

Legislative Council.

Wednesday, 12th August, 1908.

	PAGE
Murders in the North, further statement ...	279
Received from Assembly, 5 Bulls ...	279
Bill: Health Act Amendment (Rates), 1A., 2A.,	
Com. not completed ...	279
Prorogation of Parliament ...	283

The PRESIDENT took the Chair at 2.30 o'clock p.m.

Prayers.

MURDERS IN THE NORTH.

Charge against Natives.

The COLONIAL SECRETARY (Hon. J. D. Connolly): With the permission of the House, I would like to make a statement in regard to a matter referred to yesterday by the member for the North Province, Mr. Connor, in respect to the native murderers at Wild Dog Creek. What I wish to say is that a police party has been sent out consisting of five constables, two special constables, and six trackers, to try to effect the arrest of the murderers. This party is made up of two constables from Wild Dog Creek, two from Hall's Creek with four trackers, also one constable, two special constables, and two trackers from Wyndham. The constable from Wyndham is named Hill; he is a particularly good bushman and knows every bit of the country, and the expedition will be under him when the men arrive at Wild Dog Creek. In the meantime men have proceeded from Wild Dog Creek to the scene of the murder, and the men from Hall's Creek have gone to Wild Dog Creek. I received this morning a telegram from Derby, stating that a public meeting held there had passed a resolution commending the Government for the prompt action taken in sending these constables out. Mr. Connor in his remarks yesterday inferred that these murders were the result of the Kimberley district not being properly policed. As a matter of fact, this district is particularly well policed; there are in the East and West Kimberleys 27 constables, 29 trackers, and 107 horses. I wish to emphasise the number of the horses that are employed there by the police, because

he mentioned that the constables were sufficient in number but not so the horses. The number of 107 horses for 27 constables and 29 trackers is, I consider, a very good proportion. I will admit that at the present moment there are some six horses short. This is on account of the mortality among horses due to what is known as the Kimberley disease. The horses which die, however, are replaced as quickly as possible. Against these figures I may mention that the Northern Territory, with a bigger population, supports only 13 constables against our 27 in Kimberley. At Wild Dog Creek there are two constables, four trackers, and 14 horses; Hall's Creek has four constables, six trackers, and 24 horses. It can readily be seen from this information that the Government have not been lax in their duty in respect to policing the district; I think it is particularly well provided for, both with constables and horses.

MESSAGES RECEIVED.

Bills from Assembly (5): 1, Wines, Beer, etc. (licensing suspension); 2, Permanent Reserve (York) Rededication; 3, Midland Junction Boundaries; 4, Health Act Amendment (Rates); 5, Permanent Reserves (Subiaco) Rededication.

BILL—HEALTH ACT AMENDMENT (RATES).

Received from the Legislative Assembly, and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: I would point out that this Bill is purely formal, and consists of two clauses only. It is a Bill for an Act to validate rates that have been struck by certain health boards. As members know, every municipal council is a health board. Outside municipal districts, health boards are nominee bodies appointed by the Governor-in-Council; but where the boundaries of the health board district and the roads board district are similar, it is invariably the case that members of the roads board are appointed members

of the health board. This happened in a good many instances, and we introduced an amendment into the Health Bill which passed this House last session, but did not pass the Legislative Assembly, making all these roads boards where the boundaries were similar to be also local boards of health. The difficulty at present is that the roads board year begins on the 1st of July, while that of the health board begins on the 1st of November as in the case of the municipal year; so that when the municipal council strikes its rate it can strike a health rate at the same time, while in the case of a roads board it has to strike the rate on the 1st of July, and has to strike another rate as a health board on the 1st of November. Certain roads boards last year struck a health rate on the same date, at the same time as they struck their roads rate, believing that the Health Bill would be passed through Parliament, and that therefore their action would be quite legal. They did that in the interests of economy. Unfortunately, that Bill did not pass last year; therefore those rates that have been imposed by the different road boards could be disputed by rate-payers who did not care about paying. This Bill will have the effect of validating the rates. The boards concerned are those at West Guildford, Black Range, Laverton, Kalgoorlie, Fremantle, Melville, Peppermint Grove, Claremont, and Port Hedland. [Interjection.] The validating clause was contained in the Health Bill passed by this House last session, and will be in the Consolidating Health Bill which will be again introduced next session; then this short measure will be repealed. Some people in the districts concerned are refusing to pay their rates and the local boards are not enforcing their claims because they dare not go to court with them. The passage of this Bill is an urgent matter. If it is not taken through now, the local boards will come to the Government and ask for grants to enable them to pay their liabilities. In order to prevent them from doing this, I ask the House to agree to the Bill.

Hon. R. F. SHOLL (North): I really object to these Bills coming down on

the last day of the session—in fact, in the last quarter of an hour. The principle is wrong, and I think the House should certainly object to pass the Bill. It is a simple little Bill, but often there is a vicious sting in the tail of a little Bill. With regard to validating rates we are always getting these validating Bills sent up because the local authorities do not take the trouble to read the Act. We shall soon have a statute-book of nothing but validating Bills. In regard to the Health Act, I know that in some districts, where boards levy rates, there are certain areas where are to be found a number of houses erected in a small locality, and these houses require the services of the health authorities, but the boundaries of the health district extend long distances where persons are scattered and they derive no benefit from the service. These people have to pay health rates, yet derive no benefit, the rates being collected for the benefit of the few who reside in certain localities. The local authorities have not taken the trouble to read the Act, and they come rushing to Parliament to validate something which has been done without legal authority. The principle is wrong. This House should not pass hurriedly Bills which have been kept back. It is done every session. The House should protect itself by discountenancing such a course. I move an amendment—

That the word "now" be struck out, and "this day six months" inserted in lieu.

Hon. V. HAMERSLEY (East): I support the remarks of Mr. Sholl. This is a serious matter. I know of instances where, for the benefit of two or three, a whole community are penalised. There are people who derive no benefit from the rates, but they are penalised in many instances; they have to pay heavy rates. Personally I do not understand the Bill. There is no special mention of the two or three places for which the measure is to serve, but it seems to me it brings in the whole of the roads board districts throughout the State. We have only about 30 seconds to inquire into this measure, and we do not know how it is likely to affect the people. It is a very

serious thing to hurriedly pass a measure when the matter can easily be rectified in a few months' time. If one or two health boards cannot collect their rates, they can strike a higher rate next year, and thus recoup themselves.

Hon. R. D. McKENZIE (North-East): While I agree with Mr. Sholl that it is a bad principle to bring down Bills at the last moment, this is not a validating measure but a Bill to amend the Health Act. It was the Kalgoorlie Health Board that was instrumental in bringing this matter forward. Some two or three years ago they realised the position in which they stood, and a short Bill was brought forward and carried through another place, but owing to a misunderstanding it was thrown out in this House. Last session the Health Bill included a provision of this kind, but it was among the slaughtered innocents in the Assembly. This small measure will place the health boards in the various roads board districts in the same position as municipalities.

Hon. S. STUBBS (Metropolitan-Suburban): I quite agree with the remarks of Mr. Sholl in reference to attempting to rush Bills through the House. I am only a young member, but the danger I feel is that some day we may find a Leader of the House, I do not say the present Leader, giving some information to members which they will discover afterwards is wrong, and we shall be enacting a measure which should not be on the statute-book. I shall not sit here and pass Bills at a moment's notice without getting farther information. I am dead against passing these measures to-day, which the Leader of the House says are non-contentious, therefore I shall vote against the Bill.

Hon. R. F. Sholl again rose to speak.

The PRESIDENT: The hon. member has no right to speak again, except to withdraw the amendment.

Hon. G. RANDELL (Metropolitan): The House has always adopted the principle of assisting public bodies as far as possible, and I think we have had suffi-

cient information to enable us to pass the Bill without any fear of disastrous consequences. If I understand it aright the clause proposed to be enacted in the measure passed through the House in the Health Bill last session. Certain health bodies, more especially in the goldfields districts, found themselves in a difficulty.

Hon. S. Stubbs: The difficulty can be overcome in a few months' time.

Hon. G. RANDELL: In the meantime these bodies cannot collect their rates. * There are some people in the world who will refuse to pay unless they are made to pay. Although a debt may be a lawful one, some people have to be compelled to pay. If ratepayers dispute this rate under the plea that it was illegally passed, they cannot be made to pay. The roads boards were under the impression that this provision would pass through both Houses last session. It passed this House and reached another place, but owing to the shortness of time, it with several other measures was dropped. The principle embodied in this Bill is quite right. The Health Bill of last session was referred to a select committee, who were able to inquire into all the circumstances. A great deal of evidence was taken from persons of experience in various parts of the State, and they all came to the conclusion that it was desirable to give this power to the district boards. It was strongly recommended to the House, and this House passed the Bill. I think the House is called on to give relief where necessary, and this relief should now be given. A delay of two months, which may perhaps take place, may be a great hardship to the health authorities in various parts of the country.

Hon. R. F. Sholl: They should read the Act.

Hon. G. RANDELL: We cannot do exactly what we like; as the hon. member ought to have discovered long ago. We should meet difficulties as they arise and remedy them if we can possibly find a remedy. I deem it to be my duty to support this Bill. I quite agree that these Bills should be placed before us as early as possible, so that we may consider them, but I do not think it will take

long to consider a Bill of three clauses and two schedules.

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

Ayes	5
Noes	18

Majority against .. 13

AYES.

Hon. V. Hamersley	Hon. S. Stubbs
Hon. W. Maley	Hon. F. Connor
Hon. R. F. Sholl	(Teller).

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. W. Oats
Hon. J. M. Drew	Hon. B. C. O'Brien
Hon. J. T. Glowrey	Hon. R. W. Pennefather
Hon. J. W. Hackett	Hon. C. A. Plesse
Hon. W. Kingsmill	Hon. G. Randell
Hon. J. W. Kirwan	Hon. C. Sommers
Hon. R. Laurie	Hon. A. G. Jenkins
Hon. R. D. McKenzie	(Teller).
Hon. E. McLarty	

Amendment thus negatived.

Question put and passed.

Bill read a second time.

In Committee.

Clause 1—agreed to.

Clause 2—*Application of Roads Act 1902 to health rates levied in road districts:*

Hon. J. W. HACKETT: Why was it only some of the road boards were involved? Some seemed to have done right and some wrong. The Colonial Secretary was validating those that had gone wrong; but why were the right ones not in the same box?

The Colonial Secretary: What did the hon. member call the right ones?

Hon. J. W. HACKETT: The Colonial Secretary read a list of only those involved; why was it that all were not concerned?

The COLONIAL SECRETARY did not know whether that was so in the district the hon. member represented. It was certainly so in connection with the goldfields roads boards, where they embraced three or four or even half a dozen health boards; and in these cases, members of the roads boards could not possibly be members of health boards, because the machinery of the Roads Act was not employed in carrying out health duties in such districts. It was only

where the boundaries of the roads districts were similar to the boundaries of the board of health district that this Bill would apply.

Hon. W. MALEY opposed the clause, believing that the roads district was impossible as a health board district. It did not matter in what way these rates were levied, if they were levied in a fair and square manner. Portions of districts, 20 or 50 miles from a town, had to contribute their quota to the benefit of that particular town as regarded the health regulations and the control of the department of health. There were roads districts in towns of considerable magnitude and population; towns of some size had already been established in several municipalities; and it seemed most unfair that certain roads board districts should be allowed to carry on health duties to the advantage of a particular town within their borders, when that town should be provided with funds for conducting a health board within the municipality. It was impossible at any time to convert roads board districts, huge districts which covered many miles, into municipalities; and it was idle to create a health district 50 miles square for the benefit of a town which might be, and in most cases was, only one mile square. The inequality which would exist under Clause 2 was such that he could not support it as it stood. We knew that in certain quarters attempts had been made to build up big towns at the expense of the district, and in order to build up these towns it had been found necessary to establish not only health boards but other boards.

The CHAIRMAN: The hon. member should confine himself to the question before the Committee.

Hon. W. MALEY was dealing with Clause 2, which began, "Whenever the boundaries of a health district are contiguous with or within the boundaries of a road district"; and he contended that these areas should be brought within reasonable limits, and that the boundaries should not be enlarged.

Hon. J. W. KIRWAN: On a point of order, was the hon. member in order in continually repeating himself?

The CHAIRMAN had not noticed any repetition. He thought the hon. member was in order.

The COLONIAL SECRETARY wished to make a short statement. He did not know whether the hon. member wanted more information about the Bill; but he wished to mention that his Excellency the Lieutenant Governor was in readiness to attend in this Chamber, and the hon. member was only delaying His Excellency and no one else.

Hon. W. MALEY had no intention whatever of being discourteous to His Excellency. He had no idea until the Colonial Secretary mentioned it that his Excellency was waiting. He had no intention of using any means, other than fair means, to destroy obnoxious measures brought before this Chamber. He did not think the hon. member who rose in protest was justified in that protest, and he thanked the Chairman for not endorsing that action. He had nothing more to say now, but on another occasion he hoped to elaborate what he had then said *extempore*.

Hon. R. F. SHOLL opposed the clause. The Bill should have been brought down earlier in the session. It would give great power to roads boards. We had here a Bill that was brought down to validate something that these roads boards had done illegally. We were always attempting to validate something that had been done illegally. It was a great scandal that the Government time after time, session after session, brought down Bills at the last stage of the session, and put them before members as though we were a lot of fools. It was not supporting the dignity of the House, nor its rights and privileges.

Question put, and a division called for.

While the division bells were ringing, His Excellency the Lieutenant Governor entered the Chamber; and the Clerk of Parliaments having read the Governor's commission authorising the Lieutenant Governor to prorogue Parliament, His Excellency commanded the attendance of members of the Legislative Assembly, who with their Speaker arrived shortly at the Bar of the House.

ASSENT TO BILLS.

Mr. SPEAKER presented the Supply Bill, to which His Excellency assented in the name of the Sovereign.

HIS EXCELLENCY assented to the following Bills of the Session:—
"An Act to apply out of the Consolidated Revenue Fund the sum of Eight Hundred and Thirty-two Thousand Six Hundred and Eighty-four Pounds, and from Moneys to Credit of the General Loan Fund the sum of Two Hundred and Thirty-three Thousand Two Hundred and Eighty-three Pounds, to the Service of the Year ending 30th June, 1909." *"An Act to validate certain Rates made by the Council of the Municipality of Claremont and the Claremont Local Board of Health for the year ending the thirty-first day of October, 1908."* *"An Act to repeal the Law relating to the Management of the Real and Personal Estate of the Presbyterian Church in the State of Western Australia, and to make other provisions in lieu thereof."*

PROROGATION SPEECH.

HIS EXCELLENCY in closing the Session of Parliament was pleased to speak as follows:—

Mr. President and Honourable Gentlemen of the Legislative Council—

Mr. Speaker and Gentlemen of the Legislative Assembly—

I am pleased to be able to release you from your labours at the conclusion of the Fifth Session of the Sixth Parliament of the State.

The occasion affords an opportunity of recording the valuable work you have carried through during the life of the present Parliament.

No less than fifteen Acts for the construction of Railways, with the object of Developing the Agricultural, Mining, and Timber Industries have been passed. The construction of these Railways has already resulted in a very considerable increase in settlement on the hitherto unoccupied lands of the State, and has given a great impetus to those Mining and Timber Districts that will be served by the lines, thus adding materially to the future prosperity of the State;

whilst the work that has been done in connection with improved Harbour and Lighting facilities on our Coast will be of the greatest value.

Your work in connection with the passing of Measures dealing with the Aborigines, the Amendments of the Land Act, the Government Savings Bank, and the Agricultural Bank have proved of material advantage to the community.

The Mines Regulation Act, the Government Railways Act, the Municipal Institutions Act, the Electoral Act, and the State Children Act are also measures of special value, and have resulted in simplifying the Law in relation to these matters, and in placing them on a more satisfactory footing.

This work has made heavy demands on your time, and my Advisers desire to thank Members for the sacrifices so willingly made, and to express the hope that the Electors will appreciate the valuable results that have been accomplished.

Mr. Speaker and Gentlemen of the Legislative Assembly—

I thank you in the name of His Majesty, for the liberal provision you have made for carrying on the various Departments of the Government during the interval that must necessarily elapse between now and the summoning of a new Parliament.

Mr. President and Honourable Gentlemen of the Legislative Council—

Mr. Speaker and Gentlemen of the Legislative Assembly—

Prior to the assembling of the next Parliament the people of this State will have an opportunity of extending a hearty welcome to the Representatives of that great Republic whose aims and aspirations are so much in accord with those of Great Britain and her Dominions in these Southern Seas, and the presence of whose Fleet in our waters is an evidence of a cordiality which is heartily reciprocated throughout the Commonwealth.

I now prorogue this Parliament to Saturday, the 12th day of September next.

The Session then closed.

Legislative Assembly,

Wednesday, 12th August, 1908.

Urgency Motion: Timber Workers' Agreement, alleged breach	284
Question: Bail Money, Estreating	288
Prorogation of Parliament	298

The SPEAKER took the Chair at 2.30 o'clock p.m.

Prayers.

URGENCY MOTION—TIMBER WORKERS' AGREEMENT.

Alleged Breach.

Mr. SPEAKER announced the receipt of a notice from the member for Murchison (Mr. Holman), that he intended to move the adjournment of the House for the purpose of calling attention to the critical state of affairs in connection with the timber industry.

A sufficient number of members having risen—

Mr. J. B. HOLMAN (Murchison) said: I regret that the time is so limited in which to discuss this important matter: but I consider it my duty, now that the session is about to end, to give the Premier an opportunity to do what we consider justice to the thousands of people connected with the timber industry. The Premier knows the facts of the case, for I have written and spoken to him several times in connection with this matter. It is the desire of all those engaged in the timber industry, that as business is flourishing, everything possible should be done to keep the industry going in the best possible manner, in the interests of these people and of the State as a whole. The agreement, which resulted in the settlement of the timber trouble last year, has been gone into very seriously and concisely by those directly interested. Certain promises were made on the settlement of the trouble, whereby the men were to receive certain advantages; but up to the present the employers have refused absolutely to give the men what they are entitled to. The position now is that after waiting for 14 months for what was agreed to in June, 1907, to be given, the