maximum charge. But, as I pointed out when introducing the measure, and again by interjection, the only rate the board can impose is one sufficient to cover all the expenditure in connection with these works. So there is no danger, as the board has to make an estimate of its cost and subsequently impose its rate, just the same as a municipality. There is no danger in connection with this matter. However, that also can be thoroughly thrashed out in Committee. In conclusion, let me say I am gratified at the speeches that have been made in connection with this undoubtedly very big measure, a measure which affects the health of the whole of the metropolitan community, and I feel sure that hon. members on both sides of the House will endeavour to sink any feeling of personal or party opposition. I am not wedded to the clauses of the Bill. I want to get the best measure we can. And it is not because I have framed these clauses, or some of them—my predecessor did most of the work—it is not because I have introduced these clauses as being the mature opinion of the department, and of the Government, that we shall necessarily feel wedded to them if a majority of hon. members think they could be amended or profitably altered. I commend this Bill to the House, and I hope the result will be that we will speedily have as workable and as perfect a measure as possible.

Question put and passed.

Bill read a second time.

House adjourned at 10.34 p.m.

Legislative Council.

Wednesday, 15th September, 1909.

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

BILL—FISHERIES ACT AMENDMENT.

Introduced by the Colonial Secretary, and read a first time.

BILL—EMPLOYMENT BROKERS.

Report adopted, after recommittal.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small Bill to amend the Municipal Corporations Act of 1906. It is introduced more to amend some anomalies than to introduce any new features into the Act governing municipal corporations. What will, I presume, be considered by hon. members the principal feature of the measure is a clause that will be added to the Bill in another place, dealing with the increased rating powers. Clause 2 is simply a verbal amendment to avoid ambiguity as to the definition of "land." In the Act it is not at all clear what "land" really means. This is to make the definition quite clear. Clause 3 is inserted in anticipation of the rating powers of municipalities being increased from 1s. 6d. to a maximum of 2s. At present a town can be proclaimed a municipality should the rating power extend to £750; that amount is raised by this clause to £1,250, so as to have an increase proportionate to the increased rating powers proposed to be given to municipalities. At present the Act provides that an

electoral list shall be supplied to the electoral registrars, but as this is quite useless now under the Electoral Act—that is to say, as there is no provision made in the Electoral Act whereby use can be made of the municipal roll, it is quite unnecessary to impose the duty on town clerks to forward the list of ratepayers, as formerly, to the electoral registrars. Clause 4 deals with this. Clause 5 is rather lengthy. It is inserted primarily at the instance of the City council and the Fremantle municipal council, and it deals with the control and management by municipalities of fish markets. The law on the subject is at present not at all clear, and the councils I have mentioned have experienced considerable difficulty in dealing with their fish markets. The clause is inserted at the request of these bodies to give them extended power or powers they were supposed to have under the present Act. For instance, Subclause (c) provides that the municipal council shall have power to appoint a municipal official or sole auctioneer for the fish market. This principle is carried out in Brisbane in the fish market, and has worked successfully indeed. The same thing is done at Fremantle now, but without proper statutory authority. Perth proposes to adopt a system of appointing a municipal auctioneer, but the question of whether it is legal or not has been raised. So it is thought better that this definite power of appointing their own auctioneer should be given to these municipal bodies, which power, it is hoped, will, to a great extent, relieve the fish market, in that it will allow of fish being sold in the open market, and which it is hoped will cheapen the fish supply and do away with the existence of a fish ring, which I think it is generallyadmitted operates in Perth and Fremantle to-day. The Act is rather ambiguous in regard to the power of the council to levy fees for the inspection of fish. Section 79, Subsection 23, and Section 354 of the Act deal with this matter, but although many articles of produce are included in the sections fish are not, and therefore, Subclause (*d*) of Clause 5 is inserted in this Bill to give the councils the same power to make fees in regard to inspection of fish as they now possess in regard to other foods. The other subclauses of Clause 5 are simply giving further power to carry out the work in regard to the sale of fish. It is also provided that instead of appointing their own auctioneer the municipality can license an auctioneer, or auctioneers, to sell fish in the markets, and power is given to regulate the fees these licensed auctioneers may charge.

Hon. F. Connor: Do you not think a maximum fee should be fixed?

The COLONIAL SECRETARY: It would be rather unusual to fix the maximum in the Bill, because what may be right to-day may not be so in twelve months' time. It is preferable to give municipalities power to do it by regulation.

Hon. F. Connor: It is a tremendous power to give.

The COLONIAL SECRETARY: The councils want the power to cheapen the fish supply, and to regulate it better than it can be done at present. It is different giving a local body power of this kind to giving it to a private individual. There is another difficulty at present, that is to prevent fish from being put back too often, or at all, into cool storage, and sold again as fresh. Subclause (*h*) is to prevent this, and to give power to municipalities to regulate it.

Hon. J. W. Hackett: It does not regulate it, it prevents it. What about salt fish?

The COLONIAL SECRETARY: I do not think there would be much danger in regard to salt fish; they would not be put into the same cool storage. It is only when fish are taken out and replaced that it gives power to prevent them from being sold again as fresh.

Hon. J. W. Hackett: We might regulate it, but not prevent it.

The COLONIAL SECRETARY: It is desirable to have nothing but fresh fish in the markets. Nothing becomes tainted as quickly as fish, but perhaps it would be as well to adopt the hon. member's suggestion to prevent the fish going back a second time. Clause 6 is taken from the Victorian Act of 1892, and is inserted at the request of the municipality of Carnarvon. It is briefly to give any munici

pality that cares to have it the power to form itself into a water trust and assume control, and work a water supply. This is a very necessary power, and no doubt country municipalities will avail themselves of it.

Hon. G. Randell: What will be the effect of Subclause 2 of Clause 6? It is retrospective.

The COLONIAL SECRETARY: It is to suit the case that I have just mentioned, that is Carnarvon. This particular clause, as far as Carnarvon is concerned, should have been passed last year, but through some delay was not introduced in time, and consequently did not become law.

Hon. R. F. Sholl: Would they be bound to supply water to some particular land taxed outside the municipality?

The COLONIAL SECRETARY: I do not quite follow the hon. member. Clause 7 makes certain alterations in the building section of the Municipal Act, and makes the same provision apply to internal walls as now applies to external walls. That is to say, in the present Act, while there is provision dealing with external walls, there is no power to prevent an internal wall from being built of wood or other inflammable material. This clause will give a municipality power to treat an internal wall in the same way as it deals with an external wall. Clause 8 reinstates a provision of the Building Act of 1884. It will enable more prompt action to be taken in connection with Sections 313 and 314 of the Municipal Act of 1906. This clause was in operation in the old Building Act, and was in force in the State between 1884 and 1896, but in the Municipal Act of 1896 it was altered as it stands to-day in the Municipal Corporations Act, 1906. The clause as set forth now goes back to the old system which was in force between 1884 and 1896. It is a suggestion which has come from the City council, who considered it more workable than the existing law.

Hon. J. W. Hackett: And is there no appeal?

The COLONIAL SECRETARY: I do not think there is any appeal from any of the building sections of the Municipal Act. Clause 9 refers to the building sections of the Act, and enables the council to recover the cost of the erection of hoardings in front of dangerous buildings. In the existing Act a corporation has power to erect a hoarding, etc., around a dangerous building, but it has no power to recover the cost of that hoarding. The clause is inserted to give the council power to charge for the cost that may have been incurred in the erection of such hoarding.

Hon. J. W. Hackett: And still no appeal?

The COLONIAL SECRETARY: Still no appeal. Speaking of appeals, I do not think that is a case in which one would hardly expect to have an appeal. If the City council or their surveyor deems a building unsafe, and they have to erect hoardings it is hardly likely that anyone would want to appeal.

Hon. J. W. Hackett: It need not be unsafe at all.

The COLONIAL SECRETARY: We are presuming that building surveyors are men who understand their duty in connection with the construction of buildings, and that, therefore, a building would necessarily have to be unsafe before it would be condemned. If we are going to stop and give the right of appeal on the question as to whether a building is unsafe, probably someone will be killed before the appeal is decided.

Hon. J. W. Hackett: There is the other danger.

The COLONIAL SECRETARY: Clauses 10 and 11 deal with the matter to which I have already referred, the sale and consignment of fish. They are amendments to Sections 252 and 253 of the Act and empower the council to act as consignees of fish intended for sale in the fish market and to carry on the business of auctioneers, a power which they do not possess under the present Act. Clause 12 is a repetition of the old clause except that there is a proviso making it clear what shall be "improved land." Hon. members know that on improved land there is one rate, and on unimproved land, another rate. There is no clear definition in the Act as to what is improved and what is not improved. This seeks to define it clearly.

Hon. E. M. Clarke: Will the Minister explain the meaning of rates and taxes in line 15 of Subclause a? Will he explain what constitutes a rate?

The COLONIAL SECRETARY: I take it for the purpose of this Act, rates and taxes mean municipal rates and taxes. I do not thing other taxes imposed by any other body are meant.

Hon. E. M. Clarke: I understand then that it does not include the Government Land Tax or the Income Tax.

The COLONIAL SECRETARY: The only tax is the tax which a municipal council can raise. They may as a health board levy a health rate, but they do not do that as a municipality; they do it as a health board. Exemptions from rates or deductions from rates only mean exemptions and deductions from municipal rates.

Hon. E. M. Clarke: They would be 1s. 6d. in the pound.

The COLONIAL SECRETARY: I do not think it would extend beyond that.

Hon. W. Kingsmill: What about the sanitary rate?

The COLONIAL SECRETARY: That comes under health. Clause 14 of the Bill is entirely a new departure from anything contained in the Municipal Act to-day. I have mentioned that another place will probably give power to the municipality to raise the rating power from 1s. 6d. to 2s. This clause, as I have already remarked is entirely new. At present in Fremantle, and perhaps to some extent in Perth there a large number of houses vacant, and while the owners are not able to get them tenanted, they may have to pay interest on a mortgage. On top of that and not deriving any revenue from the houses they still have to pay municipal rates and taxes. The clause seeks to relieve them to some extent; that is to say, if a house is untenanted for at least two months, it shall be exempt from municipal rates for that time.

Hon. W. Kingsmill: That is sugar coating.

The COLONIAL SECRETARY: If the house is empty for six months then six months' rates would be allowed.

Hon. M. L. Moss: This is entirely permissive. The clause says "they may."

The COLONIAL SECRETARY: It is simply left to the discretion of the council as representatives of the ratepayers, and if they find that in certain sections of the town a number of houses are untenanted it is within their power to afford the owners the amount of relief I have mentioned.

Hon. M. L. Moss: The clause should be mandatory or nothing.

The COLONIAL SECRETARY: The matter is entirely in the hands of the House. At the present time it is simply left to the discretion of the municipal council.

Hon. R. F. Sholl: How would that affect all the other rates?

The COLONIAL SECRETARY: This has nothing to do with the water rate, for instance, which of course will come under the Water and Sewerage Act.

Hon. R. F. Sholl: They would have to pay that all the same.

The COLONIAL SECRETARY: A similar provision could be inserted in the Water and Sewerage Act. Clause 15 is also a new clause as it is taken from Sections 546 of the Victorian Act, 1903. It enables the Governor-in-Council to place the control of bridges connecting municipal districts but not actually in either district under one or other district. and it enables the Governor-in-Council to apportion the costs of maintenance between two or more districts served by the bridge. I can give examples which occurred lately, the bridge between North and East Fremantle and the Causeway between Victoria Park and Perth. There is power at the present time to give the control of those bridges to the municipal council though they may not be within municipal territory, and further, power is given to allot the cost of those bridges to that municipality or any other. In cases like the two I have mentioned it may be fair and equitable to distribute the cost over several municipalities thoughthe bridges may not be within their territory.

Hon. W. Kingsmill: And would this prohibit the Government granting any aid?

The COLONIAL SECRETARY: I do not think there is anything there about granting aid, and in my opinion, no. Clause 16 is another new Clause, and it enables the Council to maintain jetties constructed in their districts notwithstanding that so far as the jetty extends beyond low water mark, it is not strictly within the boundaries of the municipal district. We might take the jetties at Cottesloe and at Fremantle, portion of which jetties, that is the shore end, is within the municipal boundary, and the rest outside. This clause will enable a council to maintain and have control over the jetties though the entire length of the jetty is not within the municipal district. This is a power desired by municipalities.

Hon. G. Randell: Will this apply to the Busselton jetty? I think it is five miles long.

Hon. J. W. Hackett: It is not two miles long.

Hon. W. Kingsmill: Will that clash with the Fremantle Harbour Trust Act?

The COLONIAL SECRETARY: I am glad the hon. member mentioned that. I do not think it would. Hon. members no doubt are aware that the old Fremantle Sea Jetty does not belong to the Fremantle Harbour Trust, though it is contained and runs into the area controlled by the trust. The area runs from Rockingham northwards, but this jetty is not included in their schedule of harbour improvements. Clause 17 is new, and provides for the appointment of an auditor by the Government so long as any municipality is in receipt of a subsidy from the State. It is an amendment recommended by a select committee of another place which sat last session, and has been recommended by several municipal conferences. It is thought advisable that one of the auditors, so long as a municipality is receiving aid from the Government, shall be appointed by the Government. It is the same system as obtains under the Roads Act. Clause 18 is new and it is one I would like to draw the attention of members to; it enables a council to subsidise a hospital. It says—

> "The council may apply its ordinary revenue to subsidise any public or private hospital established within or without the district."

It is not giving power to strike a special rate for hospital purposes, but gives the power to municipal councils, among other things, to set apart a portion of their revenue for subsidising hospitals. I do not think it will be availed of in large towns or cities, but I know it will be in the smaller towns. The scheme which the Government have of placing the hospitals under local control will enable this provision to be availed of. In many places along the Great Southern line this power has been asked for. At Narrogin, for instance, they say it would be advisable instead of creating another board, to appoint the municipal council the hospital board or committee. It is purely within the discretion of the council to say whether they will contribute one pound or £100.

Hon. G. Randell: Do you not think the wording ought to be altered?

The COLONIAL SECRETARY: In what way?

Hon. G. Randell: It says "apply its ordinary revenue." That means the whole of it.

The COLONIAL SECRETARY: You do not compel them to do it.

Hon. G. Randell: Would it not be better to say any portion of it?

The COLONIAL SECRETARY: Clause 19 provides that the Governor may in his discretion dissolve any municipality when the revenue received by that municipality is below £750. This power is partly contained in the present Act, and is rather cumbersome. The clause makes the matter clearer and makes it easier to dissolve a municipality. To-day there are numbers of municipalities on the goldfields whose revenue has fallen very much below £700, and in some cases below £100. Under the Roads Act there is power to deal with this matter, and it is sought to obtain the power under the Municipalities Act. I do not think there is anything further I need say on the Bill. It is simply, as I have said, a number of small amendments introduced to put aright known anomalies that exist in the present Act, together with a few

alterations to the present law, which I have explained. I move—

That the Bill be now read a second time.

Hon. M. L. MOSS (West) : I have a few observations to offer on this Bill. In the first place it seems very inadvisable that a Bill which has a clause in it printed in italics that has to be dealt with in another place, and on which there may be ground for very great difference of opinion as to whether we should extend at all the burdens of the ratepayers, and which casts on the municipality the right to increase the general rate from 1s. 6d. to a higher amount, whether it is altogether expedient for the Bill to be introduced in this House. In dealing with the measure as a whole, I think if the House thought it inexpedient to give greater power to those bodies for taxation purposes, it would be much easier to throw the Bill out at first than to do it afterwards ; and it is calculated to place members of this House in a very invidious position. It may be, with the reduction of the subsidies, and their entire disappearance in measurable view, these bodies may need additional taxing powers that may or may not be expedient. It is a ground for difference of opinion, therefore it is inexpedient that a Bill of this character should be introduced in this House. There are certain things which the Minister has pointed out which are of importance in this Bill. The principle set out in Clause 12 no doubt rectifies a good deal of the difficulty which has arisen under Section 378 of the Act of 1906, containing the rules regulating the valuation of property for assessment purposes. Subclause *a*, which now appears in the Act of 1906, is followed by Subclause *b*, which now appears in the Bill in the shape of a proviso. And the Minister has said as to these appeal courts, in reference to assessments, no magistrate has the right under the original Act, where it says "not less than 4 per cent." to have discretionary power. There was a difference of opinion as to the annual value, and in order to clear that up, the proviso is put in. I think the Bill should clearly state what the intention of the Legislature is. By far the most important part of the clause is the second proviso, where land is unimproved and the annual value is not to be less than 7½ per cent. of its capital value. Members know perfectly well that as the present Municipal Act does not provide how much money has to be expended on a piece of land to make an improvement on the land. it follows that the smallest improvement converts the land from unimproved to improved land. Many people were ignorant of that fact, and were charged at the rate of 7½ per cent., whereas other persons put up a fence valued at £5, or a humpy of same value, on the land, and they were then charged at the rate of 4 per cent. Now members have to look very carefully at the clause for the reason that nothing will be an improvement to the property unless the improvement is 20 per cent. of the value of the land, or £30 per foot of the main frontage to the land. That may be good enough in the centre of the city of Perth, or in the centre of Fremantle, but if we look at Subclause *d*, the annual value is still kept at 7½ per cent. on the unimproved value of the land. You are going to include within the taxable powers of these municipalities lands that are unimproved less than 20 per cent., and in the case of city properties, say those that have £29 of improvement per foot, you still keep at 7½ per cent. That is a very high amount indeed, seeing so much more land is going to be declared unimproved land with taxation at 7½ per cent. I think it ought to be reduced to 6 per cent., and when in Committee I shall move in that direction. Clause 14 is very dangerous, although the principle in the clause is a very good one. It is left to the discretion of the council to say when land has been unoccupied for two months, that it shall be declared free from taxation. Well, the council in regard to my property may declare it free, but the next applicant who comes to the council may not be granted the same concession. We place a power in a municipality that we have no right to confer on them. Either the provision in Clause 14 should be made mandatory, or it should not be there at all ; the taxpayers then would have to show that their property has been unoccupied for two months, and they would

be entitled to a reduction of the tax for that period.

The Colonial Secretary: How would the council stand if they levied distress for rent?

Hon. M. L. MOSS: Every council throughout the State should act in justice and fairness to everybody alike, and then the clause is a good one. Mr. Randell says it is a temptation. It is a very great temptation. If the power that Parliament proposes to confer on municipal councils is exercised, the council in one instance may say, this is a poor man, he cannot afford to pay the rate, we will remit it to him; and form a different conclusion as to another ratepayer who can well afford to pay. That places the burden very unevenly on people in municipalities. Unless the form of the clause is made mandatory, I shall do my best in Committee to get it deleted. I certainly am not going to give my support to Clause 15, and I confess, in speaking with regard to this clause, what I have in my mind at the present time is the traffic bridge between Fremantle and North Fremantle. That bridge is part of the main thoroughfare between the port and the City. That bridge is part of the highway used not only by the people in Fremantle and North Fremantle who, under the provisions of Clause 15, would be penalised by the upkeep of that bridge, but the bridge is utilised by the whole of the people who live in Perth as well. This is a structure which if unfortunately it were burnt down and the power exercised under the Bill, the Government could call on the two municipalities to reconstruct. Supposing in the wisdom of the Executive Council it was thought fit to foist that responsibility on East Fremantle and North Fremantle, you would have them both bankrupt. Here are the plain English words in the Bill—

> "Upon such order being made and published, the bridge shall be deemed to be situated within such municipal district as the Governor may in and by the Order-in-Council declare, and it shall be the duty of the council of such municipal district to maintain and repair such bridge."

And where in a lease there is a provision to repair and maintain a building that is burnt down, the lessee, if it is not provided for in the lease, and if there is a fire, has to rebuild the premises. So the same principle would apply in construing Clause 15. The Minister may tell me that it was never the intention of the Government to cast the responsibility on these two municipalities.

The Colonial Secretary: I still contend there is nothing to prevent the Government from building it.

Hon. M. L. MOSS: There is nothing to prevent the Government when they are so disposed, but when there is a duty cast on the municipal councils by an Act of Parliament to maintain and repair the bridge, power is given to the Government to cause, say, these two suburban municipalities to make good any damage. So far as the two municipals council to which I have referred are concerned, it is really of very little consequence to them whether that particular bridge exists or not; it matters far more to the people engaged in mercantile pursuits in the city. Large quantities of goods are taken to the City by lighter, and large quantities by the railway, but large quantities are also delivered daily by road from Perth to Fremantle, and from Fremantle to Perth.

Hon. G. Randell: And from the intermediate places.

Hon M. L. MOSS: Yes. That the whole cost should be cast on those municipalities is unfair in the extreme. Take the bridge over the Swan connecting Victoria Park with the City. The same observations I have made with regard to the bridge at Fremantle apply in that case. Would it be a fair thing to cast the obligation of maintaining and repairing that bridge on the municipalities the other side of the river and make them shoulder responsibilities of the kind I have mentioned. Doubtless Mr. Kingsmill, Mr. Langsford, and Mr. Sommers will have something to say on this question. Other members also will be able to give instances of bridges in their own localities, which probably will come within the purview of this clause if it is adopted by the House. It is

a very unfair responsibility to attempt to shoulder on the municipalities. The best provision by far in the Bill is contained in Clause 17. I wish the time had arrived when the Government could see their way clear to have all auditing of municipal accounts conducted by Government auditors. This has long been the law in New Zealand, and for as many as twenty-five years past the municipalities there have been subjected to Government audits twice a year, and in addition have to pay the Government department for carrying out these audits. So far as the audit at Fremantle is concerned I have not the slightest aspersion to cast upon any of the gentlemen conducting it, for they have done their work well and satisfactorily, but I am looking at the matter from the point of view of the whole State. The last thing I want to say is that the men who have done the work in the past are not independent, for I believe they are; but if this system of Government audit is adopted, with appointments not dependent upon the votes of ratepayers, there will be the greatest amount of supervision exercised over these public audits and it will be a good thing. At the present time in the history of municipal bodies we have come to the position when subsidies are pretty well a thing of the past. The rating power of the municipalities is practically proposed to be increased. The time has gone when the municipalities can expect liberal grants from the Government such as they received in the past. What with the direct taxation of the Government, and the increased taxation which will come along as soon as the waterworks and sewerage schemes are in full swing, there does not appear to be a very cheerful prospect for the people owning property within the boundaries of a municipality. Greater supervision must be exercised over the persons spending the money to see that all funds are dealt with in a manner justified by the provisions of the municipal laws. If this is done it will be an excellent move. Clause 17 contains provision that in certain instances the Government are to appoint one auditor. I hope this is but the thin end of the wedge, and that before long we will have a suggestion that the whole of the municipal auditing shall be done by the Government. Clause 18 includes a very vicious principle. I would have no objection to councils overburdened with money contributing portion of their funds as subsidies for public hospitals, but surely members will never listen to a suggestion that public funds raised by rates should be utilised towards subsidising public hospitals. That is opening the door wide to a very great abuse. My friend Mr. Pennefather points out that the clause applies not only to private hospitals within a district but also to private hospitals without a district. I would suggest to the Minister that the clause should be amended. Clause 19 provides—

> "If the ordinary revenue of any municipality shall in any financial year be less than £750 the Governor may without any petition under Section 25 of the principal Act by Order-in-Council dissolve the municipality and include the district thereof in any adjoining road district."

I do not know whether it is possible that the revenue of Perth or Fremantle will ever get so low as £750, but for the sake of argument let us suppose that such is the case, and that it would be necessary therefore, under the clause, to put them in an adjoining road district. Surely there should be the provision that they could be included in an adjoining municipal district. To take the case of any municipality where the rates had become reduced to a sum lower than that deemed essential, it might frequently happen that it would be most difficult to put the district in a road district for it might be surrounded by other municipalities. The additional power I suggest should be included in the clause. I have picked out some of the principles of the Bill, chiefly those to which I object, but I candidly admit there are other things included in the measure which are worthy of going on the statute book, and I am consequently prepared to

support the second reading. I thought that before the second reading was carried some of the matters to which I have referred should be brought before the notice of members.

On motion by Hon. J. W. Langsford, debate adjourned.

BILL—LAND SURVEYORS.

Received from the Legislative Assembly and read a first time.

BILL—POLICE (CONSOLIDATION).

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a Bill for the regulation of the police force. At the present time, as some members are no doubt aware, the law for the government of the police force is contained in the Police Act. That is to say the power given to the Government to regulate the police force is contained in the same measures that gives power to deal with police offences. This Bill is simply introduced with the object of taking the portion referring to the police force from the Police Act and constituting it a separate measure. There are some minor amendments which I will point out, and a few new clauses are introduced. The first alteration occurs in Clause 5. It is only a minor alteration, but under the Act there is no provision for the appointment of superintendents. It may be necessary as time goes on to appoint superintendents of police, and therefore provision is made in this Bill. In introducing the measure I will only deal with those portions where there is an alteration from the existing law. The main object of the measure is first of all to correct some well known omissions and anomalies, and then to separate that portion of the Bill dealing with the regulation of the police force from that dealing with police offences. There is a slight alteration in Clause 12 which deals with the case of a non-commissioned officer who desires to resign. It provides that before he can resign from the force he must give certain notice. Should the officer resign without the notice he will be subject to a penalty. Under the existing Act the penalty is five pounds, but this has now been increased to ten pounds. Clause 13 is practically the same as the previous one, but relates to members of the force, and in this clause the penalty is raised for a breach from five pounds to ten pounds. Clause 15 provides for punishment for taking bribes, and by it the penalty is increased from ten pounds as existing at the present time to twenty-five pounds, and from three months' imprisonment to six months. The penalty for neglect of duty is practically the same under the Bill as it is now, but the clause is somewhat amplified and is differently worded. Clause 27 is entirely new. It provides that the Fremantle Harbour Trust Commissioners may from time to time appoint and dismiss special constables who within the limits of the Fremantle harbour shall have, exercise, and enjoy all such powers, authorities, and immunities and be liable to such duties and responsibilities as any police officer duly appointed now has by law: provided that such special constables shall not be members of the police force, but shall be the servants of the Fremantle Harbour Trust Commissioners and under their direction and control. This power has been asked for by the Harbour Trust for some time.

Hon M. L. Moss: You had better include the Bunbury Harbour Board as well. I know the reason for this clause.

The COLONIAL SECRETARY: The words might well be added as suggested by the hon. member. When this Bill was drafted the Bunbury board were not in existence, but I will move the amendment he suggests when the Bill reaches the Committee stage. Clauses 29 and 30 are very important, and provide for inquiries into the conduct of non-commissioned officers and constables respectively. Clause 29 reads—

> (1.) The Commissioner, or some other commissioned officer of the force appointed by the Commissioner for the purpose, may examine on oath into any charge of neglect of duty or insubordination or misconduc-

against the discipline of the police force against any non-commissioned officer.

(2.) The evidence taken by any such other officer shall be referred to the Commissioner for his decision thereon.

(3.) The Commissioner, if he considers the charge is satisfactorily proved, may inflict a fine not exceeding ten pounds, and may recommend to the Minister the dismissal, or reduction in rank, of the accused.

Previously, before an officer could be appointed to inquire into the conduct of an officer or member of the force on any charge of neglect of duty, he had to be appointed by the Governor, but this clause gives power to the Commissioner to appoint an officer to make the inquiry. After the inquiry is held a report has to be prepared and sent to the Commissioner for his approval. The clause also provides for the penalty for misconduct being increased from five pounds to ten pounds. And the same thing applies to the next clause, dealing with men. Clause 31 is new. It gives power to the Commissioner to hold an inquiry on oath; but should a constable desire a less formal inquiry the clause gives the Commissioner power to have a minor complaint dealt with accordingly. Clause 32 provides for a board of inquiry. There is a slight alteration in this from the clause in the existing Act. Under the existing Act a constable charged with a trifling offence may demand a board, and the board has to be appointed by the Governor-in-Council. It has so happened that a constable has been reported for, say, gossiping, or even a lesser offence, while on his beat. He has demanded a board and the board has been appointed—an operation which takes a considerable time, perhaps several weeks—and the result of the finding is that the constable is merely cautioned and told to be more careful in future. Now, under this new clause a constable may ask for a board, but it will be at the discretion of the Minister as to whether that board be granted or not. It is not likely that the Minister will refuse to grant a board if the charge be in any way a serious one: but, on the other hand, the Minister will have power to refuse to appoint the board for the hearing of trifling offences. The latter part of Clause 38, namely, Subclause 3, is new. It reads—

"When any person is taken into custody on a charge of committing a crime, his premises and property may be inspected and searched without warrant by any member of the police force."

It may appear at first sight that this is rather great power to give a police constable; but it will be noticed that the clause distinctly states, "if any person be taken in custody on a charge of committing a crime."

Hon. W. Patrick: But he might be innocent.

The COLONIAL SECRETARY: Yes, that is so, but it is only a case in which a man is arrested on a charge of committing a crime, say, gold stealing on the goldfields. The constable may have a man arrested because he believes that he is guilty of stealing gold. It is necessary that the constable should have the power there and then to search the premises. Under the existing law he has to take his prisoner to the lock-up and obtain a search warrant, after which it may be impossible for him by a search to secure such evidence as shall lead to a conviction. Consequently it is very necessary that the police should be given this power.

Hon. M. L. Moss: Why not stipulate that it should be in the case of gold stealing only?

Hon. W. Patrick: It would certainly be very dangerous to make it general.

The COLONIAL SECRETARY: If a man be arrested merely for a misdemeanour the constable will not have power to make this search.

Hon. T. F. O. Brimage: In any case the man may be arrested merely on suspicion.

Hon. M. L. Moss: It is certainly a very sweeping clause.

The COLONIAL SECRETARY: Even to-day it is only a matter of a little time, for the constable has the power

to go and get a search warrant. As it is, the only difference is that he will have power to make the search a little sooner than would otherwise be the case.

Hon. W. Kingsmill: Can he not get a search warrant and take it with him before he makes the arrest?

The COLONIAL SECRETARY: Yes, but he may be watching a suspected criminal and may arrest him according to opportunity; and it is very necessary that once he shows his hand he should have the power to make the search forthwith.

Hon. W. Kingsmill: This is a sort of universal search warrant as regards crime.

The COLONIAL SECRETARY: Yes, but the constable has to take the responsibility and justify the arrest of the person supposed to have committed the crime. The constable cannot arrest anybody merely for the sake of searching the premises. Clause 49 is new. It has been inserted for the protection of the police force.

Hon. R. W. Pennefather: What about Clause 39, is that new?

The COLONIAL SECRETARY: No, it is not new. There may be a slight difference in the wording as compared with the old one, that is all. Clause 49 reads —

> "When any action is brought against any member of the police force for any act done in obedience to the warrant of any justice of the peace, such member of the police force shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the justice issuing the same, and may plead the general issue and give such warrant in evidence."

It simply gives the officer protection in carrying out his duty under a warrant that may afterwards be proved to be irregular. There is a slight alteration in Clause 50, which pertains to the disposal of effects of non-commissioned officers or constables who die intestate. It reads —

> "If any non-commissioned officer or constable dies intestate the Commissioner, or such other person of the police force as the Governor may appoint, may cause the effects of the deceased to be disposed of by public auction in such manner as he thinks fit."

In Subclause 2 the amount which may be handed over by the Commissioner to the widow or person or persons who appear to him to be the next of kin of the deceased, resident in Western Australia, is fixed at £100. These, with the exception of Clauses 57 and 58, which I do not think need any explanation, are the only alterations in the Bill as compared with the existing Act. The Bill is brought in primarily to separate the laws governing the regulation of the police force from those in respect to police offences, and the opportunity has been taken to insert a few amendments to make the law more workable, and others which have been found necessary to the due performance of the law, such as allowing the Fremantle Harbour Trust to appoint special constables. I move—

That the Bill be now read a second time.

On motion by Hon. R. W. Pennefather, debate adjourned.

BILL—SEA CARRIAGE OF GOODS.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small Bill but, I think, a very necessary one. At the present time when goods are entrusted to shipowners to be carried at sea the shipowners have an opportunity if they so desire, and which I understand they generally avail themselves of, to contract themselves out of their liabilities. This flaw in the law was discovered some years ago by the Commonwealth Government, who in 1904 passed a measure providing that shipowners could not contract themselves outside the ordinary bill of lading, that they could not be relieved of their legitimate responsibilities. The shipowner has so many conditions attached to his bill of lading that he practically incurs no liability at all

beyond that of collecting the money for the goods he has carried for the consignor. Now, the Commonwealth Act has prevented the shipowner from contracting himself out of his responsibility, but only so far as applies between any port in Australia and the outside world, or vice versa; or between any port in the Eastern States and a port in Western Australia. It does not cover from port to port within a State. So while this protecteon is afforded to shippers from, say, Melbourne to Fremantle, the same protection is not afforded to a shipper from, say, Fremantle to Broome. The Bill is simply to give to Western Australian shippers shipping from port to port in Western Australia exactly the same protection as the shipper has when he ships from Melbourne or some other port in the Eastern States to Fremantle. Hon. members may think that it is quite within the rights of a shipper, if he so desires, to demand his own bill of lading, or, in other words, if one shipping company puts such conditions in his bill of lading that they practically take no liability, he is at liberty to go to another company. But whether or not there be a shipping ring, it is well known that there is at least a very good understanding existing between the shipping companies, and they have agreed this far, that they all adopt a uniform bill of lading. So the shipper is practically in the shipowner's hands, and must ship his goods under any conditions which the shipowner may think fit. The Bill seeks to amend that state of things, and to put Western Australian shippers in exactly the same position as those sending their goods from the Eastern States to Fremantle, or from any port in Australia to some other part of the world. Attention has been frequently drawn to this by the chambers of commerce, and also by the Judges of our Surpeme Court. Writing in April last to the Attorney General, the Chief Justice remarked very strongly on the way in which shipowners were allowed to contract themselves out of their liabilities, and as strongly recommended that we should enact legislation similar to that of the Commonwealth. For this and for other reasons the Bill has been brought before the House to-day. The measure has already passed another place and simply awaits its passing in this House. If it go through in its present form it will come into force on the 1st January next. I beg to move—

That the Bill be now read a second time.

Hon. R. W. PENNEFATHER (North): I think the Government are to be commended for having brought down the Bill. Quite recently, on a trip to the North, I heard many complaints which the Bill, if passed, will remove. There is no possible doubt that the right to evade any liability under a bill of lading has passed with the days gone by. Merely because a man has the power to do a thing is no reason why he should impose an injustice on those who cannot prevent it. This measure will have a beneficial effect in stimulating to a degree commercial trading which in the past has languished under the repression exercised by the shipping companies. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

BILL—HEALTH.

In Committee.

Resumed from the previous day.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

Hon. F. CONNOR: It was provided that a boarding house was a place where more than five persons were harboured or lodged or boarded for more than a week. Would not a private house come under that definition?

The COLONIAL SECRETARY: No. A boarding house was a place taking in boarders for payment.

Hon F. CONNOR: It did not appear to be at all clear.

On motion by the Colonial Secretary the definition of "infectious disease" was amended by inserting the word "pulmonary" before "tuberculosis."

Hon. G. RANDELL: There were places in the State where in the case of

an inquest it would not be easy to reach a police magistrate or a resident magistrate. This would defeat the intention of the Bill.

The COLONIAL SECRETARY: If necessary the Bill would be recommitted to make some other provision.

On motion by the Colonial Secretary the definition of "milk" was amended by striking out the words "or any manufactured, condensed, or manipulated article sold as milk and intended for human consumption."

Clause as amended agreed to.

Clauses 4 to 8—agreed to.

Clause 9—*Constitution of Central Board*:

Hon. G. RANDELL: There was an alteration. Was this explained on the second reading?

The COLONIAL SECRETARY: Yes. The board now consisted of five members nominated by the Governor-in-Council. There was a departure in this clause inasmuch as two of the five would now be nominated by the local boards of health. For the last few years the goldfields boards have suggested one of their members, and the gentleman so suggested had been nominated to the central board by the Governor. There had been fault found with the central board in the past on the ground that it was out of touch with the local boards, and it was also claimed that the central board was also somewhat arbitrary with its dealings with the local boards. With the latter contention he did not agree. He considered it was necessary to have an independent central authority. In some of the States the central authority consisted of one man—of one health commissioner. The system in Victoria was to have an elective board, but it did not give good results so far as public health was concerned. A purely elective board would not be in the best interests of public health; but the local authorities should not be altogether outside the sphere of the central authority; therefore, so that the views of the local boards might be felt on the central board, it was provided in the clause that two members of the central board might be nominated by the local boards. Power was given to the Governor-in-Council to make regulations for the procedure. The State would be divided into two parts, the country boards and the goldfields boards would be in one division, and the coastal boards would be in another. Regulations would be provided so that the boards in each division could make their nomination and the member recommended by each division would be appointed for a period. There was another innovation in regard to the central board. At present the members of the central board were appointed for all time, unless the Governor-in-Council saw fit to remove them. The Bill fixed the period of their appointment to three years. On the coming into force of the Act the existing board would cease and a new board would be appointed.

Clause put and passed.

Clause 10—*Extraordinary vacancies*:

Hon J. W. HACKETT: There was no provision for filling the vacancy in the case of a member nominated by the local boards.

The COLONIAL SECRETARY: It might not be worth while if the vacancy occurred a short time before a member's appointment expired to put the local boards to the trouble of nominating a fresh member. In that case the Governor might make an oppointment. The probability was that the members representing local boards would be appointed for 12 months only. That matter could be fixed by regulation. The boards would probably be pleased to have their representatives appointed for one year only.

Clause put and passed.

Clauses 11 to 15—agreed to.

Clause 16—*Salaries, etc., of members of central board*:

Hon. M. L. MOSS: Would the Minister enlighten the Committee as to the salaries paid to the members of the Central Board of Health?

The COLONIAL SECRETARY: The president received practically no salary by reason of the fact that he was Principal Medical Officer, and as such did not draw any fees for presiding over the Central Board of Health. There were four other members, and in the past they

had received £50 per annum. Their meetings were held once a week, and at a time of an epidemic they met every day or several times a day. It was not intended to increase the fees of the members.

Clause passed.

Clause 17—Appointment of officers of Central Board ;

Hon. J. W. HACKETT : Who fixed the salaries of the officers of the Central Board of Health ?

The COLONIAL SECRETARY : The officers of the central board were servants of the board and their appointments were made and salaries fixed and approved by the Governor-in-Council.

Hon. J. W. Hackett : The clause said by Parliament.

The COLONIAL SECRETARY : It was the inspectors that he had in his mind ; the salaries of the clerical staff appeared on the Estimates. The appointments were made on the recommendation of the Central Board of Health.

Clause passed.

Clauses 18 to 25—agreed to.

Clause 26—Local Boards :

Hon. T. F. O. BRIMAGE : Was it usual for roads boards in outlying districts to be boards of health ? Right throughout the back country North of Menzies, the Menzies roads board had been appointed a board of health, and were collecting rates right throughout that country.

The COLONIAL SECRETARY : There were three classes of health boards, or, properly speaking, two. First of all every municipal council was by virtue of controlling a municipality a health board for their own territory. Then by the amendment passed last session, and which was incorporated in the Bill, almost every roads board became a board of health. That was when their boundaries were coterminous with the boundaries of the local board. Those were appointed by the Governor-in-Council as a health district. Then again, in an area like the one the hon. member had mentioned, there might probably be three or four health boards contained in it. Where there was a roads board in the district, invariably the members of the roads board were appointed members of the health board.

Hon. T. F. O. Brimage : In the particular district referred to the people were controlled by one body and were taxed by another.

The COLONIAL SECRETARY : The hon. member was not right. The case he referred to was probably a little outside the boundaries of the Malcolm Municipality. Power was given in the Bill whereby a territory outside a municipality should be included as a health board. To give a case in point. Gwalia was three miles distant from Leonora, yet the Gwalia territory was controlled by the Leonora board of health, in other words, the municipal council of Leonora was a board of health also for Gwalia. The instance referred to by the hon. member no doubt extended beyond the boundary of the municipality, and in that case a health rate would be imposed and probably a roads board rate would also be imposed for road purposes. The roads board in that case would have no control over health matters.

Clause passed.

Clauses 27 to 31—agreed to.

Clause 32—Officers of local authority :

Hon. G. RANDELL : It was his desire to draw the attention of the Colonial Secretary to this clause with a view of referring to Clause 268 which provided that "any medical officer may examine medically and physically any child attending any school" and so on. It seemed to him that clause should be embodied in Clause 32.

The COLONIAL SECRETARY : Clause 268 was only in connection with the medical examination of school children.

Hon. G. Randell : But the proper place for it was in Clause 32.

Hon. R. LAURIE : Subclause 5 of Clause 32 seemed to be rather a large order for a medical officer of a district to carry out. He had to examine all the school children and also to be the medical officer, and carry out the duties of such an officer. In other parts where this work was performed, the officer was usually not an officer who was connected with the local board, and in connection with work of such

immense importance it should certainly be carried out by an officer of the Government and the duties of a local board should not be cast upon him.

Hon. M. L. MOSS: A number of medical men had informed him that to perform these examinations of children and to do the thing carefully and in a way that was worth anything, it would take fifteen minutes to examine each child. A medical officer would examine four children in an hour. In the Fremantle district probably the Minister would tell them how many hundreds of children there were attending the public schools in that health district. A medical man at Fremantle had informed him that to cast this responsibility on the health officers who perhaps in Fremantle may get £100 a year and at East Fremantle £20 a year was not fair. There was a large school at East Fremantle and the medical men simply could not do the work, or have the responsibility thrown on them of making these examinations, considering the paltry amount paid. Moreover, it followed that the examinations would be an absolute farce under the Act. We knew that if we did not pay a medical man well the examinations would be carried out in a perfunctory manner or they would not be done at all. Did the Minister expect these local boards to give remuneration to the local officers commensurate with the duties cast upon them? Was this subclause going to be a farce and were the Government aware that none of the duties would be performed?

The COLONIAL SECRETARY: There was no intention on the part of the Government to allow the medical examination of school children to lapse. The idea was initiated by Mr. Kingsmill some four or five years ago, and a very excellent idea it was. A medical officer was then appointed whose sole duty it was to examine school children and keep a record of the school children in the State. That had been going on for the past four years.

Hon. M. L. Moss: No one disputed that it was a good thing.

The COLONIAL SECRETARY: Naturally a good deal of ground had been covered in that time and all the schools in the big centres had been examined, and the children listed as to their physical defects. Once the school was examined it was a much smaller thing afterwards. The work got a little into arrears through the prevalence of infectious diseases, especially diphtheria which had taken up a good deal of the time of the medical officer concerned. It was certainly a fair thing and a quid pro quo for medical officers of health to be asked to do this work, not in the metropolitan area, but in outlying places where a good deal of expense would be involved in sending an officer. It would be a quid pro quo for the reason that the Central Board of Health had rendered valuable assistance by lending its medical officer to assist in stopping the spread of diphtheria. If the Central Board of Health had strictly adhered to the Act and compelled local boards to carry out their duties in connection with the outbreak of diphtheria, the cost would have been considerably more than those bodies were now asked to bear under the Bill in connection with the examination of the school children.

(Sitting suspended from 6·15 to 7·30 p.m.)

Hon. J. W. LANGSFORD: What was the nature or extent of the examination? He understood it referred mainly to the teeth and eyesight of the children.

The COLONIAL SECRETARY: It was practically a full examination not only of the eyes and the ears, but of other organs, but principally it was an examination of the eyes, ears, and nose.

Hon. M. L. MOSS: From what the Minister had said local officers of health were not to be called upon to make this examination, but that the examination was made by a special medical officer told off for the purpose. How could the Minister make that statement in view of the wording of the clause, for the words meant exactly what they said, that the central board could prescribe that medical officers of health should perform these duties. The Minister pointed out that nearly all this

work had been done and that only a little remained, but if he was to understand the value of such examinations they should be taken periodically, say every six months. If a child was examined to-day and found sound, next year the child should be examined again. The remuneration that local medical officers of health were to receive was very small. At the present time the medical officer at Fremantle received £100, which was not much for the duties he had to perform, and these extra duties were to be placed on his shoulders. Surely the officer could not be expected to perform these duties.

The COLONIAL SECRETARY: Medical officers of health were not imposed on in the way the hon. member would lead members to believe, for the work which was placed upon them was very slight, and it was only given to them to do because the central board was relieving the local bodies in a large measure. As to the payment, it was provided in the present Act that every local board should have a local officer of health, and the minimum remuneration was fixed at £10. The work of some of the officers was practically nil. By the Bill the minimum had been raised to £15. The hon. member stated that we were forcing medical officers to do this work for nothing. The Bill provided that when called on by the central board the local health officer should perform these duties, but it did not say that the local officer could not and would not demand payment for the work done. If the Bill imposed more work on officers of local boards, it was for the local boards to consider whether the officers should not be paid more. If an officer of a health board was not satisfied with his remuneration he could ask for more, and if it was not given to him, he was not compelled to retain the position. There was a medical officer of the central board employed for the purpose of carrying out these medical examinations in schools, and it was only intended to utilise local health officers in outside districts. After the examination had once been carried out the work would be very slight.

Hon. C. SOMMERS: There was a great deal in the point made by the Colonial Secretary that when once an examination had been carried out in a school the work was very light, for a medical officer got to know the children. The remuneration of these officers by the Bill was increased 50 per cent. The system was well worthy a trial.

Hon. G. RANDELL: As to the methods to be adopted in examining children, no definite information had yet been given. He knew, however, that some time ago a report was published showing that a very large number of children had been examined, particularly with regard to their eyesight. Probably the method would be to examine all the children in a school thoroughly on one occasion and then there would be no necessity for such an examination again for some years. That would be, of course, unless there was some special request by a teacher for a re-examination.

The Colonial Secretary: Medical officers do not treat the children but merely examine them.

Hon G. RANDELL: The examination would probably be thorough in the first instance, and then there would be only casual examination for some two or three years. The tax upon medical officers would, therefore, not be very great. Even if it were, the doctors had the remedy in their own hands, for they could resign. The whole method would speedily right itself in the working. The medical profession could be trusted to look after their own interests pretty thoroughly and would assuredly make such representations as would give them a satisfactory reward for their labours. The work of examination among school children was calculated to be fraught with very great good to the community at large and should be continued.

Hon. J. W. LANGSFORD: Was the examination to apply to public schools only or were the secondary schools to be included? The definition clause set out that a school was any place where children or other persons were assembled for instruction, including religious instruction. The definition therefore included Sunday schools, secon-

dary schools, and colleges. Was the examination to include children attending private and secondary schools?

The Colonial Secretary: The examination had not yet gone beyond the public Schools.

Hon. J. W. LANGSFORD: If the principle were good for one school it was equally so for another.

Hon. M. L. Moss: The provision applied to scholars of all schools, as will be seen by Clause 268.

Hon. J. W. LANGSFORD: It should certainly apply to scholars of all schools.

The COLONIAL SECRETARY: Up to the present the medical examination had not been extended beyond public schools, but power was given in the Bill to enter any schools, if necessary. The definition clause was made wide so that the buildings might be covered. It was a wider definition than in the present Act, and the Bill gave power that any school, religious or otherwise, could be treated as a public building. The definition clause was not intended to apply particularly to the medical examination.

Clause put and passed.

Clause 33—Appointments to be approved:

Hon. T. F. O. BRIMAGE: The clause set out that every appointment by a local board was subject to the approval of the central board. There were many local boards located far away from the central board which should have power to appoint their own health inspectors, for instance, without having to obtain approval.

Hon. G. RANDELL: The appointment of the central board was, without doubt, the key to the whole Bill, and if the hon. member had had anything to do with the administration of the Act, he would realise how necessary it was that large powers should be placed in the hands of the central board.

Clause put and passed.

Clauses 34 to 36—agreed to.

Clause 37—Removal of officers:

Hon. M. L. MOSS moved an amendment—

That in line 1 of Subclause 4 the word "officer" be struck out and the words "medical officer of health or analyst" inserted in lieu.

As Mr. Randell had said, the key of the measure was the power vested in the central board. It might be that those who had had experience of the administration of the Act thought it necessary to confer very extensive powers on the central board, but he was inclined to think it would cause a deal of friction, particularly in the case of health boards away from Perth. However, as the clause compelling appointments of local bodies to be submitted to the central board had been passed, considerable authority had already been granted to the main body. He desired to prevent the central board from continuing to adopt a different course from the local authorities with regard to the retention of an inspector with whom the local boards were unable to work. There was no objection to a medical officer or analyst being retained in his position until the central board assented to the action of the local board in removing him, but an inspector was the servant of the local authority, and should be amenable to their direction. If this were not done the inspector would become the master of the local board instead of the reverse being the case. If the local inspector were not doing his duty satisfactorily or to the satisfaction of the central board, the latter could always send their own inspector to see that their instructions were carried out. It was placing the local boards in a very unfair position to say that their inspectors should practically dictate to those who paid their salary. The inspector should be subject to the direction of the local authority, and the latter should be able to get rid of him without consulting the central board.

The COLONIAL SECRETARY: The clause was essential to the Bill, for reasons already mentioned, and it was to be hoped the amendment would not be carried. The officers of the local board should be quite independent. Who constituted the local boards? Invariably the local property owners.

Hon. M. L. Moss: You had better wipe out the local boards altogether then.

The COLONIAL SECRETARY: Perhaps it would not be altogether amiss if the Act were administered without the health boards, but that was not proposed in the measure. The proviso in the clause was no innovation, for at present a local board could not appoint an inspector or an officer without the approval of the central board. The Bill granted a little more power to the central board than existed heretofore. It was well known that very often the greatest offenders against the law were prominent members of the local boards. What was the position of an officer of the local board if he sought to do his duty? He was at once singled out by the members who had offended, and was either removed or his remuneration was reduced to such a state that he had to resign. This was a very vital portion of the Bill, for above all things there must be an independent central board. If the public health of the State were to be amenable to every whim of a local property owner it would be a bad thing for the public health generally. No officer should run the risk of being summarily dismissed by his board simply because by his actions he inflicted a little hardship or expense on one or more of the property owners comprising that board. In other countries the public health was administered from the central office entirely, and, undoubtedly, in those countries the provisions of public health were better administered than in Western Australia. The only way to have the laws properly administered was by vesting the supreme control in the central authority. At first sight it might appear wrong to say that the local body should not dismiss their own officer without the consent of the central board; but in these matters the conditions were very different from those prevailing in regard to, say, a roads board, or a municipal council. If in the case of either of the latter an officer neglected his duty in regard to the repairing of roads or anything of the sort, no great harm was done to any but those within the immediate vicinity, whereas if a health officer were to neglect his duty, it might affect the health of thousands of people. Although not in precisely the same form, the provision had been in force since 1898, and the local boards had not suffered under it, while at the same time it had proved a great assistance in administering the laws of public health. As had been said by Mr. Randell, a gentleman who had had many years experience as Minister controlling the Public Health Department of the State, it was absolutely necessary in the interests of public health to keep a tight rein on the local bodies, and to vest the chief authority in the central board.

Hon. M. L. MOSS: The Minister had not answered the point raised. The central board already had the power to step in and deal with the affairs of a local body, and the central board could always send its inspectors out into any district, where the instructions of these inspectors would have to be complied with. Under the clause it was proposed to whittle away the powers of local boards to an absurd degree.

Hon. G. RANDELL: The clause was merely to meet a case in which a zealous inspector might be hardly dealt with by a local authority: and as the Minister had said, it was not necessary to go far from Perth to discover that certain things had happened, and were likely to happen again. The reflection cast upon the local board by the clause was more apparent than real. In many cases it was desirable to have an independent body to which an appeal might be made.

Hon. M. L. Moss: But it is taking all the power from the local board.

Hon. G. RANDELL: That was scarcely so. It was merely a provision inserted in case a local board went astray from the path of duty, which they were apt to do. It was a very wise restraint on the powers of the local authorities, and hon. members could rest assured that a board composed as the central board would be, of representatives from country districts and from the goldfields, associated with those resident in the City, would see to it that the Act was properly administered.

Hon. J. W. Hackett: The members of the central board are irremovable.

The Colonial Secretary: They can be removed.

Hon. J. W. Hackett: No; there is no power in the Act to do so.

Hon. G. RANDELL: For certain reasons members of the board could be removed from office by the Governor-in-Council. He was sorry he could not support the amendment, because his predilections were always in favour of giving full liberty to local governing bodies. However, in this case he knew the necessity for having a good controlling power vested in the central board. He remembered long years ago, when, with others, he was appointed to draw up health regulations. Sufficient power was not then given to the central board and in consequence, the laws were never properly administered. The central board must be the mainspring for the proper working of the Act.

Hon. M. L. MOSS: As Dr. Hackett had pointed out, under Clause 9, Subclause 4, the gentlemen appointed to the board were nominees of the Governor. Their appointment was for three years. They were not put there by the people, and they could override the people's representatives, and prevent those representatives from getting rid of objectionable inspectors. The situation was worse than he had thought for.

Hon. V. HAMERSLEY: When Mr. Moss had first drawn attention to the clause he (Mr. Hamersley) was about to move for its deletion. Under the clause the local authority would have no power left at all, for everything would be put in the hands of the central authority. Those officers who were not considered sufficiently good to remain near the central board would be sent out into back country places where they would simply lord it over the local officials and the people who were providing the funds.

The Colonial Secretary: Has that happened since 1898?

Hon. V. HAMERSLEY: The central board had not had the same power.

The Colonial Secretary: Exactly the same as they will have under the Bill.

Hon. V. HAMERSLEY: That was not so, because under the Bill every roads board district would be constituted a health district. There wae no such power under the existing legislation. He himself was in a district not yet converted into a health district. The officer to be appointed by the central authority would, in many instances, be a doctor; he would have the ear of the central board, and he would see to it that the central board evinced very little consideration for the local authority. There were to-day men holding these positions in wayback country places who were by no means fitted for their posts. He knew of instances where these men had been appointed, and the people living within the district had earnestly asked the Government to remove the men.

The Colonial Secretary: Can you give me an instance?

Hon. V. HAMERSLEY: The people providing the funds would have very little say in their own local affairs. It was an enormous power to leave in the hands of an officer who would simply ignore the wishes of the people living in the district.

The COLONIAL SECRETARY: Similar powers were to be found in the Act of 1890. The clause was by no means a new feature; it had been the law of the State for 11 years and no complaints had been made against it. Mr. Hamersley had spoken of officers foisted on the local people, but had declined the invitation to give an instance. He (the Colonial Secretary) knew of no such instance. In one case that had come under his notice a local board had dismissed a well qualified man, and desired to appoint as health officer one who knew absolutely nothing about public health. Section 20 of the Act of 1898 was as follow—

Hon. V. Hamersley: It was necessary to draw attention—

The CHAIRMAN: Does the hon. member wish to make a personal explanation?

Hon. V. HAMERSLEY: It was his desire to make an explanation. The statement he had made a few minutes before was that a clause which they were just about to reach in the Bill laid it down that every local authority was to become a health board; while the section with which the Minister was about to correct him, and which the Minister said was at present the law—

The CHAIRMAN: It did not seem that there was much either of personal explana-

tion or point of order about the hon. member's remarks. The hon. member must postpone his remarks until after the Minister had finished.

The COLONIAL SECRETARY: The question before the Committee was as to the remuneration of an officer of the local board of health by the central board. Section 20 of the Act of 1898, after providing that the central board might require the local board to appoint a successor to any officer of health, analyst, or inspector removed by the Governor, and directing that failing such appointment such successor might be appointed by the Governor, read as follows:—

> "No officer of health, analyst, or inspector so appointed by the Governor shall have the sum payable as his remuneration reduced, nor shall he be removed by any local board without the previous approval of the Governor."

That was exactly the power sought to be put in the Bill, the only difference being that the central board could now remove an officer, whereas in the old case the matter had to go through the Governor-in-Council. He believed in giving the local authorities all the power possible, but there was a difference between administering public health and administering other matters. No bad effect had occurred through giving this power and there was no reason to suppose there would be any in the future.

Hon. R. LAURIE: There was no instance in his recollection of the appointment of a local inspector having to be submitted to the central board. The clause now provided that there could be no removal of an officer without the approval of the central board. That was not in the present Act. The only case in which Section 20 of the Act applied was where a man was removed and the local authority would not appoint a fresh officer. It was pleasing to see that the appointment of inspectors was now to be approved by the central board. Personally he would rather see no local appointments. All appointments should in his opinion be made by the central board: but it did not seem right if we allowed the local authority to appoint an officer approved by the central board to prevent the local authority from dealing with the officer without having to go to the central board. Under the present Act, Section 21 gave the central board power to send out inspectors as they were sent out during the time of the bubonic plague. If the officers appointed by the local board at that time had been previously approved by the central board, why did not the central board remove them when they neglected their duties as local officers instead of sending other officers to do the work over again? In the present system work would be done twice over so that it would be better to have all the officers sent out by the central board alone. At any rate once we gave the local board power to appoint an officer the central board should not have the power to interfere with the local board in dealing with that officer.

Hon. C. SOMMERS: It was impossible to have the central board controlling the work throughout the State. Local authorities were constituted in order to help the central authority, and the central authority had to see that the proper officers were appointed by the local authorities. It was also wise to see that no officer was removed by the local authority without the authority of the central authority, especially because the local inspector might run counter to the interests of a certain member of the community and the individual affected might influence the local board to do injury to the officer. Once the central board was given power to approve of an appointment it should certainly have some say in regard to removals.

Hon. W. PATRICK supported the amendment. It was a mistake to have no proper definition of "officer." Without that definition the town clerk, who was also an officer of the local board, might be removed by the central board. The Cue council had always appointed their inspector without reference to the central board. At any rate there should be a definition to show which officer of the local board might not be removed without the approval of the central board. In

some cases the officers of the local authorities were more to be depended upon than those of the central board. In the case of the Geraldton bubonic plague outbreak the central board were only driven to do their work by the officers of the local authority.

Hon. E. M. CLARKE supported the amendment. One would naturally think that the central board would possess all the brains of the State, and be, like Cæsar's wife, above suspicion, and that local boards were not capable of conducting their own districts. The members of the central board were but mortal, and might make mistakes. The local boards could run their districts just as well as the central board could. An officer the local board might wish to get rid of might be a drunken worthless fellow, but the central board might not approve of the local board's action. That would be casting a reflection on a corporate body. We should either let the central board control health all over the State or else cast the responsibility on the local authority. Depend upon it the members of the local board would do the work, or the ratepayers would be on them. We could safely leave it to the ratepayers to see that the local authorities did their duty.

Hon. J. W. LANGSFORD: The debate should have taken place in connection with the appointment of officers. We had passed the clause referring the appointment of officers to the central board for approval, and having done that it seemed logical that before the local board could remove an officer the consent of the central board should be obtained. The intention of the clause was to place the inspector in such a position that he should not be looked upon as the most important officer, more important, in fact, than the analyst or even as important as the health officer. The idea was to place him in an independent position. The inspector should be looked upon in some respects as an auditor of a public company; the auditor was elected by the shareholders to watch their interests, and he was generally independent of the board of directors. It was the same thing in regard to the auditor of a municipality. He was elected by the ratepayers to watch the doings of the councillors. An inspector who thoroughly did his duty must of necessity at times come into conflict with some members of the local board.

Hon. E. M. CLARKE: There was really one dangerous element and that was that if the inspector was to be out of control of the local authorities, who was to be responsible for the actions of that man when he rendered the local board liable to an action. The officer, if he had the power, and was untrammelled by the local body, would be liable to run the local board into heavy legal expenses. It was dangerous to allow one man like that to have such control.

The COLONIAL SECRETARY: Mr. Clarke did not realise that exactly the same power was contained in the present Act and had been the law of the State for eleven years. Nothing had arisen during those eleven years that the hon. member was aware of in the way that he had suggested.

Hon. M. L. Moss: What section of the existing law?

The COLONIAL SECRETARY: Section 20.

Hon. M. L. Moss: That was not so.

The COLONIAL SECRETARY: Mr. Clarke seemed to assume that the central board would not listen to the representations of the local board in the ordinary way. The central board would confirm a removal or the reduction of salaries as a matter of course. It was only when there were grave reasons that the central board would refuse to endorse the recommendations of the local board. Nothing in the way of the central board refusing to confirm the appointment of an inspector had happened, with, perhaps, one single exception, where it was sought to appoint a man who was not in the least way qualified.

Hon. V. HAMERSLEY: The majority must fail to see the point particularly laid stress upon by Mr. Patrick, that there were many officers of the local authority who would not come under the alteration suggested by Mr. Moss. In Subclause 4 it was provided that no officer of a local authority should have his remuneration reduced, or be removed by the local

authority without the previous approval of the central board. In Clause 45 provision was made for the levying of a general health rate.

The CHAIRMAN: There was no cognisance whatever of Clause 45.

Hon. V. HAMERSLEY: The Committee were now dealing with a Bill, which, in Clause 45 contained a provision—

The CHAIRMAN: May contain provision later on.

Hon. V. HAMERSLEY: There was a provision which made it imperative that every roads board in the State should become a health board, and that they should raise funds, while in subclause 4 we were going to give some of the petty officers power to dictate without the boards having a chance of controlling those officers, or saying whether they should take away their appointments or not. In numbers of instances we made the matter very unpleasant for members of the local bodies. It was a most serious thing that they should not have any control over an appointment.

Hon. J. M. DREW: The amendment would receive his support. It was absolutely necessary that the appointment of an inspector, or any officer of health, should have the approval of the central board, if it was essential that he should be an officer whose appointment the board could confirm. The officer should have all the necessary qualifications of an inspector. If, after his appointment, he neglected his duties, the first step the local board would take would be to recommend to the central board that he should be dismissed. Before the central board could do that they must have an inquiry, they must send officers to take evidence on the subject, and then come to a conclusion; otherwise they could not discharge their duties in an efficient manner.

Hon. B. C. O'BRIEN: As to the results that might eventuate even if this clause remained as it was, he was not in the least apprehensive, and partly because of the fact that we had worked under it for so long.

Hon. M. L. Moss: Quite a different clause.

Hon. B. C. O'BRIEN: The clause, in his opinion, was very similar. At any rate all that might happen under this would be the fact that members of the local authority and the central board would come into conflict; and in view of the fact that it would be to the interest of the community in general to have this clause as it stood, where the central board could assert their authority, he felt that he must support it.

Hon. C. SOMMERS: The Colonial Secretary had misunderstood Section 20 of the Act of 1898. It said, "That no officer of health, analyst, or inspector so appointed by the Governor shall have the sum payable as remuneration for his services reduced." That was not quoted in that way by the Colonial Secretary. The remainder of the Section was also contrary to what the Leader of the House had pointed out. Under these circumstances it was his intention to support the amendment.

Hon. J. W. LANGSFORD: Section 23 of the Act drove another nail into the argument of the Leader of the House. It read, "The local board of health shall from time to time appoint, subject to the approval of the central board, such officers and servants as may be necessary for the due carrying out of the provisions of this Act, and shall make such rules as may be necessary specifying the duties and conduct of such officers and servants; and may remove such officers or servants as the board thinks fit; and may direct to be paid to such officers or servants such wages, salaries, or allowances as the local board may deem reasonable."

Hon. E. McLARTY: The local authorities were generally competent men selected to administer the Act, and they should have the ability to know and power to declare whether an inspector was doing his duty or not. It would place them somewhat in an invidious position to have an inspector under the control of the central board, who might treat them with defiance. Having lived in a district controlled by a local body, and also where the Health Act had been administered by the central board, his experience was that more justice was received from the central board than

from the local boards. The inspectors were reasonable and fair to everybody. But if there were local authorities the servants should be under them and subject to their control.

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

Ayes	9
Noes	5
Majority for	4

AYES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. J. M. Drew	Hon. M. L. Moss
Hon. J. W. Hackett	Hon. W. Patrick
Hon. V. Hamersley	Hon. C. Sommers
Hon. R. Laurie	(*Teller*).

NOES.

Hon. J. D. Connolly	Hon. G. Randell
Hon. J. W. Langsford	Hon. T. F. Brimage
Hon. B. C. O'Brien	(*Teller*).

Amendment thus passed ; the clause as amended agreed to.

Clauses 38 to 41—agreed to.

Clause 42—Appeal to central board :

Hon. M. L. MOSS : Was this an entirely new clause ?

The COLONIAL SECRETARY : Yes. It was inserted because in some instances the decision of the local authority might not be fair. In one case a person applied to a local authority for a site for a felmongery and was refused, and several other local boards also gave a refusal. There would have been no harm if the felmongery had been established, but the applicant could not obtain a site and the industry was lost to the State. If there had been an appeal to the central board the decision of the local authorities might have been altered.

Hon. M. L. MOSS : By this clause the central board was exercising almost judicial functions, sitting as an appeal court on the local board. No machinery was provided as to how this appeal was to be heard. The provision might act satisfactorily as far as Perth was concerned, but in places like Albany, Bunbury, Broome, and outlying portions of the State it was absurd.

Hon. W. PATRICK : The clause gave too great a power to the central board. The local authority might think it desirable to have an industry established and the central authority could refuse.

The COLONIAL SECRETARY : Cases might occur where it would be desirable for the central board to over-ride the local authority. It was not necessary to have any machinery. The central board would not sit as a court of appeal in the ordinary way, and one case might not come before the central board in five years. Still it was essential that there should be the power. There was a further appeal to the Minister, who could over-ride any action of the central board. No harm was likley to arise.

Hon. V. HAMERSLEY : The local board would have very little chance of getting their side of the case put when an appeal was made by an aggrieved person to the central board. It appeared that on the hearing of the appeal there would be no representation on the part of the local body.

Hon. M. L. MOSS : In Subclause 2 of the clause, reference was made to Clause 47. It would be necessary for the Minister to look into that, for there seemed to have been a mistake made as Clause 47 could not possibly refer to the one under discussion. Under the clause the local boards were being made but a pawn upon the chess board. What did they exist for at all ? Supposing someone at Geraldton appealed against the decision arrived at by the local board, how would the central board set about hearing the appeal ? Would they send members to Geraldton to hear arguments or would they decide the matter in a happy-go-lucky style by reading a report from the local body and a leter from the person appealing ? The clause was very unworkable and should be struck out.

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

Ayes	7
Noes	7
A tie ..	0

AYES.

Hon. J. D. Connolly	Hon. B. C. O'Brien
Hon. J. W. Hackett	Hon. G. Randell
Hon. J. W. Langsford	Hon. C. Sommers
Hon. E. McLarty	(*Teller*).

NOES.

Hon. T. F. O. Brimage	Hon. M. L. Moss
Hon. E. M. Clarke	Hon. W. Patrick
Hon. J. M. Drew	Hon. V. Hamersley
Hon. R. Laurie	(*Teller*).

The Chairman gave his casting vote with the Ayes.

Clause thus passed.

Clause 43—agreed to.

Progress reported.

House adjourned at 9·8 p.m.

Legislative Assembly,

Wednesday, 15th September, 1909.

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

BILL—DISTRICT FIRE BRIGADES.

Message.

Message from the Governor received and read recommending this Bill.

ADDRESS-IN-REPLY—PRESENTATION.

Mr. SPEAKER reported that he had received the following reply from His Excellency the Governor:—

"Mr. Speaker and Gentlemen of the Legislative Assembly: In the name and on behalf of His Majesty the King I thank you for your address.

G. Strickland, Governor.

PAPERS PRESENTED.

By the Premier: Papers relating to the retirement of F. Behan, late trade instructor at Fremantle prison.

STANDING ORDERS COMMITTEE, REPORT.

Mr. SPEAKER: I have to present to the House a report of the Standing Orders Committee prepared according to the resolution of the House passed during a session of last year.

On motion by Mr. Daglish, report read.

QUESTION—RAILWAY SLEEPERS. POWELLISING PROCESS.

Mr. BROWN asked the Minister for Works: 1, What is the price to be paid per sleeper for powellising sleepers for the Port Hedland-Marble Bar railway? 2, What length of time has the powellising been tested by the Government? 3, Was the first test a successful one? 4, What is the price of Mr. Taylor's tender per sleeper for treatment? 5, Have the Works Department any fault to find with Mr. Taylor's preparation?

The MINISTER FOR WORKS replied: 1, 7½d. 2, Experiments were begun at the end of 1906. 3, The first tests were inconclusive, some of the test pieces being attacked and others not. Later tests, where the system of powellising had been properly carried out, give successful results. 4, 5½d. 5, Results of treatment with Taylor's preparation vary considerably. Generally speaking, this specific when applied to buildings has been successful, but there is nothing to show that the treatment would be equally successful when used on timber exposed continuously to the weather. The powellising process, when properly carried out, conveys the poison to the core of the wood as proved by analysis, consequently exposure to the weather does not diminish the efficacy of the treatment. Furthermore, powellising being in the first place essentially a process for seasoning timber (the poison being an added ingredient), improves the timber and prevents its deterioration from other causes than attacks of insects.