

place of Lieutenant Throssell, it is only fitting that I should say a few words. The last speaker referred to the father of Lieutenant Throssell, and I can bear out all he said. The late Mr. George Throssell was for many years a member of this Chamber, and he was also Premier of the State for a time, and my regret is that he is not in this world to join us in receiving with great satisfaction the news that his brave son has been honoured by the King. Lieutenant Throssell is now recovering from his wounds, and I hope when he is well again he will further distinguish himself. Probably the greatest honour which can come to a man in his lifetime is the honour which has been conferred on Lieutenant Throssell. The war is not going to end for a long time, and enlistment should be stimulated not only by the bravery of Lieutenant Throssell, but by the recognition of that bravery by His Majesty the King.

Question put and passed.

House adjourned at 11.25 p.m.

Legislative Council,

Wednesday, 20th October, 1915.

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

PAPER PRESENTED.

By the Colonial Secretary: Annual report of Perth Public Hospital for the year ended 30th June, 1914.

BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

[Hon. J. F. Cullen had moved—That the following be inserted to stand as a new clause:—"Any settler or other person, who has given to the board a mortgage or bill of sale under this Act, shall, at any time, on tendering to the board the full amount of balance due, with interest and costs, receive from the board a full discharge of such mortgage or bill of sale."]

Hon. J. F. CULLEN: I ask leave to withdraw the proposed new clause in favour of the amendment placed on the Notice Paper by the Colonial Secretary. I submitted the proposed new clause on a report which reached me that the board had informed certain borrowers that they could not pay off their liabilities, and I wished to remove all doubts. At the same time, I had no desire to open a door whereby any borrower could leave the board in the awkward position of being supposed to safeguard other interests and yet not do it. I had intended to move an addition to the proposed new clause—"provided the board may in its discretion first distribute any surplus moneys in its hands on account of the said settler." However, I have reliable advice that any borrower, on tendering the full amount, can claim his discharge, the board distributing any surplus in their hands on his account to his other creditors. I understand the Colonial Secretary's amendment is intended to make that perfectly clear.

Proposed new clause by leave withdrawn.

Bill reported with amendments.

Recommittal.

On motion by the Colonial Secretary. Bill recommitted for the further consideration of Clause 5.

Clause 5—Amendment of Section 21:

The COLONIAL SECRETARY: I move an amendment—

That the following subclause be inserted:—“(2.) Section twenty-one of the principal Act is further amended by adding a paragraph as follows:—‘If the Colonial Treasurer shall, in his discretion, think fit to give effect to this section by applying the surplus proceeds of the assigned crops in or towards the discharge of the other debts and obligations of the applicant, the applicant shall not nor shall any person claiming under him redeem, prior to the distribution of such surplus, the securities in the hands of the Colonial Treasurer, anything contained in this Act to the contrary notwithstanding.’”

This is rendered necessary by the fact that I was not aware until this morning that Section 21 of the principal Act does not give the powers contemplated. That section makes provision for the distribution of the surplus after the Government have been repaid any advance. We were under the impression that if the Government had lent £300 we would be able to distribute the surplus among the farmer's creditors, but it appears there is not sufficient power under the section to do so. Under this amendment the Government will be able to repay themselves any advance and to distribute the surplus amongst other creditors.

Hon. J. F. Cullen: The surplus that has come into the hands of the board.

The COLONIAL SECRETARY: Yes, and distribute it in accordance with Schedule 3 of the Act. Although it was arranged with the merchants that the surplus should be distributed, it would be possible, without this amendment, for any farmer to pay off the Government and we would not be in a position to distribute the surplus among other creditors and it might happen that other creditors would not be paid. With the amendment, as soon as the Government are paid and the surplus is distributed among the creditors, the Government's connection with the farmer will cease and he will get his title deeds.

Hon. J. F. Cullen: There seems to be no doubt that any borrower on tendering the full amount of his liability can get his discharge, and the amendment is merely intended to keep the board right with other creditors. The board have been entrusted to distribute among other creditors any surplus over the sum due to the Government in terms of Schedule 3. There is no power on behalf of the board to refuse the discharge, but the amendment will now cover that. I am quite satisfied with the position created by the Colonial Secretary's amendment.

Bill again reported with a further amendment, and a Message accordingly forwarded to the Assembly requesting them to make the amendments, leave being given to sit again on receipt of a Message from the Assembly.

BILL—HEALTH ACT AMENDMENT.

In Committee.

Resumed from the 14th October; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Proposed new Section 242i—Compulsory examination and treatment:

[Hon. A. J. H. Saw had moved an amendment—“That in lines 1 and 2 the words ‘Whenever the Commissioner has reason to believe’ be struck out, and the following inserted in lieu:—‘Whenever the Commissioner has before him a written statement made on oath or verified by solemn declaration or affirmation which leads him to believe.’”]

The COLONIAL SECRETARY: It is not desirable that the amendment should be carried. The Commissioner would be unable to take any action until he had a written statement made on oath, or verified by declaration or affirmation, no matter how firmly he might be convinced that a person was suffering from this disease. I fear very few people would be prepared to make a statement on oath in connection with such a matter as this, and consequently the measure would be practically a dead letter.

Hon. A. J. H. SAW: The Commissioner could, in any event, act only on

information he has received. He is not in a position to gain in any other way evidence as to whether a person is suffering from venereal disease. I disagree with the view of the Colonial Secretary as to the unwillingness of people to make sworn statements. In the absence of the protection afforded by this amendment, I see great opportunities for blackmailing and for the giving of false information. Mr. Connor has a later amendment providing that a person giving false information shall be liable to certain penalties, and I also have another amendment designed to attain the same end. In the absence of sworn information, I fail to see how these further amendments could possibly operate.

Hon. J. CORNELL: I favour portion of the amendment which the Colonial Secretary has on the Notice Paper, and portion of Dr. Saw's amendment. The one, I think, does not go far enough, while the other goes too far. If Dr. Saw's amendment is carried, many useful features of the measure will be destroyed. Persons would probably not bother to make sworn statements, although able to give information. The taking of an oath by the informant should be discretionary with the Minister. That would adequately guard against blackmail. No honest informant would make a complaint to the Commissioner unless absolutely satisfied of the truth of it. I can foresee trouble in another place if we insist on Dr. Saw's stringent amendment. The clause might be postponed, so as to allow of Dr. Saw and the Colonial Secretary conferring on the subject.

Hon. A. J. H. SAW: The Bill aims at sweeping everybody into the net of the Commissioner. The aim of the various amendments which I have tabled is to allow the Commissioner to deal only with those persons suffering from the disease who either neglect treatment or who knowingly infect others. Anyone knowing himself to have been wilfully infected would, I think, be prepared to make a sworn declaration.

The COLONIAL SECRETARY: To make a sworn declaration to the effect

stated by Dr. Saw might be very difficult. The amendment I have on the Notice Paper represents a considerable modification of this proposed new section, because under the amendment the Commissioner, before taking any action whatever, must notify the suspected person and afford him an opportunity of consulting a medical practitioner. The suspected person could consult his own doctor. Under the clause as it stands, the Commissioner could take action and order examination if he had reason to suspect that a person was suffering from the disease.

Hon. Sir E. H. WITTENOOM: The whole thing seems to hinge on the personality of the Commissioner. If the Commissioner is a thoroughly capable man and one whom we can fully trust, there will be no necessity whatever for Dr. Saw's amendments. My personal inclination is towards the Colonial Secretary's amendment, because, unless the measure is to be made to a large extent unworkable, a great deal must be left to the discretion of the Commissioner. As regards Dr. Saw's amendment, I feel confident that information will be very rarely given on oath. In fact, many who might wish to do so would be unable to give information on oath. We are, however, dealing with human nature, and it would be as well in the initial stages of a measure such as this to adopt the precautions suggested by Dr. Saw, for fear of cases of blackmail and of injustice. The degree of compulsion contained in the amendment applies to those people who will not avail themselves of the law. They may be only a small percentage, and still render useless all the precautions taken by others. Therefore it is necessary that a certain amount of compulsion should be exercised. The course suggested by Mr. Cornell might satisfactorily meet the case.

Hon. A. G. JENKINS: I am afraid the amendment moved by Dr. Saw will defeat its own ends. It should be provided that the statement put before the Commissioner shall be signed by the person who makes it; then there would be traceable somebody to suffer the penalty

in the event of the statement being untrue. The observations of Mr. Cornell are deserving of a good deal of attention, but we might start off by providing that a written signed statement shall be put before the Commissioner. That would give sufficient protection.

Hon. J. F. CULLEN: The amendment moved by Dr. Saw would have the effect of paralysing the Commissioner. With regard to the Colonial Secretary's amendment, it has been said there is a serious risk. The Commissioner would be a well-known and reliable doctor. Why should we suppose that he would be moved by anything but the desire for the health of the people? He could take no action without first notifying the individual whom he has reason to believe is suffering from the disease, and asking that individual to produce a certificate. I cannot see that there is any difficulty in the Colonial Secretary's proposal.

Hon. H. MILLINGTON: I am afraid Dr. Saw's amendment would defeat the object of the Bill. What has to be done under either amendment is to satisfy the Commissioner. The average individual has a very decided objection to making an affirmation. Although he might be reasonably sure of his grounds, it is not easy to get him to make an affirmation. Dr. Saw has already pointed out that at times it is extremely difficult for a medical man to definitely state whether a person is suffering from the disease. How much more difficult would it be for a layman to conscientiously make an affirmation in this respect! Dr. Saw ought to take into consideration the suggestion thrown out by Mr. Cornell. Under that it would be left to the Commissioner to accept a statement or demand an affidavit at his discretion.

The COLONIAL SECRETARY: Perhaps my amendment would be more acceptable if made to read, "Whenever the Commissioner has before him a written statement which leads him to believe," etcetera.

Hon. A. G. Jenkins: You must provide for the name and address of the informant; otherwise it may be anonymous.

Hon. A. J. H. SAW: If it will meet the case, I will be prepared to strike out from my amendment the words, "Made on oath or verified by solemn declaration or affirmation." I do not altogether agree with the amendment of the Colonial Secretary's. It is to the effect that the person must consult a medical practitioner. It seems to me there will be a considerable waste of time in respect to that class of person whom the Commissioner wishes to detain. The Colonial Secretary's amendment seems to weaken very considerably the powers of the Commissioner and to provide a loophole for escape, particularly for that class of people who are infecting others.

Hon. A. G. JENKINS: I think we should have an amendment to this effect—

Whenever the Commissioner has received a duly signed written statement, in which is set forth the full name and address of the informant, stating that any person is suffering from venereal disease, and he has reason to believe, etcetera.

That would be a satisfactory compromise. All that Dr. Saw wants is that the name of the person making the statement shall be set forth in full.

The Colonial Secretary: I would be prepared to accept that.

The CHAIRMAN: When the words proposed to be struck out are struck out, hon. members may substitute other words in lieu thereof.

Hon. A. SANDERSON: The Commissioner is of the greatest importance to the measure. In consequence of the war the medical profession in this State has been considerably weakened in numbers, and perhaps also in ability. We have further to remember that the Commissioner of Health has just resigned because he cannot get a proper salary. The Commissioner is to have enormous powers over the liberty of the subject. What are we going to offer him, and who is the Commissioner to be? We have had several illustrations of medical men whose attainments as medical men have been high, but whose personal reputa-

tion has been small. We ought to hesitate before we do anything that will not safeguard the public against a person who is unknown. How are the Government going to find a salary sufficiently large for a suitable man in this position?

Hon. A. G. JENKINS: If Dr. Saw would withdraw his amendment I should like to move an amendment to provide that the Commissioner must first of all satisfy himself that a person is not being efficiently treated. I think that is very necessary. It should also be provided that the Commissioner has to receive a signed statement, in which shall be set forth the full name and address of the informant, stating that any person is suffering from venereal disease and has reason to believe that such person is so suffering and is not being efficiently treated.

Hon. A. J. H. SAW: I am quite prepared to withdraw my amendment.

Amendment by leave withdrawn.

Hon. A. G. JENKINS: I move an amendment—

That after the word "has" in the first line of the proposed new section the following words be inserted:—"Received a signed statement in which shall be set forth the full name and address of the informant, stating that any person is suffering from venereal disease and has reason to believe that such person is so suffering from such disease and is not being efficiently treated for such disease."

Hon. A. J. H. SAW: I ask Mr. Jenkins to leave out the words "is not being efficiently treated." The insertion of those words will undoubtedly interfere with the Commissioner dealing with a person who is wilfully infecting other people. If those words are inserted the Commissioner will not be able to rapidly and effectively deal with a person who is infecting others.

Hon. A. G. JENKINS: As there will be other opportunities for again referring to the matter I can for the time being withdraw those words.

Amendment put and passed.

Hon. A. J. H. SAW moved a further amendment—

That in line 5 of proposed new subsection (1) after "examine such person" the words "in the presence of his own medical practitioner if so desired" be inserted.

It is usual in all such proceedings that a person's own medical practitioner shall be asked to be present. I thought this might be inserted in the proposed new clause because it would meet a portion of the amendment of which the Colonial Secretary has given notice.

Hon. J. F. CULLEN: Dr. Saw proposes that the Commissioner shall at once issue his warrant and the Colonial Secretary proposes that the Commissioner shall write to the person and ask him to supply the certificate. The latter, I think, ought to commend itself to the Committee.

The COLONIAL SECRETARY: My amendment, I think, should come in here, but I do not exactly know how the proposed subsection reads. My desire is to provide that notice shall be given in writing.

The CHAIRMAN: The proposed new subsection as it appears now does not make sense. I think if the hon. members who have prepared these amendments conferred, they could recast this paragraph and present it in such a form at a later stage that it would be satisfactory to all parties and to the Committee. I am only here to receive amendments and to put them to the Committee.

The COLONIAL SECRETARY: It would be better to defer the further consideration of this paragraph so that hon. members interested might confer. I move—

That the further consideration of proposed new Subsection (1) of proposed new Section 242i be postponed.

Motion passed.

Proposed new Section 242j—agreed to.

Proposed new Section 242k—Subsidised hospitals or salaried medical practitioners to give free treatment:

Hon. J. F. CULLEN: How can country hospitals provide isolated chambers

and treatment free on the subsidy which they now receive. There is a number of hospitals wholly supported by the Government and some which are receiving subsidies the amount of which will not carry this treatment. I move an amendment—

That in line four of the proposed Subsection 1 the words "free of charge" be struck out.

The COLONIAL SECRETARY: I recognise that it would be unfair to make the hospitals bear the cost of this treatment. The Government would have to increase the subsidy or bear the cost in each case, but I am not in a position to give any assurance. I cannot conceive the Government administering such an Act as this calling on the local hospitals which receive small subsidies to bear this expense.

Hon. J. DUFFELL: I hope the amendment will not be carried. Every facility should be provided for the treatment of these diseases free of cost, but if we are to make this a matter of getting all we can out of patients it will have a material effect on diseased persons reporting themselves. Provision will have to be made for a larger subsidy for hospitals.

Hon. A. G. JENKINS: This is a matter which can easily be settled. The Government do not intend to have these diseases treated at all country hospitals. Certain hospitals throughout the State will be set apart for the treatment of these diseases. It would not be fair to expect country hospitals to treat these cases and not receive any more subsidy. This is a Bill affecting the welfare of the whole people, therefore there must be increased subsidy to the hospitals which will be set part to treat the diseases.

Hon. A. J. H. SAW: We have already assented to the principle that any person suffering from venereal disease shall receive treatment. It necessarily follows that we must make provision for them to be treated free of charge. We compel persons to be treated therefore the treatment must be free.

Hon. J. F. CULLEN: No doubt the intention of the Government is that the sufferers shall not pay, but the meaning

of the proposed new section is that the hospitals shall not charge but must bear the cost. The better course for me to pursue is to withdraw the amendment, and ask the Colonial Secretary to give an explanation as to how the funds are to be provided.

Amendment, by leave, withdrawn.

Hon. A. J. H. SAW: I move an amendment—

That in the proposed new Subsection 2 the words, in line 2 "free of charge" be struck out.

In many of the subsidised hospitals the medical officers attending the patients receive small fees, now the duty was cast on the medical officer of treating anybody who applied at the hospital free of charge. Under those circumstances it seems necessary that the Government should make some additional remuneration to these officers.

Hon. J. F. CULLEN: The words had better remain in. The patients will be treated free and the Government must pay the doctor.

Hon. J. CORNELL: The success or non-success of this measure rests with the medical profession and it is not reasonable to assume that we can get the best in any profession unless payment is made. The Government must pay or they will not get the medical fraternity to work with them.

Hon. H. MILLINGTON: Having agreed to retain the words in the earlier part of the proposed new section, they should be retained here. It is not a question of who shall pay so much as a question of the treatment being free. The Government will be responsible and must see that someone pays.

The COLONIAL SECRETARY: I do not think there is much necessity to protect the interests of the doctors who receive a subsidy from the Government because they can protect themselves by declining to continue in their positions. Some doctors are under agreement and as these cases would represent additional duties, no Government would ask them to perform work outside their agreement without remuneration.

Hon. V. HAMERSLEY: I regret that Mr. Cullen's amendment was withdrawn. Great difficulty is experienced in running country hospitals satisfactorily and getting subscriptions for their maintenance. The subsidies have been cut down, and are not likely to be considerably increased. If these words are retained, everyone who applies for treatment will object to paying any charges the local doctor might impose. The retention of the words would be an invitation for sufferers to flout the doctors, and the whole of the community should not have to make subscriptions for the treatment of people who can well pay their way. The hospitals will have even greater difficulty in future to make ends meet.

Hon. Sir E. H. WITTENOOM: I favour the retention of the words. There should have no opportunity for an individual to object to receiving treatment on the score of expense. The aim of the Government is that affected people should be treated and, therefore, they should have every inducement to submit themselves for treatment. The expense should not fall on the hospital or on the medical officer, but some provision should be made to indemnify the hospitals and medical officers for such treatment. The Government would not expect such treatment to be given for the small grants now made. There are not likely to be many applications in the country for treatment.

Hon. V. Hamersley: Dozens of sufferers will leave the City and seek treatment in the country.

Hon. Sir E. H. WITTENOOM: Then provision should be made by the Government to reimburse country hospitals.

Hon. A. J. H. SAW: If the words "free of charge" are retained, they will nullify a subsequent amendment I have on the Notice Paper which makes provision for the Government to pay.

The COLONIAL SECRETARY: The Government would have to pay in any case. Doctors receiving a subsidy from the State have to treat aborigines and certain indigent persons free of charge. This is set forth in the terms of their ap-

pointment and, no doubt in making future appointments and renewing present appointments the extra work would be taken into consideration. But I would like to consult the Minister responsible for the Bill before giving the House any assurance on the question.

Hon. A. G. JENKINS: There is an objection that a medical officer in receipt of salary from the State need not inquire whether a person can pay, but he might treat the patient and send the account to the Commissioner. We want to provide free treatment but the man who can pay should pay. If the amendment is passed, it will mean that a person able to pay will not be asked to pay. Are there medical officers apart from the hospitals in receipt of State salaries?

Hon. W. Patrick: There is one at Northampton.

Hon. J. J. Holmes: And one at Fremantle.

The COLONIAL SECRETARY: If in the second line of the proposed new Subsection 2, the words "to such person" were inserted after "charge" it might meet with members' approval.

Hon. A. J. H. SAW: The Minister's suggestion would be satisfactory if my further amendment is agreed to. A severe penalty is provided for a doctor attached to a hospital refusing to treat a patient. I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: I move an amendment—

That after "charge" in line 2 of the proposed new Subsection 2 the words "to such person" be inserted.

This is merely a suggestion; I cannot say that it will be accepted.

Amendment passed.

Hon. A. J. H. SAW: I move an amendment—

That all the words after "treatment" in line 4 of the proposed new Subsection 2 be struck out and the following inserted in lieu:—"And the Commissioner shall pay a reasonable remuneration for such examination and treatment, and shall be liable to be sued for such remuneration in any

court of competent jurisdiction. Any medical practitioner who neglects or refuses to examine or treat any person, as provided by this subsection, shall be liable to a penalty not exceeding £5."

This does not necessarily mean that the medical officer shall keep a list of those people and send in a bill to the Commissioner. It gives him the right to bargain with the Commissioner for a sum in consideration of undertaking to treat cases of this kind.

Amendment passed; the proposed new section as amended agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Proposed new Section 242—Prohibition of advertisements of cures of certain diseases:

Hon. A. G. JENKINS: I move an amendment—

*That the following proviso be added to the proposed new Subsection (e):—
"Provided that before any proceedings are taken under this section for printing or publishing any statement in a newspaper, the Commissioner shall notify the proprietor, printer and publisher of such newspaper that the publication of the matter complained of is an infringement of this part of this Act: and such proprietor, printer and publisher shall not be liable to prosecution for an offence against this section except in respect of an offence of the same or a similar nature after such notification."*

Perhaps a difficulty might arise through the innocent insertion of an advertisement, and this difficulty would be met by the proviso. Any newspaper with a large circulation has difficulty in keeping effective control over all the advertisements appearing, and I consider that notification should be sent before a prosecution is instituted. Once a notification has been given, then if the newspaper insists on continuing to publish the advertisement there should be no claim to exemption from prosecution.

Hon. J. F. CULLEN: The subclause as it stands is applicable not only to

newspaper proprietors, printers, and publishers, but to the advertiser himself. The result is that under cover of protecting the newspaper the advertiser might by this amendment be allowed to escape; and that, of course, is undesirable. I move an amendment on the amendment—

That after the word "section" there be inserted "against any newspaper proprietor, printer, or publisher."

Amendment on amendment passed.

The COLONIAL SECRETARY: Section 6 of the Indecent Publication Act covers the same point. I was under the impression that possibly under this amendment it would be necessary to keep on notifying, but that is not so.

Amendment, as amended, put and passed.

The COLONIAL SECRETARY: I move an amendment—

That in paragraph (f) after the word "shows" there be inserted "or sends by post."

Amendment passed.

Hon. J. F. CULLEN: Has the Minister considered what will be the effect on business generally of the prohibition of the introduction of these articles into the State, in view of the inability to prevent their entering the State? For instance, the Bill cannot prevent all sorts of advertisements coming into the State in newspapers from outside. It would be a small thing to prevent publication of these things in our own newspapers if the same advertisements can come across from Melbourne and Sydney, to which places the money sent from here will go.

The COLONIAL SECRETARY: There is abundant power in the clause to enable the Government to prosecute any person who publishes such a newspaper in the State. A newspaper coming in by post may contain prohibited advertisements, and I do not see how any action can be taken in that case, but if any person sells those papers in Western Australia he can be prosecuted.

Hon. A. J. H. SAW: In reference to Subsection 4, exempting books, documents and papers published in good

faith for the advancement of medical or surgical science, I would like to draw attention to a criticism in the *Medical Journal of Australia*, as follows:—

Any charlatan can claim that his publications are made in good faith and aim at the advancement of science. If the only exemptions were publications in recognised medical journals and books issued to the medical profession, a sufficient safeguard would be provided.

I do not know whether the comment of the *Medical Journal of Australia* is justified, or whether the advancement of the plea that the publications are made in good faith would be accepted by the courts.

The Colonial Secretary: I think we can rely upon the commonsense of our magistrates.

Proposed new section, as amended, put and passed.

Proposed new Section 242m—Interpretation:

Hon. J. F. CULLEN: This is a most undesirable provision. If greater certainty than is furnished in the Interpretation Act is needed in the Bill it will be needed in all Bills to which that Act applies. I hope the Committee will negative the provision.

The COLONIAL SECRETARY: I do not think the proposed new section is absolutely necessary. Yet it is as well to emphasise that the Bill applies to both sexes.

Hon. J. F. CULLEN: The proposed new section is gratuitous and vicious. Instead of removing doubts it will create doubts in every future piece of legislation. I trust it will be negatived.

Proposed new section put and negatived.

Proposed new section:

On motion by COLONIAL SECRETARY, the following was added to stand as Section 242n:—

So far as personal service of any notice is required under the provisions of this part of this Act such service shall be effected by an officer of public health.

Proposed new section:

Hon. A. J. H. SAW: I move—

That the following be added to stand as Section 242o:—"The Commissioner shall conduct free of charge bacteriological or other examination which is required by any medical practitioner who has notified the Commissioner under Section 242d that he is attending or treating a person suffering from venereal disease."

Under the Bill medical practitioners have to report these cases. In view of the fact that medical practitioners will be liable to prosecution and fine for any lapses, it is essential that bacteriological examinations should be made. The ordinary medical practitioner is not competent to conduct such examinations, and as such examinations are imperative, the State should bear the charge.

The COLONIAL SECRETARY: I have no objection to the proposal. It simply puts into the Bill the intentions of the Government.

Proposed new section put and passed.

Proposed new section:

Hon. A. G. JENKINS: I move—

That the following be added to stand as Section 212l (the present new Section 242l to stand as 242m):—"All proceedings under Sections 242a, 242b, 212c, 212d, 242e, 242f, 242h, 242i, 242j in any court shall be heard in camera; and it shall be unlawful to publish in any newspaper a report of any such proceedings. Penalty: For a first offence, One hundred pounds, or imprisonment with or without hard labour for not exceeding six months; for any subsequent offence five hundred pounds, or imprisonment with or without hard labour for not exceeding twelve months."

If hon. members will consult the sections to which I refer, they will see that in each case, before a summons can issue, there must be some name mentioned as that of a person who is infected. The whole object of the Bill is to preserve secrecy as far as possible in all the proceedings. If it is to be within the power of any news-

paper to publish any report of the proceedings, the principle of the Bill will be greatly destroyed.

The COLONIAL SECRETARY: I see the necessity in some instances of cases being heard in camera, and that reports should not be published in the newspapers. Is there not a possible danger in the holding of these proceedings with closed doors in all and every circumstance and in every prosecution? Should there not be some provision made to the effect that, unless at the request of the defendant, these cases should be heard in open court? The defendant may desire that the case should be heard with open doors. I agree with the provision that it should be unlawful to publish any report of the proceedings in the newspapers.

Hon. A. G. JENKINS: The rule must be compulsory. No one will know except the person who is charged. That being so, no injustice can be done to the defendant. Without this proviso, there is a danger of an innocent man having his name published when he is not a party to the proceedings.

Proposed new section put and passed.

Proposed new section:

Hon. A. G. JENKINS: I move—

That the following be added to stand as Section 242n:—"Every person employed in the administration of this part of this Act shall preserve secrecy with regard to all matters that may come to his knowledge in the course of such employment, and shall not communicate any such matter to any other person except in the performance of his duties under this Act. Penalty: One hundred pounds."

Under the Queensland Act, I understand, any person administering the Act must observe strict secrecy. The officials must not be allowed to talk about the private affairs of the people with whom they may be brought into contact.

Proposed new section put and passed.

[The President resumed the Chair.]

Progress reported.

BILL—VERMIN BOARDS ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

[The President resumed the Chair.]

Progress reported.

SELECT COMMITTEE—RETIREMENT OF C. F. GALE.

To adopt report.

Hon. J. J. HOLMES (North) [8.8]: I move—

That the report of the select committee be adopted.

I should like briefly to say that the committee have made exhaustive inquiries into the retirement of the officer concerned. I regret that the report was not unanimous and that certain sections of it were opposed by the Hon. J. Cornell. The other members of the committee, Hon. J. Duffell and myself, were unanimous on the decisions arrived at, and submitted to this House by way of the report we now have before us. The principal witnesses who were examined were, naturally, the Public Service Commissioner (Mr. Jull) whose examination occupied two whole sittings of the committee, and the Solicitor General (Mr. Sayer), whose examination also occupied two whole sittings of the committee. The report in paragraph 2 regrets the absence of the Honorary Minister (Hon. R. H. Underwood) as a witness. This House knows that two Messages were sent to the Legislative Assembly desiring that gentleman's presence before the select committee, but until this date no reply has been received to either Message. That, however, is a constitutional question as between the two Houses, and someone better acquainted with the Standing Orders will probably deal with that aspect of the report. Paragraph 3 of the report sets out what Mr. Gale's service has been, namely, 21 years and 9 months and the evidence of witnesses is clear on one point, that, in every respect, Mr.

Gale's services were satisfactory. Paragraph 4 of the report deals with the manner in which Mr. Gale was retired. The Executive Council minute sets out clearly that Mr. Gale was retired because he was deemed to be an excess officer. The evidence on the point gives convincing proof that, in the opinion of the committee, the majority of the committee at all events, Mr. Gale's retirement was illegal. There was one office, namely, that of Chief Protector of Aborigines, and one officer occupied that position. How that one officer filling the one office could become an excess officer is beyond my comprehension. Neither the Public Service Commissioner nor the Solicitor General could clear our minds altogether on the point, except that the Solicitor General said that, in his opinion, Mr. Gale could not be considered to be an excess officer. The Public Service Act provides three conditions under which a public officer can be retired from his position at an age of less than 60 years. One condition is the abolition of the office, and, in connection with that, I would point out that the office of Mr. Gale as Chief Protector of Aborigines has not been abolished.

Hon. F. Connor: It cannot be abolished under the Constitution Act.

Hon. J. J. HOLMES: Another condition is that, if an officer misconducts himself, he can be discharged from his office; whilst another condition is that, if he reaches the stage when he is no longer able to discharge his duties and produces a certificate to that effect, he is permitted to retire from the service. None of these conditions, as provided for in the Public Service Act apply to the retirement of Mr. Gale. In view of that fact, the committee have come to the conclusion that the retirement of Mr. Gale was illegal. Paragraph 5 of the report deals with the appointment of Mr. Gale's successor (Mr. A. O. Neville). The committee in that paragraph pointed out that the appointment of Mr. Neville was altogether irregular and contrary to the usual custom and the provisions of the Public Service Act.

This quite clearly sets out that, when a vacancy occurs, the head of the department has to be consulted as to whether there is any other officer of the department capable of filling that position, and a provision is also made for these vacancies to be advertised and published in the *Government Gazette* and for it to be generally known throughout the service that the vacancy has occurred, so that men in the service can put in an application for the position if they are capable of discharging the duties of that position. The permanent head of the department (Mr. North), the under secretary, was, however, not even consulted as to the appointment of Mr. Neville. The first intimation he had of it was when the Executive Council minute, dealing with the retirement of Mr. Gale and the appointment of Mr. Neville as his successor was brought under his notice. The appointment of Mr. Neville was irregular and contrary to the Act, and consequently paragraph 5 of the report bearing on that is in accordance with fact. Paragraph 6 of the report deals with the remarks of the president and the secretary of the Civil Service Association. Both those gentlemen are of the opinion, and everyone who has studied the question must be of the same opinion, that an action such as that which has been taken by the Honorary Minister cannot but have a bad effect on the service. If a man after 22 years of service, a man of whom everyone spoke in the highest terms, can be pushed out of office at the whim of a Minister, the civil service is placed in a precarious position. There is no necessity to labour that point. Hon. members must know that one of the principal advantages of the civil service is that so long as a man satisfactorily discharges his duties, his position is practically permanent, but if a man after discharging his duties satisfactorily to all parties concerned for 22 years can be pushed out of his permanent office without that office being abolished, without a scratch of the pen against him, without having misconducted himself and without having found it necessary to ob-

tain a certificate to declare that he was not fit to discharge his duties any longer, hon. members can judge for themselves what effect the dismissal of such an officer is likely to have on the service. In other words, what is troubling the service for years, is the position taken up by the Public Service Commissioner, Mr. Jull. This gentleman in effect rules that the policy of the Government overrides the public service. There is no Government policy that can override an Act of Parliament. If it is necessary to amend an Act of Parliament let the legislature deal with it, but no man with common sense can work on lines such as those advanced by the Public Service Commissioner, who claims that he is bound by the policy of the Government. If the policy of the Government to-morrow were to bring all the sub-departments under one head, the Public Service Commissioner would be bound to carry that out and discharge all the permanent heads throughout the service. Then having got rid of all the permanent heads in that manner, the policy of the Government next week might be to re-instate all the different sub-departments and in that way, having got rid of all the old and tried servants they would introduce new blood which might or might not see eye to eye with the Minister. That, however, may be stretching the point somewhat. If it is possible to amalgamate the defunct Immigration Department—and it is admitted by the Public Service Commissioner to be defunct at the present time—with the real live Aborigines Department, to use the Commissioner's own words, and make the head of the defunct department the permanent head officer of the live department—if it is possible to carry out the policy of the Government in that instance, it is possible to carry out the policy of the Government in every instance. Paragraph 7 of the report of the select committee deals with the Minister's ability to discharge the duties of Chief Protector of Aborigines. On this point I have very little to say. If the Honorary Minister possessed all the necessary qualifications to enable him

to discharge the duties of the department, if he understood the habits and customs and everything else connected with the aborigines, one would have thought he would have been only too anxious to avail himself of the opportunity of appearing before the select committee and making it clear to the committee what his capabilities really were. So far as I am concerned, and from the inquiries which I have been able to make, I have come to the conclusion that the Honorary Minister knows nothing about the aborigines and that is one of the reasons why he failed to appear before the committee to be examined. Paragraph 8 of the report sets out the necessity for a competent man acting as Chief Protector of Aborigines. I do not think there is any necessity to labour that question. I do not know of a more difficult problem than that of handling the aborigines. A man who has had experience amongst aborigines like Mr. Gale for the last quarter of a century must, in the opinion of any reasonable man, be thoroughly qualified to fill the position. The aborigines of this State under the care of a Chief Protector are spread over a third of the territory of the Commonwealth, namely, from Wyndham to Eucla, and they number, as far as we are able to learn, about 20,000. We know that with the development of the North, where the greater number of the natives are, and with the extension of the pastoral industry in the immediate future and the increase of settlement, the difficulty of dealing with the aborigines will become very acute. Of course if we leave them to continue their own customs there will be very little trouble, but we know what will follow with the advance of civilisation. It is clear, therefore, that there must be a qualified man at the head of the Aborigines Department, a man such as Mr. Gale. I have not a word to say against Mr. Neville, who was appointed to Mr. Gale's place. Mr. Neville was not called before the committee; there was no necessity to call him, but from the evidence of the other witnesses we learned that Mr. Neville

is an excellent officer in his own particular line. The Public Service Commissioner admitted that Mr. Neville knew nothing about aborigines and he is the officer who has been chosen to succeed Mr. Gale who had 22 years' experience, and this merely to carry out a whim of the Honorary Minister. What Mr. Neville did not know about aborigines the Honorary Minister apparently thought he knew. Still he was afraid to appear before the committee and give the committee an opportunity of judging whether he did or did not know anything about aborigines. Paragraph 9 of the report points out that the retirement of Mr. Gale was illegal and inadvisable and on the evidence the committee could come to no other conclusion. Paragraph 10 makes a recommendation that Mr. Gale should be reinstated and should resume his position. I have no hesitation in saying that if I were Mr. Gale I would claim that I was still Protector of Aborigines, and I should demand my salary, and if it were not paid to me I would sue the Government. When the surrounding circumstances are considered hon. members will come to the conclusion that Mr. Gale would be perfectly justified in doing that. The Act provides that there shall be a Chief Protector of Aborigines and Mr. Gale properly held the post, and until the position is abolished or until Mr. Gale misconducts himself, or is rendered unfit for further service, he should still be recognised as Chief Protector of Aborigines. The evidence, if examined by members, will prove that the committee were perfectly justified in coming to the conclusions they did, namely, that Mr. Gale should be requested to resume his duties.

On motion by Hon. R. G. Ardagh debate adjourned.

House adjourned at 8.28 p.m.

Legislative Assembly.

Wednesday, 20th October, 1915.

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The SPEAKER took the Chair at 3.0 p.m., and read prayers.

QUESTION — EXPEDITIONARY FORCES AND THE POLICE.

Mr. E. B. JOHNSTON asked the Premier: 1, Are the Government aware that Sergeant Miller, of the Criminal Investigation branch of the Police Department, was compelled to resign his official position in order to join the Australian Expeditionary Forces? 2, Is it the intention of the Government to place the police force on the same footing as other State employees who enlist, namely, to keep their positions for them in future? 3, If not, why not?

The PREMIER replied: 1, Constable (not Sergeant) Miller, a probationer attached to the C.I. branch, voluntarily resigned from the force in order to join the A.I.F. 2, No. See answer to previous question on this subject. 3, The strength of the force is at bedrock, and every vacancy must be filled.

QUESTION—NARROGIN RAILWAY YARD, LIGHTING.

Mr. E. B. JOHNSTON asked the Minister for Railways: 1, Has a proposal for the effective lighting of the loco. shed and railway station yard at Narrogin been approved? 2, What is the cause of the delay in this matter? 3, When will the work be put in hand?