, when a Bill is introduced into Parliament—suppose it is introduced in this branch of the Legislature and runs its course, perhaps, as far as the third reading and then expires through the end of the session coming; if it be desired that the Bill be re-introduced in the next succeeding session it is necessary that this Chamber shall go through all the work it has previously devoted to the Bill. It seems to me, as it has seemed to others, that this is a case of wasted effort, and that it would be reasonable and logical if the work once given to the Bill should count once for all. An

example of what may happen is not wanting. We have now, for the fifth time, before Parliament a large Bill being considered in another place—I refer to the Health Bill. Personally, I am afraid there is not much chance of that Bill getting through this session. I am not taking a pessimistic view of the situation, I think, but having regard to all considerations there does not seem to me to be much chance of getting that Bill through this session. Unless a Standing Order of this kind is passed it would appear that in respect to large Bills, such as the Health Bill and the Licensing Bill, it is almost an impossibility to get such measures through both branches of the Legislature in one session. It is obvious that the larger the Bill the more points of attack are presented to those opposed to it, and it is very rarely we find even in this, the more peaceful branch of the Legislature, that members agree on all points in any measure. That being so, it was with a view of adding to the expedition of public business and also in order to obviate the expense that is going on year after year in printing not only these Bills, but also the debates on the Bills, that I have been impelled on three occasions—I hope this will be the last—to ask that this Standing Order should be passed. It has been the custom hitherto to send a Message asking the other place to concur with it. That may or may not have been the best course to adopt, but if, as I suppose and hope, members accept the motion on this occasion, I propose to adopt the same course. There is no reason, however, why we, as an independent Chamber, should not adopt this Standing Order and leave it for the Assembly to adopt it or not as they think fit. If this were done it would be a step in the right direction. I propose to think it over, and if the motion is agreed to I will ask that it be an instruction to the Standing Orders Committee, which during the last year or two has not been overworked in this Chamber, to prepare Standing Orders to this effect and place them among our Standing Orders. I should explain that the new provision will only apply where there is no periodical election in the Council or general election in the Assembly between the two sessions. This should be so, because new members come into the Council or the Assembly who have not considered the Bill like the old members did, and to whom the provisions in the measure are new. The Standing Orders I allude to are those adopted by the Commonwealth Senate. It is provided by Standing Order 234 of the Commonwealth Senate—

> If in any session the proceedings on any Bill shall have been interrupted by the prorogation of Parliament, the Senate may in the next succeeding session by resolution, order such proceedings to be resumed; providing a periodical or general election for the Senate has not taken place between two such sessions.

Thus it will be seen that it is not a Joint Standing Order, but a Standing Order relating to the business of the Senate alone, and there is no reason why a Standing Order to that effect should not be embodied in our Standing Orders. In order to make it more effective, however, it would be well if the Assembly had a similar Standing Order. So as to safeguard the possibility of Parliament acting in a hurry, the Commonwealth Parliament have adopted Standing Orders 234a, 234b, and 234c. Standing Order 234a reads as follows:—

> Any public Bill which lapses by reason of a prorogation before it has reached its final stage may be proceeded with in the next ensuing session at the stage it had reached in the preceding session, if a periodical election for the Senate or general election for either House has not taken place between two such sessions, under the following conditions:—(a) If the Bill be in the possession of the House in which it originated, not having been sent to the other House, or, if sent, then returned by Message, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper.

These lapsed Bills do not automatically come back to the Notice Paper for they must be placed there by resolution. It is quite possible that during recess certain members might disapprove of the attitude

adopted when the Bill was being considered previously and might like to refuse to restore the Bill to the Notice Paper and rescind the action taken in the previous session. There is an efficient and subsequent safeguard in Paragraph (b) of the Standing Order which says:—

> If the Bill be in the possession of the House in which it did not originate it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper, but such resolution shall not be passed unless a Message has been received from the House in which it originated, requesting that its consideration may be resumed.

That is to say that when a Bill has been considered by one branch and passed to another it becomes the property not only of the branch in which it originated but also of that in which we now find it. These shortly are the Standing Orders which affect the situation and which I am desirous of having placed among our Standing Orders, and if possible having them placed among the Standing Orders of the Assembly as well. I do not think there is anything I can add on the subject. My experience has been that whereas, in this Chamber at all events, and I believe in another Chamber also, this innovation, as members have looked upon it, met with little favour at first, still, on thinking it over, members in both Houses have come to see that nothing but good can come from it, nothing but the saving of money and time, which it is our duty to save if the opportunity offers. I have very much pleasure in moving the motion.

Hon. T. F. O. BRIMAGE (North-East): I second the motion.

Hon. R. W. PENNEFATHER (North): I beg to support the motion. We have had the subject debated in this House on two or three occasions and all the arguments the hon. member has produced are very strongly in favour of the motion. It will be a saving of time and expense, and in the interests of the country, if it is passed. There are sufficient safeguards enumerated to protect the rights of members who may choose to alter their views between one session and the following. I do not think there is anything to be gained by going over the old ground, but the hon. member has made a study of the question and the Chamber is very much indebted to him for the interest he has taken in the matter.

Question put and passed.

Hon. W. KINGSMILL moved—

That a Message be sent to the Legislative Assembly acquainting them with the fact that this Chamber has passed the motion and asking for their concurrence.

Hon. J. W. KIRWAN (South): In connection with this motion I would like to ask the proposer whether the Messages, which I take it were sent previously by this House to another Chamber, were answered by the Legislative Assembly. I understand that a resolution similar to this has been passed twice by this Chamber and I presume a similar motion directing that it should be sent to another place was also passed; I would like to know if any replies were received to these Messages, and if so, what were their nature.

Hon. W. KINGSMILL: I am very pleased to be able to give the hon. member the history of this matter. The first time the motion was moved a Message was sent asking that the Standing Orders Committee of the Assembly should meet and pass an opinion as to the advisability of placing a Standing Order of this sort amongst their Standing Orders. After a good deal of trouble the Standing Orders Committee of the Assembly met and passed a totally irrelevant motion to the effect that until the Legislative Council chose to amend their Standing Orders in relation to the attitude to be taken up in regard to money Bills, they could not consider a Message of this or any other sort from this Chamber. That was a totally irrelevant answer.

Hon. J. W. Kirwan: Sometimes they do not answer at all.

Hon. W. KINGSMILL: They sent an answer to it on that occasion. On the second occasion the Message sent to the Legislative Assembly was somewhat differn, inasmuch as we simply asked, as I ask now—and I would like, with the permission of the House, to amend my motion,

as it is not quite what it should be—for their concurrence in the course we had taken. We do not need their concurrence, because we are able to take an independent course. That Message reached the Legislative Assembly but, owing to the congested state of the business in that place at the time, there was not an opportunity provided for its consideration, although I understand from inquiries I have made that the majority of the members of that House are strongly in favour of the motion. I would ask the leave of the House to withdraw my motion.

Motion by leave withdrawn.

Hon. W. KINGSMILL moved—

That a Message be sent to the Legislative Assembly acquainting them that the Legislative Council have passed a resolution as set out hereunder and asking them to pass a similar resolution.

Hon. R. W. PENNEFATHER: I second the motion.

Hon. J. F. CULLEN (South-East): It may seem perhaps rather close criticism, but I think it would be in better form to word the motion differently.

The PRESIDENT: Perhaps the hon. member will move an amendment.

Hon. J. F. CULLEN: When I have put my view before the hon. member perhaps he will amend the motion. I am not sure whether it is quite in form for this House to request the other House. It is quite right to inform them of the action we have taken, but the utmost we should do is to suggest the desirability of the other House considering the matter with a view to passing a similar motion. Instead of the words, "request the other House" we might say, "the other House be informed of the action taken," and suggest the desirability of that House considering the matter with a view to similar action,

Hon. W. KINGSMILL: The word "request" has been sanctioned by years of usage in Messages passing between this House and the Legislative Assembly. I am quite willing to fall in with any reasonable request. I do not wish to alter my motion.

Question put and passed; a Message transmitted accordingly.

BILL—HOSPITALS.

Second Reading.

Debate resumed from the 6th September.

Hon. W. KINGSMILL (Metropolitan): Since we last met I have given a good deal of thought and attention to this Bill which we are called upon to consider, and I find, apparently, that other people have been doing the same thing. I secured the adjournment of the debate expecting to go on with the second reading this afternoon, but I find that I have been forestalled; for I find that a very effective second-reading speech, prepared evidently during the late hours of last night, or in the early hours of this morning, appears in the columns of the *West Australian* newspaper. I am very glad to see it, although a good many of my arguments have been forestalled by the said article. Of course we all admit, and I do not think anyone who has studied the question can do anything but admit, that for a very long time past the hospital system of the State has been in a more or less haphazard condition. There are only two hospitals in the State working under an Act of Parliament; the rest are working under departmental rules and regulations, which are binding on the department but which have not the force of law in relation to the hospitals. This is to be regretted, because a great many hospitals —I think the Colonial Secretary put the number down at 29—are assisted hospitals.

The Colonial Secretary: Twenty-nine are assisted, I think.

Hon. W. KINGSMILL: There are 29 assisted hospitals working under the subsidy provided by the Government, which it is not compulsory for the Government to pay, but which depends on the goodwill of the department and the Minister. It would be far better if a definite course of action were taken in this particular, and that each hospital should know definitely what it has to expect. In that connection some attempt to amend the present state of affairs must meet with the sympathy of hon. members, and it meets with my sympathy. Whether the present Bill offers the best solution of the difficulty it is for us to settle, and in my

opinion there are ways in which the present Bill can be materially improved. I have long thought, and, indeed, I have given expression to the opinion in this Chamber often, that absolutely the best system of hospital administration is that system which is followed in New Zealand, where the hospital and health administrations go hand in hand, where each district is rated—they have ratable districts there—and a district is rated for health and hospital purposes, and the rates are spent on the health and hospital requirements which crop up within the district where the rate is raised. I am aware that the pursuit of this system offers a good deal of difficulty in Western Australia for the reason that it is impossible in the remoter parts to make the rating sufficiently high to avoid its being too irksome, in order to raise the money needed for the upkeep of the hospitals and the better carrying out of the health laws. In the three large districts, I refer to the metropolitan district, the Fremantle district, and the goldfields district, a system similar to that in force in New Zealand could, with advantage, be followed here. The leader of the House said that it was the desire of the Government to get the people to take a larger interest in hospital affairs, to render hospitals more self-supporting and bring about a better state of affairs in connection with hospital management in the State. In that aspiration we all join. As to whether the Bill will provide the means of carrying that out is a question we have to consider. It is proposed under the Bill to create for all hosptials two new bodies; the first is a board of trustees with financial powers throughout the whole of the State, and some of the financial powers appear to be arbitrary to the verge of despotism; that is one body. Then it is proposed in the case of each hospital to appoint a board of six or nine persons, a local board which will have within certain limits the administration of the hospital for which it is elected. These boards will be so restricted on the one hand as to their financial powers, and as regards the Medical Department on the other hand, that it will be somewhat difficult for the Minister controlling that department to get people to serve upon them. We shall have the boards ground between the upper millstone of the department, and the lower millstone of the trustees. I fancy the Colonial Secretary will find it somewhat difficult to get bodies like the Perth Hospital Board and the Fremantle Hospital Board to endorse his proposals in this connection. I have not heard anything from these gentlemen in this connection, but I think they will find a considerable portion of their power, when dealing with their finances, which is provided in the Bill, and which is solely in the hands of the trustees, taken from them.

The Colonial Secretary: Not the finances as to administration, but the land.

Hon. W. KINGSMILL: Yes; lands, and the gifts made to hospitals. That is a power which they think they possess at the present time.

The Colonial Secretary: No, they do not.

Hon. W. KINGSMILL: Well, a sum of £1,000 was left to them but they have not received it. The Medical Department is administering it for the benefit of the board and paying them the interest; is that not so?

The Colonial Secretary: No; they are aware that it was an endowment and it has been kept as an endowment.

Hon. W. KINGSMILL: However, the Colonial Secretary is already making a start with the system, which is proposed in the Bill for legislative enactment, therefore, I must congratulate him on putting into legal form what he already practises. That being so it will be somewhat difficult to get people to serve on these boards when so much of their independence is gone. Let us consider the details of the Bill; and the first thing I notice is in Clause 9, paragraph (2) of which is as follows:—

> If the trustees shall, having regard to all the circumstances of the case, conclude that any portion of the capital or income of any future bequest or legacy held in trust for any hospital cannot be advantageously used for the purpose of that hospital, they may, with the consent of the Governor, apply the same for the benefit of any other proclaimed hospital.

I have informally consulted, without the payment of the ordinary 6s. 8d., many legal gentlemen on the question, and they

all agree that it is going rather far to alter the testamentary wishes explicitly expressed of any person who wishes to leave money to certain hospitals, so as to make those funds applicable to the funds of any other hospital; it is not in accordance with the best practices of the law as understood in the British Empire.

Hon. D. G. Gawler: A very bad principle.

Hon. W. KINGSMILL: So I understand. One gentleman said that it was unprincipled. I think it is rather a pity this should be done. The Colonial Secretary, when talking about this, delivered himself of the opinion, that the control of a hospital like the Kalgoorlie hospital militated against the possibility of any person who has made a large sum of money on the goldfields—and there are many of them—leaving a portion of his wealth to the Kalgoorlie hospital. Suppose for a moment some gentleman, under the control which is proposed in the Bill, did leave a sum, say £500, to the Kalgoorlie hospital, and then departed this life, and the trustees, having considered the circumstances of the case, said, "the Kalgoorlie hospital does not want this money, but in view of the circumstances of the Perth hospital we will divert the money to the purposes of the Perth hospital."

The Colonial Secretary: The Bill gives them no such power; they cannot go outside the conditions of the trust.

Hon. W. KINGSMILL: Then has the English language altered? There is nothing of that kind in the wording of paragraph (2); it says there, as to the condition of the trust—

> the capital or income of any future bequest or legacy held in trust for any hospital cannot be advantageously used for the purposes of that hospital, they may, with the consent of the Governor,

I presume the Governor means the Governor-in-Council acting on the advice of the Minister. The paragraph continues—

> apply the same for the benefit of any other proclaimed hospital.

It is as plain, from my way of thinking, as can be. If the trustees believe that a bequest made to the Kalgoorlie hospital might be better used in connection with the Perth hospital, it may be so used. I know a number of Kalgoorlie people who have died, but who would return to the earth if such a condition of affairs took place. I venture to say, when the Bill is in Committee it would be a very good thing if paragraph (2) were excised. I think it is a totally new departure; it is the widest and most audacious clause of the sort that has ever come before this Chamber. I hope in Committee this paragraph will be excised. Then again in Clause 12 the method of dealing with the Padbury bequest is very peculiar. As I understood the Colonial Secretary, it is proposed for the purpose of this bequest to pool the amount of the bequest which is going to the hospitals set out in the schedule of the Bill, and with that money it is proposed to build a convalescent home.

The Colonial Secretary: Not necessarily.

Hon. W. KINGSMILL: If the clause is passed as it stands undoubtedly it will be necessary.

The Colonial Secretary: That is so, but it is open to discussion; we are not hard and fast to that.

Hon. W. KINGSMILL: Will the hon. member introduce a new clause?

The Colonial Secretary: I propose to submit several amendments.

Hon. W. KINGSMILL: I am glad. It would be ridiculous in the extreme if this passed into law. It would justify the opinion passed about the law in olden times by one Dogberry. As the Bill stands it seems this convalescent hospital is to be established, and the hospitals which appear in the schedule are to make use of it to the same extent and to the same extent only; but if I am not mistaken some of the hospitals mentioned in the schedule have already passed out of existence.

The Colonial Secretary: Not one of them.

Hon. W. KINGSMILL: Is Mulwarrie still going?

The Colonial Secretary: Yes, strongly. I met the chairman on Saturday last.

Hon. W. KINGSMILL: Bulong?

The Colonial Secretary: I also saw the Bulong committee.

Hon. W. KINGSMILL: Mount Magnet I understand is still to the good, but I remember abolishing the hospital at Mount Malcolm years and years ago.

The Colonial Secretary: And I reinstated it.

Hon. W. KINGSMILL: I see I am wrong in saying that any of these hospitals are actually dead. May I withdraw that expression and say that some of them are, at all events, in the last throes.

The Colonial Secretary: Oh no; they are not.

Hon. W. KINGSMILL: The hon. member represents that part of the world and cannot admit it. We will, however, say that they are in a very low state of health.

The Colonial Secretary: No, they are getting on very nicely.

Hon. W. KINGSMILL: The hon. member evidently will not accept my dictum as regards these hospitals. At any rate when we consider the wants of, say, the Mulwarrie hospital and the wants of the Perth hospital in regard to a convalescent home, the absurdity of the position arises; because the clause says that the number of patients to be sent to the convalescent home is to be regulated by the lowest number sent to the home by any of these hospitals. If Mulwarrie sends one patient, Perth hospital can send only one. That seems a ridiculous proposition, and it is likely to rob the convalescent home of any probable good to the community. I am glad to find the Colonial Secretary is prepared to practically reconstruct the clause, and I hope he will arrive at some conclusion which will carry out the wishes of the beneficent testator better than this clause does. If no other solution of the difficulty is possible it would be far better to split up the capital which will be available for the 17 hospitals, and provide the Mulwarrie hospital for once in its life with an excess of funds with which the committee would not know what to do.

The Colonial Secretary: No, they would be restricted as to the expenditure.

Hon. W. KINGSMILL: It seems we cannot do anything.

The Colonial Secretary: It is an awkward case.

Hon. W. KINGSMILL: All these hospitals are on a level.

The Colonial Secretary: That is the High Court decision.

Hon. D. G. Gawler: Any of those existing at the death of the testator.

Hon. W. KINGSMILL: The only way out of the difficulty I see is for these hospitals to divide up the capital, and for hospitals like Bulong and Mulwarrie and others, speaking of them in no disrespectful terms, to split up what is coming to them and go out of business. It is the best chance they have of declaring a bonus to shareholders. I consider the clause as it stands would be absolutely unworkable. There were other matters I intended to touch upon, but I do not propose taking up the time of the House any longer. I can only reiterate that the Bill is an attempt to deal with what is, after all, a most difficult problem. I could have wished it had been dealt with on those lines; but as it has not been dealt with on those lines, I hope that some amendments that I have indicated will be carried out in Committee. First of all, we should not give the trustees overwhelming power to the detriment of the boards of management which are to be appointed under this Bill. Secondly, we should not give the Medical Department, the Principal Medical Officer, or the Minister, too great a power of veto over these boards of management. I am well aware it is pretty hard to get the people to take an interest in these hospitals in the way of providing funds and that the Government have to find far and away the larger proportion of the funds; but if the Colonial Secretary wishes the people to take a keen interest in this matter he must trust them more than he does in this Bill and must give them a greater opportunity of local self-government than is afforded in the measure. If that is done local support will not be wanting in the way of providing funds in the districts. I support the second reading; but if these amendments are not made I shall have to reconsider my position on the third reading.

Hon. D. G. GAWLER (Metropolitan-Suburban): In supporting the second reading of the Bill, I do not propose to say much as regards the Bill from a layman's point of view, because I think the whole system of hospital administration is a difficult one for a layman to understand; but it strikes me as a layman that the Government's first duty in the matter of hospital accommodatioin should be as regards the indigent sick. Outside the indigent sick really local effort should be called into play. Also the efforts of the Government should be directed as far as possible towards encouraging local support and local management for hospitals. The larger the local support the larger the local management. I think that is the right principal on which the Government should act. I see by the report of the Principal Medical Officer that the cost of hospitals per head in this State is far and away in excess of the cost of hospitals in other States; but I think this is easily accounted for by the large area we have to deal with, by our scattered centres and also by the number of risky occupations we have to provide hospital accommodation for, so of course we cannot object as we otherwise would to this state of affairs. I would like to allude briefly to one or two points with regard to the draftsmanship of the Bill. I see there is a definition of "hospital" and also a definition of "public hospital." I cannot understand, looking at the definition of "public hospital," why that is necessary. It seems to me that "public hospital," as far as I can read it, really includes all hospitals in existence now except private hospitals, whereas the definition of "hospital" seems to me to include everything but private hospitals. I consider that the two definitions could have been amalgamated and the definition of "public hospital" very much shortened. A public hospital could have been defined to mean every hospital other than a private hospital. I would like to know whether in the definition of "hospitals" which the Government are empowered to take over there are included hospitals which, under the Roads Act of 1909, roads boards have established. I do not see it mentioned here; and if it is intended that they can be taken over, it seems to me it is an omission which we should remedy. Again in Clause 7, it seems to me the words "acquire," "purchase," "vest in," and "given to," and so on are rather clumsily made use of. I think the clause could be boiled down considerably and the whole meaning of the provision served by the use of the word "vest." It is clear to me that the draftsman understood the meaning of the word "vest," because he says in this clause, "There shall be vested in the trustees all real property hereafter devised, given, devolving on, purchased or otherwise acquired by any proclaimed hospital." It is making it rather clumsy to have the words used as they are. Again it says in paragraph (d), "There shall be vested in the trustees all real and personal property acquired by the trustees by purchase, gift, devise, bequest, or otherwise." But that property has already been vested in the trustees, and why again say "shall be vested in trustees" I cannot quite see. If Clause 12 is to stand I certainly think there should be a sub-paragraph added that this property, namely Padbury's bequest, shall be vested in the trustees. There are other strange anomalies in the wording of some of the clauses such as Clauses 9, 10, and 15. We have "landed property" alluded to, then "real and personal property," and then "money, land or other property." It seems to me all that might be very much simplified by the draftsman, because clearly it is intended to comprise all classes of property which could be described under the word "property." Clause 15 has rather a peculiar effect when it is read carefully. It says, "The trustees shall have the control and management of all real and personal property vested in them, and may exercise the powers hereinafter specified in respect of the same, and may set out roads, streets, and open spaces on any such property." I do not know how they can set out roads, streets, and open spaces on personal property. It seems to me the clause has been carelessly drafted. In Clause 16 the first paragraph says that the trustees may grant leases of any lands granted or demised to them for certain terms. I do not understand why the

trustees should be restricted in the exercise of that power in regard to land granted or demised to them. There are several provisions for acquiring property in Clause 7. Coming to Clause 12, I quite agree with Mr. Kingsmill that it should not be allowed to be placed in the present Bill. Mr. Padbury's bequest provided among other things that his property, real and personal, should be divided into three separate parts, one part to be divided equally amongst the trustees of public hospitals. The High Court held that public hospitals under the will should be contrued to mean hospitals proclaimed under the Act of 1894 and hospitals under the control and management of a board and mainly or partly helped by the Government, but not the Government departmental hospitals. They clearly construed the will to mean that Mr. Padbury intended that the management of the property should not vest in the Government hospitals but in those with boards of management.

The Colonial Secretary: All these have boards of management.

Hon. D. G. GAWLER: It is clearly intended by the will that the whole of the property should vest in those boards of management. Where, under the Bill, the boards of management only have the control of certain moneys, property such as land and gifts of over £100 are vested in trustees. That is clearly against the spirit of Mr. Padbury's will, according to the judgment of the High Court. Again, I submit that even assuming the reading of the will to be correct I do not think the Government have followed out by Clause 12 the trusts of Mr. Padbury's will. I have referred to the fact that the money was to be divided equally among the hospitals. Under Clause 12 it is provided that the bequest of Mr. Padbury to the trustees for the time being of the hospitals in Western Australia shall to a certain extent be applied towards the foundation, endowment and maintenance of a convalescent hospital for patients discharged from the hospitals mentioned in the Schedule. There is a proviso that equal advantages shall be enjoyed by each of such hospitals. That is a very different thing from having the money divided equally among them. For instance, supposing there were ten hospitals and £10,000, each would get £1,000; but under Clause 12, if the advantages are to be equal, they will only receive equal advantages according to the number of patients sent there. That is not the same thing as money being equally divided among them. Many hospitals would do very much better with £1,000 than by sending patients to a convalescent hospital. Plainly, Clause 12 infringes the spirit of Mr. Padbury's written bequest. The hospitals mentioned in the Schedule are, I assume, those which were in existence on the date of the death of the testator. One cannot go outside of those then in existence in distributing the benefits from the bequest. I quite agree with Mr. Kingsmill as to Subclause 2 of Clause 9. Certainly Parliament can do anything they like, but, if a man gives property in a certain way, it should be devoted to the purpose he indicates, and this is a most injudicious principle to introduce into an Act of Parliament, for it verges very closely on an infringement of private rights. That clause should be very carefully considered. I do not know that there are any more defects in draftsmanship to which I shall refer, except perhaps to draw attention to Clauses 10 and 24. Clause 10 reads—

> The trustees may accept any money, land, or other property by way of bequest, devise, or gift in trust for the purposes of this Act or for any existing or future hospital subject or to become subject to this Act, and such money, land, or property, and all income derived therefrom shall be apportioned and dealt with by the trustees for the purposes of the trust and in accordance with the terms thereof so far as those purposes and terms are consistent with this Act.

Clause 34 seems to be exactly the same.

The Colonial Secretary: One refers to the trustees, and the other to a board.

Hon. D. G. GAWLER: Clause 34 provides that a board may accept any real or personal property by way of bequest, devise, or gift in trust for the hospital. I presume that the word "hospital" there means the hospital for which the board

referred to is the board, but it is a little indefinite.

Hon. W. Kingsmill: They accept it, but it is vested in the trustees.

Hon. D. G. GAWLER: Take Clause 50 which says—

> Subject to the obligations of any trust affecting any funds or property of a board, the board may apply any moneys in its hands in such proportions and in such manner as it thinks fit, for any of the purposes following.

There, particular reference is made to money in their hands, while bequests of above £100 are to vest in the trustees; still at the same time than money goes into the hands of the board. The way the clause is worded might give rise to confusion.

The Colonial Secretary: One deals with endowments, and the other with maintenance money.

Hon. D. G. GAWLER: The clauses do not make that clear. Those moneys should vest in the trustees.

The Colonial Secretary: The clause says, "Subject to the obligations of any trust."

Hon. D. G. GAWLER: But the money may come into the hands of the board without being the subject of a trust.

Hon. J. W. Kirwan: Clause 47, Subclause 2 says—

> All moneys so collected by a board shall be applied for the purposes for which it was collected, and for no other purpose.

Is not that inconsistent?

The Colonial Secretary: One part deals with boards of management, and the other with trustees.

Hon. J. W. Kirwan: The moneys must vest in the trustees.

The PRESIDENT: The Hon. Mr. Gawler is addressing the House.

Hon. D. G. GAWLER: Clause 12 should be omitted. There is no reason why the moneys bequeathed by Mr. Padbury should not be allowed to vest in the trustees, but under the provisions of the will they should be distributed according to the way Mr. Padbury intended; that is that the money should be distributed equally among the hospitals in existence, other than Government hospitals, at the time of his death. For the Government to devise a method by which the money should be applied, is not right. One other matter I would refer to. I see different methods are adopted for dealing with the relief to be given to patients. Under the Act of 1894 discretion is left in the hands of the board as to those people who should be compelled to pay for the relief afforded, but, under this Bill, that appears to be taken away, and certain persons are specified as those to whom the board should not look for payment. Possibly it is right to take away the discretion as it might sometimes be unwisely exercised. Often cases have arisen where relief has been afforded without warrant, but now the hands of the trustees are tied, and they have to act with regard to payment for relief within the four corners of the measure. I shall deal with the various clauses in Committee, and in the meantime have pleasure in supporting the second reading.

Hon. J. F. CULLEN (South-East): I recognise that most of the matters referred to by the previous speaker might be more fitly dealt with in Committee, but the difficulty is that there are so many of them that one wonders whether it might not shorten the time by referring this Bill to a select committee. I would not like to move in that direction if the Minister thinks differently, but I am really doubtful whether the House in Committee can handle this very complex measure until it is so thrashed out that we shall have fewer contradictions and anomalies. This is one of the most difficult matters to legislate upon that a draftsman or a Minister could take up. It is an exceedingly difficult question, even leaving out the Padbury complication, and I agree with the two previous speakers that that clause should be taken out straight away. It would be far better to deal with that matter in a measure of its own. There are one or two matters of principle underlying the Bill which I would like to discuss. The Government are wise to try and bring in a measure of voluntary support, and of voluntary control in connection with our hospitals. There are the two principles; one is to regard the support of hospitals as a matter of £ s. d.

which if it were only looked at in that way might be better done by a rate whether municipal or State, but there is the other principle of regarding the hospital as the connecting link between the sick and the well, between the needy and those who are able to help the poor. I think the latter is the higher and the sounder view of the hospital question. That is to say humanity is bound up—the sick and well, and the poor and the rich. They are all bound together in ties of sympathy. It is a good thing that the people who are well and strong, and who are not in need in the community should take upon themselves a direct share in supplying the needs of the sick. I think it is just as good for the well and strong as it is for the sick and the helpless that there should be voluntary contributions and local control. I am entirely with the proposals of the Government under this Bill. The only question is how best to carry out the desire of the Government. I think there must be a combination of central trusteeship and local bodies. I think they are right in that foundation; there must be a central trusteeship, and there must be local direct management, and I trust that in Committee we shall be able to amend anything that needs amending. In the laying down of the general principle I would only advise the Government to be careful about the central trusteeship and not to make it too professional. Doctors are the finest men in the world, but they are "hang-expense" men, if I may use the term; they are men who do not trouble themselves much about the practical aspects of questions, and there should be on that trust a fair share of sound business sense. That is a matter that the Government will be able to see to. I think that generally throughout the Bill there is unnecessary concentration of power in the trusteeship. I certainly think there should be no attempt to override the intention of any bequest. If a man chooses to leave money to a local hospital there should be no attempt to say that must be handed over to the general trustee on any basis, except that of trusteeship; that is to say, while the general trustee may control it, it will control it for the objects for which it was bequeathed. There should be no attempt to re-make any man's will. It is simply a preposterous power for a Legislature to attempt to grant. Supposing a man does make a foolish will, so long as it is a legal will, Parliament has no right to attempt to re-make it. Let it stand in its folly as an object lesson to others making wills in time to come. There is no need to concentrate so much power in central trustees, and there should be no attempt to override the legal position whether with regard to bequests or anything else. There is another aspect of this Bill that members may not have noticed. In one of the interpretation clauses trustees are defined as trustees not of public hospitals but of public hospital endowments. It may be said that is a mere matter of verbiage. This Government has started on what I regard as a false principle of endowments. They tried to endow a university, they tried to endow primary education, and they have just brought in incidentally this little clause, in which it is proposed that here and there throughout the State bits of land shall be made over by the Crown to these hospital trustees, and the trouble I foresee will be multiplied and intensified. I say it is an utterly unsound system to make trustees of a hospital, or trustees of primary education, or of a university, land jobbers, absentee landlords, and to give them work to do that they may be utterly unfitted for. It is simply not through their unfitness for such work they will make such a poor financial success of it, but this kind of thing will be a millstone on the progress of every township and every district where these pieces of land are locked up in the hands of absentee trustees. I want to impress upon the Minister in charge that he should ask his colleagues to go seriously into this matter. It seems simple to say, we will hand over to education, or to hospitals, pieces of land here and there throughout the country. It is expected of course that these blocks of land are bound to increase in value, and that the trustees to whom they have been given as endowments will get an increase in value. That is a short-sighted view of the question that has been

scouted and thrown out by every experimenter who has tried it. It was tried in New South Wales on a splendid scale and the statesmen there said that it was a mistake to make a subordinate power a jobber in State lands. Let the State deal with its own lands. If it chooses it can lease or sell them, but it is a big mistake to create some other power to traffic in lands and to block the progress of every town and district where those lands are situated. Apart from that, why should we call these trustees the trustees of public hospital endowments? The main business of these trustees will be the control of public hospitals. If the management of properties is connected with the public hospitals it will come in as an incidental. Of course, I am not concerned about the verbiage, but I am concerned about the intentions of the Government. We want in this change in hospital management and procedure to yoke voluntary effort with official control on such terms that they will work harmoniously together. The local boards must be protected in any property that may be collected by them. With regard to all such properties, the trustees must only be the trustees and not the owners. I am still in doubt whether we can shape the Bill in this House. Last session the Legislature made a terrible mess of one of the most complex measures passed, with the result that throughout the country there is dissatisfaction and complaint. It would have been well if the Legislature had been more careful; we ought to be careful now. It would be a pity to enact a hasty slipshod Bill that would create conflict where there should be unity and agreement. If the Minister thinks we can hammer the Bill into shape in Committee of the Whole, well and good, but I have an idea that a Committee of three or five would shape it in a quarter of the time. I support the second reading of the Bill.

Hon. J. W. KIRWAN (South): When the Colonial Secretary was introducing the second reading of this measure he quoted a number of figures to show that the people of this State were better treated in the matter of hospital accommodation than the people of any of the other States of the Commonwealth. Those figures, in amplified form, appear at the beginning of the last annual report that was issued by the Principal Medical Officer, Dr. Hope. I venture to submit that in addition to one of the considerations which Dr. Hope pointed out should influence us in the consideration of those figures, there are also other matters that should be taken into account before those figures are utilised as an argument in favour of a further drastic reduction of hospital expenditure. Dr. Hope pointed out what has already been referred to by Mr. Gawler and other members, that the cost of hospital administration would naturally be more in a country of a vast area and with a very sparse population such as Western Australia. It is only natural to suppose that hospital administration would cost a great deal more in Western Australia than it would, say, in Victoria, where the density of population is 56 times as great as in Western Australia, or than it would in, say, Tasmania, where the density of population is 28 times as great as it is in this State, or in New South Wales, where it is 20 times as great; but the consideration which I cannot find in this report, that I think ought to be taken into account in order to give a fair idea of whether we are spending too much on hospitals, is the matter of the contribution on the part of the people to the State revenue. Dr. Hope calculates the cost of hospital administration on a per capita basis, but I think that a much fairer way would be to also take into account the amount per head which each individual of the community contributes to the general revenue, and on that basis, although I still think that Western Australia would show up very well, the result would be somewhat different from what is shown in Dr. Hope's report. The State revenue of Western Australia, as members of this House are well aware, is much higher per head of the population than in any other State of the Commonwealth. For instance, whilst per head of the population Western Australia contributes a little over £12, Tasmania only contributes £5, and I think that as the individuals of a community

contribute a large amount of money per head to the revenue of the State, they ought to receive corresponding advantages, and one of the advantages which people of a community might naturally look to would be in the way of hospital accommodation. The figures for the State revenue per head of population in the various States show that Western Australia contributes £12 0s. 7d., and Tasmania only £5 0s. 7d.

The Colonial Secretary: Is that not largely made up of railway revenue? Naturally Western Australia, per head, would contribute more than Tasmania.

Hon. J. W. KIRWAN: It is given here as State revenue. Even if it be railway revenue it must be remembered that the railways of Western Australia are paying handsomely and return considerably more than the railways of the other States; so that if it does not come out of the pockets of the people in one way it does in another. But I think I can give the figures apart from railways. The figures I have given represented the State revenue per head of population, but I find here in a further table that in taxation, for instance, the revenue of Western Australia per head is £1 2s. 2d.; of New South Wales, 11s. 5d.; of Victoria, 16s. 11d.; of Queensland, 19s. 4d.; and of South Australia, £1 2s. 1d., while Tasmania is the only State higher than Western Australia in this regard, her figure being £1 7s. In regard to public works and services Western Australia is considerably higher than any of the other States. The figures are: Western Australia, £7 0s. 2d.; Tasmania, £1 15s. 4d.; South Australia, £4 19s. 2d.; New South Wales, £4 11s. 10d. In point of land revenue Western Australia also shows out prominently; in surplus Commonwealth revenue Western Australia is the highest State in the Commonwealth, and under the heading of "miscellaneous" Western Australia is again the highest of the Commonwealth at 15s., the next highest being Queensland at 10s. 10d. My contention is that the revenue of Western Australia as per head of population, no matter in what way you regard it, is very much higher than the revenue of any other State of the Commonwealth and, consequently, the people ought to receive proportionate benefits. That is a matter which, I venture to submit, should be taken into account in considering the extent of the hospital advantages in this State as compared with the other States of the Commonwealth. I would like just to refer to Clause 12, which has already been dealt with by Mr. Kingsmill and Mr. Gawler. Clause 12 refers to the bequest of the late Mr. Walter Padbury. From the speech of the Colonial Secretary I understand that the value of the bequest amounts to between £1,100 and £1,200 a year. Under the ruling given by the High Court that money should go amongst 17 hospitals, the names of which are given at the end of the Bill.

The Colonial Secretary: No; 25 or 26 of them. Those given in the Schedule are the Government hospitals.

Hon. J. W. KIRWAN: Well, 17 are given at the end of the Bill, and the Bill provides that this bequest should go to these 17 hospitals—at least that they should get the benefit, inasmuch as the convalescent home should be established, and these 17 hospitals should have the power to send patients to the convalescent home thus established. I understood the Colonial Secretary to put the matter in that way. I claim that when a bequest is made the wishes of the person making that bequest should be carried out if at all possible. Under the conditions of the Bill there are 17 hospitals to which the benefits of the bequest will go. Those hospitals must receive the benefits equally. To some of the hospitals the benefits that would accrue under the bequest would not count for very much. Take, for instance, large hospitals, such as those of Perth and Fremantle. To those the benefits to be derived from one-seventeenth of the amount of the bequest would, indeed, be very insignificant; and instead of the proposal that is made in the Bill I do not see why that bequest should not be divided by 17, which would give £65 per annum. To several of the small, struggling hospitals mentioned at the end of the Bill this £65 would be an important matter indeed.

The Colonial Secretary: Then they are restricted to its use, according to the judgment of the High Court.

Hon. J. W. KIRWAN: Yes; to its application to luxuries for patients. The interpretation of "luxuries for patients," I think, might be made very wide; and when all is said and done the ordinary treatment extended to patients very often approaches something in the nature of luxuries, especially when the patients are recovering from their illnesses. I am sure these hospitals could find means of spending the money and still comply with the ruling of the court. To these smaller hospitals the question of £65 a year would be an important matter indeed. Many of these hospitals are in the back-blocks, and I think it is of advantage to each centre that these hospitals should be maintained. In any case, I claim it would not be right for us to distribute this money in the way the Bill proposes without first ascertaining the opinion of the people in the localities to be served by these particular hospitals.

The Colonial Secretary: I am doing that now.

Hon. J. W. KIRWAN: I am glad to hear that the Colonial Secretary is consulting the people in the localities served by these hospitals, and I trust that when the clause comes up for consideration the Minister will be able to tell us whether the people in these various localities approve of the proposed method of distribution. Of course, if these people are of opinion that this is the best way in which the money could be expended it places a different aspect entirely on Clause 12. However, I am glad to hear that the Colonial Secretary is in communication with the people concerned.

The Colonial Secretary. Last week I saw several of the committees personally.

Hon. J. W. KIRWAN: Well, I hope that when the clause comes up we will have the advantage of the Minister's investigations. As regards the general scope of the Bill the Colonial Secretary, when introducing it, said the object of the Government was to induce people to take over hospitals. I am amongst those who do not feel very enthusiastic about people taking over the control of hospitals. To my mind the management of hospitals is a matter that ought to rest, to a large extent, with expert people, with doctors, and nurses, and others who thoroughly understand the management of such institutions. These, I think, are the people who are most fitted to take charge of such institutions. But apart from that aspect of the question altogether, and assuming that the object of the Government is a right one, I claim that the Bill will not achieve that object. The Government seek to bring about their object by the formation of local boards in each district, and according to my view these boards will have practically no power worthy of consideration. In the Bill there are five authorities mentioned under which the hospitals of the State will be conducted. There is frequent reference to the Governor and his approval: then there is additional reference to the approval of the Minister; a third authority brought into existence by the Bill, an authority that will, to a large extent, be entirely under the control of the Minister, is that of the trustees. There is a fourth authority, namely, the Principal Medical Officer, who shall have the general administration of this Act under the direction of the Minister. Then all the powers that will not be carried out by any of these four authorities will be carried out by the local boards, who constitute the fifth authority. Almost everything these local boards do will have to be authorised by somebody or another. Almost every reference to the powers held by these boards shows that they are held with the sanction of somebody or other. For instance, under Clause 39 no appointment or dismissal of certain persons can take place until the Minister has given his written approval. The persons who come under the provision are the secretary, the matron, and the nurse-in-charge. A board cannot even dismiss or appoint a nurse-in-charge. A nurse-in-charge, I take it, is a nurse in charge of a ward.

The Colonial Secretary: No; it means nurse-in-charge of a hospital.

Hon. W. Kingsmill: It means nurse-in-charge if the matron is not there.

Hon. J. W. KIRWAN: I have been told that in large hospitals the accepted meaning of the term "nurse-in-charge" is, nurse in charge of a ward. Only the other

day I was told that by a medical officer of one of the hospitals.

The Colonial Secretary: No; she is called "charge nurse." "Nurse-in-charge" is a nurse acting for the matron, or, in small hospitals, the nurse in charge of the hospital.

Hon. J. W. KIRWAN: : However, none of these changes can be made until the Minister has given his approval. There is one the board can appoint or dismiss on its own authority, namely, the honorary medical officer. It seems to me that if there is one man in regard to whom a certain amount of precaution ought to be taken it is the honorary medical officer, who does his work for nothing. If he be dismissed it is certainly a very serious reflection on him. A paid servant of the hospital may be dismissed, and the outside conclusion arrived at would be that for financial reasons his services had been dispensed with; but in the case of an honorary medical officer, if he be dispensed with, I say it is a serious reflection on him in his professional capacity.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. W. KIRWAN: I was referring to the boards proposed to be established in this Bill and expressing the opinion that I was not quite certain that these boards were advisable. Some years ago when the goldfields were in a very early stage of development, as far back as 1896, a number of people there established a hospital as a result of local contributions, with the aid of some help given to them by the then Government, and I was a member of the board that was formed to control that hospital. Although the members of that board were very conscientious individuals who did their utmost to do their duty and to investigate thoroughly the affairs of the hospital with a view to controlling it in the way that was best, they all felt they were dealing with a matter of which they had a very imperfect knowledge, and they found themselves to a large extent in the hands of the medical men and in the hands of the matron of the hospital, and they were perfectly convinced that they were really of very little use as far as the conduct of the hospital was concerned. When they endeavoured to set matters straight and investigate affairs generally, they found they were sometimes meddling in matters of which they knew very little, and there was danger of doing more harm than good. The upshot of it was that the board was dissolved by the consent of the members themselves. Speaking from that experience, I feel a certain doubt as to the advisableness of boards. I have been told by some members that in other States boards work very well, and I would like any evidence that can be brought forward to that effect, because I am rather inclined to think at present that boards are not in the best interests of hospitals generally, and I speak from personal experience as a member of the board of the particular hospital to which I have referred, and that hospital got on very much better when the board was dissolved. I was pointing out that if it be thought advisable to have boards they certainly ought to have some powers in addition to the powers given to them under this Bill. The powers left to them under the Bill scarcely justify the existence of such boards. I quoted Clause 39 to show that boards could not make appointments in particular cases without the authority of the Minister. As a further proof of the restriction of the powers of these boards, I need only point to Clause 36 under which the boards cannot even select the bank in which they do business without the approval of the Minister. Surely any one of the Associated Banks the board wishes to do business with ought to be good enough, and it ought not to be necessary for the Minister to approve of a matter of that kind.

The Colonial Secretary: It is purely a machinery clause that you will find in every such Bill. It is in the Fremantle Harbour Trust Act.

Hon. J. W. KIRWAN: It must be remembered in connection with these restrictions and others, to which I will refer later on, that each board will have upon it direct representatives of the authorities, inasmuch as that under no circumstances will there be more than two-thirds of the members of a board elected by the contributors. At least one-third

of the members of a board must be nominees of the Minister. Where contributions amount to one-quarter of the expenditure, two-thirds of the members of a board are to be nominees of the Minister. Where the contributions are one half of the expenditure I think two-thirds of the members of the board will be elected by the contributors. So, no matter what the circumstances may be, there will always be a certain number of members of these boards who will be direct nominees of the Government, and I think that is the reason why the powers of the boards should not be handicapped and restricted to the extent they are in the Bill. In addition to the two clauses that I have already quoted, I may also point out that in Clause 52 it is provided that the by-laws, as is of course quite proper, must be approved of by the Governor; but in Subclause 4 it is provided that any by-law may at any time be disallowed by the Governor and shall thereupon cease to be in force in the same manner as if it had been then revoked. I think it is placing the boards in a very peculiar position, as the authorities may at any time suspend any single by-law with or without the consent of a board. Surely there should be some provision in that clause that this should only be enforced on the application of a board.

The Colonial Secretary: It is exactly the same in the Municipalities Act.

Hon. J. W. KIRWAN: Then in Clause 34 there is another indication of the way in which these boards are treated. The board, it seems, may accept bequests, but these bequests must be vested in the trustees; and the trustees are, after all, the nominees of the Minister, and under Clause 9 the trustees may apply that money to any hospital in the State irrespective of the wishes of the donors. That is a clause dealt with very effectively by Mr. Kingsmill and also by Mr. Gawler, and I sincerely trust it will be very much altered when it comes before us in Committee. However, it all tends to bear out what I say, that the boards are considerably restricted in their powers. Of course the boards cannot borrow without the consent of the trustees, and in Clause 61 a board is almost entirely in the hands of the Principal Medical Officer, who shall have the general administration of the Act under the direction of the Minister. There are various clauses which follow giving that gentleman very extreme powers indeed. I find that the powers of the boards are included in Clauses 50 and 52. Clause 50 deals with the expenditure by the board of money under its control, and in nearly every instance—in three subclauses—whatever is done has to be done with the consent of the trustees. In Clause 52 the powers of a board are specified, and a great deal of its powers are powers which surely it does not require a board should be called into existence to exercise—for instance, preventing trespass upon the premises of a hospital or grounds attached or belonging thereto, prohibiting the introduction of any specified articles into a hospital, and a whole lot of other matters that are matters of detail concerning the domestic conduct of a hospital. I find, however, that the boards have in one respect been given extensive powers in Clause 47. I think Clause 47 is the kernel of the whole Bill. To my mind it is the reason why to a large extent the Bill was brought into existence. Under this clause a board has power to appoint collectors, and in another clause a board can sue and be sued. It seems to me these provisions provide practically for the board doing all what may be called the dirty work of the authorities, and also the cadging in connection with the maintenance of institutions that ought to be national institutions.

Hon. W. Kingsmill: The whole duty of man.

Hon. J. W. KIRWAN: It seems to me to be the whole duty of a board. At any rate it is the one thing about which there is no doubt. The board may have power to appoint collectors, it may do the cadging, it may sue and be sued. I think in some districts what will happen as a result of the formation of these boards will be that it will mean an additional tax upon the charitable people of the district. Taking districts, such as the goldfields, with which I am more particularly acquainted, there are there a number of claims at present upon the charitably-disposed people. There are deserv-

ing institutions such as the Fresh Air League for sending children away to the sea coast during the summer, also the Benevolent Society and the Ministering Children's League and others, and one of the private hospitals is supported in that way, while in addition there are various claims upon private charity and there are the various religious institutions. It seems to me that this Bill was brought in for the purpose of establishing these boards as cadging institutions by means of which the Government may get credit for instituting economy in the management of the hospitals. In the district in which I reside there is a large Government hospital. There was some endeavour made to form a local board that would take over the affairs of the hospital. Representatives of the local people met; and having gone into the whole thing, they decided that it was not advisable. Under one of the clauses of this Bill it will be possible for the Government to bring that hospital within the provisions of this Bill, and a board will be formed, I take it, in the ordinary way. The Colonial Secretary has said that the object of the Government is to get the people to take over the hospitals as far as possible. I would like to know whether it is the intention of the Government to force the people to take over the hospitals. I do not know whether the Colonial Secretary will express any opinion as to whether this Bill is intended to force people to take over the control of the hospitals. I notice he maintains a silence on that matter.

The Colonial Secretary: Read the part of the Bill which deals with that point.

Hon. J. W. KIRWAN: I did not say the Bill said anything of the kind, but that it practically gives the Government power to force the people. I also said that the Colonial Secretary, when introducing the Bill, stated that the object of the Government was to get people to take over the hospitals as far as possible. I want to know whether in the event of people not wanting to take over the hospitals will this Bill be utilised to force them to do so?

The Colonial Secretary: I presume you have read the Bill. Can you show me where there is power given to force them to do so?

Hon. J. W. KIRWAN: I say they can be forced.

The Colonial Secretary: What is the clause?

Hon. J. W. KIRWAN: Under Clause 22 the Government can, by proclamation, declare any public hospital in the State to be subject to the Act. That of course will enable the Government to declare any hospital under the provisions of the Act, and consequently the Government can form a local board, or rather try to form one.

The Colonial Secretary: Is that forcing the people to take over?

Hon. J. W. KIRWAN: No, but the measure can be utilised in that direction, for the Government in every community can get a certain number of individuals, who may not be acting in accordance with the wishes of the majority of the people, but who will take positions on the board and so form those "cadging" institutions which I maintain the Bill will bring into operation. I would like an assurance that the measure will not be utilised to that purpose. However, the Colonial Secretary does not say yes or no.

The Colonial Secretary: I thought you might be addressing the House.

Hon. J. W. KIRWAN: The Col. Secretary seems to get in a good many words while I am addressing the House, but it is a very simple matter to say yes or no, and so signify whether the measure will be utilised in the direction I have indicated or not. Take the case of the Kalgoorlie hospital. I want to know if the measure will be utilised for the purpose of getting the people to take over the control of the institution which the local bodies have refused to take over. The Colonial Secretary does no desire to answer my question, but I shall test the matter, because I shall move an amendment to Clause 22 to provide that no hospital can be brought under the provisions of this Bill unless the local bodies so desire. I shall move in Committee in paragraph (a) a provision that any public hospital in the State shall be subject to the Act provided that a petition be re-

ceived from the public bodies in the district served by the hospital.

Hon. W. Kingsmill: Vote for local option.

Hon. J. W. KIRWAN: That puts it very well indeed, for it is a case for local option. The people will then be able to come under the provisions of the measure or not as they choose. That amendment will enable us to see the attitude the Government intend to assume on this question.

Hon. J. W. Hackett: Suppose the Government close the hospital down, and no subsidy is granted after the local option poll?

Hon. J. W. KIRWAN: We can hardly anticipate anything of that kind.

Hon. J. F. Cullen: Why not?

Hon. J. W. KIRWAN: I do not think there is much possibility of that. However, that is another matter altogether, and will have to be faced subsequently in the event of the people not taking the institution over. There can be no harm in an amendment of the character I have indicated. It has a very important bearing on the Bill; it is simply a question of local option. If, on the other hand, the Government do not support an amendment of that kind, I take it they desire to bring the hospitals under that local control which the people of the district do not wish should be exercised. The Colonial Secretary has said he will bring forward many amendments to this measure. That statement must have given a great deal of gratification to this Chamber, as I think a number of amendments are necessary before the Bill will be acceptable to the people.

Hon. J. W. HACKETT (South-West): I want to ask one question. A sort of understanding was entered into some time ago that all these Bills, supposed to be built up on Acts in other places, should have marginal references. There are no marginal references to this measure.

The Colonial Secretary: I did not realise that the marginal references were not on the Bill until I read the *West Australian* this morning. It is an oversight so far as I am concerned, because it is understood that all Bills should have marginal references. I am sorry they were omitted, for I prefer to have them.

Hon. J. W. Hackett: Could they not be put in now?

The Colonial Secretary: They cannot very well be put in until the Bill goes to the third reading, and is re-printed. However, I can have a number of copies of the Bill marked.

Hon. E. M. CLARKE (South-West): I have only a few words to say on this measure. While I recognise that the Government are in a dilemma and want, so to speak, the local people to take over the management of their own institutions, I think it is nothing but right that such a course should be adopted. I am prepared to meet them in that respect, but I could not recommend the taking over of the hospitals under a Bill of this nature. There are very many clauses which to my mind are objectionable. One of the things most fatal to the good working of a measure like this is that there is appointed a board of gentlemen who would possibly be willing workers were they to have, not only the trouble of administering the measure, but some of the kudos, and also some of the powers. When one comes to examine what are to be the powers of the boards under the Bill, echo answers "What are they"? They are practically nil. It has been remarked, and it is putting it strongly, that there is being constituted a body of "cadgers." With that statement I very much agree, for when the boards have done that it appears to me they have done everything. All a board can do, with the exception of collecting money, is subject to the approval of two higher powers, the trustees and the Minister in charge, or the Governor-in-Council. We are not going to find a body of men to take the responsibility of all these things and yet have none of the powers. There is hardly a man but who likes to take credit for the work he does. However, I fail to see how anyone can get any credit for working under this Bill. The boards cannot do anything. I speak from experience as I have administered the Health Act in Bunbury. There we found the central board were not in sympathy with us, or the conditions exist-

ing there. We knew what was wanted in the district far better than the central board, but we found that in many cases if we waited for the central board to move we would wait until it was too late. In matters of health, despatch is the spirit of the whole concern. Many things crop up and if the boards have to apply to the central board, or trustees, to know what action should be taken, the result will be that not many will be prepared to take up the duties of membership of the boards. My idea of the measure is that it really should have been submitted to a select committee of members who understand the subject more than the average man in the Chamber. I do not pretend fully to understand it, but there are many who do. There are some clauses that I decidedly object to, and in Committee I will vote for the amending or striking out of several of them. It is a good move to give the local people control as far as possible of their own affairs. It is at all events placing a certain amount of trust in the people, but let them feel the responsibility, know that they have a little power, subject of course to general supervision, and then it will be found that the right sort of men will be put into the right places. I have much pleasure in supporting the Bill, but when it is in Committee I shall make one to amend and strike out some of the clauses.

The COLONIAL SECRETARY (in reply): If no other member desires to speak, I will say a few words in reply. The Bill as placed before the House is one not to force the people to take over the hospitals but simply to carry on the hospitals exactly as they are being carried on to-day. Mr. Kingsmill, who administered this department for a number of years, stated that in the course of his speech. He is perhaps the one member of the House who more than another understands the objects of this Bill, and also the conditions under which the hospitals are worked. At the present time, as I stated when introducing the Bill, there are some 52 public hospitals in the State; of those, more than one-half, or 29, are already governed by committees. Some of them, including the main hospital in Perth, are now working under exactly similar conditions to those laid down in the Bill. Some reference has been made to the New Zealand system. Before introducing this Bill I gave it several years' consideration. The New Zealand Act is not a measure that would suit the conditions of this country. That measure is simply this, that districts are declared in which the hospitals are controlled to a great extent by the Government, and a rate is struck on the district for that particular purpose.

Hon. W. Kingsmill: And for health purposes.

The COLONIAL SECRETARY: Yes, and for health purposes. True, in this State so far as health is concerned, to a great extent, not entirely, a rate is struck on property owners for the maintenance of public health, and the board is controlled chiefly by local boards, while in New Zealand it is entirely controlled by the Government, and is managed as a Government department. But the land owners in New Zealand have to entirely bear the maintenance of the hospitals; that is a system I am not prepared to ask this House to endorse because I do not think it is adapted to this country inasmuch as there is a very small percentage of land owners in this State, while in New Zealand the majority of the people are land owners. Therefore, these are my reasons for not asking the House to adopt the New Zealand system. Let me say that the Bill is divided into, at least, two distinct parts, which hon. members seem to have lost sight of. One is the trustees and the other is the board of management, and the duties of these bodies are clearly set out. Instead of having 52 sets of trustees for the hospitals of the State, we have one set of trustees for the whole of the 52 hospitals, consisting of the Minister for the time being, and four others appointed by the Governor-in-Council. The duties of the trustees are set out in the first portion of the Bill, and all land and property together with endowments will be vested in the trustees. It is much better that all property and endowments should be held by one set of trustees, and that they should adminster for the benefit of the particular hospitals for which the properties were

granted. This will ensure uniformity and will be much better than having 52 sets of trustees, or, perhaps, more, as the State continues to grow. It has been said that these trustees have been given too much power, inasmuch as they will be allowed to sell or mortgage certain lands with the consent of the Governor. True, they have that power to mortgage for the particular hospitals for which the property was given, but it is not intended to allow them to mortgage or sell only in accordance with the object for which the property was given to the particular hospital. The trustees will not be able to use the property, excepting for the benefit of the particular hospital, and they will not be able to sell it unless the proceeds of the sale are used for the hospital to which the property belonged. It is not intended either that the trustees shall have the power to sell any land other than the lands granted by the State. I intend to have this particular matter further looked into, and if it requires an amendment to make it clear, an amendment will be submitted. It is not intended that the trustees should in any way use the money or land granted to one hospital to benefit another hospital, but simply to hold it in trust for the particular hospital for the benefit of which it was granted. In connection with the power of selling only lands granted by the Crown, we might take a case in point. Let us assume that years ago certain lands were granted at Boulder for hospital purposes. No hospital has been established there, nor is it likely that a hospital will be established, because Boulder is only some three miles from a big hospital in Kalgoorlie, and it would be an unheard of thing to have two big hospitals within such close proximity to each other. If land were granted by the Crown for a hospital reserve at Boulder the power referred to would be exercised by the trustees, and they would devote the proceeds of the sale of that land to the Kalgoorlie hospital, which embraces the Boulder district in which the land was granted for a hospital reserve. Members will thus see the reason for giving the trustees the power contained in the Bill. Coming to Clause 12, about which a good deal has been said that there is no intention whatever to interfere with the conditions of the will. As I explained when I introduced the Bill, the will of the late Mr. Padbury was a rather peculiar one and was interpreted by the High Court in a way that made the administration of the fund a very difficult matter. The judgment of the Court was that the money should be used for something that the patients would not obtain if it were not for the bequest. It was quite clear that it was not the intention of the late Mr. Padbury that the money should be devoted to ordinary hospital administration. To get over that difficulty it was suggested that a clause should be included in this Bill and that clause has taken the form of Clause 12, otherwise there would have to be 17 sets of trustees. It is much better to have one set of trustees to manage the whole of the funds for the advantage and benefit of the 17 institutions concerned, and which are named in the schedule of the Bill. The clause was inserted to simplify the matter, and if it had not been done these hospitals would have been constantly appearing before the Court, because the money might not have been used in the way it was intended it should be used, and 17 sets of trustees instead of one would have had to appear in Court. It was after a good deal of careful consideration that it was decided that this was the only way in which the intention of the late Mr. Padbury, as interpreted by the High Court of Australia, could be carried out. In answer to an interjection by Mr. Kirwan, I have already stated that I have written a long letter to each of these 17 hospitals, explaining the position, and acquainting them of what had to be done. I also sent them a copy of the Bill and asked them to furnish their opinions. During last week I had the opportunity of proceeding to the Eastern Goldfields and visiting a number of these hospitals and I took the opportunity of discussing the Bill, and this particular clause, with those in control. I saw the authorities at seven different hospitals, and they all practically agreed with the whole of the Bill, and also with this clause. The only thing they pointed out, and I quite agreed with

them, was that if it was confined to the foundation of a hospital they would be deprived of a certain amount of the fund. I intend to make an amendment to that clause and shall submit it to the House. The object will be to widen the power, that is to say, that instead of confining the authorities to building hospitals, to vest it in the trustees for the benefit of the patients, according to the intentions of the late Mr. Padbury. It was also pointed out to me that if there was to be a convalescent home anywhere it must not be away from the coast to be of benefit, and all the money would be used in administration, and, consequently, there would be no income left to send patients to and from the hospitals. That appealed to me at once, and I think it would be better to allow them to invest the money in order that the patients might derive the greatest benefit. I suggested that they should make any suggestions that they desired with regard to the manner in which the money should be used. I do not intend that the House shall go into Committee on this Bill to-night. There will probably be an adjournment before we meet again to consider it, and in the interval I will take the opportunity of going further into the question, and, if possible, widening the powers. Our only desire is to appoint trustees so that the hospitals concerned may have the full benefit of the money which was left them by the late Mr. Padbury. I think the simplest way would be to submit an amendment drafted on the lines that the bequest be applied for the benefit of the patients therein, according to the trusts of the will. We will thus have one set of trustees to administer the fund for the benefit of the 17 hospitals.

Hon. J. W. Hackett: Some of these hospitals may have no patients.

The COLONIAL SECRETARY: Still, we must respect the interpretation put upon the matter by the High Court, and we should not put our private opinion against that. If the matter is left to the trustees with a fairly free hand, other ways may present themselves of spending the money in accordance with the desire of the late Mr. Padbury.

Hon. J. W. Hackett: There should be some power of variation.

The COLONIAL SECRETARY: Yes.

Hon. J. W. Kirwan: What objection is there to each hospital receiving one-seventeenth of the bequest?

The COLONIAL SECRETARY: I have already pointed out that it is desired to make the thing simple by appointing one set of trustees who will be able to deal with the whole thing instead of having seventeen sets of trustees.

Hon. W. Patrick: Why should not each hospital get one-seventeenth of the revenue each year?

The COLONIAL SECRETARY: It is the intention to give each hospital that.

Hon. W. Patrick: It would be as well to have that defined.

The COLONIAL SECRETARY: Instead of narrowing the powers, the object will be to widen them so that if a hospital should not require the money its funds can be used at the discretion of the trustees. These trustees will be quite independent; there will be no desire to take the money from one hospital any more than from another, and they will not be able to do just as they like. It must not be forgotten also that the trustees may be removed; they will be appointed for a certain number of years only. Mr. Kirwan seems to think that there is no power given to the boards at all. Let me say that under the Bill the boards will possess exactly the same power as they have at the present time. Full power is given to the boards to administer their hospitals exactly as to-day. Twenty-nine out of the 52 hospitals in the State are being administered exactly under the condition laid down in the Bill. In introducing the Bill I sought to give them a Statute to work under. They have no Statute at present except in respect to the two hospitals at Perth and Fremantle. For the others, they have at present no legal standing, and this Bill will give them legal authority which they do not possess to-day. In framing the Bill I tried to keep as near as possible to the conditions under which they are working to-day, and to do no more than to lay them down in an Act of Parliament. There is no power in the Bill which is

too drastic. It may appear at first sight that giving the Principal Medical Officer certain powers is not fair to the boards. In the first place it must be remembered that these are Government public hospitals. They are maintained in some cases entirely, in others almost entirely, and in all cases largely by Government money; therefore the Government must give their Principal Medical Officer power to see that things are being carried out as they ought to be. Clause 39 lays it down that the resident doctor, the matron, or the secretary cannot be appointed or dismissed without the approval of the Minister. I have no particular desire to retain the word "dismissal"—in fact, I intend to move that it be struck out; because if a board desire to dismiss an officer he had better go at once, for it would be absurd to leave him there. But I think there are good reasons why no appointment should be made to a hospital, no important appointment such as matron, resident medical officer, or secretary, without the approval of the Minister. The Government are absolutely responsible for the hospitals. Would it be a right thing for them to hand over this responsibility to a committee or board after practically finding all the money? The Government cannot rid themselves of their responsibility, and therefore it is their duty to see that none but a qualified doctor or matron, or a thoroughly competent secretary is put into these hospitals; otherwise they would have no control whatever, and some of the hospitals would get into a bad state.

Hon. W. Kingsmill: You must be contemplating a pretty poor board.

Hon. J. W. Kirwan: The board will include several nominees of the Government.

The COLONIAL SECRETARY: Yes. I think Mr. Kirwan is rather reaching out for an excuse to criticise the Bill when he takes exception to Clause 46, which is purely a machinery clause. If the hon. member will take the trouble to consult other similar measures he will find in each a clause of a similar nature.

Hon. J. W. Kirwan: Is it not absurd, all the same?

The COLONIAL SECRETARY: No. These things are absurd, perhaps, until we find a committee keeping their money in some way they ought not to.

Hon. J. W. Kirwan: Would not "associated bank" meet the case?

The COLONIAL SECRETARY: No; it must be an approved bank. It is purely a machinery clause and is to be found in every such Bill or Act. The clause is quite necessary, and I am surprised at any exception being taken to it. The hon. member also referred to some desire on the part of the Government to compel people to take over the hospitals. I certainly had no such intention, nor do I remember having said so. What I said in introducing the Bill was that the object of the measure was to encourage local people to take an interest in their hospitals and take them over. I said it was no desire of the Government to rid themselves of the responsibility or of the cost of these hospitals. In respect to the very hospital the hon. member referred to, the people were offered the full amount of the annual cost of the hospital. The only desire I had was to encourage the people to take an interest in their hospitals and to take control of them. In respect to several other hospitals the local people were offered the full annual cost of the institutions. Each hospital has been classified, and it is assumed that a certain amount will pay for the upkeep of each hospital and provide for all the patients in the district for whom hospital accommodation should be furnished. If the people desire to extend a hospital they may do so by becoming contributors; but ample money is found by the Government for the provision of hospital accommodation for everyone in the district who has a claim upon it. That was the case in Kalgoorlie. If that board had taken over the Kalgoorlie hospital they need not have asked the people for one penny, because ample money is provided by the Government for everyone in the district who should receive hospital accommodation. There is not one word in the Bill to force anyone to take over a hospital. When you come to think of it it is absurd to talk of forcing people to take over a hospital. We simply offer so

much money, and if the local people like to take over the hospital, well and good. I am sure the hon. member has not studied the Bill seeing that he talks of moving an amendment, the effect of which would be that the hospitals could not be brought under the Bill without the consent of the local authority. It is intended to bring all the hospitals in the State under the Bill. They need not have a board at all, but we must have a machinery Bill to govern the hospitals. There is nothing in the Bill insisting upon a committee or board for a hospital. Hospitals are simply brought under the provisions of the Bill, and, later on, if the people form a committee provision is made that upon their contributing one-fourth of the cost of the hospital they can elect one-third of the committee; and if they contribute one-half of the amount they can elect two-thirds of the committee. The clause goes further, and says notwithstanding this the Minister may allow them to elect two-thirds of the committee, even though, perhaps, they are not contributing £50 out of £500. So long as I administer the measure my desire will be to allow the people to have a board.

Hon. J. W. Kirwan: Under Clause 24 there must be a board for every hospital.

The COLONIAL SECRETARY: But it does not force the people to take it over and take the responsibility.

Hon. J. W. Kirwan: But it compels the establishment of a local board.

The COLONIAL SECRETARY: It does not force the people to take over the control. People can go on the board if they desire, but if they show any inclination to subscribe to the hospital we have power to allow them to elect two-thirds of the committee. That has been put in with the desire to encourage people to take over the control of their hospitals and secure an elective board. I do not know that I need say anything more in reply. The Bill is purely a machinery measure. If hon. members have any suggestions to make I shall be pleased to consider them in Committee.

Hon. J. W. Hackett: When will you take the Committee stage?

The COLONIAL SECRETARY: After the adjournment—in three weeks' time. It is not my intention to ask the House to go into Committee on the Bill to-night. Deviating for a moment, I may say that the probability is we will adjourn for two or three weeks, and I propose to postpone the Committee stage until we again resume. The suggestion made by some hon. members in regard to powers of trustees I will have carefully looked into during the adjournment, and if it be found that the trustees have excessive powers I shall be only too happy to move certain amendments accordingly.

Hon. W. Kingsmill: What about paragraph 2 of Clause 9?

The COLONIAL SECRETARY: That is governed by Clause 16, and others. However, I am quite prepared to look into that. There is no desire to give the trustees any undue power.

Question put and passed.

Bill read a second time.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: As I have already indicated, the House is likely to adjourn for reasons which I will explain later on. I thought it would be well, in case we adjourned this evening, to introduce the Bill so that members may have it before them during the adjournment; therefore, I do not propose to ask that the second reading be passed to-night, and if any hon. member wishes to move the adjournment of the second reading till next sitting I will not oppose it. Although the present Electoral Act is not yet three years old it has been found necessary to make certain amendments in it. These are partly due to a system of co-operation with the Commonwealth, and partly on account of experience gained in the working of the Act. These amendments are necessary for the better working of the Act. In regard to the amendments which form the greater portion of the Bill and which are necessary to bring about the co-operation with the Commonwealth, I may say that at the Conference of Premiers held in Melbourne in 1908, and at a prior Con-

ference in 1905, a resolution was passed as follows:—

> That the Conference agrees that the Commonwealth and State Governments should consider the question of amending the electoral laws with the object of making the qualifications and disqualifications of electors as nearly uniform as may be deemed possible and desirable, and that communication should at once be entered upon by the Electoral and Law Departments of the Commonwealth and States with the object of the nearest approach to uniformity in the modes of enrolment, mode of revision, establishment of polling places and other mechanism of an Electoral Act.

In 1908 the Chief Electoral Officer of the Commonwealth visited Perth for the purpose of conferring with the Electoral Department of this State in regard to the amendments necessary to establish the system of co-orperation, and last year our Chief Electoral Officer visited Melbourne and conferred with the Commonwealth electoral authorities on the same matter. Since then negotiations have been established to bring about a sub-divisional system of representation throughout Western Australia. The Commonwealth have already adopted this system in an amending Bill which they passed last year. I am speaking now entirely of the amendments necessary to bring about this co-operation of the Commonwealth and to have joint rolls between the Commonwealth and our Legislative Assembly. It is not always possible for the Commonwealth to group so many Assembly electorates into one of their electorates in the House of Representatives. Therefore, it is proposed to divide these Assembly electorates into sub-districts so that an Assembly electorate may consist of several sub-districts; and when a Commonwealth redistribution comes about, the Commonwealth authorities may take in a number of these sub-districts and leave out one or two. It may not always be convenient to make the boundaries of their electorates coterminous with the boundaries of our Assembly electorates. In making up an Assembly roll there may be three sub-districts in an Assembly electorate, and the Commonwealth may take two of these sub-districts and add them to an adjoining electorate to form a Commonwealth electorate, so that it will be possible to have the same rolls for the Commonwealth elections as for the Assembly elections. It is done in Tasmania now, and the Commonwealth have passed their legislation, while the other States, as they agreed to do at the Conference, have done it or are doing it at the present time. This Bill will give us the necessary powers to do so in this State. Of course the provisions for sub-districts will not apply in every district, only in certain districts where overlapping occurs. There will probably be no sub-districts in the Assembly district of Perth; but in the outside places they may take in the central part of the electorate, but not take in the whole of the electorate. In order to bring this about it is also necessary to make an alteration in Section 17 of the principal Act by providing for a month's residential qualification in a sub-district where sub-districts are created. It is necessary also to make an amendment to the principal Act to abolish the duplicate card system. That duplicate card system was originally established to enable the registrar to possess a complete card register, but with the introduction of interleaved rolls for the purpose of recording new enrolments this is not necessary, and to meet the wishes of the Commonwealth Chief Electoral Officer the step is taken. There is no danger, as far as the public are concerned, in dispensing with the duplicate card system. It may create a little more work in the department, but there will be no danger, it is considered, to the public. The public will still retain the power to examine card claims in the registrar's office until they become mature for enrolment. Also to bring about the co-operation of the Commonwealth, it will be necessary to abolish the compulsory provision set forth in Section 26 of the Act for the issue of quarterly supplementary rolls. It is not considered necessary from the State's point of view to retain the provision compelling the registrar to issue quarterly supplements, because Section 24 provides that the main rolls shall be printed whenever the Chief Electoral Officer thinks fit. There will be

no danger in doing away with compulsory quarterly rolls, because whenever the Chief Electoral Officer thinks fit the rolls can be printed. Another necessary amendment is contained in Clause 37, that is in regard to witnessing claims. At present Section 204 of the Act sets out that a claim must be witnessed by an elector, but sometimes there is great difficulty experienced in obtaining a person to witness claims and declare himself an elector. A person is never certain that he is on the roll, and therefore does not like to declare that he is an elector. The amendment will make it easier. It will be put in this form, that if a person is entitled or qualified for enrolment he shall be qualified to witness claim forms or other forms under the Electoral Act. It practically makes it that any person can witness claim forms and not, as is at present the case, confining it to an elector of a district or province. Clause 40 provides for the repeal of the schedules in the Act, and the Bill prescribes the authorising of such forms under regulations. This is necessitated by the fact that the forms used in the establishment of a co-operative system must necessarily from time to time change as agreed upon by the Commonwealth authorities and the State authorities. The forms now in the Act will be repealed by Clause 40 and they will be prescribed by regulations from time to time. It will be frequently necessary to alter them, and if this step of repealing them were not taken every time an alteration were necessary it would necessitate an amendment to the Act. The amendments I have mentioned so far are those that are necessary to bring about this co-operation with the Commonwealth and to obtain joint rolls. In addition to these amendments there are others that have been found necessary by the experience of the working of the Act during the past three years. The first of these is in regard to compulsory preferential voting. The Act provides that preferential voting is optional. The Bill seeks to make it compulsory. At the present time, of the members sitting in another House several have been returned on a minority vote. The latest example was at the Albany by-election held in September of last year. Out of 1,587 formal votes cast, 733 showed one preference only, 776 showed two preferences only, whilst only 58 votes showed three preferences. In other words 47½ per cent. of the votes cast showed only one preference, 49 per cent. showed two preferences, and 3½ per cent. showed three preferences. The result was that the successful candidate was declared elected on 745 votes, thus being 49 votes less than the absolute majority figure. It is thought advisable to prevent a repetition of that by making preferential voting compulsory so that an elector must use his full privilege and vote for the candidates 1, 2, 3, 4, etcetera, so that there will be no chance of a candidate being returned other than by a majority of the votes polled. There is also an alteration set forth in Clause 23, an alteration for the time limit for the issue of the Governor's warrant. It is found necessary to alter Section 63 by providing that the Governor may, not later than 21 days, in lieu of seven days as provided by the present Act, by warrant direct the issue of writs. The amendment is suggested on account of the provisions in Section 64 of the Act "that 14 days' notice of the intention to issue such warrant must be published in the *Government Gazette*." As the law stands the intention to issue would need to be gazetted while Parliament is still in session. That was a mistake which was not foreseen when the Bill was passed, and it is to obviate it that the alteration is sought to be made from seven days to 21 days. Another suggested amendment is in Clause 30, and is an amendment to Section 118. This section is sought to be amended by the addition of the words, "and the qualification of any person enrolled shall not be questioned." It will be remembered in the case of the Geraldton and Menzies elections, when Mr. Carson and Mr. Buzacott respectively were returned, petitions were lodged for the purpose of upsetting the elections on the ground that electors had voted who were not qualified. In both instances the petitioners were successful. It is considered unfair that candidates should run the risk of having elections upset from no fault of their own. Therefore in future, if this Bill becomes law, the fact of persons hav-

ing voted who were not qualified shall not be the means of upsetting an election. This will not exempt persons who have voted from the penalties under the Act. The electors themselves will then take the risk, and not the candidate. In other words if a man who is not qualified, but who is on the roll, insists on voting, the election cannot be upset, but the voter can afterwards be proceeded against for having made a false declaration.

Hon. D. G. Gawler: Can the vote be challenged by the scrutineers?

The COLONIAL SECRETARY: All those provisions stand; the voter can be challenged, and if he insists on exercising his vote, and really has no qualification, he will be liable to prosecution. It will not, however, upset the election. Take a case. To-day if a candidate is returned by six votes, and it can be proved afterwards that seven persons voted who were not entitled to do so, then no matter for whom they voted the election could be upset. It might even lead to this. Take the case of two members standing for a district, and it was known that there would be a close fight; one of the candidates might even go so far as to get persons to vote for himself, if he liked, and then, if he were in a small minority, and it could be proved afterwards that those persons were not entitled to vote, the election could be upset notwithstanding the fact that they had voted for him. This Bill seeks to amend such a state of affairs. There is also an amendment which has been mentioned by Mr. Patrick on several occasions. He has said that in the enrolment of electors for the Upper House a difficulty exists in that there is only one province registrar. Take the case of the province the hon. member represents. The registrar for the province is established at Geraldton, while there are district registrars at Cue, Nannine, and each Assembly district, but they have no control over the enrolment any more than to receive the claim forms from the electors and send them on to the province registrar. Naturally, if a person enrolled at Nannine, and the papers were sent on to the registrar at Geraldton, the latter would not know whether the claimant was a person entitled to vote. There is no way of questioning the claimant, and there is no check on him. The hon. member suggested that each district registrar should have the same power as the province registrar. After going into the matter and considering it thoroughly with the Chief Electoral Officer and the Solicitor General, I find that the course suggested by the hon. member would be very dangerous, and would not be as effective as he imagines. I will give an instance to show in what respect the hon. member's proposed amendment would not be as effective as he thinks. Take, for instance, the Dundas district. The district electoral registrar is located at Norseman, and he would be in no better position to verify the enrolment of a man at, say, Ravensthorpe than the province registrar. Therefore it would not get over the difficulty by giving the district registrar the same powers as the province registrar. Under the Bill greater powers are given to the province registrar for, if he is not satisfied with the claim, he may uses the authority provided in Section 35 of the Act whereby he can empower an officer of the State service, or local Government officer, to report on the claim. This gives a wider choice of assistance than if the electoral registrar for the district were to be the only officer on whom the province registrar could rely for verification of the qualification. That will get over the difficulty the hon. member mentioned much more effectively than simply by giving the assistant registrar the power of the registrar for the province. These are the principal amendments. There are also a few other amendments found necessary after three years' working of the Act. The first amendments I have mentioned are brought in chiefly for the benefit of the Commonwealth; but, let me say they are not altogether introduced for that purpose, for they will considerably reduce the State expenditure; for if one roll can be made to do for both the Commonwealth and the State it is better than for each to go to the trouble of providing a separate roll. Therefore the State will benefit considerably by the adoption of a common roll. The later amendments are found necessary after experience in working the Act

for the past three years; they include also provision for compulsory preferential voting. I beg to move—

That the Bill be now read a second time.

On motion by Hon. D. G. Gawler debate adjourned.

ADJOURNMENT — STATE OF BUSINESS.

The COLONIAL SECRETARY (Hon. J. D. Connolly): I do not know whether it is the desire of members to meet again to-morrow. I may say I had intended to take the Committee stage of the Hospitals Bill to-morrow, but after that it will be desirable, on account of the change in the Government which has necessitated the adjournment of business in another place for a fortnight, and so has prevented Bills from coming down, for us to adjourn for some time. It will be useless meeting after to-morrow for some weeks, and I propose, if it is agreeable to members, to move the adjournment of the House to the 18th of October, this day three weeks. If members think it desirable to come back to-morrow we can do so and go on with the second reading of the Electoral Bill, and with those Bills of which I have to-day given notice. However, if members prefer we can adjourn from to-night until three weeks hence. I desire only to study the convenience of the House. Perhaps it would suit the convenience especially of those members who come from long distances if we were to adjourn from to-night for three weeks. By that time we shall have enough business to go steadily on with for some weeks. I move—

That the House at its rising adjourn until Tuesday, the 18th October.

Question passed.

House adjourned at 8.55 p.m.

Legislative Assembly,

Tuesday, 4th October, 1910.

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

ELECTION RETURN—SUBIACO.

The Clerk announced the return of writ for the election of a member for Subiaco, showing that Mr. Henry Daglish (Minister for Works) had been duly elected.

Hon. Henry Daglish took the oath and subscribed the roll.

MINISTERIAL STATEMENT — CHANGE OF GOVERNMENT.

Programme of Bills.

The PREMIER (Hon. Frank Wilson): Following on the resignation of the ex-Premier, Sir Newton Moore, a little over a fortnight ago, I was commissioned by His Excellency the Governor to form an Administration, and I wish now to make the announcement that having agreed to do so I proceeded to ask the member for Subiaco, Mr. Daglish, to accept the portfolio of Minister for Works, and to ask the member for Kimberley, Mr. Male, to join the Cabinet as Honorary Minister, and also the Hon. R. D. McKenzie to become Honorary Minister in the Legislative Council. These gentlemen, with my former colleagues, constitute the Government of to-day, and I wish to say at once, as far as I am personally concerned, I feel that I shall have a considerable amount of difficulty in following in the footsteps of my predecessor, Sir Newton Moore.

Mr. Angwin: It will not be for long.

The PREMIER: A man of his attributes, and kindly and genial disposition is, of course, one difficult to follow; nevertheless I hope that those kindly feelings of friendship and courte-