Mr. BATH moved an amendment—

That in line 3 of Subclause 2 the word "two" be struck out and "one" inserted in lieu.

To place two outsiders on the committee would be detrimental. It would act as a drag on the department in their administration. The whole fault in the past had been that, where there were provisions dealing with the adulteration of food and drugs, those provisions were not administered. If the influence of these outsiders was used to obstruct the officers of the department the position would be parlous.

The Minister for Mines: They would not deal with the administration.

Mr. BATH: Indirectly they would. If their advice was against that of the other members of the committee it would have a great effect on the administration. It was really an experiment trying one outsider.

The MINISTER FOR MINES: The hon. member wished to have a good advisory board, and it was well to get the best advice, but seeing this was an important debate, progress might be reported at this stage.

Progress reported.

House adjourned at 11.14 p.m.

PAIRS:

Sir Newton Moore	Mr. W. Price

Legislative Assembly,

Friday, 11th November, 1910.

The SPEAKER took the Chair at 10.30 a.m., and read prayers.

QUESTION—UPPER DARLING RANGE RAILWAY.

Mr. JACOBY asked the Premier: Will he please state when the Pickering Brook-Canning Mill section of the Upper Darling Range Railway, which was purchased by the Government some time ago from Millars' Company, will be made available for the public?

The PREMIER: I shall be glad if the hon. member will allow the question to stand over until the next meeting of the House.

Mr. JACOBY: I should like to impress upon the Premier the urgency of this matter. This line was purchased by the Government from Millars' Company some time ago, but the traffic has been suspended, and as there is no road connection between the Canning Mills and the present terminus at Pickering Brook, residents in that locality are in an extraordinary position. They can only get over the three miles by making a detour of something like 12 miles. I hope the Premier will do what he can to push the matter on.

The PREMIER: I have not been able to ascertain whether the purchase has been actually completed, but if it has been completed, I will issue instructions that the line should be made available to the public. Indeed I have already issued instructions that the traffic should be resumed at the earliest possible date.

BILL—SOUTHERN CROSS TO BULLFINCH RAILWAY.

Introduced by the MINISTER FOR WORKS and read a first time.

Mr. SCADDAN: Has the fact that the Government are selling land at Bull-

finch to-morrow anything to do with bringing forward this railway Bill to-day?

The MINISTER FOR WORKS: I will be able to answer the question on Tuesday.

Mr. SCADDAN: You are good land agents.

BILL—HEALTH.

In Committee.

Resumed from the previous day; Mr. Taylor in the Chair, the Minister for Mines in charge of the Bill.

Clause 184—Advisory committee. [An amendment had been moved by Mr. Bath to strike out "two" in line 3 of Subclause 2 with a view of inserting "one" in lieu.]

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

Ayes	.. .. ..	10
Noes	.. .. ..	17
Majority against	..	7

AYES.

Mr. Angwin	Mr. Johnson
Mr. Bath	Mr. Scaddan
Mr. Bolton	Mr. Troy
Mr. Collier	Mr. Underwood
Mr. Horan	(*Teller*).
Mr. Hudson	

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Cowcher	Mr. Murphy
Mr. Daglish	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Layman	Mr. Gordon
Mr. Male	(*Teller*).

Amendment thus negatived.

Mr. ANGWIN: Subclause 4 provided that in the absence of the president from any meeting the members present should elect one of their number to be chairman. There should be provision in this clause for the deputy chairman to be a Government officer; unless that were done we would probably find an outside party being appointed chairman, and thus the outsiders at the meeting would have three votes and the Government representatives two. While the board were in an advisory position the balance of power should at all times be in the hands of the Government representatives. If in the absence of the principal medical officer an outsider were appointed chairman the balance of power would be in the hands of the outsiders.

Mr. UNDERWOOD: It would be better if the subclause were struck out altogether. The commissioner should be present to preside, and if he could not be present there should be no meeting. The commissioner in this case was an important man and advice should not be given by proxy, it should be clearly understood that the principal medical officer should always be present.

The MINISTER FOR MINES: Personally he did not care if three or four of these subclauses were struck out. On the advisory board in Victoria were four persons appointed by the local Chamber of Commerce and Chamber of Manufactures, while there were two others from the Melbourne University, the remainder being departmental officials, including the Director of Agriculture. That board was as good as any that had been formed in any part of the world. He hoped the hon. member would not press the amendment.

Mr. UNDERWOOD: So far from not pressing the amendment he thought the Minister should be prepared to strike out Subclauses 4, 5, 6, and 7. Surely the advisory committee could meet and transact their business without all these cumbersome directions in the Bill, which could do no good, and possibly might do harm.

Mr. Bath: You must have provision for a quorum.

Mr. UNDERWOOD: It was to be remembered that for all practical purposes the advisory committee would do nothing.

Mr. Bath: Then they ought not to be in the Bill.

Mr. UNDERWOOD: Probably, as the hon. member suggested, it would be better to strike them clean out of the Bill.

Mr. ANGWIN: Apparently the Minister was of opinion that the advisory

committee would be useless. The Minister had opposed the reduction of the outside members from two to one, and had pointed out that the Government officials always would be in the majority on the committee, and so would be able to have their own way. What, then, was the use of having any outsiders on the committee at all? The Government analyst and bacteriologist could always confer upon the matters that would be brought before the advisory committee. If an outsider were to be appointed acting chairman, it would mean that the outsiders, as against the Government officials, would have the balance of power. Most certainly the chairman should, at all times, be a Government official. The amendment was deserving of support.

Mr. BOLTON: There was no occasion to provide in the Bill rules to govern a meeting of a body of men. Those men should be allowed to make rules to govern their own meeting. If they could not do so he would undertake to forward to them copies of the rules of a juvenile debating society existing in his electorate. Surely if we constituted the advisory committee nothing further was necessary on our part.

Mr. UNDERWOOD moved an amendment—

That in Subclause 4 the proviso be struck out.

All the advisory committee would have to do would be to recommend certain regulations. In his opinion the advice of these men could be obtained without a meeting at all. The proviso served no other purpose than that of overloading the Bill.

The MINISTER FOR MINES: The effect of the amendment would be that the commissioner should be present at each meeting. He (the Minister) would accept the amendment.

Amendment put and passed; the clause as amended (also consequentially) agreed to.

Clause 185—Registered analysts:

Mr. BATH: The clause provided that the commissioner might, on the advice of the advisory committee, approve of qualified persons as analysts. If those words were left in they might be interpreted to mean that the commissioner could not appoint analysts without the advice of the committee. He moved an amendment—

That in line 1 the words "on the advice of the advisory committee" be struck out.

The MINISTER FOR MINES: No objection would be offered to the amendment.

Mr. SCADDAN: Would the Minister tell the Committee what provisions there were in the Bill in connection with the duties of the advisory committee. It should be seen to that those provisions, wherever they came in, could not be read to mean that the commissioner was not empowered to act without the advice of the advisory committee.

The MINISTER FOR MINES: The duties of the advisory committee had been fully explained on the previous evening. So far as the appointment of analysts was concerned, he agreed with the member for Brown Hill that the words should be struck out. If they were left in the commissioner would not be able to approve of the appointment of any analyst who had not been previously approved by the advisory committee. There was no desire to have an outside board dictating as to appointments.

Mr. SCADDAN: That was all very well, but it appeared to him there was something wrong in the drafting. Apparently the advisory committee would be able to confer and advise on any matters contained in Part 8 of the Bill. The drafting made it appear that without the advice of the advisory committee the commissioner could not act. What was required was a new clause at the end of Part 8 specifically giving the advisory committee power to advise only.

Mr. HUDSON: When first drawn the Bill had had in view the provision of expert advice for a lay-board; now, when the control of the Health Department had been handed over to a commissioner who was himself an expert, there was no fur-

ther necessity for an advisory committee at all. To agree to the amendment would be to admit that there was no necessity for the advisory committee.

The Minister for Mines: We want them for regulations in connection with food standards.

Mr. HUDSON: But the provision for the advisory committee had been inserted merely in order that experts might assist a lay-board, known as the central board. With an expert commissioner this would be unnecessary. If the commissioner were given the right to seek advice from men expert in their particular branches, he would be in a far better position than in having to obtain the advice of an advisory committee.

The MINISTER FOR MINES: The Committee had already decided that we should have this advisory committee. The question had been fully discussed on the previous evening. As far as analysts were concerned, he saw no reason why the commissioner should not have sufficient authority to appoint such officials.

Amendment put and passed; the clause as amended (also consequentially) agreed to.

Clause 186—Mixture of food, etcetera, with injurious ingredients and selling the same:

Mr. COLLIER: This clause provided another instance of the unsatisfactory way in which the clauses of the Bill were drafted. There were five paragraphs in the clause and three of them dealt with most serious offences, and the other two with offences of a comparatively trivial nature, yet the one penalty was provided for the whole five. Paragraph (a) dealt with a person who mixed colours, stains, or powders with food.

The Minister for Mines: Some people thought butter might be stained; others considered it injurious.

Mr. COLLIER: That mattered little. It was laid down in this Bill that it was injurious and that it should not be done, so the matter was settled so far as Parliament was concerned. Comparing paragraph (a) with paragraph (c) we found that the latter fixed it as an offence for selling food so mixed, coloured, or stained. The one man deliberately made the mixture, and the other man might quite unconsciously sell it, not knowing it was adulterated, yet the same penalty was provided for the two offences. It would be well if the clause was reconsidered with a view to fixing the penalty opposite each offence.

The Minister for Mines: There is a saving proviso for the man who sells.

Mr. COLLIER: The proviso enabled a man who was guilty to get out on a very slight excuse. It said that if he did not know of the food being adulterated, and that he could not with reasonable diligence have obtained the knowledge, he would not be liable. On the other hand, the proviso attached to Clause 176, dealing with the selling of adulterated milk, laid it down that a person was guilty unless he could show it was not practicable to discover the fact of the milk being adulterated by the exercise of reasonable diligence. The two provisos differed entirely. Paragraphs (c) and (e), dealing with the selling of adulterated articles, should be separated from the paragraphs dealing with the actual adulteration, and separate penalties should be provided. We should not leave it to the justice of the peace to decide whether a man adulterating food should be merely fined £5. We should, as a Committee, decide whether a man who adulterated food should be imprisoned or not for the first or second offence. The actual adulteration was not nearly the same as the selling of the adulterated article. The man who deliberately adulterated food should be imprisoned. We should not leave the decision to the justice of the peace who tried the case.

Mr. UNDERWOOD moved an amendment—

That the words "Penalty for the first offence fifty pounds, for the second offence imprisonment not exceeding six months" be inserted at the end of paragraph (a).

The MINISTER FOR WORKS: The amendment did not differ from the penalty provided at the end of Subclause 1.

The actual adulteration might be committed outside the State, and we could not get at the offender except through the subsequent paragraph dealing with the selling of the article. As the provision in this clause was a great step in advance on the existing law, we might well allow it the opportunity of being tried. One could not argue against inflicting the heaviest penalties on those who mixed foods that would be injurious to health.

Mr. BATH: The offences in this clause were of a very serious nature. Paragraph (a), dealing with the mixture of colours in food stuffs, would cover a frequent practice in the manufacture of confectionery. There was undoubted evidence that manufacturers were in the habit of using compounds of arsenic in connection with various kinds of confectionery where colouring was needed. In England there was a special provision dealing with arsenical compounds, and their use was much less now than formerly; but we made no such provision in this Bill, and people could use these compounds for colouring confectionery unless we prescribed a severe penalty to act as a deterrent. Owing to the development of chemical manufactures a large number of chemical compounds were utilised in place of natural products. A chemical compound took the place of oil of lemon, and also oil of almonds was substituted by a chemical combination which could be got more cheaply, and was used for flavouring various kinds of confectionery, instances being known where it had caused the death of children. Again, confectionery of this kind, as well as other products, such as headache powders, were thrown on to the verandahs of householders. These were compounded by people who had no knowledge whatever of the use of dangerous drugs, nor in the manufacture of these compounds. They were not required to have any particular knowledge as a chemist or medical practitioner was, but anyone who happened to be engaged in one of these factories could compound these things, and they could be issued to the world, thrown over the fence on to the verandah of the house without any penalty being imposed against it. There were numerous cases where deaths of children were attributable to these things. These were offences that should be met with the most severe penalty. Unless we could have severe penalties imposed, persons could make sufficient profit to pay the penalties, but if the manufacture of these things was made unprofitable by a severe penalty, people might be prevented from carrying on the practice. It was not from a desire to punish people for the mere sake of punishment that these offences were made, but it was because we wished to prevent offences being carried on.

The MINISTER FOR WORKS: There was but a slight difference between the amendment and the clause; that difference was that under the clause the bench had the option of fining £50 or less, and under the amendment the bench had no option whatever but to fine £50. A mistake made by the seller, who was not responsible for mixing, was punishable to the same extent as the wilful mixing of matter injurious to health. At present the clause included several subclauses dealing with different offences, for all of which one penalty was provided.

Mr. Johnson: Why penalise the seller?

The MINISTER FOR WORKS: We must penalise the seller; he was the only person we could reach at times. As to the remarks of the member for Brown Hill, one recognised the force of his statements, but there was provision later on in the Bill in Clause 206 for the establishment of standards which would be established. They had been established in New South Wales in regard to confectionery, ice creams, and so forth.

Mr. Bath: You cannot have a standard of arsenical colouring of confectionery.

The MINISTER FOR WORKS: It could be prohibited. The member should consider whether there should not be a certain amount of discretionary power as to the enforcement of the penalty. One could not imagine a bench that would not be anxious to impose the heaviest penalty where it was deserved.

Mr. Underwood: I can tell you one, the City police court.

The MINISTER FOR WORKS: It would be surprising to hear that in regard

to any police court bench. There was another consideration as to the question of penalties. There was the danger that sometimes a conviction might be refused because the penalty might be arbitrarily made too heavy. There had been cases of that sort. The mere existence of a penalty that the bench or a jury did not agree with, might lead the bench or the jury to bring in a decision against the person prosecuted.

Mr. SWAN: It was to be hoped the magistrate would not be given a discretionary power. The Minister expressed surprise at the statements made as to people being fined, but he (Mr. Swan) knew it was an absolute fact, and had been disgusted time after time at the fines inflicted in the City police court in cases of adulterated bread and milk. These things went on year after year, and Parliament made no attempt to stamp them out. No discretion should be left to the magistrate at all.

Mr. OSBORN: Every bench in Western Australia was not as corrupt as had been suggested by members opposite.

Mr. JOHNSON: That statement should be withdrawn. It was becoming too common when members made a statement for it to be called a charge of corruption.

Mr. OSBORN: One was willing to withdraw the statement and say that members had stated that the police magistrate in Perth was not to be trusted, therefore they would impose a very severe penalty in the clause.

Mr. Swan: No one mentioned the police magistrate of Perth.

The CHAIRMAN: The member for Pilbara mentioned the City police court.

Mr. UNDERWOOD did not say the magistrate was not to be trusted, but that he was to be trusted to impose absolutely ridiculous penalties on these offenders.

Mr. OSBORN: It would become deplorable indeed if members were so distrustful as not to give discretionary power to the magistrate. One was sorry to have heard the remarks of members as to the distrust which they place on the administration of justice in Western Australia. Penalties must of necessity in all cases be left a great deal to the discretion of the presiding magistrate of the court, who had to consider the circumstances surrounding the various prosecutions. Members had talked about children being killed by the adulteration of milk. He did not suppose anyone could cite a case where a child had been killed by the adulteration of milk; he had not heard of such a case. The prosecution in such cases was brought about through milk being adulterated with water, and water and milk was not going to kill a child unless it was a very sickly one. It was absurd to say that a man should be put in prison if he put water into his milk a second time. The food supplied to infants had been referred to as being the cause of a great deal of infant mortality, but the penalty suggested by the member for Pilbara was absurd. Some discretion must be left to the magistrate. It was not wise to make the penalty arbitrary.

Mr. SCADDAN: The penalty as proposed by the member for Pilbara was exactly similar to that already provided in the clause. Therefore if it was absurd coming from the member for Pilbara, it was also absurd coming from the Government. It was only a matter of shifting the penalty higher up in the clause to make one penalty for the seller, and one for the mixer.

The MINISTER FOR WORKS: As far as he understood, the object of the amendment was to make the arbitrary penalty of £50 for the first offence. Section 166 of the Justices Act provided that justices might in the case of a fine if it was imposed as in respect of a first offence, reduce the prescribed amount thereof. Even if the amendment of the hon. member were agreed to the discretion would remain with the bench to reduce the fine. The objection to the amendment then was that it was burdening the clause with unnecessary verbiage. If the amendment were agreed to the justices would have almost as much discretion as they would if the clause were allowed to remain as printed.

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

Ayes	19
Noes	17
Majority for	2

AYES.

Mr. Angwin	Mr. Johnson
Mr. Bath	Mr. McDowall
Mr. Bolton	Mr. O'Loghlen
Mr. Brown	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Foulkes	Mr. Underwood
Mr. Heitmann	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Horan	Mr. Troy
Mr. Hudson	(*Teller*).

NOES.

Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Murphy
Mr. Gordon	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Male	Mr. Layman
Mr. Mitchell	(*Teller*).

Amendment thus passed.

Mr. JOHNSON: The Committee had fixed a penalty in paragraph (a) in connection with the mixing and now there would be the mixing in paragraph (b) to be dealt with. The penalty should be similar in paragraph (b) and a similar penalty should be inflicted as far as paragraph (d) was concerned, and paragraph (c) should be transposed. We should reduce the penalty as far as the seller was concerned. There was a considerable quantity manufactured in Western Australia and we wanted to get at the mixer, consequently the penalty should be greater as far as the mixer was concerned than it was in the case of the seller. The penalty in paragraph (b) should be identical with that of paragraph (a).

Mr. Collier: The Minister should explain the difference between paragraphs (a) and (b).

The MINISTER FOR WORKS: Under paragraph (a) it would be necessary for the offence to be proved to the satisfaction of the bench, and it would be necessary to prove that the food had been rendered injurious or dangerous to life. Paragraph (b) gave power to the Governor-in-Council to make an order determining under this standardisation clause certain foods to be injurious or dangerous. That was the distinction between the two paragraphs. If the member for Guildford moved to insert an amendment in paragraph (b) similar to that which had been carried as far as paragraph (a) was concerned it would not be opposed. At the same time he (the Minister for Works) would oppose any reduction to the penalty at the end of the clause. In their desire to differentiate between the two offences, selling and mixing, hon. members would create all sorts of difficulties in administration.

Mr. Collier: We will not move for any reduction.

The MINISTER FOR WORKS: It had been pointed out that there should be a distinction between the mixer and the seller. Very often it would be quite impossible to prove who did the mixing. The man who sold was clearly the only man it would be possible to get at. The vendors of lots of these goods were not the innocent persons it was thought they must necessarily be. It was to be hoped that hon. members would not do anything to further increase the difficulties of enforcing the clause. The amendment would make the work more difficult, but as it had been carried in one paragraph there would be no objection to it being inserted in another paragraph. The harm had been done once and there would be no further harm in doing it twice over.

Mr. JOHNSON moved a further amendment—

That in line 6 of paragraph (b) after the word "State" the words "First offence £50, second offence imprisonment not exceeding six months" be added.

Amendment passed.

Mr. COLLIER: It would be well if the Minister copied the German Empire in the matter of dealing with people convicted of adulterating foods. In the German Empire, if a person was convicted of adulterating foods he had to display in his shop window, or his business place, a notification to that effect. He had to advertise to the public that he had been

convicted of adulterating food. That was the only way of adequately preventing such adulteration. If that system were adopted in all British countries it would result in the saving of many valuable lives. In passing the Bill we were merely expressing pious resolutions. We directed that a man convicted of adulterating milk or food should be fined up to a maximum of £50, and then we left it to a bench of honorary justices to fine the offender a few shillings. Tradesmen having a big business could well afford to pay an occasional fine for the privilege of adulterating food, so long as their businesses were not interfered with; and they were not interfered with by a mere conviction, because the public could not be expected to remember every grocer, chemist or milkman who had been so convicted. The only effective remedy would be to make the culprit himself advertise the fact to the world. He desired to move that the following proviso be added at the end of Subclause 1:—"Provided that the court shall have power to order that a notification of the conviction shall be displayed in a prominent position on the premises of the defendant for such period as the court may determine."

Mr. SWAN: The amendment if moved and carried would go at the end of the clause. He had a prior amendment, the object of which was to remove the discretionary power from justices in respect to the penalty in the case of a second offence.

The MINISTER FOR WORKS: It was only for a first offence that a fine could be imposed at all. For the second offence, or any subsequent offence, imprisonment alone was the penalty.

Mr. SWAN: Then there was no occasion to move his amendment.

Mr. OSBORN: An amendment he desired to move would come before that proposed to be moved by the member for Boulder. He moved an amendment—

That in paragraph (e) of Subclause 1 the words "to be imprisoned" be struck out, and "fine or imprisonment" inserted in lieu.

[53]

The MINISTER FOR WORKS: The amendment would remove the penalty of compulsory imprisonment for a second or any subsequent offence, and would provide the option of a fine for such second or subsequent offence. He would oppose the amendment.

Amendment put and negatived.

Mr. COLLIER: Unless the Minister were going to recommit the Bill he (Mr. Collier) would now move his amendment, because if the Committee accepted the amendment it would involve consequential amendments in subsequent clauses. At the same time he would like to make his amendment more comprehensive than it was in its present form. Would the Minister recommit the Bill in order to give him an opportunity of moving the proposed amendment at a later stage?

The MINISTER FOR WORKS: The member would have an opportunity of moving the proposed amendment at a later stage by bringing it forward in the form of a new clause, which would be the better course to adopt. The hon. member's intention was to apply the amendment to the whole of this particular division of the Bill, and in order to do that it was not necessary that it should be put into every clause providing penalties for offences. It would come better as a new clause to be inserted at the end of the division of the Bill. For his own part he was anxious to give the hon. member a chance of bringing it forward, although he could not at present definitely promise to support it.

Mr. Collier: It would be possible to move an amendment of this kind at the end of the division now under consideration.

The MINISTER FOR WORKS: That was not so. If it was only a difference in form of expression which was worrying the hon. member he (the Minister) could assure him he would have a chance of moving his amendment as a new clause. The Chairman would tell hon. members that a new clause could only be considered when all the clauses of the Bill had been dealt with; then

any new clauses adopted would find their proper places in the Bill. The hon. member would have an opportunity of moving his new clause and putting it in the place where he desired it should be found.

Mr. HUDSON: Did the Minister intend to carry out the proposal on the Notice Paper and add new clauses dealing with penalties? If so, that would be the proper time for the moving of this amendment, when it would come in at the end of this division of the Bill.

Mr. WALKER: There was no time like the present for dealing with the amendment, seeing that it would affect many subsequent clauses.

The CHAIRMAN: At this stage a new clause could not be accepted.

Mr. WALKER: It was not necessary to make it a new clause. Certain words could be added to the end of the clause, which would embrace the principle of the proposed amendment without being in themselves a new clause.

The CHAIRMAN: The hon. member would be in order in moving the amendment in that shape.

The MINISTER FOR WORKS: The purpose of the hon. member would best be served by having an opportunity of satisfactorily drafting his amendment as a new clause, and moving it at the time when the Minister for Mines proposed to move the penalty clauses. By following this plan the amendment would embrace all the clauses of the division instead of having to be inserted two or three different times.

Mr. Collier: When will the Minister for Mines move his new clauses?

The MINISTER FOR WORKS: It would have to be done at the end of the Bill. He suggested it would suit the purpose of the hon. member better to leave his new clause to be moved at the same time. He was inclined to sympathise with the views of the hon. member as expressed in the amendment.

Mr. BOLTON: The course suggested by the Minister for Works was the best one, but the member for Boulder should also have an assurance that the Minister for Mines, who was in charge of the Bill, would not, when the general clause was being discussed, oppose the amendment, and get his forces to knock it out.

The Minister for Works: I cannot make a promise. I will promise consideration, but not support.

Mr. BOLTON: If the Minister for Works were in charge of the Bill it would be all right.

The Minister for Works: I promise it for my colleague.

Mr. BOLTON: The Minister for Works might not be present when we were dealing with the proposed penalty clause, so what good would be his promise? If the Minister for Works, however, would support the proposal, then the member for Boulder could amend the penalty clause when it was brought forward.

Mr. COLLIER: On the assurance given by the Minister for Works we could wait until the time suggested by the Minister. He could rely on the good sense and the desire of the Committee to protect the health of the people to get full and fair consideration for the proposal.

Clause as amended put and passed.

Clauses 187 and 188—agreed to.

Clause 189—Labelled description:

Mr. SCADDAN: Did this clause compel all foods and drugs set up in packets to be labelled?

The Minister for Works: No.

Mr. SCADDAN: Apparently the clause meant that it was not compulsory to label any drug or food unless it was not true to the name given to it.

The MINISTER FOR WORKS: It was not necessary to label all food. It would be impossible to label many descriptions of foods, such as bread. The provision was that any food or drug that had a label must have that label true to fact. In the case of patent foods any admixture must be defined on the label. Clause 206, Subclause 9, made provision for the framing of regulations dealing with the printing and wording of labels. It was absolutely impossible to provide in a Bill for all matters of detail as to

what foods should or should not have labels.

Mr. Scaddan: Any food labelled must have set out on the label the contents of the drug?

The MINISTER FOR WORKS: Yes; the label must be fully descriptive.

Clause put and passed.

Clause 190—Frozen or chilled meat to be labelled:

Mr. McDOWALL: The clause did not agree with the marginal note. It dealt only with imported frozen or chilled meat. There was a provision in Clause 206, Subclause 8, providing for regulations to be made requiring frozen meat to be labelled as such, and prohibiting the sale of frozen meat as fresh meat. He moved an amendment—

That in line 1 the word "imported" be struck out.

It was his intention to move to strike out the word "imported" before frozen or chilled meat wherever it occurred, so that the provisions of the Bill would apply to all frozen or chilled meat.

The CHAIRMAN: If the amendment were carried the word "imported" would be struck out consequentially where it occurred.

The MINISTER FOR WORKS: This was a clause brought forward from the old Act. Previously there was no frozen meat here except that which was imported, but probably from now on there would be a certain amount of Western Australian frozen and chilled meat. The department desired that the same law should apply to the local article. He did not oppose the amendment.

Hon. A. MALE (Honorary Minister): All meat unsold during the summer months was put back into cold storage, and it was questionable whether that meat would not be deemed chilled meat.

The MINISTER FOR WORKS: That meat did not reach the temperature necessary for the meat to come within the definition of chilled meat.

Amendment put and passed; the clause as amended agreed to.

Clause 191—Employment of infected persons prohibited:

Mr. WALKER: This clause was rather vague. Subclause 2 provided, "The medical officer may examine any person so employed who is suspected of suffering from any infectious or contagious disease." This should be replaced by a section providing that the medical officer nearest the place where any person so employed was suspected of suffering from any infectious or contagious disease should, upon his attention being drawn to the fact, examine the suspected person. The clause did not make it obligatory. Who was the medical officer?

The Minister for Works: That is defined in the interpretation clause.

Mr. WALKER: We had the Government medical officer under the commissioner, and medical officers appointed by the local authorities. Which medical officer was meant in this particular instance?

The Minister for Works: Either of them.

Mr. WALKER: That made it possible for the officer to shirk doing a disagreeable duty. Once attention was drawn to the suspicion, the duty should be imposed on the local medical officer to examine the person.

Mr. HUDSON: Was there any provision to compel a person to submit to a medical examination?

The MINISTER FOR WORKS: There might be some difficulty to enforce that portion of the clause. Complaints were made from time to time, in a few instances, of persons suspected of suffering from an infectious disease vending meat, and the same thing would apply to persons vending milk and other food supplies. If it was possible to get an examination, it would be desirable in the interests of the public health. So far there was no legal authority to ask a person to submit to examination, but the clause made it a duty for the medical officer to examine the person. Although the word "may" was used, it imposed a duty on the local officer, and no doubt imposed a duty on the Government medical officer. In the far back localities, which the member for Kanowna referred

to, there would probably be the one officer, in most cases the local medical officer, and, if there was a Government officer, no doubt he and the local officer would be one and the same person, and there would be no doubt as to the duty in such a case. While he did not wish to oppose the amendment for the sake of opposing it, he did not want a mere alteration of words without any alteration in effect.

Mr. Walker: How are you going to enforce it?

The MINISTER FOR WORKS: There was no doubt about enforcing it. His doubt was as to enforcing the clause as against the person suspected of suffering from the disease. If a person said he would not be examined, then he (the Minister) did not think the officer could force the person to be examined, but action could be taken against the employer of that person not to employ him until he had a clean bill.

Mr. WALKER: As the clause stood it was bound to be a dead letter from the beginning. The element of human nature was too strong everywhere. The clause would be no good unless it was made mandatory on the medical officer.

The Minister for Works: I would like it mandatory on the other person.

Mr. WALKER: It was not every doctor who had to get his living in a small community who would carry out this duty.

The Minister for Works: Would you like "may" struck out, and "shall" substituted?

Mr. WALKER: That would be preferable.

The Minister for Works: There would be no objection to that.

Mr. WALKER: The clause should also say that the medical officer nearest to the place where the person was employed should make the examination.

The Minister for Works: An officer outside his district was no longer a medical officer.

Mr. WALKER: Every locality should look after its own sick people, but, rather than alter the clause in the way suggested by the Minister, he would prefer it to go as it stood.

Clause put and passed.

Clause 192—agreed to.

Clause 193—Board may examine and report on advertised food, etcetera:

Mr. O'LOGHLEN: The words "local authority" should be inserted after "commissioner." This clause gave power to examine any food, drug, or appliance which was advertised, or exhibited, or offered for sale, and the local authority should have the same power to cause the food to be examined, if exhibited for sale. It would be extremely difficult to prove that food which was offered for sale was good if a district had to wait for the commissioner to move in the matter, because the commissioner might be hundreds of miles away. The local authority should be given the same power to examine and report on foods. He moved an amendment—

That in line 1, after "commissioner," the words "or local authority" be inserted.

The MINISTER FOR WORKS: The amendment was not necessary because this provision related to food, drugs, and appliances exhibited or offered for sale, and it dealt chiefly with patent foods and patent drugs which were not put up in country localities. The reporting was mandatory. He did not want the member to get these words inserted under a mistake as to their effect. The amendment would not be opposed, but he thought they would be valueless for the member's purpose would not be achieved nor the clause improved by the insertion of the words.

Mr. BATH: The purpose of the member could be served by a different amendment. The clause said the commissioner "may" cause to be examined any food offered for sale. It might be made to read that the "commissioner may on his own authority, or at the instance of the local authority," cause to be examined any food, drug, or appliance. The local authority could then invoke the assistance of the central authority.

The MINISTER FOR WORKS: Perhaps what the member was aiming at was,

"may h.. . own instance, or at the request of the local authority." No objection would be offered to the amendment.

Mr. O'LOGHLEN altered his amendment to read—

That in line 1 after "may" the words "at his own instance, or at the request of any local authority" be inserted.

Amendment passed; the clause also consequentially amended and agreed to.

Clause 194—Sale of patent medicines may be prohibited:

Mr. WALKER moved an amendment—

That in line 1 the words "on the advice of the Advisory Committee" be struck out.

The objection to the inclusion of these words was precisely the same objection as that which was urged on the previous evening, the force of which was admitted by the Minister in charge of the Bill. The Minister wanted to give the commissioner the responsibility of action, and to act whenever he was convinced that any patent or proprietary medicine was unfit or injurious, so that he could at once prohibit its sale. The commissioner should have that authority as a sort of supreme right.

Amendment passed.

Mr. SCADDAN drew attention to the state of the House. He did not do so with the intention of counting out the Government, but to force members to be in their places when such an important matter as the Health Bill was being considered.

[Bells rung, and a quorum formed.]

Mr. BATH moved a further amendment—

That after the second paragraph the following new paragraphs be inserted:—Every person who publishes, or causes to be published, any statement which is intended by the defendant, or any other person, to promote the sale of any article as a medicine, preparation, or appliance for the prevention, alleviation, or cure of any human ailment or physical defect, and which is false in any material particular relating to the ingredients, composition, structure, nature, or operation of that article, or to the effects which have followed, or may follow, the use thereof, shall be guilty of an offence against this Act. A statement shall be deemed to be published within the meaning of this section if it is inserted in any newspaper printed and published within the State, or is publicly exhibited in view of persons in any road, street, or other public place, or is contained in any document which is gratuitiously sent to any person through the Post Office, or which is gratuitiously delivered to any person, or left upon premises in the occupation of any person. If any person causes any statement to be inserted in breach of this section in a newspaper printed and published in Western Australia, the printer, publisher, and proprietor of that newspaper shall severally, and without excluding the liability of any other person, be guilty of an offence against this Act. Provided that no prosecution shall be instituted against the printer, publisher, or proprietor of any newspaper printed and published in Western Australia, for the publication of any statement in breach of this section, unless before the publication thereof a warning has been delivered to the defendant or defendants, under the hand of the commissioner, that such statement, or some other statement substantially to the same effect, is false, and that the publication thereof is an offence against this Act.

The object in moving the addition of these paragraphs was because he considered that the provisions in the clause as it stood were not adequate to meet the case. It was true that we were making a new departure with regard to the power we were giving to the commissioner to prohibit the sale of patent medicines, deleterious or dangerous to health, but we were not giving the power to deal with those patent or proprietary articles which were sold absolutely under fraud and false pretences. There was no doubt that Parliament had been blind to the evils which arose under the sale

of what was generally known as nostrums, but which were dignified with the term proprietary medicines, and to-day people were unscrupulously and even using the newspapers and pamphlets, and other publications, to in many instances destroy the health of individuals, and at any rate to mislead them in the grossest possible fashion. One had only to take up the daily newspapers of this as well as the other States, and also the weekly publications, in order to find these advertisements appearing from day to day. It was found in connection with what was recognised not only in Western Australia, but elsewhere, as one of the greatest evils existing at the present time, that the sale of drugs to produce abortion was freely advertised without supervision or control on the part of the public authorities. There was a report of a commission appointed in New South Wales, and that commission produced evidence to show that in one district alone there were no fewer than 3,000 cases of abortion. As well as quoting proofs from the report of that commission, one could find on looking at the newspapers in our own State of only that morning that these medicines for procuring abortion were advertised. In one advertisement "Dr. Coonley's wonderful women's medicine Orange Lily" was referred to. In another advertisement the fact was advertised that "Orange Blossom" removed all female ailments, and we found another relating to Dr. Scott's female pills. Here we had these medicines absolutely sold for the purpose of procuring abortion, and advertised freely in the columns of our daily and weekly newspapers which were distributed broadcast throughout the State. This kind of thing had been allowed to proceed without any action being taken. We had evidence too in the Eastern States where a dangerous character who was evidently brought to book secured the assistance of one of the leading firms of solicitors, a firm of very high repute in legal circles, to draft her advertisement in order that she might keep out of the clutches of the law. When we found this sort of thing going on, it was time that Parliament took drastic measures to prevent its continuance. We were crying out for population, and yet we were deliberately acquiescing in a condition of things which destroyed the health of many of our people, and at the same time prevented the birth of many who would eventually populate the State. Not only was the practice objectionable, suicidal, and criminal, but it also had an injurious effect on the health of the people, and we had the evidence, piles and piles of medical testimony, to the effect that the health of women was irreparably injured by resorting to these practices. We found also that although these advertisements declared that absolute secrecy would be observed in connection with the sale of these things, and that any consultation which took place would be absolutely confidential, these people never respected that confidence. As a matter of fact there was an instance in the Eastern States where two brothers, very fitly named Crimes, were sentenced to a term of penal servitude for blackmailing women who had consulted the people who advertised these medicines, and these advertisers, it was shown, had sold the addresses of their clients, had in fact unblushingly sold the information that they possessed, and which they had secured under a pledge of secrecy, and these two brothers used it to blackmail the women. When the police arrested these men they found in the post office on one day a sum of no less than £200 which had been sent to them by women in order to hush up the proceedings. When this sort of thing occurred, it was time that we awakened to the seriousness of the position and secured to ourselves power in a measure like the Health Bill, so that we might deal stringently with the matter and at the same time secure such administration as would ensure the carrying out of the provisions which were necessary. We could go further and find that in regard to many of the proprietary medicines which were sold to-day they were sold by a process of deliberate fraud. It was his intention to quote a decision

of the Scottish courts to prove his contention in this respect. Let members consider the case of the patent proprietary medicine known as Bile Beans for Biliousness. Here was an advertisement published in the *Daily News* setting forth what this compound would cure. It stated, "Bile Beans are invaluable for biliousness, indigestion, constipation, piles, dizziness, debility, skin eruptions, fulness after meals, nausea, windy spasms, heartburn, anæmia, impure blood, offensive breath, jaundice, restless sleep, and in fact all ailments that owe their origin to defective liver, stomach, and digestive action." In connection with this medicine the proprietor, Fulfuord, who had made a big fortune out of it, had sued a patent medicine vendor in the old country for an infringement of his rights. In Australia it did not matter what the nostrum was, how injurious, or under what fraudulent circumstances it was dispensed, by getting a patent for that nostrum the proprietor could protect himself against another vendor in the courts, not withstanding that he did not go into the courts with clean hands. In Scotland, however, there was a different law, and in connection with this particular medicine, which every hon. member had seen freely advertised as a cure for all the ills that flesh is heir to, the judge of the courts of the session in Edinburgh had made some very pertinent remarks. This medicine, which was mainly a composition of bitter aloes, was advertised as being the result of the investigations of a scientist who had spent nearly a life time in the centre of Australia amongst the blacks. This scientist, it was alleged, had been fairly paralysed with astonishment at the magnificent physique and health of the natives of Central Australia. So struck was he with their health that he made a very thorough search until at last he found the herb which the blacks made up into a medical composition to ensure their wonderful health. This the scientist had taken to the company in order to give this magnificent formula to the world; and so we had got Bile Beans for Biliousness. As a matter of fact the individual who had started Bile Beans for Biliousness had at one time been an employee of the firm which made Dr. Williams' Pink Pills for Pale People, and he had been so struck with the success both of the pills and their alliterative name that he thought the Australians were good to accept something of a similar nature. As a result we had Bile Beans, embodying the herbs which had built up the wonderful physique and health of the natives of Central Australia. As a matter of fact that alleged scientist had never seen Australia. The Judge had declared that the proprietor of Bile Beans could not recover any damages, that he must fail in his case, because, according to Scotch law, he had not come into the court with clean hands. In delivering his judgment his Honour had said—

> The evidence in this case disclosed the history of a gigantic and too successful fraud. The two complainers who ask for an interdict against others do so to protect a business which they have brought to enormous proportions by a course of lying which had been persisted in for years.

Later on in his remarks the Judge, dealing with the alleged discovery in Central Australia, had stated—

> All this was in every particular undiluted falsehood. There was no such person as Charles Forde. No eminent scientist has been engaged in researches. No one had gone to Australia and learned of a time-proved nature cure. The truth was that the complainers had formed a scheme to palm off upon the public a medicine obtained from drug manufacturers in America, as being the embodiment of the imaginary Australian discovery by the eminent scientist Charles Forde. Accordingly, having got their supplies from the American drug dealer they proceeded to create a public demand by flooding this country and other countries with advertisements in the Press, and by placards and leaflets and pamphlets in which the lying tale was repeated, often embellished with pictorial representations of the healthy savage, and with pictures of the imaginary

> scientist, duly bearded and begoggled, having the precious root pointed out to him by the Australian native. It was of importance in exploiting a fraud of this kind to get a catching name, and the only trace of discovery in the whole proceedings was that the proprietor Fulford thought out the alliterative name of Bile Beans for Biliousness. . . . I agree with the Lord Ordinary in holding that the complainers, being engaged in perpetrating a deliberate fraud upon the public in describing and selling an article as being what it is not, cannot be listened to when they apply to a court of justice for protection. It is their own case as brought out in evidence which stamps the whole business with falsity.

That had been the decision of the Judge in declaring against the proprietor, Fulford.

Mr. Foulkes: What is the date of that judgment?

Mr. BATH: The year 1905.

Mr. Foulkes: It is curious we have had no news of it.

Mr. BATH: As a matter of fact the only publication ever made in regard to the case had been made in the medical journal *The Lancet*. It did not appear in the newspapers which ordinarily reported such cases, and he could tell hon. members why. It was because the newspapers were made partners in the business. They shared in the money which was won from the public under these species of fraud, and if there was at any time any attempt to give publicity to these disclosures the vendors had a very effective weapon by which they could bludgeon the Press into silence. They provided in the advertising contracts, in some instances, if not perhaps in all, that if any legislation dealing with them came before the Legislature the contract would be void. It was also provided that if the newspapers themselves published any disclosures in regard to these particular patent medicines the contract at once terminated; so that if the Press which received these advertisements had published a full report of the proceedings, instantly this supply of revenue would have been cut off. He was glad to say there were newspapers which refused to accept these advertisements, which regarded the money not worth securing in their journalistic enterprise. They were few, but he could quote with pleasure the *Producers' Review*, circulating amongst the farmers of the State, which absolutely declined to accept these advertisements. Again, the *Australasian Traveller* published in a prominent position an intimation that it declined to accept any of these advertisements. He honoured both these papers for their attitude, and he hoped that others would take up the same attitude; because if once we could shut down on the process of fraud by which these nostrums were forced upon the public we would defeat them altogether. We often had the maxim thrown at our heads, especially by Mr. Bruce Smith, of the Federal Parliament, when proposals of this description were brought forward—the old Roman motto *Caveat Emptor*; in other words let the buyer take heed. But the buyers could not take heed in this case, because they were not in possession of all the facts. Take the case of Beecham's Pills, which could be made for one-eighth of a penny per box. If the buyer were told that these pills consisted of ginger, aloes, and brown soap, he would at once refuse to be taken in by a fraud of the kind. But that knowledge was not available to the buyer; it was suppressed, and the buyer had no opportunity of securing it unless he read publications which did not circulate amongst the general community. Consequently the buyer purchased the nostrum on the representations of the producer, deceived and taken in by the fraudulent circumstances under which it was advertised and palmed off on the public. That this was not exaggeration one had only to turn to the instance where the proprietors of one patent medicine, in order to make it appear that theirs was the only genuine one of the kind, practically gave the case away in regard to all others. There was the circular which had been issued by the manu-

facturers of Clements' Tonic. This circular had been freely distributed, and he had seen it for himself, it having come out just after the report of the Federal Commission. It had been circulated throughout the whole of the State, pushed under the doors, and published in the newspapers, and in these advertisements the whole detail was disclosed of the way in which these nostrums were placed before the consumer. For instance hon. members had probably read advertisements, setting out that a retired clergyman, who had suffered for 15 years from sciatica or rheumatism, had had a cure brought under his notice which proved absolutely certain, and who desired to make this cure available to other sufferers. On receipt of a letter enclosing a penny stamp, this gentleman would make the information available free of charge. That was a class of advertisement convincing in its appearance of genuinness. And so people wrote to this retired clergyman and he sent back the prescription, not couched in the ordinary terms known to chemists, but in language of his own. And with this prescription was sent along an intimation that if the ingredients were not procurable at the nearest druggists, then by writing to so and so, naming a firm of chemists, the sufferer could have the prescription made up at the price of 10s. or £1, as the case might be. The simple explanation was that a wicked collusion existed between the supposed clergyman and the chemist, a collusion from which handsome profits were made.

Sitting suspended from 1 to 2.30 p.m.

Mr. BATH: In reference to the advertisement published by Clement's Tonic that all other patent medicines were absolute frauds, that advertisement indicated that there was only one genuine patent medicine and that was Clement's Tonic. If members accepted this they could confine their investigations very materially to the one medicine which claimed to be genuine, and decide whether it did not also come under the category of other patent medicines. This was an extract from a pamphlet issued by Clement's Tonic people—

Hundreds of worthless nostrums are continually being forced down your throats by plausible advertising, specious blarney, and brazen effrontery. Clement's Tonic requires no such subterfuges to secure its sale. No medicine the world has ever seen could produce one hundredth, or even one thousandth, part of the undeniable proof of curative value that Clement's Tonic does. Deception is practised on the public of Australasia by designing quacks and charlatans to a greater extent than in any other country of the world. (See report from the Select Parliamentary Committee on Law Respecting Practice of Medicine and Surgery, obtainable at Government Printing Office or the Sydney *Daily Telegraph* for August 3, 5, 6, 8, 9, 10, and 14, 1887. These will show you how the public are imposed upon.) These thieves and scoundrels practise their swindling with impunity because of the laxity of the medical laws here. They profess to send "free prescriptions" for various serious diseases, and so impose upon the ignorant and credulous. They professedly emanate from "retired clergymen" and "philanthropists," drunken, broken-down "M.D.'s," "L.R.C.P.'s" "M.R.C.S.'s" and others who have lost all sense of honour, honesty, and moral probity, and lend their names and qualifications to these swindlers in return for a few palty pounds per week, which mostly goes in drink. These despicable quacks profess to be clothed with the humility of "Uriah Heep" and the philanthropy of a Gerard or a Cooper, and start out under the garb of charity by advertising "free prescriptions," which no honourable chemist, having the slightest regard for the honour and integrity of his profession, would attempt to prepare. Some of these men advertise to send medicine "free of charge," and when same is applied for, reply "That on receipt of £1, to pay for packing and postage, the medicine will be sent,"

or make some similar excuse to get your money. That is free with a vengeance. Others, in giving directions for compounding the recipe, say that it has to be "heated" to "100 degrees specific gravity," or that the "active principle" must be extracted with proper "incipients" by the "vacuous process," and so on. Beware! There can be no free prescriptions except for fraudulent purposes. Individual influence should be brought to bear on the legislature and the daily Press, by members of the medical and pharmaceutical professions, to expose these swindles. The postal authorities should not allow their department to be used for these vile purposes, and other means adopted to suppress these "debility" frauds. These advertisements are all of the same deceitful character, and I hope that this warning will have the effect of keeping some people out of the hands of these harpies, who not only rifle the pockets, but trifle with life. Be careful when purchasing. Tricks of the trade. For "tricks that are vain" the patent medicine fiend takes the cake! When a man has a genuine article he blazes its virtues forth under his own name and signature, and advertises it openly. When he is ashamed of his attempt to gull the sick and the suffering he keeps his identity dark, and himself in the background, and tries to sell his nostrum under some high-sounding high-falutin' name or other; he publishes bogus testimonials from people he employs; he advertises his quackery one day as a "tonic" to catch the weak and debilitated people, a "purgative" the next day to catch the bilious and constipated subjects, on the third day he calls it a "nerve builder" to scoop in the neuralgic sufferer and the hypochondriac. Just imagine the versatility of the advertiser, and the good all-roundness of the mixture that supplies a booze—a tonic—and a purgative, all from one bottle! Its wonderful! Lots of these concoctions are nothing but cheap spirit—they give a temporary exhilaration, but leave a corresponding depression and injury to vital strength. It would indeed be marvellous and miraculous if some of the stuff advertised now-a-days did cure any ailment; it is an easy matter to half poison a sick man with arsenic or strychnine, and thus produce such a physiological change in his system that will delude him for a time into the belief that his case is cured; and while this temporary physical alteration lasts it is just the time to tap him for his testimonial; but it is not "curing" his disease. Clement's Tonic has stood the test of time; it is proved to be the best, original, and only genuine; it was here first, has seen the advent of thousands of base imitations, has been present at the death and burial of most of them, and will be the sole survivor when even the few remaining quackeries are extinct. Clement's Tonic made itself popular by virtue of its merits. We did not make it popular by the expenditure of thousands. We did not have them to spend; and we did not take others into our business to find the funds or to take our reward. The principal thing for a patient to avoid is the number of spirituous concoctions sold daily to the unwary, advertised under fancy names, the vendors' names not appearing in any way, or in the advertisements claiming miraculous properties, changing with the sun and moon, light and shade, and even the weather. They are "blood purifiers" in the spring, "cough cures" in the winter. They are stimulants one day, purgatives the second, tonics the third, liver remedies the fourth, and so on; only flats buy medicines that change like the chameleon. But the changes are there for a purpose—they rope in a few of the unwary, constipated, debilitated and liver sufferers all in their turn, day by day. You can thus see these nostrums are only made to sell—not to cure. You want a remedy to cure. It is the curative properties of Clement's Tonic that make its popularity and reputation—not the advertising expenditure; there is not forty

pounds original capital in Clement's Tonic. Bogus testimonials. Some are worthless. How they are got. A genuine testimonial is a credential of character, an endorsement of merit, and the man who gives a testimonial that is not true is not honest or to be relied on; and it is just as well for you to be on the guard against giving your signature away unless you can do it conscientiously. Your name on a bill means money, but in endorsement of a man or a horse or a medicine it stands for your honesty of purpose and judgment. Recommending a bogus article or one you cannot guarantee to be genuine, or introducing a man with eulogy which he does not deserve, is handing out a plate of guff and passing counterfeit goods; and you do not want to endorse a note, a physic, a horse or a man, which you cannot warrant 18 carat every time. Lots of tricks are resorted to by some would-be quack medicine men to get testimonials. Some beg them; some forge them; some use them after the testifier is dead; some buy them; some get them from employees, regular or casual; some advertise for them; some give what they call a bonus for them—anything to get them, true or untrue, it is all the same so as they praise up Simpkin's Sneezing Saline, or some other high-falutin' name. Investigate these testimonials before you believe them.

That was what they said in regard to other patent medicines. It could be left to the good sense of members to judge how far these remarks would apply to Clement's Tonic itself. There were several points to be emphasised in this regard. First of all we should have protection against those compounds sold as soothing powders for infants, many of which on indubitable evidence contained opium. Surely we should prevent the selling of compounds containing opium under the guise of soothing powders for babies and children? Again, it was very essential there should be an active crusade against drugs used for the purpose of procuring abortion and other drugs reprehensible in their character and those which purported to cure cancer and consumption. The advance of science showed that a person suffering from tuberculosis, if the disease had not gone too far, could under ordinary medical advice and by the observance of certain conditions, such as securing plenty of fresh air and hygienic conditions, have a reasonable prospect of obtaining a cure; but the cures sold by some advertisers were in the nature of drugs, having a depressive rather than a curative effect. They misled these people suffering from this serious disease and inspired hope in their breasts, leading them to adopt the treatment and perhaps continue it to such a stage that there could be no degree of certainty of success in afterwards adopting what was really the only method of curing tuberculosis. The same thing applied to the so-called cancer cures. Medical men and others who had provided large sums, from the late King Edward downwards, had devoted their lives, energies and money in order to try and deal with the great evil of cancer, yet persons came along with brazen effrontery and deluded many people suffering from cancer into the idea that their concoctions would cure them. In some cases attempts were made by people desirous of protecting the public to prosecute these persons; but the laws, as had been shown, were so lax that the attempts had failed and these persons had been allowed to carry on their trade practically with impunity. Again we had nervous debility cures. Those selling these patent or proprietary medicines advertised every possible symptom which the body could feel. The result of a headache, the result of constipation, the result of many temporary ailments to which the body was subject, were all gathered together in one big list and so carefully put together and advertised as to awaken fear in the minds of those suffering from them, and so led the way for the sale of these so-called nervous debility cures at extortionate prices. Many young men and women had got into the clutches of these people until it reached such a stage that the Commonwealth postal department took some action in the direction of refusing the

passage of these productions through the post; but even further action was required, and with the amendment moved, together with competent administration, we could take such action as to make it impossible for the proprietors of these nostrums and frauds to pursue their nefarious practices. He wished also to refer to the methods which were pursued to secure a conspiracy of silence in regard to the fraudulent character of the advertisements that were published. In America there was one instance where the Legislature of Massachusetts discussed at considerable length, even to the length of the nostrums being passed around to members, this question. It was an important debate, yet not one newspaper in America was found to publish one particular in regard to that debate. Any other matter of importance would have been published under headlines, but there was a conspiracy of silence in regard to this matter, and the public were unaware of the action of the Legislature, or the debate in regard to this question. Of course the only publicity was among that limited number of persons who perused the journals of the House. In New Zealand, when legislation of this character was contemplated there, a committee of manufacturers in London forwarded a protest and very cunningly worked the newspapers by saying that if the Legislature persisted in its course it would deprive the newspapers of a legitimate source of a large proportion of their revenue. Whether it was successful or not, we find that so far as New Zealand was concerned the action of the Legislature had not yet had the effect contemplated. It seemed to be a parlous state of things if we were to admit for a moment that it was impossible for newspapers to cater for this or any other State without being compelled to accept the large sums which they were paid for the advertisements of these nostrums, which were so fraudulently misrepresented to the public. Then, again, he came to another section. If members would turn up the columns of any daily or weekly newspaper almost, with very few exceptions, and these exceptions were certainly honourable ones, they would find many cures advertised for drunkenness, and this was amongst the most abominable frauds perpetrated, because, as a matter of fact, 75 per cent. of the so-called cures for drunkenness consisted of spirits—alcohol; not alcohol as was found in reputable whisky or brandy, but wood spirits, manufactured spirits of the most objectionable character. These were put up and sold to trusting wives and daughters to be secretly put in the tea to cure drunkenness. There were many nostrums advertised as cures for drunkenness, consisting of nothing more dangerous than salt and water. These could not be classed in the same category as those which contained even larger proportions of spirit than was contained in whisky and brandy, and that spirit of a dangerous character. There was a number of so-called tonics, such as Warner's Safe Cure, which was a much advertised production, and this was a by-product from the works of the Kentucky Distillery Company, in America—a by-product. Then there were numbers of others which similarly contained a very large percentage of alcohol. He had a list of them, and it was just as well that hon. members should have some knowledge of what these so-called tonics contained. Here were some that were considerably stronger than whisky:—Hostetter's Stomach Bitters (10 per cent. stronger), Richardson's Sherry Wine Bitters (16 per cent. stronger), Boker's Stomach Bitters, Parker's Purely Vegetable Tonic. These were so-called tonics which were much stronger than whisky, and these were the habitual tipples of teetotallers, who would stand up aghast in attitude of holy horror at those who took the ordinary intoxicating liquors. Here were some which were nearly as strong as whisky:—Warner's Safe Tonic (nine-tenths), Hoofland's German Tonic (three-fourths), Peruna (about three-fourths), Whiskol, "a non-intoxicating stimulant" (about three-fourths), Burdock's Blood Bitters (five-eighths), Ayer's Sarsaparilla (five-eigths), Hoofland's German Bitters, "entirely vegetable" (five-eighths), Purely Vegetable Tonic, "recommended for inebriates" (83 per cent.) of the strength of

whisky. It was true that latterly Ayer's Sarsaparilla was advertised as free from alcohol. That was the result of prosecution in Melbourne. They were prosecuted for selling spirits without a license, and they now advertised that the sarsaparilla was free from spirit; yet when it contained alcohol it was advertised to cure certain complaints. They took the whisky out and it still cured precisely the same complaints. Then there were the compounds containing opium. Here were some which contained this opium:—Perry Davis' Painkiller, opium; Kay's Essence of Linseed, chloroform and morphine; Jayne's Expectorant, opium and morphine; Fellows' Compound Syrup, strychnine; Woods' Peppermint Cure, chloroforom and morphine; Bonnington's Irish Moss, chloroform and morphine; Steedman's Soothing Powder, opium; Powell's Balsam of Aniseed, opium; Mrs. Winslow's Soothing Syrup, opium alkaloids; Godfrey's Cordial, opium; Ayer's Cherry Pectoral, morphine; Chamberlain's Cough Remedy, opium; Chamberlain's Diarrhœa Mixture, chloroform and opium; Ayer's Sarsaparilla Mixture, opium. It was only fair to say that since that appeared both Woods' Peppermint Cure and Chamberlain's Cough Remedy were advertised as containing no morphine compound. But here was the humour of the thing. Before, with the opium, these compounds were advertised to cure certain complaints; owing to certain disclosures made in Parliament the opium had been eliminated from the products, and yet they still cured precisely the same complaints that they were previously advertised to cure. That showed the fraudulent character of them, and the people who put these things up had no qualifications as chemists, they were ignorant quacks. They could put into the dose prescribed an equal and not greater quantity of the drug than the dose a medical practitioner might prescribe in certain cases; but on the other hand these compounds might contain double the quantity, an injurious quantity, and yet there was no control over those who were putting them up, and any person in the employ of these individuals, the proprietary people, who was elevated to the standard of a drug mixer could do this without it being necessary for him to hold the qualifications of a chemist. On the other hand, a pharmaceutical chemist had to undergo certain training and secure his diplomas, and if at any time in prescribing or making up a prescription he were to put a greater quantity than that contained in the prescription into the medicine, he would be open to prosecution and liable to have his diploma taken away, and possibly not be able to pursue his profession subsequently. The same thing applied to a medical practitioner; he had to undergo the training and have the qualifications which were required to be approved by the medical association. He was liable for the prescriptions which he issued, and if at any time from carelessness he prescribed a greater quantity and caused the death of a patient he was liable to prosecution, and, further, he was liable to the loss of his qualifications. That showed that it was necessary to take such power as was contained in the clause he was moving in order that we might deal with some of these evils. He (Mr. Bath) did propose to deal with the question of adulterated food, but he did not think he would delay the Committee to quote anything in connection with that matter, but there was just one point to which he wished to refer, that was to the fact that not only did these people carry on these practices without regard to the lives of those who bought their nostrums, but they did not have the common decency to respect the confidence of those who consulted them. It was now a regular practice for agents to buy up letters. For instance, one quack might wish to get out of business, he might have made sufficient money to retire and become, perhaps, a member of Parliament, as one did in America, or to become a respectable member of society, the pillar of a church, therefore he had no further use for the letters, but these letters were carefully docketed. letters from women suffering from anæmia were all

carefully docketed under that heading, those suffering from cancer, those suffering from nervous debility, and those suffering from consumption were all docketed under different headings. The man going out of business wished to sell these letters, and he would go to one wishing to go into business and say that he had 30,000 bust developer letters, 40,000 women's irregularity letters, 7,000 paralysis letters, 5,000 letters from persons who had been cured of drunkenness, and these having been carefully docketed were offered at so many shillings per hundred, or so many pounds per thousand. These were all put up for sale, and the letters which had been sent by people in the strictest confidence under the belief that their confidence would be respected, were sold openly to some other quack anxious to start business and they were utilised. The result was that the person who bought the letters sent out circulars to persons to the effect that he had started business and could cure so and so, and all this literature was forwarded to them. That seemed to be one of the most objectionable features and it was characteristic of the whole fraudulent method which was pursued. He could not conclude better than by mentioning the fact that it was only in British communities and in the United States that these practices were permitted. As a matter of fact, dealing with quack cures, or patent or proprietary medicines, the public sale of these was forbidden in Austria, Belgium, Denmark, France, Germany, Holland, Italy, Norway, Sweden, and many Swiss Cantons. Prohibition was complete in Denmark, Norway, Sweden, and in eight of the Swiss Cantons. Practical prohibition: (1) Because they may only be sold by authorised chemists:—Austria, Belgium. Holland, Germany, Italy. (2) Because medicines containing poisons or potent drugs cannot be issued without separate specific prescriptions by an authorised physician:—Austria, Germany, Italy, Switzerlend. (3.) Because label must contain formula:—Belgium, Italy. (4) Because label. or respectively advertisement, must not claim special remedial effect:—Germany, Italy. (5) Because of special provision for direct information of the public by publishing official analysis, cost of production, and official warnings:—Germany, Switzerland. In all these cases there was complete or partial prohibition, but in the United States, Canada. Great Britain, and Australasia the public sale was permitted. It was about time that we removed something of the reproach and took some action in order to prevent this sort of thing in the future. He desired to quote, in conclusion, what was a very pertinent paragraph, to show the absolute disregard of public welfare which influenced the people who sold these medicines. This was what a reformed quack said with regard to his business principles. It was an extract from the *Cleveland News*, and was published as an article which was said to have been written by a reformed quack. This quack said—

> Here are a few brief essential axioms of the business. Get the money, get it all. Everybody and anybody is in a bad physicial condition on the first visit to your office. There is no exception to this rule. At times it is wise to cure a person of one ailment, but never fail to find another of a serious nature before establishing the cure of the first. The policy is a great money-getter. Nobody is ever completely cured of everything. Bleed the sucker until he dies, or until he will absolutely no longer be coerced into your office. Always be busy in your private office when the victim comes in, for five or ten minutes' waiting in the reception room both impress and frightens the patient. Be fairly affable in greeting. Learn as soon as possible how much "cash" the sucker has, and in what capacity he earns a living; or, in a word, how much he can afford to pay. Then multiply this amount by two. Always let the light shine full on the face of the patient, and keep your own in the shadow. While so situated, paint graphically the horrors of the various ailments with which you tell him he is afflicted. Keep this up until you see a flash of fear in his face. Then dilate further on the horrible character, and

inevitable termination, should he not treat with you of the disease which brought the fear to his eyes. Now is the time to get the money. Get the fee for professional services, all cash, or as soon as possible, and then soak it to him for the medicines. Don't be afraid to say that you can cure everything and anything, and give a "legal" guarantee for the same. Lastly, never bring your heart to the office with you. It is not a money-getter.

Undoubtedly if one looked through the records in connection with the traffic and the methods of these people there was no shadow of doubt that they left heart entirely out of the business.

The MINISTER FOR WORKS: One could not help listening with a considerable interest to the statement the hon. member had made in moving the amendment. There was no doubt that a very strong case had been made out, but he (the Minister) was not entirely convinced that it would be very easy to enforce the provision. The present clause was a big advance on any existing law in Australia, but he was quite willing to accept the amendment moved and hoped it would be possible to make it as effective as the hon. member and the Committee generally desired.

Amendment put and passed; the clause as amended agreed to.

Clauses 195 to 197—agreed to.

Clause 198—British Pharmacopœia to be the standard:

Mr. BATH: It was provided in this clause that the standard should be settled and appointed by regulations under the Act, and that if no such standard should be settled in respect to any drug the pharmacopœia, as defined by *The British Pharmacopoeia* should be taken as the standard. At a medical conference, consisting of representatives from the other States, a standard was fixed upon, and at a recent health congress held at Berne, Switzerland, very favourable comment was made on the standard submitted by Sir John Traverner, who represented Victoria at that conference. Had any action been taken by the medical authorities in Western Australia, or the Government, to acquaint themselves with that or had they considered the advisableness of adopting the standard approved by the medical authorities of the other States?

The MINISTER FOR WORKS: The Committee would be perfectly safe in accepting this clause. After all, it was only a temporary provision until our own standard had been fixed.

Mr. BATH: Victoria had it, and since then a conference of medical officers of the other States had adopted it, and Western Australia was the only State which was not represented. Would Western Australia fall into line with the other States?

The MINISTER FOR WORKS: It was intended to do so. There would be no difficulty about the matter. This clause was simply a temporary provision to enable us to carry on until our own standard had been fixed, and the standard would be the standard which prevailed in the Eastern States.

Clause put and passed.

Clauses 199 to 205—agreed to.

Clause 206—Regulations (Sale of food and drugs):

Mr. SCADDAN: In this clause there appeared again the words "on the advice of the advisory committee" which had been struck out of previous clauses. If the clause were allowed to remain as it was printed the commissioner would not be able to act except on the advice of the advisory committee.

The MINISTER FOR WORKS: The clause was one in connection with which it was intended the advisory committee should remain. After all, it was a committee of experts and there would be no justification for the committee to exist unless it was to help the commissioner in important works of this sort. There was no occasion to fear that the value of the clause would in any way be nullified by this provision for the committee's advice. It would be imposing a very large responsibility on the one officer if he were not to be advised by other experts. The advice of the analyst on this food and drug question was absolutely essential. Whether it was definitely recognised by the clause or not, the commissioner must rely to a large extent indeed upon the ad-

visory committee, of which, by the way, that officer was chairman: The committee were responsible to the Government, and through the Government to Parliament for what they might do or leave undone. To amend the clause in the manner indicated would be asking the commissioner to accept too great a responsibility altogether.

Mr. SCADDAN: Having accepted the principle of the advisory committee we now required to define its powers. The commissioner ought to have full powers and be the person responsible for the administration of the Act. The object of the advisory committee was purely to give advice on technical matters. All that was desired was that we should confine the powers of the committee to an advisory capacity only; but the clause provided that the commissioner could not make regulations as set out in the clause except when so advised by the advisory committee. The Minister ought to remember that the commissioner was only one member of the advisory committee. It meant that the advisory committee were going to carry out this most essential part of the Act itself. But, if we were to have a department of health, there should be no other body upon whom the responsibility could rest. We wanted the advisory committee, but we did not want them to take any responsibility. According to the wording of the clause the advisory committee could hold up this part of the Bill, for the commissioner could not make regulations except on the advice of the committee.

The MINISTER FOR WORKS: The difficulty was really an imaginary one. Three out of five of the members of the advisory committee would be Government officers, and therefore responsible to Government and the Parliament. He desired to point out that the food standards, of which the member for Brown Hill had spoken so favourably, had been drawn up by a less responsible committee than this. He had before him the report of the Foods Standards Committee of Victoria, which consisted of a Government officer, an officer of the Health Department as secretary, the Chairman of the Board of Health, certain representatives of the Melbourne University, the Director of Agriculture, the city officer of heealth for Melbourne, and four gentlement appointed by the Melbourne Chambers of Commerce and Manufactures. This was the committee that had drawn up the standard referred to by the member for Brown Hill.

Mr. Heitmann: But the Victorian Minister took the responsibility for it.

The MINISTER FOR WORKS: It had been drawn up by the committee, and adopted by the Minister. That was what would be done here.

Mr. Scaddan: No.

The MINISTER FOR WORKS: The committee had been appointed specially for that purpose.

Mr. Scaddan: But the Victorian Minister could have acted without their advice if he liked, while in our case the commissioner could not.

The MINISTER FOR WORKS: The commissioner could call upon the advisory committee for their advice.

Mr. Heitmann: According to this clause he cannot frame regulations without them.

The MINISTER FOR WORKS: It simply meant that the commissioner would have to consult the advisory committee.

Mr. Scaddan: No, he would have to act on their advice.

The MINISTER FOR WORKS: The clause did not impose on the commissioner any obligation to adopt the regulations the committee might make.

Mr. Scaddan: Under this clause they have the power of making the regulations.

The MINISTER FOR WORKS: That could not be admitted. The commissioner might make regulations, but before making them he must take the advice of the advisory committee.

Mr. Scaddan: Can he do it against their advice?

The MINISTER FOR WORKS: Undoubtedly: the mere fact that the commissioner had only to ask the advice of the committee was proof that he had power to make regulations. Of course if he were to depart from the advice of

the advisory committee he would have to take the responsibility of his action. Hon. members wanted the commissioner to be guided by the bacteriologist in regard to certain regulations on which he (the commissioner) could have no expert knowledge. When the commissioner had obtained the advice of the bacteriologist instead of the committee, hon. members required that he should recommend the regulation.

Mr. Scaddan: No, we are not objecting to the advisory committee, but we want the commissioner to go outside their advice if he thinks fit; he should have absolute power.

The MINISTER FOR WORKS: Provision existed for that absolute power. If the hon. member desired to suggest any verbal amendment which would not interfere with the principle of the clause, he (the Minister) would not argue against it.

Mr. Scaddan: We are prepared to accept what you suggest, but the clause does not give it.

The MINISTER FOR WORKS: For his part he was perfectly satisfied with the clause, and could not suggest any amendment which, in his opinion, would meet the wishes of hon. members so well as did the clause.

[*Mr. Brown took the Chair.*]

Mr. HEITMANN: The advisory committee in Melbourne carried no responsibility. Why then should we ask the responsible commissioner to act only on the advice of a similar committee? The clause read: "The commissioner may make regulations on the advice of the advisory committee." If the advisory committee was carrying no responsibility, why should we make it imperative on the responsible commissioner to act only with the advisory committee? The whole matter could be fixed up without any outside advice at all, for we had departmental experts who could assist the responsible commissioner to whom it could be left to decide as to whether or not he would accept their advice. As the clause stood, the commissioner could not act until he had the advice of the advisory committee. He moved an amendment--

That in line 1 the words "on the advice of the advisory committee" be struck out.

Mr. BATH: If we were to strike out this mention of the advisory committee it would leave no reference whatever to the duties the committee would be expected to carry out. With the leader of the Opposition he recognised that the clause was open to the interpretation that the commissioner could not make regulations, even in cases where the advice of the advisory committee would be absolutely unnecessary, without first securing that advice. He suggested that the clause should be made to read: "The commissioner, whether acting on the advice of the advisory committee or otherwise, may from time to time make regulations with respect to all, or any, of the following matters." Then, when considered necessary, the advice of the committee could be secured, while in other matters foreign to the purpose of the appointment of the advisory committee, the commissioner could act on his own responsibility.

The MINISTER FOR WORKS: If the member for Cue would withdraw the amendment, an amendment on the lines suggested by the member for Brown Hill could be accepted.

Mr. HEITMANN: It would be a roundabout way of doing things. It was better to strike out the words "on the advice of the advisory committee" and provide a clause outlining their duties.

Mr. UNDERWOOD: One would naturally look for the duties of the advisory committeee in the clause following that dealing with their appointment.

Mr. HEITMANN: We could insert such a clause on recommittal.

The MINISTER FOR WORKS: If the hon. member would withdraw the amendment, provision could be made for the Governor to make regulations. That would overcome the difficulty.

Amendment by leave withdrawn.

The MINISTER FOR WORKS moved an amendment—

That the words "central board on the advice of the advisory committee" be struck out, and "Governor" inserted in lieu.

Mr. ANGWIN: Could the commissioner make regulations without the consent of the Governor?

The MINISTER FOR WORKS: I do not think so.

Amendment put and passed.

Mr. BATH: Subclause 8 provided for regulations being made requiring frozen meat to be labelled and prohibiting the sale of frozen meat as fresh meat. Should not the words "or chilled" be inserted to bring the subclause into line with Clause 190?

The Minister for Works: I am not convinced we need the subclause at all.

Mr. ANGWIN: Regulations might be made in confliction with Clause 190 compelling frozen or chilled meat to be labelled. He moved a further amendment—

That Subclause 8 be struck out.

Amendment passed.

Mr. ANGWIN: Subclause 10 provided for regulations requiring tinned or packed food to bear the date of the manufacture, preparation or packing thereof. The date would need to be put on by hand so that it would be very costly. But why should a bottle of sauce require to be dated? If the sauce was bad it should be condemned.

The MINISTER FOR WORKS: Dates need not necessarily be put on by hand. It might be merely the year of manufacture. In some parts of the State, tinned foods deteriorated very quickly, and it was desirable to have some provision whereby the public could be guaranteed that they were getting a reasonably fresh article. The clause only gave power to make regulations if it be necessary and practicable to make them.

Mr. Scaddan: Will it apply to imports as well as to local manufacture?

The MINISTER FOR WORKS: We could not require a salmon-tinning establishment in the old world to date its products. but we could make it necessary that the date of importing should be stated. This was only an enabling provision.

Mr. Scaddan: What would be the effect of it?

The MINISTER FOR WORKS: It should improve the "tinned dog" on the market. The regulation would not be made unless there were need for it and unless it was possible to enforce it.

Mr. SCADDAN: It was advisable to have the subclause, but why should we not compel the imported article to be dated as well as the locally manufactured article? If the foreign manufacturers were not prepared to do it at the time of manufacture they should not be allowed to compete on our market. An undated tin five years old would be purchased in freference to a dated tin two years old. Each article should be put on the same footing.

The MINISTER FOR WORKS: We could control what was done in the State but not that done in some other part of Australia or outside Australia, because there would be no check upon or supervision over the correctness of the date of manufacture in regard to the imported article. We could exercise some supervision over the time of import. If we pretended we were making people who had factories outside our State put the correct date on the tin, that was the date of tinning. we were deluding the public, for it could not be done.

Mr. ANGWIN: A large quantity of jam consumed in the State was manufactured in Tasmania; that jam came here and was sold without the provision having any application in regard to it. It might be manufactured two years before it was sent here, but if a person in Perth manufactured jam this regulation could compel him to put on the label the date of the packing of the tin.

The MINISTER FOR WORKS: The word "year" could be substituted for "date."

Mr. BATH: Goods manufactured in other States would come under the provisions of the Commonwealth law. There was no question of the necessity for this provision. At the time of the big influx into Kalgoorlie there was a tremendous quantity of old stock sent into Western Australia from Queensland. New South

Wales, in fact from all the Eastern States, and we should have some control over matters of this kind. The subclause was a necessary one.

Mr. BOLTON: If the subclause could be taken as a specific enactment it would be all right.

Mr. ANGWIN moved an amendment—

That in Subclause 10 the word "date" be struck out and "year" inserted in lieu.

Mr. BOLTON: If the word year was inserted in place of date would that prohibit the advisory board from making a regulation that less than a year's date could be put on? Could a regulation be made so that the package would show the month?

Mr. SCADDAN: If the word "date" was left the regulation could then say whether the year or not was to be given.

Amendment negatived.

Mr. SCADDAN moved a further amendment—

That in line 2 of Subclause 10 the word "or" be struck out; also that after "packing," in line 3, the words "or importation" be inserted.

Mr. ANGWIN: Was there any power to prohibit the importation of goods that did not bear a date?

The MINISTER FOR WORKS: This was not a question of prohibiting goods, but a proposal that the vendor of goods should fix a date on the package, and the importing firm at the time of the import and before selling to the retailer would have to see that the date was so affixed.

Mr. ANGWIN: Would it not be possible to provide that all goods should bear the date of landing?

Amendment put and passed.

The MINISTER FOR WORKS moved a further amendment—

That in Subclause 15 the words, "and for the prohibition of the sale of foods, drugs, or disinfectants not in conformity with the appointed standards" be added.

Amendment passed; the clause as amended agreed to.

Clause 207—agreed to.

Clause 208—By-laws to prevent the spread of infectious disease:

Mr. BOLTON moved an amendment—

That in Subclause 5, after "medical," the words "and nursing" be inserted.

At North Fremantle a municipal nursing scheme had been introduced, and the amendment would allow the Government to make regulations for nursing.

Amendment passed.

The MINISTER FOR WORKS moved a further amendment—

That in Subclause 9, after "animals," the words "or insects" be inserted.

This was aimed at the ubiquitous mosquito that was not only a cause of annoyance, but was a vehicle for the conveyance of malaria. It was desirable that power should be given to take such steps to regulate it as an existence. In some parts of the world the mosquito evil had been practically overcome, and in the more populous parts of our own State a systematic attack on the mosquito was being made, and if the pest could not entirely be got rid of it could be materially reduced.

Amendment put and passed; the clause as amended agreed to.

Clauses 209 to 216—agreed to.

Clause 217—Compensation for building, animal, or thing destroyed:

Mr. ANGWIN: A deputation waited on the Colonial Secretary a little while ago, and that Minister promised he would draft a clause to provide for compensation for the destruction of animals as was done in England. This clause, however, had not been inserted as promised.

The MINISTER FOR WORKS: The Bill was before the House before the deputation waited on the Colonial Secretary. The Committee might pass the Bill through the Legislative Assembly and give the Colonial Secretary, in the Legislative Council, a chance of inserting that amendment.

Mr. Heitmann: It would have been better to have had it here.

The MINISTER FOR WORKS: The Colonial Secretary would fulfil his promise, and it was hardly necessary to delay the Bill in the Assembly.

Mr. ANGWIN: The Minister for Mines had promised to recommit the

Bill, and the suggested clause might be added on recommittal.

Clause put and passed.

Clauses 218 to 220—agreed to.

Clause 221—Removal of persons suffering from infectious disease to hospital:

Mr. BOLTON: Was there any special significance attached to Subclause 5, because it was quite different from the clause referring to the interpretation of infectious diseases. In Subclause 5 there were only one or two diseases mentioned. However, there might be a reason for it. The interpretation clause dealt with practically every disease known.

The MINISTER FOR WORKS: The subclause was inserted at the request of the select committee of another place which sat in 1907. Personally, he was not convinced that the subclause was necessary. It was merely a definitive clause and, to some extent, limited the definition of infectious diseases which was given in the earlier part of the Bill.

Mr. Heitmann: And it gives power to proclaim any disease.

The MINISTER FOR WORKS: There was no danger of the clause being unnecessarily extended by proclamation. If the hon. member desired to move to delete it no violent opposition would be offered.

Mr. BOLTON: What he wanted was to find out whether it was limited to the few diseases which were named. If that were so of what use were the last two lines, and if the last two lines were allowed to remain the first four were not required. The diseases mentioned there were also mentioned in the interpretation clause. The interpretation clause would govern the whole of Clause 221.

The MINISTER FOR WORKS: It was correct that the interpretation clause would govern Clause 221. There was no advantage in the clause and neither would there be any gain in striking it out.

Mr. Walker: The Committee should not make the Bill any longer than it need be.

Mr. BOLTON moved an amendment—

That Subclause 5 be struck out.

Amendment passed; the clause as amended agreed to.

Clauses 222 to 229—agreed to.

Clause 230—Work to be done to satisfaction of central board:

Mr. O'LOGHLEN: In the Forrest electorate there was a roads board which perhaps, in some instances, would be the local authority to look after the administration of this measure. In numerous places there were practically no local authorities at all. In the past there had been only one or two local boards existing and most of the work had been carried out by the hospital committee. In those particular areas—he referred to the sawmills—there was no ratable property, and the cost of all local boards was met by direct levies amounting, in some cases, to 2s. per month. If an epidemic broke out the whole burden, according to the clause, would fall upon the local authority. There was no provision made in the Act whereby any local authority would be able to get some little relief in this respect instead of having to raise levies as they had done in the past.

The MINISTER FOR WORKS: Where there was no local authority the Health Department would be liable to carry out the work. Where the burden of the work was too heavy for the local authority, there was, he thought, power and a Vote provided for the purpose of aiding those impoverished authorities. Every case, of course, had to be dealt with on its merits but, prima facie, the local authority must pay for the local work.

Clause (consequentially amended) put and passed.

Clauses 231 to 235 (consequentially amended)—agreed to.

Clause 236—agreed to.

Clause 237 (consequentially amended)—agreed to.

Clause 238—Puerperal fever:

Mr. BOLTON moved an amendment—

That after "reported" in line 3 the words "to the local authority" be inserted.

The MINISTER FOR WORKS: There would be no objection to the amendment.

Amendment put and passed.

Mr. BOLTON moved a further amendment—

That after "reported" in line 3 the words "and also" be inserted.

The MINISTER FOR WORKS: To achieve the object of the hon. member the better plan would be to leave the amendment for the present, pending a slight recasting of the clause.

Mr. BOLTON: So long as it was clearly understood the words would be inserted, he would be content to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause as previously amended agreed to.

Clause 239 (consequentially amended) —agreed to.

Clause 240—agreed to.

Clause 241 (consequentially amended) —agreed to.

Clause 242—agreed to.

Clauses 243 to 245—(consequentially amended)—agreed to.

Clause 246—agreed to.

Clause 247—Local authority to provide hospitals:

Mr. ANGWIN moved—

That in line 2 the words "shall whenever the commissioner so requires" be struck out.

He had no objection to any local authority erecting and equipping a hospital if it so desired; at the same time in his opinion it was the duty of the State to provide hospitals, and it should not be allowed to devolve on the local authority. Although in the existing Act provision was made that this obligation should rest upon the local authority, yet until the last year or two those provisions had been considered a dead letter. Of late, however, the central authority had insisted upon the local authority maintaining, or at least contributing largely towards the expense of, infectious cases taken to the hospitals. If the amendment were carried it would mean that the provision of hospitals for infectious cases would devolve upon the Government.

The MINISTER FOR WORKS: The object of the amendment was to force the whole of the duty of maintaining hospitals for infectious diseases upon the State. Was that a reasonable proposition. The clause threw upon the local authority the obligation of providing these hospitals for infectious diseases, and these alone. A very strong case had been made out in favour of the local authority contributing materially to the upkeep of such institutions because of the fact that a large number of these diseases could be occasioned by neglect on the part of the local authority. Further, it was undoubted that in certain localities local conditions led to the necessity for a larger degree of accommodation for infectious cases than was required in other parts of the State. The underlying principle was that infectious diseases were, in a large proportion of cases, preventable, and the demand that the local authority should provide for the treatment of persons suffering from these diseases was calculated to have a strong stimulating effect on the local authority in the observance of provisions for the maintenance of health in its particular district. But whether local authority or State provided these infectious hospitals, the charge was one against the public. The whole question was as to whether each locality should bear the cost of maintaining its own sick, or whether the State should specifically look after all those who suffered from infectious diseases, right through the length and breadth of the State. It was not shown by the member for East Fremantle that any real hardship had been suffered so far by the local authorities.

Mr. Angwin: The Act has not been enforced until the last two or three years.

The MINISTER FOR WORKS: Not throughout the State, but it had been actually carried out in some of the goldfields districts for many years past. Before some of these districts were actually called upon by the Central Board of Health to do so, they had provided their own establishments for the treatment of infectious diseases. It was done at Kalgoorlie.

Mr. Collier: The Government stood the cost of the building.

Mr. Hudson: It is buildings we are discussing.

The MINISTER FOR WORKS: Providing certainly meant building, but the argument of the local authorities was raised against the maintenance and nursing charges. In fact in metropolitan districts, where the argument was keenest, hospitals were already provided. Some proportion of the cost of the maintenance and the nursing of patients should be borne by the local authorities. It was not reasonable that all the cost should fall on the Government. Of course the local authorities had power to recover where the patients were able to pay; and in a number of cases they did recover; and where the patients could not pay, the practice was for the central authority to bear one-half of the cost of maintenance and nursing, and for the local authorities to bear the other half. Infectious diseases had not been held to include typhoid or any form of enteric fever.

Mr. Angwin: Yes. The Minister has altered his decision in that regard.

Mr. Hudson: The Minister carefully avoided getting any knowledge.

The MINISTER FOR WORKS: The hon. member was not fair. A far more active part in the discussion of the matter had been taken by him than by the hon. member. There was no need for members to make these reflections. We should deal with the matter in a broad-minded fashion, and consider whether the interests of the State lay in forcing the local authorities to bear some part of the cost of maintaining these cases, or in providing that the State should bear it all.

Mr. WALKER: Every outside hospital would do all it could to look after its sick. The difficulty was that the outback institutions felt the Government were doing all they could to shirk responsibility so far as finances were concerned.

Mr. Hudson: The Government are absolutely parsimonious.

Mr. WALKER: Especially in mining districts, outback hospitals were absolutely struggling. It was said that those in the locality of a hospital ought to bear the burden. The people were willing to do so, as far as they could; but in days of adversity, when there was very little property taxable in some centres owing to a temporary decline in mining, it was exceedingly difficult to raise funds to fulfil these obligations. These districts did wonders in the expression of their large-hearted charity through the hospitals, but in a case of epidemic their resources were not equal to the occasion. The clause would enable the commissioner to say to them, "You must do it." The amendment, on the other hand, would give the power to the local authority to do it—and they would do it in every instance where they could—but it would throw the responsibility on the central authority of drawing from the central funds to meet an emergency in a case where the local authority could not meet it. According to the Minister for Works it was the local people who were perhaps responsible by neglect or otherwise for the outbreak of an infectious disease, and therefore they should bear the whole of the burden. The argument was unfair.

Mr. Heitmann: As a matter of fact the cause of an outbreak at Meekatharra came from Perth.

Mr. WALKER: There was every possibility of that, especially when we were likely to have a vast movement in mining camps as the result of the Bullfinch find. The very stirring up of the earth liberated gases and chemical escapements which had the tendency to produce infectious diseases. The mining community were the backbone of the State, yet no part of the whole community was more neglected. It was the mining hospitals that would have the burden forced upon them, if the amendment was not passed; and in the head office in Perth officers would say "It is their own sick, their own locality, let them tax themselves and pay for their own sick." That argument was used every time a request was made for some assistance. No class in the world hated to beg more than the prospecting class; they would not cringe for charity, and if they asked for assistance

we could depend upon it it was a just request and was put forward because necessity urged it. Yet these requests were met with a statement that the residents should look after their own sick and tax themselves.

Mr. Hudson: I go further and say the Government penalise them when assistance is volunteered.

Mr. WALKER: This was the stage of the Bill when strong protest could be raised. When the Bill was launched as an Act there would be a little band of officious dictators in the central office glorying in the sweet impulse that swelled in the breast with the exercise of power—monarchs governing the little hospitals out back. It was only human nature. But we must put curbs on power and have safetly valves and escapes, and these were now furnished by the amendment moved by the member for East Fremantle. Let there be a provision that where a local authority was curtailed by lack of funds the central authority should take its responsibility, for the health of the farthest back mining township was of as much concern as the populous centres.

Mr. BOLTON supported the amendment. If power was given to the central authority to command districts to erect hospitals it would be more than a hardship from a financial standpoint. A district nursing scheme had been established at North Fremantle, and it would grow. The nurses paid visits to the homes of the poor people, and in cases of infectious diseases isolated the individuals. If we placed in the clause power for the central authority to call on that district to establish an infectious hospital, it would cripple the district. If the amendment was not carried would it be possible to provide that the clause should not apply to any municipality within a certain distance of a public hospital? Power should not be given to the central authority to say that a district should erect a hospital, because if a municipality could erect a hospital it would do so.

The MINISTER FOR MINES: It was to be hoped the Committee would not pass the amendment. One would imagine from what the member for Kanowna had stated that people in one part of this State were treated differently from those in another part. The Government endeavoured to be fair. If the member would look at Clause 248, Subclause 10, he would find that a contribution of one-half of the costs and expenses incurred in providing hospitals and in the treatment of indigent patients, should be paid to the local authority out of moneys appropriated by Parliament to that purpose. The central authority would have no desire to enforce the erection of these hospitals. What was required was that districts should make arrangements with other hospitals for the maintenance of indigent sick. Three or four districts contiguous to one another could maintain a hospital which would provide sufficient accommodation for the three or four districts. If the Government had not the power to compel the erection of the hospitals it might be found that one local authority would take care of infectious patients, while another local authority would neglect them. It was inadvisable to strike out the words; he would much prefer that the Committee should strike out the clause.

Mr. TROY supported the amendment. He knew of instances where the people in a remote portion of the State were accepting their responsibility in regard to ordinary hospitals, giving all facilities to the people in the district at a minimum cost, whilst in Perth, and in other large places such as Kalgoorlie, the State had to maintain the hospitals. In the farming districts, despite the assurance of the Minister, many of the hospitals were still in the hands of the Government, and the people who were now accepting their responsibilities by providing facilities for their sick were to be found in the goldfields districts, and these districts were shabbily treated by the Central Board of Health, which was backed up by a weak Minister. The members of the central board had very little knowledge of the country, and had no sympathy with the hardships and trials of the people out back. There was a hospital at Sandstone,

probably one of the most up-to-date of its kind in the State. It was largely maintained and equipped by the people. These people took an enthusiastic pride in their hospital. They had taxed themselves to a greater extent than any other body of people in the State. Every man and woman in the district contributed towards the hospital, and because they accepted their responsibilities as they had been doing they were able this year to show a surplus, yet the Principal Medical Officer wrote to the hospital committee, commending them for the work they had done, but stating that the subsidy would be reduced this year by no less than £300.

Mr. Walker: The same thing happened at Kanowna.

Mr. TROY: It did not happen among the wealthier communities. If people outback were expected to tax themselves for these services so should the people in the larger localities. If an epidemic broke out in Perth to-morrow the Government would pay the cost. If it broke out in Kalgoorlie, Albany, Katanning, Bunbury, or Geraldton, the Government would bear the cost. In a majority of cases an epidemic was not the fault of the people who lived in the locality; the epidemic came from outside more frequently than otherwise. Often Italians who came from a country where epidemics were reported every week brought with them the germs of disease, which did not make their presence felt until after these people were in the State. The community then were taxed and penalised for something for which they were not responsible. The Committee should be prepared to agree to the amendment moved by the member for East Fremantle. There was no doubt about it that the officers of the department were out of touch with the country, because they lived in the City under pleasant conditions and never visited the outlying places.

Mr. O'LOGHLEN: Right through the Bill there would be the danger of hardship and injury being inflicted on some of the local authorities if the Commissioner was not an ideal type of man. A great deal depended on the man who was going to be at the head of the department.

The Minister for Mines: The financial position will be dictated by the Minister.

Mr. Walker: The Minister generally is in the hands of the Commissioner.

Mr. Angwin: The Minister at present in charge of the department is in the hands of the Commissioner.

Mr. O'LOGHLEN: Where an epidemic broke out, particularly in remote parts of the State, it was the duty of the Government to provide financial assistance to cope with it, and this should apply not only in the goldfields areas but in some parts of the coastal districts as well. The electorate he represented had some experience of these epidemics not long since. At Jarrahdale a large body of men were contributing towards the upkeep of the local hospital; they were paying up to 3s. 6d. per month. An epidemic came along and they found themselves unable to cope with it owing to the reduced subsidies which lately had been brought into force. The local committee were hampered for want of funds, but they did their best by filling the local hospital to its fullest extent and then sending some 30 patients to the Perth hospital. The next thing was that they got a Bill for £250 from the Perth hospital board. The local authority at the time did not have £20 in their treasury chest. What were they to do? He (Mr. O'Loghlen) had to perform the painful duty mentioned by the member for Kanowna of appealing to the Government for assistance. He appealed to the Minister who sent him to the Perth hospital board, and who said that the board could well afford to give the local committee some relief. The board in turn sent him back to the Minister.

The Minister for Mines: You have not a local authority there.

Mr. O'LOGHLEN: For the purposes of the Health Act it was a local authority.

The Minister for Mines: I mean you have no board of health.

Mr. O'LOGHLEN: It was a locally constituted committee. If an epidemic broke out in a centre like that where there was no rating, and where the maintenance of the local institutions fell upon the people themselves to the extent, as he had

already pointed out, of paying 1s. per week, how was provision going to be made to cope with it. After many negotiations the Minister promised to make a grant of £100, but the local committee still owed to the Perth hospital considerably over £100. In the Jarrahdale centre the people had done the same thing as had been done at Sandstone, namely, organised entertainments and concerts and, in addition, they had paid 1s. per week, and in some cases they had imposed a levy on every man of 1s. per month for the next six months in order to wipe off that deficit which occurred over the epidemic.

Mr. Walker: And the Perth hospital costs something like £18,000 a year.

Mr. O'LOGHLEN: The Perth hospital could have seen their way clear to wipe off that amount, but that hospital board pointed out that the Minister had applied the pruning knife not only to the back centres but to the hospital as well. When an epidemic broke out it was clearly a fair proposition that the people, who were doing their best in the face of reduced Government subsidies, should not be asked to carry any additional burden. It was the duty of the Commissioner to provide funds to cope with epidemics when they occurred in the different portions of the State. Notwithstanding the many defects of the Minister in charge of the department, he (Mr. O'Loghlen) had received some little assistance and encouragement from him at times. The Principal Medical Officer had always attributed epidemics to the local people, and that officer claimed that these people should tax themselves to find the necessary funds, and that the central board or the Government should not be called upon to find any money at all. It was his intention to support the amendment, and it was to be hoped that in all cases of epidemics breaking out the Government would go to the rescue and find the necessary funds, and not put a heart-breaking task upon these local committees.

The MINISTER FOR MINES: With regard to the question of finance, it was a matter for the Government and not the Commissioner. All local authorities were expected to pay, and at the present time the Perth municipality had to pay, and during the past couple of years had paid £1,000 in connection with the treatment of indigent patients.

Mr. O'Loghlen: Do you recover from all patients treated in the hospitals?

The MINISTER FOR MINES: If they were treated as indigent patients no payment was expected. But where a patient was in a position to pay, he was expected to pay. In connection with the district mentioned by the hon. member, there was no local authority there, and the Government had gone so far as to carry out all the sanitary work of the district and had sent inspectors to the place and were looking after the sanitary conditions generally. He was given to understand this was the case although, personally, he knew nothing about it.

Mr. Hudson: It is to be hoped that when the Estimates come up the Minister in charge will know all about it.

Mr. O'Loghlen: As far as the epidemic is concerned, I would like to know how long it was before an inspector visited the district?

The MINISTER FOR MINES: While unable to answer the question, he knew that wherever there had been an epidemic the Health Department had immediately taken action. Recently there had been outbreaks of diphtheria in Kalgoorlie, Meekatharra and Menzies, each of which had been dealt with by the Government at considerable cost. When the Bullfinch rush broke out, the Government had at once attended to the sanitary conditions in that locality. As far as the amendment was concerned he could not see how it would better the conditions. The whole argument raised was in connection with financial assistance, and as to whether the Government should pay a greater or lesser proportion of the cost. The striking out of the words would not help the goldfields, or any other portion of the State in any sense. The clause only gave a power which, to his mind, was absolutely esential to good government.

Mr. ANGWIN: The Minister who had been in charge of the Bill when the question first arose had pointed out it was intended that the question of whether or not the Government should maintain hospitals for infectious cases should be dicided on the issue of this discussion. If the amendment were carried there were other clauses which would need remodelling. During the time the Bill had been under discussion the Minister had found very little sympathy shown towards the local authorities, and had discovered that in the opinion of hon. members more power should be given to the central authority. The Minister was trying to work on that feeling by holding that when any infectious disease occurred the local authority should be responsible for the building and equipment of an infectious diseases hospital. But the Minister had forgotten that in the Bill the powers given to local authorities were considerably curtailed, and that on the other hand the central body had largely increased powers. Seeing that these increased powers were to be given to the central authority, it followed that if there were any defect in the making of proper provision for the safety of the public, then the blame must lie with the central authority. Hon. members would realise that it was the duty of the Government to provide for the sick. The Minister had said that any patients who were able to pay should do so; but, immediately afterwards, he had turned round and declared that not the patients but the local authorities should pay. Then again, the question as to whether or not a patient was indigent was not between the secretary of the hospital and the Government, but was sent to the council for determination, and so became public property. The Government were trying to relieve themselves of responsibilities which they should accept, and he hoped the Committee would realise this, and vote for the amendment.

Mr. WALKER: This was not a quarrel as to who should pay; it was a question of the principle of whether the central authority should have the power of commanding the local authorities to provide, equip, and maintain hospitals. The local authority could safely be relied upon to do all that they could; but when their resources failed, further demands should not be made upon them. Whenever necessary a hospital should be provided, and if the local authority could not do it, then the duty should devolve upon the Government. The clause as proposed to be amended by the member for East Fremantle would mean that the local authorities "might"; and when they did not—the implication was that they could not—then the central Government "should." That was the point at issue. He hoped the Minister would see that he (the Minister) had taken very narrow grounds indeed in his opposition to the amendment.

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

Ayes	..	..	16
Noes	..	..	16
A tie	..	..	0

AYES.

Mr. Angwin	Mr. Scaddan
Mr. Bath	Mr. Swan
Mr. Bolton	Mr. Troy
Mr. Collier	Mr. Underwood
Mr. Holman	Mr. Walker
Mr. Hudson	Mr. Ware
Mr. Johnson	Mr. Heitmann
Mr. McDowall	(*Teller*).
Mr. O'Loghlen	

NOES.

Mr. Butcher	Mr. Monger
Mr. Cowcher	Mr. S. F. Moore
Mr. Daglish	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Layman	Mr. Murphy
Mr. Male	(*Teller*).
Mr. Mitchell	

The CHAIRMAN gave his casting vote with the Ayes.

Amendment thus passed.

Clause as amended (also consequentially) put and passed.

(*Mr. Taylor resumed the Chair.*)

Clause 248—Special provisions with regard to infectious diseases hospitals.

Mr. ANGWIN: Did the Government take the result of the division to mean that the Government should maintain all hospitals for infectious cases? If so it would be necessary that this and several other clauses be redrafted.

The MINISTER FOR MINES; The only amendment necessary to this clause was in Subclause 8. He moved an amendment—

That in line 2 of Subclause 8 the words "and shall if the central board so requires" be struck out.

Although it was impossible for the commissioner to call upon the local boards to provide hospitals, yet when the hospitals were provided all the special provisions should be observed.

The CHAIRMAN: That is a consequential amendment.

Clause (consequentially amended) put and passed.

Clause 249—agreed to.

Clause 250—(consequentially amended) —agreed to.

Clause 251—Agreements by local authority with hospitals for reception of patients.

Mr. ANGWIN moved an amendment—

That in line 2 of Subclause 1 the words "and when the central board so requires shall" be struck out.

The MINISTER FOR WORKS: The Chairman might regard this as a consequential amendment; if not, there was no objection to it.

The CHAIRMAN: The hon. member had better move to strike out the words.

Mr. ANGWIN: They should be struck out. Instead of the commissioner taking all the responsibility as he should for the maintenance of these hospitals, he could step in and say, "We cannot make you construct hospitals but we will make you enter into an agreement with the committees of hospitals in existence."

Amendment put and passed.

Mr. ANGWIN: It should be understood that as a result of the vote taken on Clause 247 that the authority of the commissioner should disappear throughout this part of the Bill.

The MINISTER FOR WORKS: The provisos contained in this clause were necessary. There might be a dispute between two boards, and the central authority should arbitrate as proved by the provisos. We must have machinery to settle disputes. The clause would give no power to the central authority to impose a charge on the local authority which the Committee had decided should not be imposed.

Mr. ANGWIN: The clause did not wholly deal with disputes between boards. It was decided by the vote of the Committee that the Government should be responsible for the maintenance of infectious disease hospitals, and there should be nothing in any of the clauses by which the commisioner could enforce local authorities to pay. The clause should be redrafted.

Mr. BATH: Unless there was some provision for dealing with infectious cases there would be chaos. There was no harm in placing jurisdiction of a supervisory capacity on the commisioner.

The MINISTER FOR WORKS moved a further amendment—

That Subclause 3 be struck out.

Amendment passed; clause also consequentially amended, and as amended, agreed to.

Clause 252—agreed to.

Clause 253—Governor may establish hospitals for infectious diseases:

The MINISTER FOR WORKS moved an amendment—

That all the words of the clause after "upon" in line 4 of Subclause 2 be struck out.

This would do away with any action on the part of the Minister.

Amendment passed, the clause as amended agreed to.

Clause 254—Local authorities may establish or subsidise hospitals:

Mr. BOLTON moved an amendment—

That in line 2, after the word "any," the words "district nursing system or" be inserted.

This was necessary; it had been inserted in the previous clause.

Amendment passed; the clause as amended agreed to.

Clause 255—Local authority may make by-laws for private hospitals:

Mr. BOLTON moved an amendment—

That in line 3 of Subclause 6, after the word "not," the words "for the purpose of registration" be inserted.

It should not be necessary to pay a fee of 10s. where maternity cases were attended to by a district nurse. The object of the amendment was to do away with the fee of 10s. where there was a district nursing scheme.

The MINISTER FOR WORKS: The hon. member was making a mistake in moving the amendment. The Bill dealt with maternity homes, and the hon. member proposed to limit the exemption so as to release them from registration and the fee attending upon it. These places were exempted because they were dealt with in another Act, and there was no need to bring them under the one before the Committee. If the hon. member persisted in his amendment then a maternity home would become a private hospital. There was no advantage to be gained by the amendment, and the aim of the hon. member had been achieved already by the drafting of the subclause.

Mr. BOLTON: He would not press the amendment, but he would rather be defeated than withdraw it.

Amendment put and negatived.

Mr. BROWN moved an amendment—

That the following words be added to Subclause 6:—"but in no case shall a license be granted to a private hospital which is within 10 feet of another dwelling without the consent in writing of the adjoining owners and occupiers."

The MINISTER FOR MINES: The amendment would be accepted but with a modification, namely, that existing establishments should be protected.

Mr. Brown: Oh, no.

The MINISTER FOR WORKS: Where local authorities had granted a license he would not be prepared to step in with an Act of Parliament without inquiring into the circumstances and cancel those registrations which had, it was to be presumed, been granted to them after inquiries had been made. If the hon. member would alter his amendment to make it apply to institutions to be established in the future there would be no objection to it. The Committee should not undo the work of a local authority and, perhaps, deprive some people of their livelihood without any inquiry whatever into the merits of the case. A person may even have acquired the freehold of a certain property for the express purpose of conducting a hospital, and if an Act of Parliament deprived that person of that right Parliament would be doing an absolute wrong.

Mr. HEITMANN: If the member for Perth was right in saying that these hospitals might possibly be a nuisance to a neighbourhood, there was no reason why we should not proclaim those already existing a nuisance as well as those which might exist in the future. The amendment was altogether too arbitrary. There were private hospitals in the heart of the City and no complaint had ever been heard from neighbours with regard to them. It was recognised that it would be better if we could have these hospitals in isolated places, and surrounded by a greater area of land. At the same time until it had been proved that the hospitals at present existing were a nuisance he would not be prepared to vote for an arbitrary amendment such as that proposed.

The MINISTER FOR WORKS: There was another way by which the hon. member might be met, and that was by requiring that prior to registration, notice of intention to register should be given by the local authority, so as to afford persons within the vicinity of a proposed hospital an opportunity of lodging objections.

Mr. Brown: I would be prepared to accept such an amendment providing "after to-day."

The MINISTER FOR WORKS: After the passing of this Bill.

Mr. BROWN: Oh, no. If, in the opinion of a neighbour, a private hospital depreciated that person's property or the value of the house he occupied, surely that neighbour should have some claim to being heard. At the present time we had a number of these hospitals which seriously affected the adjoining properties. It was generally admitted that no matter how

well a hospital might be kept it constituted a nuisance to the neighbours.

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

Ayes	.. .. ..	15
Noes	.. .. ..	23
Majority against	..	8

AYES.

Mr. Angwin	Mr. Murphy
Mr. Bath	Mr. O'Loghlen
Mr. Brown	Mr. Scaddan
Mr. Butcher	Mr. Swan
Mr. Collier	Mr. Troy
Mr. Draper	Mr. Walker
Mr. Horan	Mr. Underwood
Mr. Johnson	(*Teller*).

NOES.

Mr Bolton	Mr. McDowall
Mr. Cowcher	Mr. Male
Mr. Daglish	Mr. Mitchell
Mr. Davies	Mr. Monger
Mr. Gordon	Mr. S. F. Moore
Mr. Gregory	Mr. Nanson
Mr. Hardwick	Mr. Osborn
Mr. Harper	Mr. Piesse
Mr. Heitmann	Mr. Ware
Mr. Holman	Mr. F. Wilson
Mr. Hudson	Mr. Layman
Mr. Jacoby	(*Teller*).

Amendment thus negatived.

Progress reported.

PAPERS PRESENTED.

By the Minister for Mines: Railway By-law 44 (ordinary Return Ticket).

By the Premier: Annual Report—State Children Department to 30th June, 1910.

PAPERS NOT SUPPLIED.

Public Service and Defence Forces.

Mr. TROY: I have asked several times now for the papers relating to the dismissal of Warder Wise from the Fremantle gaol, yet, so far as I can discover, those papers have not been supplied. I hope, Mr. Speaker, you will see that the instructions of the House are carried out.

The PREMIER: There is no occasion for the Speaker to intervene in the matter. I promised the hon. member I would get the papers as soon as I could. There has been some correspondence with the Federal authorities going on in connection with this matter, and the papers were required for that purpose. I can promise the hon. member that they will be here on Tuesday.

Retirement of Mr. S. F. McCallum—Barry v. the Crown.

Mr. HOLMAN: There are also the papers in connection with Mr. McCallum's case. A motion was carried a fortnight or three weeks ago for those papers, and we have not had them yet. Then there are the further papers, Barry *versus* the Crown. That motion was carried three or four weeks ago and the papers are not here yet. There has been no correspondence with the Federal Government on either of these subjects, and unless it is desired to fix the papers up they ought to have been tabled before this.

The PREMIER: I will inquire into the matter of these papers. In the one instance, that of Mr. McCallum, I understand the question is *sub judice*, that an action is pending.

Mr. HOLMAN: There is no action pending, I think. The papers have been in the Premier's office for about a fortnight. They were sent there and nothing has been heard of them since.

The Premier: How do you know that?

Mr. HOLMAN: From information received. I would like to know why they are not on the Table.

House adjourned at 6.14 p.m.

PAIR.

Sir Newton Moore	Mr. W. Price