Legislative Council,

Tuesday, 6th September, 1910.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1. Report of the Committee of the Western Australian Museum and Aart Gallery, 1910. 2, Amended Salaried Staff Regulations under the Railways Act. 3, Report of Government Railways to 30th June, 1910. 4, Report of the Department of Lands and Titles for the year ended 30th June, 1910. 5, By-laws of the Marble Bar, Perth, Wiluna, and West Kimberley roads board. 6, Bylaws made under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, 7, Return showing mining exemptions granted during the year ended 30th June, 1910. 8, Return under Section 109 of the Land Act, 1898, showing certain areas resumed. 9, Statement of expenditure for the year ended 30th June, 1910, under the provisions of the Mines Development Act, 1902. 10, By-laws made under the Health Act, 1898, by the local boards of health of Boulder and York. 11, Regulations, etc., under the Lands Act, 1898. 12, Regulations made under the Agricultural Lands Purchase Act, 1909. 13, Accounts and by-laws made under the Cemeteries Act, 1897. 14, Copies of Orders in Council under Section 35 of the Audit Act, 1904. 15, Regulations made under Education Act. 16, By-laws made under the Municipal Institutions Act by the Municipality of Busselton. 17, The Land Act, 1898. Timber Tramway Permits. 18, Public Service List. 1910.

ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT reported that he had presented the Address-in-Reply to the Governor's opening Speech, and that His Excellency had been pleased to receive the same and reply as follows:—

Mr. President and Honourable Gentlemen of the Legislative Council.—In the name and on behalf of His Majesty the King, I thank you for your Address-in-Reply to the Speech with which I opened Parliament, and for the expression of your continued loyalty and devotion to the person and throne of our most gracious Sovereign.

G. Strickland, Governor.

18th August, 1910.

OBITUARY—HON. G. THROSSELL.

The COLONIAL SECRETARY (Hon. J. D. Connolly): Since we last met death has removed from our number one of the oldest and most respected members of the House; I refer to the late Hon. George Throssell. As is pretty well known, the late hon. member, although not exactly born in Western Australia, lived here the greater portion of his life, having arrived in the State when quite a child, so that Western Australia might almost claim him for one of her own sons. I do not think any citizen deserves better remembrances by his country than the late hon. gentleman, who has occupied, in what I might call his native town, the highest position the citizens could offer him. Later on, at the time of Responsible Government, he became member for that town and district in the Legislative Assembly, a position he occupied for some 14 years. Through failing health he retired for two or three years, but when his health became in part restored he again entered Parliament as a member of this House for the East Province. Not only was he a member of the House, but he also occupied, first the position of Minister for Lands, with great credit to himself, accomplishing a vast amount of good for the country. Later on he was called upon to occupy a still higher position, namely, that of Premier and Treasurer. I am sure the House regrets very much the somewhat untimely death of the late respected member, for, although he had attained a rather

ripe age, still his death came about through an unfortunate accident. I beg to move—

That this House desires to place on record its appreciation of the public services rendered to the State by the late Hon. George Throssell and expresses its deepest sympathy with his family in the irreparable loss that they have sustained by his decease; that the President be requested to forward the foregoing resolution to the relatives of the deceased gentleman.

Hon. SIR EDWARD WITTENOOM (North): I rise with the deepest regret to second the motion brought before the House by the Colonial Secretary. The late Hon. George Throssell was associated with myself for many years in the government of Western Australia. I found him a loyal comrade and a most enthusiastic worker. He came into the Cabinet as Minister for Lands, and brought with him an enthusiasm and glow which has been an example to the whole country; indeed I think the enthusiasm he showed proved infectious throughout the State and caused the large rush for land followed by the steady development of the country generally. Everyone knows how keenly and closely he was associated with the development of Northam. Northam for a long time enjoyed the position of being the best agricultural community in the State, and it was the example set up there that has since been followed, making everything so prosperous. Mr. Throssell was a loyal comrade and a hard worker, and he was anxious to forward the State in every possible way. His energy and experience were of great value indeed, and they will prove an irreparable loss to this House. His was an example that might well be followed by numbers of others. He practically made the town of Northam, and it would be well if in other districts individuals would work with the same zeal and ability as was shown by Mr. Throssell. The nearest approach to him is, I think, the Hon. F. H. Piesse, who in the same way developed Katanning; but I believe the name of Mr. Throssell stands out preeminently as that of the man who has done the greatest amount of work for agriculture in Western Australia. Everyone has the deepest sympathy with his family in their great loss. I am pleased to support the motion submitted to the House.

Hon. J. W. HACKETT (South-West): I desire to add a word in support of the motion moved by the Colonial Secretary, which no doubt will be sadly but unanimously accepted by the House. I desire to express my esteem for the man, my admiration of his public qualities, and my sense of the great benefit he has been to the State of which he was almost a son, owing to his lengthy career in it. As a man he was one of the most generous, as a friend one of the kindest, as a citizen one of the most public-hearted. I made his acquaintance when I came to this State some 25 or 26 years ago, and I remember calling on him at Northam, a place I mention because not only was it identified with his career, but it shows what can be done by one determined man of enterprise and capacity when he is resolved to make a success of one portion of the country. I remember that at the time Northam had not half a dozen houses, and we may compare that with its present position, and on doing so will realise to some slight extent what thanks the country owes to the Hon. George Throssell. Unfortunately he was afflicted by an infirmity which would have barred most men's entrance into public life, but it is a signal proof of the worth of the man that, in spite of it, he succeeded in attaining the very highest honours possible for him to attain in the State. Even here we saw him fighting under difficulties, and yet I would ask the House to mention anyone who was listened to more readily, whose views were sought more anxiously, and whose putting of any question was more attended by new lights and fresh ideas, than the late Mr. Throssell. I always moved my place in the House to hear anything that dropped from his lips. I shall not detain the House any longer. In many respects I was on peculiarly intimate terms with him, terms which I need not refer to now, but every time I came

into association with him I left him with a higher admiration for the man, and a greater desire to see him honoured by his country in the future.

Hon. R. W. PENNEFATHER (North): I desire to say a few words on this melancholy occasion. I, like my friend Sir Edward Wittenoom, had the advantage of being the colleague of the late Hon. George Throssell for three or four years in the same Ministry, and during that time I had many opportunities of observing the character of the man, the wholeheartedness with which he devoted himself to his public duties, and the singleness of purpose with which he endeavoured to advance the industries of the State, and particularly those of the Avon district. There are many things that might be said of him. We all know the extremely optimistic temperament he possessed. That temperament was quite catching, as Dr. Hackett mentioned, for although he was suffering, as has been pointed out, he always made one feel as optimistic as he was himself. He always had a hearty handshake and a cheerful word for his friends. I do not know whether he should be remembered more by his public actions than by his private ones, but I know that there may be placed to his credit unostentatious and many unrecorded acts of kindness and love. The community as a body will miss him much, and when the history of the country comes to be written I hope, and feel sure, that the name of George Throssell will not be the least significant in the volume.

Hon. V. HAMERSLEY (East): I desire to add a few words in support of the motion. I was a colleague of the late Hon. George Throssell and, with all other members, deeply deplore his loss. He will be greatly missed, especially by the younger members of this Chamber, who could always look with confidence to receive the most kindly advice from him. All those who came into contact with the late Mr. Throssell could rely upon receiving from him the soundest of advice, and it is well known that he was a practical and generous guide to very many of his immediate neighbours; in fact, he was a counsellor to one and all living in the various districts in which his life was spent, and there his loss will be felt most keenly. All who went to him for advice benefited by adopting it, and no one ever went to him who did not feel pleased and satisfied with the reception accorded him and the kindness with which he was received.

Hon. E. M. CLARKE (South-West): I would like to add a few words in regard to our late friend, Mr. Throssell. I did not know him as intimately as many other members of this Chamber, but at the same time, from my first acquaintance with him, I could see he was a man on whom one could rely, a man of sterling qualities, a man who believed in his country, and believed particularly in the place he represented. He was a true friend, and this can be said of him, that he was always thorough and reliable, and I have never heard one word against him as a politician. I venture to say that the name of George Throssell will be remembered not only in Northam but all over Western Australia. He was one of those men whom many younger men, and, in fact, many older men as well, were only too glad to sit at the feet of and learn how to be a gentleman and a colonial.

Hon. J. W. LANGSFORD (Metropolitan-Suburban): The sadness of this occasion is more pronounced when we look at the Notice Paper for to-day and find that the only question to be asked, is in the name of the Hon. George Throssell, and that the only motion to be submitted was also to have been moved by him. We must all deeply regret his sudden passing. For some years I occupied a seat next to him in this Chamber, and found he was always very grateful for any little assistance given during our debates. His contributions towards the business, more particularly in regard to the agricultural industry, were marked by wide experience, sound judgment, and a glowing optimism. We shall miss his cheering smile and kindly countenance. I support the motion.

Question passed; members standing.

ASSENT TO BILL.

Message from the Governor received and read, notifying assent to Supply Bill, £1,053,875.

BILL—PARKS AND RESERVES ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This Bill is a very small but a very important one. Members who have had anything to do with public parks and reserves, and, in fact, all members, will realise the necessity to preserve them for the purposes for which they were intended, and not allow them to be destroyed by wanton persons. The various boards of management and trustees of parks meet with great difficulty in trying to protect the parks from damage, and this particularly applies to the King's Park, which is the largest reserve in the State, and the trouble there is that wanton persons destroy the flowers and generally damage the property of the board. It is quite impossible to have a policeman always on the spot, and the ranger, as the law now stands, has no authority to take any action, or action that would be of any use to debar people from unlawful acts. Clause 2 of this Bill sets out that the ranger, and any person whom he may call to his assistance, may take into custody without a warrant any offender who, in the park or reserve where such ranger has jurisdiction, and within the view of such ranger, acts in contravention of any by-law made under the principal Act, and if the name or residence of such offender is unknown to and cannot be ascertained by such ranger. It is with reference to the latter part of this clause that trouble has been experienced in the past. If a person refused to give his name and the ranger did not know that name the offender went unpunished; but this Bill provides that if a person will not give his name, and his name is not known to the ranger, then for the time being the latter is vested with the powers of a police constable. The measure is very necessary and one fully justified in the interests of the public parks and reserves. I beg to move—

That the Bill be now read a second time.

Hon. J. W. HACKETT (South-West): I would merely endorse what the Colonial Secretary has said. The Bill is absolutely necessary. One of the objects of the Parks and Reserves Act is that the flora of the State shall be preserved, and the amending measure is necessary if the flora is to be retained in the country. King's Park suffers worst of all, and unless we have some powers such as are contained in the Bill the time will come, when the population increases, that the depredations among the wild flowers will extend to such a degree that probably the whole place will be denuded. In order to have one place within easy reach of Perth where wild flora can be maintained in a beautiful state of health and preservation it is necessary to adopt some measure such as this, whereby the ranger is given the powers of a police constable within the boundaries of the park, otherwise I am afraid any of our efforts will not be of much use.

Hon. Sir E. H. WITTENOOM (North): I have very much pleasure in supporting the second reading of this Bill. It seems almost impossible to understand why it is necessary that a power like this should be asked for. When we remember that the Government of the country have provided the people with a magnificent park, like the King's Park, it seems marvellous that there should be found a number of persons who take pains to destroy the property. Anyone would think the persons using the park would assist in seeing that it is kept in good order, and that people should be prevented from spoiling the flora and fauna; but as the Bill is necessary it seems that some sort of force should be used. The people should recognise that the property is for their use and pleasure, and for the admiration of visitors, and everyone should contribute to see that it is kept in order and

should prevent any spoilation. I hope means will be taken to prevent this, but it seems to me that if people are intent on destruction we should either have some pugilist, or someone to defend the park, for if a person will not give his name there would be no means of getting it. An appeal should be made to everyone to try and help to protect the park, and rather than look upon the ranger as an enemy they should look upon him as a friend. I support the second reading.

Hon. J. W. KIRWAN (South): I think every member of the House will agree with the intention of this Bill. I think, however, that a superficial glance through the Bill will show members that there are one or two amendments that may be effected that will improve it considerably, and I have no doubt the Colonial Secretary will agree with some amendments that I would suggest, with a view to rendering the purposes of the Bill more likely to be carried out. This Bill gives very extensive powers to park rangers, and quite properly so, because it is necessary that they should have the full powers of a police constable, but I think that a safeguard ought to be included in the measure to require that park rangers, or men in charge of parks and reserves should in some way be distinguished. I do not know whether they usually wear uniforms, and I do not think we ought to require that they should wear uniforms, as in the case of some reserves it may entail additional expense, but I think we should put in some safeguard so that where rangers are exercising the powers under the Bill they should have a distinctive mark to show that they are park rangers, and authorised to carry out the intentions of the Bill, and thus receive the respect due to their position.

The Colonial Secretary: They might have a certificate from their board.

Hon. J. W. KIRWAN: There is nothing in the Bill even to require them to have a certificate from the board. Take the case of a park ranger who may require to call on the public for assistance in connection with some offence. A member of the public who may be so called on may hesitate and doubt whether the ranger has the necessary power. I think the case would be met by an amendment which I will suggest; I do not know exactly whether this would be the proper wording. After the interpretation of the word "ranger" in Clause 6 an addition might be made by the words, "and when exercising the powers conferred on him by this Act he should wear a distinctive badge or uniform indicating that he is a ranger." I think that would be rather an improvement, because a stranger passing through a park may see a struggle going on between two men; one man may call out asking for assistance and the stranger may not know who is the park ranger; both may say they are park rangers. The least we should require of men to whom we give such extensive powers is that they should wear a distinctive mark. They ought to have some distinction to indicate to the public who they are, and that they are authorised to act as rangers and carry out the powers conferred on them by the Bill. There is also another matter which has occurred to me. In connection with Clause 4 I think a slight improvement might be effected: it is this: the powers of the rangers are strictly confined within the limits of the parks or reserves of which they are rangers, and an offence might be committed in a park or reserve by boys, or a serious offence might be committed in a park or reserve, and I am not sure, perhaps some legal gentleman will explain if it is so, but I gather that in the event of the offender running away and leaving the park—it often happens in the case with boys—the ranger would not have the power to follow the individual outside the limits of the park, he would not be able to go one inch, his powers would cease the very moment he went outside the limits of the park.

Hon. D. G. Gawler: Under Clause 2 I think he would have power.

Hon. J. W. KIRWAN: Clause 2 says—

> (1.) Any ranger, and any person whom he may call to his assistance, may take into custody, without a war-

rant, any offender who in the park or reserve where such ranger has jurisdiction, and within the view of such ranger, acts in contravention of any by-law made under the principal Act, if the name or residence of such offender is unknown to and cannot be ascertained by such ranger.

(2.) If any such offender, when required by any ranger or by any police officer to give his name and address, gives a false name or false address, he shall be liable on conviction to a penalty not exceeding five pounds.

I take it that the words "within the view of such ranger" would be interpreted to mean that the offence must be committed within the view of such ranger. However, if Mr. Gawler, or any other legal gentleman, expresses an opinion to the contrary, I am sure the House would more readily take the view of a legal member than of a lay member. That is a point that struck me on reading the Bill. If a ranger has not the power to pursue offenders it might be made plain by a slight addition to Clause 4. The matter would be moved quite outside the limits of controversy if after "rangers" we added the words, " and while the offender in such park or reserve remains in view of such ranger." That would allow a ranger to pursue an offender, and capture him if possible, so long as that offender did not cease to remain within sight of the ranger. I think these suggestions would render the Bill somewhat more effective.

Hon. R. W. PENNEFATHER (North): The clause I wish to direct attention to is Clause 2 that the Colonial Secretary emphasised. It is a very debatable one, too. According to that clause a ranger may take into custody a man who is not known to him, and who may yet have given his proper name and address, but he may not take into custody a man who is known to him. That is very hard. The Bill says—

Any ranger, and any person whom he may call to his assistance, may take into custody, without a warrant, any offender who in the park or reserve where such ranger has jurisdiction, and within the view of such ranger, acts in contravention of any by-law made under the principal Act, if the name or residence of such offender is unknown to and cannot be ascertained by such ranger.

If so, a perfect stranger would have to be taken into custody, if the name or residence of such offender is unknown to the ranger. There is evidently a difficulty there. In order to ascertain whether the correct address has been given it would take time; in the meantime the ranger would have the person in custody.

Hon. Sir E. H. Wittenoom: It means if he knows the man he can summons him; if he does not he arrests him.

Hon. R. W. PENNEFATHER: That is very hard, it is making fish of one and flesh of the other. As regards the point raised by Mr. Kirwan it seems to me that his contention is sound. I do not think the park ranger has authority to arrest anyone outside the park, and if there is any doubt, that doubt is dispelled by the last part of Clause 4 which says—

And be liable to all such duties and responsibilities as any police constable has within the police district in which the park or reserve is situated.

Hon. W. KINGSMILL (Metropolitan): I have much pleasure in supporting the Bill. In the opinion of the Colonial Secretary will this measure apply to the Zoological Gardens?

Hon. J. W. Kirwan: It is a reserve.

Hon. W. KINGSMILL: The wording of the Zoological Gardens Act is somewhat ambiguous. I think the Act intended to make the Zoological Gardens a park or reserve, but I do not think the Act has done so; all it has done is to confer on the Acclimatisation Committee the powers and privileges conferred by the Parks and Reserves Act of 1895, and unless the Zoological Gardens are declared to be a park or reserve under the Parks and Reserves Act, then the Zoological Gardens would not come under this Bill.

The Colonial Secretary: Is it not a park under the 1895 Act?

Hon. W. KINGSMILL: It was not created in 1895. The wording of the Act

by which the Zoological Gardens have their existence is as follows:—

> The committee shall have all the powers and authorities conferred by the Parks and Reserves Act, 1895, upon a board of parks and reserves to make, repeal, and alter by-laws for the management, conservation, and use of the said gardens, and to impose and enforce penalties for the breach or non-observance of any such by-laws in manner prescribed by the said Act.

Speaking as a member of that committee, I think it is essentially desirable that the Zoological Gardens should be brought under the operations of the Bill for the reason that if the park rangers have cause for arresting offenders against their by-laws, even more so must it apply to the Zoological Gardens. The keepers, who would be rangers under this Bill, have occasion to remonstrate with people who tease and ill-use the animals, and it would be well that they should be endowed with the powers, at least one or two of them, that it is proposed to endow under this Bill. I do hope the Colonial Secretary will keep this point in view, and will ask the advice of the Crown Law authorities in order to put the Zoological Gardens on the same footing as the parks and reserves it is proposed to include in this little Bill. I have much pleasure in supporting the second reading.

The COLONIAL SECRETARY (in reply): The points raised by the different hon. members are certainly of great importance, so I do not propose to take the Committee stage of the Bill until a future sitting, and in the meantime I will note the points and ask the Parliamentary Draftsman to draft the necessary amendments. I quite recognise the importance of the point Mr. Kingsmill has raised, and if the Bill does not cover the Zoological Gardens it was certainly intended that it should do so. It was intended to afford to the Zoological Gardens the same protection as to other parks, for the reason mentioned by the hon. member that there is great necessity for it. With regard to arrests outside parks, it should be made clear that if an offence takes place within a park and it is seen by a ranger, he should have the same power to make the arrest outside the park as he would have within the park. I do not see any difficulty about the point mentioned by Mr. Kirwan, I do not know that it is even necessary to provide for it in the Bill, but if it is necessary it can be expressed so as to make it certain. But the factory inspectors have great powers invested in them, and all they carry with them are certificates signed by the head of their department, and that is their warrant.

Hon. J. W. Hackett: Orchard inspectors also carry certificates.

The COLONIAL SECRETARY: Yes; and the protectors of aborigines have certificates signed by the Minister that give them all the powers they need. The same will be done in this case.

Hon. J. W. Kirwan: Would it not be better to have something that could be seen?

The COLONIAL SECRETARY: The same objection applies to wearing uniforms. The rangers would probably never catch persons. However, I will have the different points noted, and if they are not already expressed in the Bill I will see that they are fully expressed in amendments which I shall bring down later on.

Question put and passed.

Bill read a second time.

BILL—HOSPITALS.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly), in moving the second reading said: The measure which I have now to present to this House is, as the title indicates, a Bill for an Act to provide for the management and endowment of public hospitals. We have in this State, in proportion to the population, a greater number of hospitals than is found in other States. We have 52 public hospitals. These are classified as 23 Government hospitals and 29 assisted hospitals. They are all public hospitals, but the Government hospitals are maintained entirely by the Government department,

whilst the assisted hospitals are managed by committees or boards on subsidies given by the Government, all the internal management being carried out by the boards or committees. During the financial year 1908-9 the total cost of the 52 hospitals in this State was £81,700 and the amount of Government subsidy was £73,800. During the financial year just closed there has been a reduction, and the total cost of the hospitals has been reduced from £81,700 to £76,000, whilst the cost to the Government, including the Government and assisted hospitals, has been reduced from £73,800 to £60,900. As I have said, we have a greater number of hospitals in this State in proportion to the population than is found in other States. For instance in Queensland, with a population of 550,000 there are 75 public hospitals; in New South Wales with a million and a-half people there are 129 public hospitals; in Victoria with one and a-quarter millions there are 42 public hospitals, less than we have in this State; in South Australia, with a population of 400,000 there are some 13 public hospitals. The cost of hospitals in Queensland is £139,000 for 75 hospitals, and for a population of 550,000, and the Government subsidy amounts to £77,000. So we see the Government subsidy here is almost as great as that paid in Queensland where the population is about double ours. In New South Wales the total cost of the hospitals is £287,000, and the amount of the Government subsidy is £135,000. In Victoria the total cost of the hospitals is £158.000 whilst the Government subsidy is only £53,000. In South Australia the total cost of hospitals is £46.000, and the Government subsidy is £36,000. So when we compare what the Government or the State pays for hospitals in this State with what is paid in the other States we see that this State is much more liberal in its expenditure on hospitals than is the case with any other State. In addition to the £60,900 I have mentioned as the Government subsidy for the last financial year, we pay £10,000 a year in subsidising district medical officers. These district medical officers attend the hospitals, so that the hospitals receive the benefit of their services at a cost of £10,000 to the Government in addition to the amount of the subsidy I have mentioned. In New South Wales and Victoria there are no Government medical officers employed. Medical practitioners perform the work and receive fees if they do any Government work. In South Australia and in Queensland the system of Government medical officers prevails to a very limited extent, and in most cases the salaries are only nominal, the medical men being satisfied to do the work, I presume, at nominal salaries on account of the standing they get through being Government medical officers for their districts. This Bill is almost entirely an administrative measure. It provides for the government of the assited hospitals practically on the lines on which these hospitals, numbering 29, are now managed. But they are not now working under any recognised Act, and it is certainly very much better that they should have, as this Bill provides, land properly vested in trustees, and altogether they should work under a Statute. It has been the aim of the present Government to get the people to take over the management of the hospitals as far as possible. It is thought to be very much better that the people should manage and control their own hospitals than that the hospitals should be run entirely as Government institutions. As I have already stated, the system of Government hospitals prevails to a very much greater extent in this State than in any other State. Indeed in the other States, with the exception of South Australia, the hospitals are managed by boards or committees. In South Australia I think the Adelaide general hospital is managed by the Government. It is not with a view to reducing the hospitals in any way that the Government are desirous of getting the people to take them over. It is only because experience makes the Government believe that it is in the best interests of the country and of the institutions that they should be managed by the people. I do not say that the Government are not as well able to manage them—probably they could manage them better because they have had the experience—but

it is better and nicer for the people to control their own institutions than that they should be run purely as Government institutions. For instance if there are any persons so disposed, there would be much more likelihood of their endowing or assisting hospitals managed by boards or committees than those which are entirely Government institutions. I certainly think that in the past the hospitals of the State have lost very considerably through being Government institutions. I venture to say that had a number of the goldfields hospitals been under boards, such for instance as those at Kalgoorlie, a rich locality, where people have made a great deal of money, many of those men who have made so much out of the place, and who I regret to say have not done as much as they might have done for our institutions, would have been more likely to have endowed them. We have an instance that I shall touch upon later. A large sum of money was left by the late Mr. Padbury, and according to a decision of the High Court it could only be left to those hospitals managed by boards or committees, so that the institutions not managed by committees or boards did not participate in the Padbury bequest. During the last year a great number of hospitals, I am pleased to say, have been taken over by the people. Amongst others were those at Beverley, Greenbushes, Katanning, Bridgetown, Wagin, Kookynie, and Newcastle. There are several others in the course of being taken over.

Hon. J. W. Kirwan: In how many cases did the local bodies refuse to take over the hospitals?

The COLONIAL SECRETARY: The local bodies do not enter into the question. They have no power to take over the hospitals, nor would it be usual to do so. The hon. member may be misled in this way: any notification sent by the department in connection with this matter of taking over the hospitals would naturally be addressed in the first instance to the local body as representing the local people so as to get in touch with the local people. Negotiations have been entered into with several localities who have not yet decided to take over the hospitals. In the case of Kalgoorlie, Albany, York, Northam, and Bunbury, they thought it would cast too great a burden on them. I may mention that under the system of assisted hospitals a subsidy of 15s. and 10s. in the pound was paid on all moneys collected, but after a good deal of experience, as Mr. Kingsmill knows, it was not proved to be satisfactory. After all, it is not the duty of the State to pay 15s. in the pound for the treatment of every person in the State; that is to say, if people contribute to a hospital and receive certain privileges in return—people who are well able to pay for hospital treatment—it is not the duty of the State to contribute 15s. in the pound towards their treatment. That is the main reason why it was decided that the system of subsidising in this way was not satisfactory. After a good deal of consideration it was decided to classify each hospital according to population and to allot to each a certain sum. For instance, in the case of Kalgoorlie they were given £5,000 in the first year, and in the second year the amount was £4,500. In the case of the Bunbury hospital it was £700. In these two instances the amounts were considered sufficient to maintain the hospitals and to provide for all cases. It would be an easy matter then for these institutions, having adequate staffs, to provide for a great number of paying patients at a moderate cost. The hospitals which I have mentioned were not satisfied with the amounts, and the department showed that in the case of Kalgoorlie and Bunbury the sums which were given were adequate. Kalgoorlie at the present time is maintaining its institution for a few pounds over, or, I think, it is a few pounds less than the amount which they are receiving, and the same thing is the case at Northam and York.

Hon. J. W. Kirwan: What about the third, fourth, and fifth years?

The COLONIAL SECRETARY: This Government cannot pledge any future Government. The amounts will largely depend upon Parliament. If Parliament votes the money it will be an easy matter

to pay it to the hospitals; then it will depend upon the growth and requirements of the place, and due regard must also be had to the finances of the State. No Government can pledge themselves beyond a year or two at the outside. The other hospitals which I have mentioned are satisfied now, and the probability is that they will all fall into line. With regard to the Perth hospital, the expenditure there was going up by leaps and bounds, and was altogether out of proportion to the population. Speaking from memory, the first year that I was in office the cost was something like £12,000, and then it was necessary for them to have an excess sum, which brought the figures up to £14,000. The year before last the total had run up to £18,500, an amount altogether out of proportion to the growth of the population.

Hon. W. Kingsmill: Population has very little to do with the Perth hospital.

The COLONIAL SECRETARY: I mean the population of the State. The cost, too, was altogether out of proportion to the hospitals in the cities in the Eastern States. In Adelaide where they have only a casualty ward in Port Adelaide, the annual cost of the hospital is £10,500. The Government were not satisfied and I pointed out to the board that the amount was excessive, and after having given the matter careful consideration I told them that the Government contribution would not exceed £13,000. Since then the vote has been reduced to that sum, a sum which I feel certain will provide for all who have to seek the aid of the institution. After all, it is only a matter of management. These hospital expenses can be reduced, and at the same time provision can be made for every person who seeks treatment at them. The Bill before the House is not a contentious measure, and I have simply mentioned these few facts to give members an idea of the cost of the administration of the hospitals. The Bill will provide for the management of these hospitals by boards. It provides in the first place for the appointment of trustees; there are to be five trustees, including the Colonial Secretary for the time being. The four who are to be appointed by the Governor will hold office for five years. The Bill provides that these trustees shall hold all land and buildings and endowments for the public hospitals of the State. They will have certain powers vested in them which are set forth in Clause 7. The land will not be vested in the particular hospital board but it will be vested in the trustees. The trustees will be able to dispose of land under certain conditions, or if it is land or money given by the State or bequeathed to any particular hospital, it will be held in accordance with the trust. Clause 7 provides that there shall be vested in the trustees—

> All real property which was vested in any old board at the time when the hospital for the purposes whereof such old Board existed was proclaimed; all real property hereafter desired, given, devolving on, purchased or otherwise acquired by any proclaimed hospital; all real and personal property acquired by the trustees by purchase, gift, devise, bequest, or otherwise.

I forgot to mention that the Bill repeals the only Hospital Act in existence, an Act passed in 1894.

Hon. W. Kingsmill: That Act applies to two hospitals.

The COLONIAL SECRETARY: As the hon. member points out, the Act applies to two hospitals—Perth and Fremantle; but it is not at all workable, and it was thought much better to bring in a new Bill altogether and do away with the existing Act. The Bill provides in Clause 16 powers of leasing, mortgaging, sale, and exchange. There is another very important clause of the Bill referring to the Padbury bequest. I refer to Clause 12. The late Mr. Padbury willed that the residue of his estate should be divided into three parts, one part to the Diocesan Trustees of the Church of England, another part to the hospitals and asylums, and the third part to the poor houses. The will, however, was not very clearly worded and considerable litigation has followed in the courts. The trustees have had to go to the court during the last 12 or 18 months to get a definition of "poorhouses and

hospitals." The High Court held that the hospitals which should receive one-third of the total were 17 hospitals, which have been set forth in the schedule of the Bill, together with the Salvation Army Home, the Convalescent Home at Cottesloe, the Home of Peace, the House of Mercy Association, the Lady Lawley Cottage-by-the-Sea, and the two hospitals for the insane at Claremont and Whitby Falls. These 24 hospitals are to share and share alike in a third of the residue of the estate of the late Walter Padbury, and this is estimated to be worth about £30,000. The will was so peculiarly worded that it had to be referred to the High Court, and I will read the judgment of the Chief Justice, Sir Samuel Griffith, who said—

> The appellants contend further that the testator did not intend to give one-third of his residuary estate in relief of the Consolidated Revenue, as, they say, would result from accepting the respondent's contention; and they point out that it was a condition of the establishment of a poorhouse under the Statute of 1882 that it should be an institution maintained wholly at the public expense. On the other hand it was pointed out that a charitable gift for the benefit of the inmates of poorhouses, as well as of lunatic asylums, might be applied in many ways for the amelioration of their condition and the increase of their comfort and pleasures of life, altogether apart from the mere maintenance of the institution, and that a gift for such a purpose would be a good charitable gift. Upon the whole I think that the arguments for the respondent preponderate in weight, and that the testator must be taken, when he used the word "poorhouses" to have intended to designate the Government institutions of that name. I think, therefore, that in this case also there should be direction for the appointment of trustees of the fund and for the settlement of a scheme for its management.

Later on the judgment of the High Court defined clearly that this money could only be spent in luxuries for the patients of these hospitals. It is quite an impossible proposition, however, and by the way it is only the income from this bequest that can be spent, and this will amount to £1,100 or £1,200. You cannot however give a patient in a hospital any luxury; he must receive the treatment which his case demands.

Hon. R. W. Pennefather: Surely if a man wishes to give luxuries he has a right to do so.

The COLONIAL SECRETARY: Yes, I am not disputing that. If it be quite impossible to give a patient a luxury in the ordinary way, the question arises "In what way can you give that patient a luxury"? This was referred to the Supreme Court of Western Australia, and the Court will be satisfied if a convalescent home be built with this money, and the patients sent there in equal proportions from the hospitals named in the Bill. That will be something the Supreme Court has expressed itself as favourable to, and it will hold that this is the intention of the judgment of the High Court.

Hon. W. Kingsmill: What about Bulong?

The COLONIAL SECRETARY: Take the case of Bulong—I have this from the court—before they would grant money to Bulong a scheme would have to be put in, and approved by the court, showing exactly how it is intended to spend that money. The question is, how are they going to give the patients something over and above the ordinary treatment? Clearly the only way will be to build a convalescent home and send them there. The individual amounts are small for that, but collectively it will be, say, £20,000, of which £5,000 could be spent on a building and the remainder invested for the upkeep of the convalescent home. Therefore every hospital will benefit by the plan in the way, the courts holds, Mr. Padbury intended. This Clause 12 only deals with the portions that the hospitals mentioned in the schedule are entitled to; there are 17 portions.

Hon. J. W. Kirwan: Why have these been singled out?

The COLONIAL SECRETARY: Because they were public hospitals managed by boards. If you take the others—take the Home of Peace for the dying and incurable; you can give to those patients something extra, which you could not give in the public hospital in Perth. And it will apply also to the Lady Lawley's Cottage-by-the-Sea, and the hospitals for the insane. You could provide amusements for the patients in these institutions, and the amount could be furnished out of the income derivable from these sources; but the trustees of these places have to put in a statement, to be approved by the court, showing how they intend the income shall be expended.

Hon. J. W. Kirwan: Then the whole of the money will not be distributed among these hospitals?

The COLONIAL SECRETARY: Yes, in equal proportions.

Hon. W. Kingsmill: Does Bulong get it?

The COLONIAL SECRETARY: It seems rather ridiculous, but the High Court does not distinguish between the public hospital in Perth and the hospital at Mulwarrie, which is almost extinct today; they are to share and share alike. Take the case of Bulong; it is almost impossible for them to spend the money in the way intended. That brings me to the benefit likely to arise by having the hospitals managed by boards. In his will Mr. Padbury stated that these sums should be granted to the trustees of hospitals. Because of this no Government hospitals can participate, seeing that they have no trustees to receive the money. A hospital like that of Perth, which is kept up almost entirely at the State expense, has a board, and therefore will participate; the hospital at Kalgoorlie cannot, nor can that at Menzies, notwithstanding that the institutions at Bulong, Mt. Morgans, Laverton, and Leonora can participate, because they have boards. Up to the present time most of the assisted hospitals have been on the goldfields.

Hon. J. Langsford: They are to build the home here.

The COLONIAL SECRETARY: The trustees will decide upon the best place for a convalescent home and it will have to be approved by the court. The reason for putting this provision in the Bill is in order that one set of trustees can manage the whole amount, the ordinary hospital endowment and this particular endowment. The Minister for the time being, with four others shall hold office for four years. When the trustees have decided to build the home they must get the approval of the Court as to what they will spend upon it.

Hon. J. W. Hackett: Why not put it in a separate Bill dealing with the Padbury bequest? This is a most lawless proceeding.

The COLONIAL SECRETARY: This clause appears as a suggestion from the Court and the Court thought that was the best way to deal with it: that instead of appointing separate trustees to the seventeen hospitals, and each of them trying to build a convalescent home, it would be better to make it one common convalescent home and provide that all the hospitals shall share and share alike.

Hon. J. W. Langsford: Only patients from these particular hospitals can go to the convalescent home?

The COLONIAL SECRETARY: Yes, and in equal proportions. Members must recognise that the will is a most difficult one to interpret, and that after being interpreted it is a most difficult one to carry out. The Court, after a lot of consideration extending over about two years—

Hon. W. Kingsmill: Is the £30,000 still left?

The COLONIAL SECRETARY: There was probably £60,000. There was no question about the one-third which went to the diocesan trustees of the Church of England, but the other two-thirds are still unpaid.

Hon. J. W. Hackett: The estate has not yielded as much as had been expected.

The COLONIAL SECRETARY: However, I repeat it may appear at first sight a rather unusual clause to appear in a Bill, but it has been put in the Bill for the reason I have stated, namely, at the suggestion of the Court. The Bill consists really of two parts, namely, the appointment of trustees, with which I

have already dealt, and boards of management for any particular hospital. It is provided that there shall be a board of management for each hospital, and I will explain what provisions are necessary so that they may be managed by a board. The board of management shall consist of six or nine members. The Governor appoints the board of management, but it is provided that if the voluntary subscriptions amount to one-fourth of the expenditure the subscribers shall nominate at least one-third of the board. If the voluntary subscriptions amount to one-half the expenditure then the subscribers shall nominate two-thirds of the board, and the other third will always be appointed by the Governor-in-Council. But in order to give the Minister further powers it is provided in that clause that if the voluntary subscriptions should not be up to the amount I have stated, notwithstanding this the Governor-in-Council may allow the subscribers to nominate one-third or two-thirds of the board. And, speaking for myself, even if the subscriptions be small, in order to encourage the people to take an interest in the institution. I am always anxious to allow subscribers to nominate their own committee to the extent shown in the Bill. Take a hospital costing £6,000; subscribers may contribute £1,000, and it might mean a great hardship for them to contribute £2,000. In order to encourage a hospital of that kind provision is made for the exercise of discretion in respect to allowing the subscribers to nominate a proportion of the board. The remaining clauses in that part of the Bill clearly define the duties and obligations of the board. Briefly, the board will manage the institution practically as the Perth, Fremantle, and other hospitals I have mentioned are managed to-day; they will have full control of the management, and will be given such sums each year as Parliament may provide. The boards will not hold the lands. These will be held by the trustees for all hospitals, and can only be dealt with by the trustees in the way set forth in the clause. Any bequest which does not exceed £100 will be given to the board, but any bequest over that amount will be granted to the trustees to manage on behalf of the hospitals. If the bequest sets forth any particular hospital it will have to be held on behalf of that particular hospital.

Hon. W. Kingsmill: But the trustees may alter the destination of any money.

The COLONIAL SECRETARY: Under certain conditions. The Bill gives the board power to make all necessary by-laws in connection with the management of the hospital. It is further provided that the several boards shall keep uniform by-laws and uniform books of account. This is very essential in order that they may all keep their accounts in the same way, and it will ensure better management in the different institutions. The administration of the measure will be in the hands of the Principal Medical Officer, and he is given power to visit and inspect the hospitals just as the Auditor General is given power to inspect and audit the accounts. Briefly those are the provisions of the Bill. It is purely an administrative Bill designed for the administration of assisted hospitals practically in the way they are carried out to-day; and also it is to encourage the people in taking an interest in these institutions, and to further encourage the taking over by the people of the hospitals now entirely under the direction of the Government. I move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill, debate adjourned.

ADJOURNMENT—STATE OF BUSINESS.

The COLONIAL SECRETARY (Hon. J. D. Connolly): As the work has not arrived from another place with the rapidity I expected, and as I understand it is the desire of the majority of members, most of whom live in the country, that we should adjourn for a sufficient time to ensure that we shall be kept

constantly at work after we resume, I move—

That the House at its rising adjourn to Tuesday, the 27th September.

Question passed.

House adjourned at 6.2 p.m.

Legislative Assembly,

Tuesday, 6th September, 1910.

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

PAPERS PRESENTED.

By the Premier: Grading and pay of Police Force (return ordered on motion by Mr. Collier).

By the Attorney General: Report of the Department of Land Titles for the year ended 30th June, 1910.

QUESTION—RAILWAY PASSENGER INCREASE.

Mr. BATH asked the Minister for Railways: What was the amount of increase in passenger receipts on the metropolitan-suburban railway service for the months of July and August?

The MINISTER FOR RAILWAYS replied: The amount of increase for the months of July and August, 1910, in comparison with similar period last year, was £6,089 12s. 1d.

QUESTIONS (2)—RAILWAY LOCOMOTIVES.

Disablements and Repairs.

Mr. BOLTON asked the Minister for Railways: 1, Is the Minister aware that several locomotive disablements or breakdowns have taken place during the past few months owing to the breakage of crank pins? 2, Is he aware of the dangerous nature of such accidents? 3, To what cause does he attribute the accidents? 4, In view of the increasing traffic, the heavy loading of engines, and their consequent state of disrepair, will he take immediate steps to provide further locomotives to enable thorough repairs to be effected to those in use, and in the meantime see that the loading of engines is not as excessive?

The MINISTER FOR RAILWAYS replied: 1, Yes. Two locomotives have been disabled within the last six months through breakage of crank pins. 2, Although undesirable, such occurrences are not considered dangerous. 3, Fatigue. 4, The locomotives in use at present are in an efficient state of repair, and the loading is not excessive. Drawings for additional engines are now in hand.

Patent Ash-pan.

Mr. BOLTON asked the Minister for Railways: 1, Did the Railway Department recently try the "Hill's patent" locomotive ash-pan? 2, If so, what was the nature of the test and the result of same? 3, Does the department intend making use of this patent? 4, If so, when? 5, If not, for what reason?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, Ordinary service in goldfields district. Falling into disuse. 3, No. 4, Answered by No. 3. 5, On account of its initial cost being £54, against present standard £23. Not suitable for agricultural area.