

more. I wish to congratulate hon. members on their appreciation of education. That is the chief thing, and I am glad hon. members have shown a spirit of willingness that the utmost should be done for the maintenance of education and for its spread in our midst.

This concluded the general debate on the Estimates of the Minister for Education; votes and items discussed as follow:—

Vote—Salaries, £278,571:

Item—Chief Inspector of Schools, £552.

Mr. HEITMANN: In view of the concluding remarks of the Minister for Education, I almost hesitate to ask what is the feeling at the present time between the gentleman to whom this item refers and the gentleman who is in charge of the Training College at Claremont? I am told that not so very long ago these two responsible officers were fighting in public like a couple of schoolboys on a question of salary.

The Premier: No; a question of status.

The Minister for Education: That is years ago.

Mr. HEITMANN: Are they brothers now? If so, I am quite satisfied. It is stated, however, that these two officers, though holding positions which bring them continually into close contact, are not on speaking terms.

Item—Extra clerical assistance, £154.

Mr. MITCHELL: Will the Minister explain why this item has been inserted?

The MINISTER FOR EDUCATION: There was no expenditure on this vote last year. We now propose to pay the cadets from this item.

Vote put and passed.

This completed the Estimates of the Education department.

[The Speaker resumed the Chair.]

Progress reported.

#### ADJOURNMENT—SPECIAL.

Hon. J. SCADDAN (Premier—Brown Hill-Ivanhoe): I move—

*That the House at its rising adjourn until 3 o'clock to-morrow.*

Question passed.

*House adjourned at 11.23.*

## Legislative Council,

*Thursday, 14th October, 1915.*

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

#### PAPER PRESENTED.

By the Colonial Secretary: Public Service List, 1915.

#### JOINT SELECT COMMITTEE, HORSE-RACING CONTROL.

##### *Report presented.*

Hon. F. CONNOR (North) brought up the report of the select committee appointed to inquire into the question of horse-racing.

Report received, read, and ordered to be printed.

#### BILL—MINES REGULATION ACT AMENDMENT.

Read a third time and returned to the Assembly with amendments.

# **BILL—LICENSING ACT AMENDMENT CONTINUANCE.**

*Report Stage, etcetera.*

Report of Committee adopted.

The Standing Orders having been suspended, Bill read a third time and returned to the Assembly with amendments.

# **BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT.**

*In Committee.*

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

Clause 11—Interest on arrears of rent when assistance not sought:

The CHAIRMAN: I do not think Mr. Cullen has yet moved his proposed amendment on Clause 11.

Hon. J. F. CULLEN: If not, I wish to raise a question in regard to the whole clause, and if that fails I will submit the amendment. The clause is entirely foreign to the Bill and is an attempt to amend the Land Act. It would require an amendment of the Title. I would like your ruling as to whether the clause is not beyond the order of leave.

The CHAIRMAN: There is no order of leave here; it is given in another place, and that being so, it is not competent for me to rule upon the point. My attention has been called to the clause, and if the hon. member specifies in what way it offends against the Title it would be the duty of the House, if I rule that it is outside the Title, to amend the Title.

Hon. J. F. CULLEN: Is not this the proper time to raise the point?

The CHAIRMAN: If it is beyond the order of leave, I cannot rule upon the point. The hon. member may ask my ruling as to whether the clause is outside the Title.

Hon. J. F. CULLEN: I ask your ruling as to whether this clause is not outside the Title of the Bill, which of course sets forth the order of leave. I can only assume that from some spirit of benefaction the Government want all the lessees

under the Land Act, if they are in arrears, to borrow from the Government. What reason is there for attempting, under the assistance to industries, to raise the interest payable by Crown lessees?

The CHAIRMAN: In my opinion the clause is an amendment of the Land Act and outside the Title of the Bill.

The COLONIAL SECRETARY: I submitted this point to the Solicitor General, who says that the clause is perfectly in order. He states that he sees no reason to object to the clause in question being in the Bill, that the full title of the Act is in respect to advances to be made, for purposes incidental thereto, and consequent thereon. One of its provisions is to enable advances to be made to pay rent in arrears on conditional purchase leases.

The CHAIRMAN: As a matter of fact I allowed the hon. member to comment on my ruling. I should not have done so. If he wishes to object to the ruling he must do so at once in writing. I rule that this Clause 11 is outside the Title of the Bill, which is an Act to amend the Industries Assistance Act, 1915. I rule that this clause is an amendment to the Land Act.

Hon. J. F. CULLEN: I ask the Committee to throw this clause out. There is no need to amend the Land Act under the Industries Assistance Act. What need is there to drag an amendment of the Land Act into the Bill before the House? It can only be from some beneficent desire on the part of the Government to inform Crown lessees who have not yet gone to the Industries Assistance Board that if they will go to the Government they will, unless they are hopelessly beyond help, place loan money at their disposal. This clause professes to override the Land Act, and notwithstanding that the Land Act commands lessees to pay five per cent. interest on arrears, and holds them liable for it, we are asked to override that and declare the money free from interest. It would be bad law and would be leading these unfortunate people into a false refuge. Even the amendment of the Title would

not be sufficient. It would have to be expressly declared that certain sections of the Land Act had been amended. It is not enough to say, "This change will be authorised under this Bill," and then put into the Title that it is an amendment of the Land Act. When the Government come to amend the Land Act, if they want to raise the interest from five to six per cent., that will be a clear issue for the Legislature to decide upon. I move an amendment—

*That the clause be struck out.*

Hon. A. SANDERSON: How does Mr. Cullen reconcile his attitude on this clause with what he told us on the second reading, namely, that he wished to bring this under the Agricultural Bank? I think the Bill is wrong from start to finish, and I approve of the hon. member's suggestion. I suppose the hon. member wishes to put the Agricultural Bank in the position of an ordinary bank to the ordinary farmer. Suppose a farmer goes into an ordinary bank and asks for a sum of from £10 to £100 to pay his land rents. What will that man be charged? He will be charged 6 or 6½ per cent. by the bank. Surely it is reasonable, if the Government are trying not only to amend the Land Act, but the Agricultural Bank, and if they have to support their clients and protect them against the Lands Department, that they should be allowed to charge 6 per cent. If we are going to allow the Agricultural Bank to advance these moneys surely we should allow them to advance money on their own terms at 6 per cent. instead of 5 per cent. We passed a clause giving dental assistance, veterinary assistance, and insurance premium assistance. This Agricultural Bank has become an ordinary bank to the farmer. In these circumstances it seems to me only reasonable that the Agricultural Bank making these advances should be entitled to charge the usual bank rate of 6 or 6½ per cent.

The COLONIAL SECRETARY: This point was fully considered when the original Act was under consideration and the principle was endorsed by Parliament that any settler requiring relief

should secure that relief through the Industries Assistance Board. If he fell into arrears with his rent to the Lands Department, he could apply to the Industries Assistance Board for sufficient money to enable him to discharge the amount due to the Lands Department. Acting in conformity with that principle many farmers have had recourse to the board and have paid their rents. Some, however, have not done so and this clause is intended to make those people pay 6 per cent. interest just as those who have obtained loans from the board are forced to do. If Mr. Cullen's amendment is carried, the persons he desires to assist will be in a far worse position, and the outcome will be that they will have to pay the fines and penalties imposed by the Land Act which are very drastic, and which are very much in excess of 6 per cent. Then ultimately if they refuse to pay the rent, the land will be liable to forfeiture.

Hon. J. F. CULLEN: I would have thought that the object of the Government would be as far as possible to minimise the demands on this Board. They want to make it fashionable to get loans from the Board. Is that their object? At any rate, that is the tenor of the Minister's remarks. There are four-fifths of the Crown lessees who have never gone to the Board. Some of them are in arrears. Surely they must know what is best for them. Why should the Government try to force those people to go to the Board and get loans unless they want to do so?

The COLONIAL SECRETARY: The fines imposed under the Land Act are very drastic. For many months past, the Government have not been inflicting these fines, but if the clause is struck out as the hon. member desires to do, they must have recourse to the provisions of that Act, which enables the imposition of severe penalties. I cannot see a shadow of justification for the attitude adopted by the hon. member in trying to relieve of the payment of interest men who will not take advantage of an Act which has been placed on the statute-book specially to assist them. The rate of interest is

very low indeed and if the war continues much longer the State will have to pay at least 6 per cent.

Hon. A. G. Jenkins: The English Government pay 6 per cent.

The CHAIRMAN: The question is that the clause stand as printed.

Hon. J. F. CULLEN: But I have moved an amendment that the clause be struck out.

The CHAIRMAN: The hon. member can vote against the clause.

Hon. J. F. CULLEN: Well, I will alter my amendment. I shall move instead—

*That in line 3 the word 'six' be struck out and 'five' inserted in lieu.*

The COLONIAL SECRETARY: The word "six" appears right through the principal Act and when that was under consideration the hon. member moved in a similar direction and failed.

Hon. J. F. Cullen: Under the Land Act, 5 per cent. is the rate, and that is the ground I am going on.

The COLONIAL SECRETARY: Under the Land Act 1898, if a man fails to pay rent due on the 1st March or the 1st September, he must pay it 30 days from the due date together with a fine of 2d. in the pound, and if he fails to pay it then he shall pay the same within 60 days together with a fine of 6d. in the pound. That is equivalent to 10 per cent. per annum. If he fails to pay 90 days after the due date his lease of the land and all improvements shall be forfeited.

Amendment put and negatived.

Clause put and passed.

Clauses 12, 13—agreed to.

New clause:

Hon. A. G. JENKINS: I move—

*That the following be added as a new clause:—No commodity shall be supplied or money advanced under the principal Act or this Act after 31st March, 1917.*

This is consequential on the amendment made in Committee at the last sitting, when the proviso was struck out of the principal Act.

New clause put and passed.

New clause:

Hon. J. F. CULLEN: I move—

*That the following be added as a new clause:—"Any settler or other person who has given to the board a mortgage or bill of sale under this Act, shall at any time on tendering to the board the full amount of balance due with interest and costs receive from the department a full discharge of such mortgage or bill of sale."*

Hon. members would naturally assume that the Board would be glad to have the amount tendered as early as the borrower likes to pay it, but the Board has said that that cannot be. There is actually no provision for the discharge of mortgages and bills of sale. If a man comes into the means to discharge his debt the board cannot give him a discharge. The Bill is not complete without such a provision, and there can be no objection to it.

[The President resumed the Chair.]

Progress reported.

## BILL—HEALTH ACT AMENDMENT.

*In Committee.*

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill. Clauses 1, 2—agreed to.

Clause 3—Insertion of a new part after Part IX.:

The CHAIRMAN: For the convenience of hon. members, I will put the proposed new sections contained in this clause separately.

Proposed new Section 242a—Venereal diseases to be treated by medical practitioners only:

The COLONIAL SECRETARY: I move an amendment—

*That after "to," in line 4 of the proposed new Subsection 2, the words "a registered pharmaceutical chemist who sells or" be inserted.*

Amendment put and passed.

Hon. Sir E. H. WITTENOOM: What arrangement will be made in connection with stations and places far removed in the country where supplies of

medicines for such cases are generally kept? They must have some power to enable them to sell or dispense these medicines. Can permits be obtained?

The COLONIAL SECRETARY: The Commissioner is empowered under this proposed new subsection to grant a permit. I move a further amendment—

*That the following be added at the end of the proposed new section:—*

*“Nor shall the preceding sub-section apply to the sale by a registered pharmaceutical chemist in the ordinary course of business of any drug, not being a patent or proprietary medicine which has not been approved as aforesaid, and not being prescribed by him for the cure or alleviation of any venereal disease.”*

Amendment put and passed.

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

*That the following proviso be added at the end of the proposed new section:—“Provided also that a permit as aforesaid shall not be granted to any person unless no pharmaceutical chemist carries on business within 10 miles of the place of business of such person.”*

This is an amendment to restrict the sale of drugs in the towns. Many of these proprietary medicines and drugs are poisonous, and have peculiar actions on certain individuals, of which actions the public are not aware. Such a drug as iodine potassium, in very small doses, produces quite alarming symptoms and there are other drugs which bring out scarlatinal rashes. It would be better to restrict the sale of these drugs to chemists because, if a person taking them presented any of these symptoms, the chemist would recognise that they were the result of a drug and would send him to a doctor. If these drugs can be sold by grocers or by large wholesale shops the people who sell them cannot be expected to have a knowledge of the actions of these drugs. No doubt many of those people who would ask for such drugs would be suffering from venereal disease, and we could hardly expect those persons in an ordinary shop selling the

drug to point out that it was necessary for the purchaser to consult a doctor. If the sale were restricted to chemists, the chemist would no doubt convey a hint that the sufferer should consult a doctor in order to comply with this Act, and in order that he would not longer be a menace to the public. The chemists depend very largely for their profits on the sale of these drugs, in addition to making up prescriptions. The chemist leads a hard life. He has to be in attendance at his shop from eight a.m. to eight p.m., and is often called up in the small hours, and he does not make a very large profit. If the sale of these drugs were taken from him, he would be deprived of one of the sources of his income. It would also have a bad effect upon the public, because it is to their interest that chemists' shops should be started in each of the suburbs. Very often people have not the means to send into town for medicine, and the fact of having a chemist's shop in the district is very much to their advantage. If the chemist is enabled to prosecute his legitimate business without undue interference, it will tend to the benefit of the public.

The COLONIAL SECRETARY: The amendment goes very much further than the hon. member has explained. It deals not only with proprietary drugs, but also with patent medicines for the cure of this particular disease, and would prevent the Commissioner from granting a permit for the sale of these medicines for the cure of this disease, excepting in places more than ten miles from a chemist's shop. The Commissioner may conclude that a certain medicine is an excellent one for the disease, but this amendment would bar him from granting a permit for it to be sold within ten miles of a chemist's shop.

Hon. J. F. Cullen: Could not the chemist sell it?

The COLONIAL SECRETARY: Of course, but the storekeeper who lived nine miles away would be unable to sell the same medicine, even if the Commissioner granted him a permit to do so.

Hon. J. CORNELL: The more we restrict the matter of dealing with this plague to medical men, the better will be the chance of coping with it. On the point raised by the Colonial Secretary, I do not think any harm will result to storekeepers. The best man to sell patent medicines is the qualified chemist. I support the amendment.

Hon. J. DUFFELL: The principal feature of this question is that anyone procuring medicines of this description would to a great extent be guided by the advice of the chemist. How could a storekeeper give advice on such a case? I support the amendment.

Hon. J. F. CULLEN: In order that the amendment may read correctly, I move an amendment on the amendment—

*That after the word "person," in line 2, there be inserted "other than a pharmaceutical chemist."*

Amendment on amendment passed.

The COLONIAL SECRETARY: It is not a question of a chemist prescribing, as Mr. Duffell has suggested. Under this Bill, the chemist is absolutely prohibited from prescribing. He can only sell patent medicines under permit from the Commissioner of Public Health. As such medicines are supplied in sealed bottles, it make no difference whether they are sold by a chemist or by a storekeeper. The Commissioner can prevent the sale of valueless patent medicines, and the Commissioner's opinion should be worth more than a chemist's.

Hon. C. SOMMERS: In populous centres it is only right that the chemist should have a preferential right to sell medicines, and in country districts a limitation of 10 miles in favour of the chemist seems to me quite reasonable. In the absence of such a limitation, a chemist is frequently driven out by the competition of the storekeeper; and the residents only discover their loss when the chemist is gone.

Hon. A. J. H. SAW: The Colonial Secretary disregards or ignores the main argument in favour of my proposal. Even under this measure there will be great difficulty in making diseased persons undergo treatment. If a diseased

person is at liberty to go to any shop to buy remedies, hundreds of men affected with the disease will escape the operation of this measure. On the other hand, if the diseased person goes to a chemist to buy a remedy, the chemist will recognise the purpose for which the man is buying drugs and will tell him to go and get treatment.

Hon. F. CONNOR: A difficulty which may arise is that if the storekeeper is debarred from selling these wares, the pharmaceutical chemist might reasonably be restricted to the sale of goods coming strictly within the category of his business. Would the Committee agree to such a restriction? That phase of the question requires consideration.

Hon. C. SOMMERS: The chemist should have extra scope in this matter because he has studied, whereas the storekeeper has not. If a chemist cannot make a living by merely selling drugs and so forth, he should be permitted to trade in other articles.

The CHAIRMAN: Hon. members are now dealing with the Pharmacy Act.

Hon. J. DUFFELL. Mr. Connor's argument almost proves the necessity for putting in the way of a pharmaceutical chemist any line that he can sell. Every country town is glad to have the services of a chemist available. If chemists need an extra price for patent medicines, they should be allowed to obtain it.

Hon. H. MILLINGTON: I hope the amendment will be carried. If there is one class of people who are hard hit by the Bill, it is the chemists. A certain amount of their trade will be taken away by this measure—justly, as we consider. At the same time the chemist is entitled to some consideration, now that we are endeavouring to put everything into its right groove. It has been suggested to me by a chemist that this measure should contain a provision making it compulsory that all prescriptions be made up by qualified chemists only. It has to be borne in mind that in restricting the sale of medicines for these diseases to chemists, we are obtaining a

check. A chemist can, if he so desires, help men to evade the operation of this measure.

Hon. E. McLARTY: I support the amendment. The qualified man is the right man to deal with when medicines are required. In bush places, where chemists are not available, a permit from the Commissioner for the sale of medicines by storekeepers will be necessary; but wherever there is a qualified chemist, the chemist is the man to supply medicines.

Hon. A. SANDERSON. How do the Government propose to deal with the advertisements coming from outside Western Australia, making offers to sell these different medicines and offering to send them through the post? How can we stop medicines coming into this country in this way?

The COLONIAL SECRETARY: Under proposed new Section 242i, no person shall publish any statement which is intended to promote the sale of any article as a medicine, or so affix or inscribe any statement on anything, or deliver or offer or exhibit any statement to any person, or in any way advertise these drugs.

Hon. A. SANDERSON: We cannot prohibit a newspaper published in Sydney from coming into Western Australia, and we cannot prohibit a person in Sydney sending a package of medicine to a person in Western Australia.

Proposed new section put and passed.

Proposed new Section 242b—Persons suffering from venereal disease to place themselves under treatment:

Hon. A. SANDERSON: There is no reference to the native question in this clause. I would like to know if the department propose to take any special steps to deal with the native population.

The COLONIAL SECRETARY: The department for many years has taken steps to deal with the question of natives suffering from these diseases, and they have been dealt with effectively. Numbers of natives have been brought in and placed in lock hospitals, and cured of these diseases, and the same system will

be continued although this Bill is in operation. The Bill can be applied, and will be applied, to the aborigines in large towns, but it is not likely to be applied to the aborigines of the North-West, who are dealt with effectively by the Aborigines Department.

Hon. A. SANDERSON: I was taken by the medical officer of Roebourne to a native camp near that town, where the Government are dealing with leprosy and these other diseases, and to say they were being dealt with effectively—unless that means allowed to die—is ridiculous. The unfortunate creatures are in such an advanced state of disease that they are a great danger to everyone coming in contact with them.

The COLONIAL SECRETARY: The hon. member is not acquainted with the facts. There is no lock hospital in the Roebourne district. Some natives are treated there for a short time until they can be sent to Bernia Island, where the natives are treated on an extensive scale. At Bernia there is a doctor in charge and nurses to look after these natives, and numbers have been cured. No doubt the hon. member saw a leper in the camp at Roebourne, and one or two cases of venereal disease, but it is at Bernia Island where the natives are treated.

The CHAIRMAN: I ask that the discussion on this matter should now cease. It is not cognate to the proposed section 242b.

Hon. C. F. BAXTER: I shall vote against the proposed new section. I do not see that it will be a success. Simple cases of disease can be treated with proprietary medicines at a small cost.

Hon. A. J. H. SAW: If this proposed new section is struck out the Bill might as well be dropped, because it is incumbent on medical practitioners to notify the disease, and if people do not go to a medical man how can the medical man notify the disease? As far as the treatment by proprietary medicines in simple cases is concerned, I would like to know from the hon. member what is a simple case, for, after 25 years of practice, I do not know

what a simple case is. As to treatment by quacks being successful, that may be so, but there is another side to the picture. I have had people come to me who have been treated by these quacks. One man came to me from the goldfields who was riddled with syphilis, and he had paid to a quack £82 to be treated. He died some time afterwards from cerebral syphilis.

Hon. J. F. CULLEN: At some stage the Committee will have to decide the main question, whether there is to be compulsion or not. My idea at first was to propose that the compulsory clauses be postponed until all the other clauses had been dealt with, but I think it would be more convenient to take the discussion on the first clause that involves compulsion.

The CHAIRMAN: The discussion on compulsory examination and treatment must be taken on the proposed new Section 242i.

Hon. J. F. CULLEN: This proposed new section opens up the question of compulsion, although I am open to correction. It is the first provision in the Bill I think, that involves compulsion, and very stringent compulsion, on the part of any subject suffering from disease. The principle of compulsion as against providing for voluntary treatment, that is to say, making provision for treatment that is free and so desirable that sufferers will seek it of their own accord, is open to discussion. When speaking on the second reading I urged that the Bill should provide the very highest medical and hospital treatment for all sufferers, for which the sufferers able to pay would pay, while those unable to pay would receive free treatment. In order to raise that question I am going to vote against the proposed new section. My object is, not to oppose effective measures for dealing with this disease, but that we may raise the question whether the Bill should not, as regards this part, proceed on that basis. I hope the Committee will agree that we should have the voluntary basis tried first, but if the majority say we

are to go for the principle of compulsion, it will be our duty to make the very best of the position.

Hon. J. DUFFELL: I hope the Committee will not accept the view of the hon. member. As Dr. Saw has pointed out, if the proposed new section is to be defeated by a subterfuge it will wreck the whole Bill. The question raised by Mr. Cullen, if successful, would wreck the Bill. I hope hon. members will accept the proposed new section.

Hon. Sir E. H. WITTENOOM: I intend to support the proposed new section, particularly because it means compulsion. It is not permissive; it states that under certain conditions a person shall do certain things, and it provides a penalty. Whoever votes for this proposed new section is voting for compulsion, and unless there is compulsion in the Bill we might just as well throw the Bill away.

Hon. C. F. BAXTER: The authorities I had my information from are equally as competent as Dr. Saw to speak on the question, and much more so than Mr. Millington, who dubbed me an expert. Every man of the world knows there are numbers of qualified chemists equally successful in the treatment of these diseases as doctors have been. We require to reduce the disease as much as possible. Are we likely to bring that about by imposing heavy charges on sufferers who may not be able to afford the expense? By the proposed new section a sufferer will be debarred from going to a chemist and securing a proprietary line of remedy for a few shillings. Consider the difference between that small amount and the fees he will have to pay to a doctor, to which must be added the cost of the medicine he must subsequently procure from the chemist.

Hon. F. CONNOR: I am opposed entirely to all compulsion in the Bill. If the disease is to be properly treated, prevention, and not control by compulsion, will be the better way. We have the example of New South Wales, where compulsion has proved to be a failure. The proposed new section will impose an injustice on those who cannot reach a



Government doctor, and who in any case could not pay him.

Hon. J. Cornell: The treatment is free.

Hon. F. CONNOR: No, unless the patient can reach a Government doctor. What we want is reform. I agree with Mr. Cullen that it is of no use threshing this question of compulsion all through the Bill.

Hon. J. F. CULLEN: Now that we are facing the trouble, let the State provide the very highest medical and hospital treatment, free to those who cannot pay, and in any case strictly confidential. This course would be preferable to compulsion.

The CHAIRMAN: The hon. member must keep in order. He must confine himself to the discussion of so much compulsion as is contained in the proposed new section. The hon. member must speak to that question and no other.

Hon. J. F. CULLEN: I beg respectfully to submit—

The CHAIRMAN: If the hon. member does not submit, I will take steps to see that he does.

Hon. J. F. CULLEN: Compulsion cannot stand alone. The issue is compulsion or free treatment, and I am putting it as gently and clearly as I can that this issue must be taken at some stage in the Bill, and should not be hacked into every clause.

The CHAIRMAN: My ruling is to the contrary.

Hon. J. F. CULLEN: Well, how can I discuss the desirability of avoiding compulsion?

The CHAIRMAN: The hon. member has been told he cannot discuss it on this proposed new section.

Hon. J. F. CULLEN: If you rule that I cannot discuss compulsion on this proposed new section, I must dissent from your ruling.

The CHAIRMAN: Very good, give notice in writing.

*Dissent from Ruling.*

The President resumed the Chair.

Hon. W. Kingsmill: I have to report that on the ruling by me Mr. Cullen has moved that the Committee dissent from the Chairman's ruling that the principle

of compulsion cannot be discussed on the proposed new section now before the Committee. My ruling was that Mr. Cullen could not discuss any more of the principle of compulsion than was contained in the proposed new section in question.

Hon. J. F. Cullen: The Chairman has slightly altered the position. His position was that compulsion could not be discussed under that proposed new section. I was distinctly discussing the principle of compulsion, having premised that one discussion of the sort would cover the whole of the proposed new sections which are contained in the Bill.

The President: I understand that Mr. Cullen moves that the Committee dissent from the Chairman's ruling, on the principle that compulsion cannot be discussed on the proposed new section now before the Committee. Standing Order 257 says—

The matter, having been laid before the President, and members having addressed themselves thereto, shall be disposed of.

I invite members now to address themselves to the motion moved by Mr. Cullen.

Hon. J. F. Cullen: I presume I have the first say on this matter. I shall not take more than a few minutes. The proposed new section reads—

Every person suffering from any venereal disease shall within three days of his becoming aware or suspecting that he is so suffering, consult a medical practitioner thereon, and place himself under treatment by such practitioner. Penalty, £20.

I premised my remarks on this proposed new section with the suggestion that, as the only point at issue on this Bill is the principle of compulsion, which runs through some half a dozen of the proposed new sections, going further in some of them than in others, it would be convenient on the first reference to compulsion that the principle should be discussed. The Chairman immediately pulled me up, and I urged my case and was allowed to go on for a time, but he again pulled me up. I submit that this

proposed new section embodies the principle of compulsion, and that if the Committee decide that they will accept compulsion, the whole course of the debate on the remainder of the Bill will be shortened. I am prepared, and I am sure that every other member of the Chamber is prepared, to try to make the Bill as perfect as possible, either on the basis of compulsion or the alternative of voluntary treatment, the Crown providing the necessary medical and hospital aid.

Hon. J. Duffell: I do not agree with Mr. Cullen's remarks. I support the ruling of the Chairman, on the grounds that the limitation of the Chairman's powers in regard to a discussion on this proposed new section, as interpreted by Mr. Cullen, does not come within the prescribed clauses dealing with the matter of compulsion, which clauses are clothed with certain powers and regulations conferred upon certain individuals to enforce those compulsory clauses. I do not consider it is necessary for me to take up the time of the House on this question before the Chair, for the reasons I have given. As we are not considering these compulsory clauses, but only the powers conferred upon the Chairman in his ruling upon the clauses, I shall uphold the ruling of the Chair.

The President: The purpose of hon. members in addressing themselves to this matter now is to inform me, and not to discuss the question of compulsion.

Hon. F. Connor: I must support Mr. Cullen, notwithstanding the arguments which have been advanced against this proposed new section not being a compulsory one. It reads so clearly that there is a penalty attached to it, that to my mind there is no doubt that it is compulsion of some sort or other. As I am against compulsion, I must support Mr. Cullen.

Hon. W. Kingsmill: The question is not as to whether these proposed new sections represent compulsion or not. It is a question of order, and whether any hon. member is entitled to discuss other provisions than those laid down in certain parts of the measure. According to

my reading of the Standing Orders, that is not so; and not only that, but according to my experience, debates are lengthened immeasurably instead of being shortened by neglect to observe the Standing Orders. My ruling was that I would only allow a discussion on so much of the compulsion as is contained within the four corners of the proposed new section in question. That ruling I must still adhere to, and as long as I occupy the position of Chairman of Committees I will continue to adhere to it. It would lead to innumerable difficulties not to do so, and while this is a well-behaved House, there is in any House a tendency to stray, if straying is allowed, outside the subject under discussion. The Standing Orders are given to us to shorten debate, and to bring about a better understanding of debate. If each subject has its own particular pigeon-hole, I think that the best results will be achieved in the debates in this House.

Hon. A. Sanderson: The Chairman of Committees himself admitted that he had never known of a Bill where the clauses override more than they do in this Bill.

Hon. W. Kingsmill: The amendments, not the clauses.

Hon. A. Sanderson: I stand corrected. I am always in favour of supporting the Chairman. If you, Sir, and the leader of the House, and the Chairman of Committees will give us an opportunity of discussing this question of compulsion, personally it would give me the greatest pleasure to support the ruling of the Chairman of Committees. I hope we are not going to have this question of compulsion whittled away by its being said that we cannot discuss it on this clause, and that clause, and that therefore we shall not get an opportunity of discussing it at all. I shall be satisfied to get such an assurance, and if we can get the fullest discussion on the question of compulsion generally I think we shall all be content.

The President: The motion is that the Committee dissent from the Chairman's ruling that the principle of com-

pulsion cannot be discussed on the proposed new section now before the Committee. It is rather unfortunate that the question of compulsion, which is a general term, should have been used. There is compulsion in every clause of every Bill brought before us. I agree entirely with the Chairman of Committees, and dissent from Mr. Cullen's motion, inasmuch as I consider that the amount of compulsion—I again use the unfortunate word—must be confined to persons suffering from venereal diseases who place themselves under treatment. While dealing with this proposed new section, the whole general question of compulsion cannot be considered. I agree with the Chairman of Committees that the discussion must be entirely on that measure of compulsion which applies to persons suffering from venereal disease who are to place themselves under treatment under a penalty.

*Committee resumed.*

Proposed new section put and a division taken with the following result:—

Ayes	..	..	..	13
Noes	..	..	..	6

Majority for .. 7

**AYES.**

Hon. R. G. Ardagb	Hon. E. McLarty
Hon. J. Cornell	Hon. H. Millington
Hon. J. M. Drew	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. C. Sommers
Hon. Sir J. W. Hackett	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. J. F. Allen
Hon. A. G. Jenkins	(Teller).

**NOES**

Hon. C. F. Baxter	Hon. W. Patrick
Hon. F. Connor	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. H. Carson
	(Teller).

Proposed new section thus passed.

Proposed new Section 242c—agreed to.

Proposed new Section 242d—Medical practitioner to report:

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

*That in line 4 after "disease" the words "in an infectious stage" be added.*

My object will be apparent to hon. members. It is known that syphilis may last, and does very often, for perhaps 10 or 20 years after it ceases to be infectious. That being so there should be no necessity for the disease to be notified when it is in its later stages. I fancy in all these clauses it would be wise to add the words "in an infectious stage," in order to define the particular patient suffering from venereal disease. The object of the Bill is firstly that a person infected, and who is liable to infect others, shall be treated so that the disease may be cut short, and so that the person may cease to be a menace to the community. The first thing to do is to get hold of the person who is to be dealt with. He is the person who is still in an infectious stage, and it is for that reason that I propose to limit these clauses by adding the words I have mentioned.

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

Proposed new Section 242e—Name and address of patient to be reported:

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

*That in line 2 after the word "disease" the words "in an infectious stage" be added.*

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

Proposed new Section 242f—Medical practitioners to warn patients:

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

*That in line 2 after the word "disease" the words "in an infectious stage" be added.*

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

Proposed new Sections 242g, 242h—agreed to.

Proposed new Section 242i—Compulsory examination and treatment:

The CHAIRMAN: This is one of the clauses where the amendments of hon. members overlap to a very great extent. I would therefore ask hon. members to remember in voting on these amendments that they have to consider the existence of amendments which may come after.

For instance, the amendment I am about to put to the Committee is that of Dr. Saw to strike out all the words up to the word "believe" in the second line. Those hon. members who intend to support the amendment of Dr. Saw will vote for the excision of those words. Indeed those who intend to support the Colonial Secretary's amendment may vote for them, but, when words have to be inserted hon. members will have to choose between the amendment of Dr. Saw and the amendment of the Colonial Secretary, and, in the case of the Colonial Secretary's amendment being carried, however, the words will have to be struck out. I will ask Dr. Saw to move his amendment first.

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

*That in lines 1 and 2 the words "Whenever the Commissioner has reason to believe" be struck out, and the following inserted in lieu: "Whenever the Commissioner has before him a written statement made on oath or verified by solemn declaration or affirmation which leads him to believe."*

The object of the amendment is that the Commissioner shall have before him a statement on oath before he takes any action, otherwise I think this clause will give rise to opportunities for blackmail and also to that abomination—the anonymous informer. One hon. member speaking with reference to this clause seemed to think it was a proper thing for anyone knowing there was another person afflicted with venereal disease to go privately to the Commissioner and inform him. I maintain that is absolutely wrong. If anybody knows that a friend of his is suffering from venereal diseases, and is not getting proper treatment, the course to adopt is to speak to the person afflicted and urge upon him the necessity of getting proper medical advice and treatment, and not to go behind his back and give anonymous information. It would be much better for anybody who wishes to make an accusation that a person is afflicted with venereal disease, to do so boldly and sign his name to it. Another object in putting in the amendment is in order that a person shall be pro-

tested and shall have the right of action. That will be provided for later on to enable the person accused to obtain a copy of the sworn declaration. If we are to have these powers given to the Commissioner it is absolutely necessary that the person who lays the information should realise the seriousness and the importance of it. And if he gives wrong information, which may cause considerable annoyance, he should know he will be liable to an action at law. The Colonial Secretary's amendment to this clause proposes that the Commissioner instead of having a person examined by two medical men shall firstly give notice in writing to the person afflicted requiring him to consult a medical practitioner and produce to the Commissioner a certificate from such medical practitioner. I fancy that if the amendment of the Colonial Secretary is agreed to, considerable delay will be caused. In the event of a person wilfully infecting others it is necessary that the Commissioner should have power to find out the person afflicted with the disease in the shortest possible time. The amendment of the Colonial Secretary seems to me to provide a loop-hole for fraud. The afflicted person may go to a practitioner who may give a bogus certificate saying that the individual is not suffering from any disease, and then that individual may snap his fingers at the Commissioner. Such things do happen even in the best profession, and I maintain that the medical is the best profession. The Commissioner has to be satisfied with a certificate which is produced to him, but it is throwing a very delicate responsibility on the Commissioner for him to differentiate between the certificate of one medical man and that of another. So long as the certificate comes from a duly qualified medical man, I think the Commissioner will have considerable hesitancy in disputing it and, for that reason, I prefer the amendments of which I have given notice to those of the Colonial Secretary. If the Colonial Secretary's amendment is agreed to, it will interfere very considerably with the working of the measure, whereas my pro-

posals would fully protect a person charged with suffering from this disease, and would facilitate the rapidity of the Commissioner's action.

Hon. J. F. CULLEN: The difficulty about Dr. Saw's amendment is that it will paralyse the Commissioner. If he can move only on having before him a sworn statement by an informer, he will never move at all. Who is going to inform in the first place? Not one in a thousand unless he is a health official under the measure or a doctor, and certainly no one would go on oath and make a declaration. There is no doubt the amendment would prevent such evils as he suggested in his second reading speech in the way of a "lion's mouth," but there would be no lion and no mouth, and no papers at all under this Bill. The amendment would be entirely futile.

*[The President resumed the Chair.]*

Progress reported.

#### BILL—VERMIN BOARDS ACT AMENDMENT.

##### *Second Reading.*

Debate resumed from the previous day.

Hon. W. KINGSMILL (Metropolitan) [5.19]: It is an unfortunate thing that the history of the prevention of the ravages of rabbits and vermin in this State has been one of mismanagement and misfortune. Even long before the present Government took office, other Governments had taken steps in this direction which were futile in the extreme. As long ago as 1897 and 1898 when the rabbit question was first considered, if steps had been taken in the right and proper manner we should never have had any trouble at all with rabbits in Western Australia. The rabbits were then beginning to make their appearance along a narrow strip of country from the Eastern States, and those who have studied the habits of these animals know perfectly well that rabbits, in common with other animals, when they take to migration proceed in one definite and de-

cided direction. If the Government of the day had run a fence along the West Australian border from Eucla northwards, and not for 1,100 or 1,200 miles as one fence is now, and if they had furnished the fence with those most excellent yard-traps at every half mile at a cost of £5 a trap, not a rabbit would have come into Western Australia. I speak from an intimate knowledge of the subject acquired from a great many years experience in the other States and in this State, but the Government of the day did not take that step. They busied themselves with sending cats, the majority of which were stolen at Albany, down to Eucla and other places where they turned them out and those cats not being accustomed to a diet of rabbit promptly starved to death in the midst, so to speak, of plenty, and the rabbits continued unchecked until, in 1900 or 1901, the question had reached such a serious stage that the Government had to erect rabbit proof fences from two points on the coast, Starvation Boat Harbour and Point Ann, to the coast away up in the North-West. That is a story of mismanagement, and the story we are more intimately connected with under this Bill is also a story of mismanagement. It was not mismanagement on the part of the present Government—give them their due. When they came into office, they found things in such a state that it was very hard to remedy them. If the first suggestion of the settlers of the Gascoyne district had been carried out by the then Government, and if the rabbit-proof fence had been extended from somewhere about Hamelin Pool to the existing rabbit proof fence, the rabbits which were moving in a northerly direction and along a narrow strip of country would have been effectively checked. That was not done. The Government of the day, in their want of wisdom, instead of fencing off the country completely in the way I have indicated, fenced only a segregated portion of it, conferring immunity for a time on the settlers within the segregated portion and, in conferring that immunity, saddled them with a very great debt in-

deed. Next, the construction of the fence was carried out, I understand, in a most extravagant manner. The fence cost about twice as much as it should have cost. The area included was not the original area that was contemplated but was, indeed, only a portion of that area, and the upkeep for the fence during the first few years that it was paid ran into four or five times as much as it should have done. The settlers who are liable for the payment for this fence have, in the years which have elapsed since its construction, gradually divided themselves into two classes. These two classes are first, the older settlers, the more wealthy portion of the community who, having been established for some years on the Gascoyne and having up to the last four or five years experienced very good seasons, were wealthy people and in a position to pay the taxes which were levied on them for the upkeep and maintenance of the fence. The others were the newcomers in the country who had taken up a fair amount of country, but who have not even yet got it stocked up, and who were not in a position to pay the taxes demanded of them. Of the 36 settlers affected by this Bill, 11 belong to the first category and 25 to the second category. That is 11 people have paid up-to-date, and have no fear of the past, although they view the future with apprehension, but the 25 settlers view alike the past and the future with a good deal of dread. Theirs is a most unfortunate position. As they have divided themselves into two classes financially, so their opinions with regard to the method in which this tax should be imposed differ materially. These persons, the 11 fortunate ones, the 11 just ones who have paid their dues, consider that the tax should be on area. The other gentlemen are unanimous in considering that the tax should be on stock. Looking at it from the point of view of equity I must say I think the 25 are in the right, not because they are in the majority, but because I fancy the imposition of a tax on stock and not on area is the more equitable one. It reminds me forcibly of the difference between a land tax

and an income tax. In imposing a land tax, we impose a tax on a man whose land is often already a liability and not an asset. In imposing an income tax, we impose a tax on a man who has something wherewith to pay the tax. So it is with the difference between the taxing of the area and the taxing of the stock. The newcomers have all taken up areas of land with a view to the future.

Hon. V. Hamersley: Speculation.

Hon. W. KINGSMILL: In some cases, possibly, but giving them credit for the best of intentions, not that speculative purposes need necessarily be evil, a man taking up land in a pastoral area does so not for the sheep he has at present but for the sheep he hopes to have in future. He must allow room for his flocks and herds to expand and, given good seasons, sheep in the Gascoyne and other districts represent so much money. As the Irishman said, "The pig is the gentleman who pays the rent," so in the Gascoyne the sheep is the gentleman who pays not only the rent, but the taxes as well. When these people, having as yet but little revenue and little means of earning, find themselves saddled, in addition to 10s. per thousand which they have to pay the Government for the land and which I think is a very sufficient rent indeed, with a vermin tax of £1 per thousand, or twice as much as they pay the Government for land rent, upon their shoulders is placed a load against which they cannot hope to struggle. In this Bill, I think we should give some consideration to the 25 who have not paid their rates, as well as to the 11 who have paid their rates—to the 25 who have a dread of the past and who fear the past, I venture to say, even more than they fear the future, as well as to the 11 who have nothing with which to reproach their consciences in the past, but still look forward to the future with a good deal of apprehension, an apprehension which is voiced in the amendment of which Sir Edward Wittenoom has given notice to reduce the proposed tax to half its former value. I think in addition to that amendment, Sir Edward Wittenoom or one of the other representatives of the

North Province would be wise to lay down in the Bill some stipulation as to how the arrears, the collection of which might mean the ruin of these 25 struggling settlers, should be treated in future. Possibly it may be urged that it would be somewhat unfair to add that to the capital cost, because if that were done it would mean that those eleven people who have paid would also be called upon to pay portion of the arrears. I myself certainly think, however, that in the interests of that portion of Western Australia, and in the interests of the whole of Western Australia—because I venture to say that it is extremely bad policy on the part of any State to discourage persons who are endeavouring to struggle through to a successful issue against bad seasons, against droughts, and against the hardships which these pastoral settlers have encountered—

Hon. Sir E. H. Wittenoom: Pastoral settlers have been encouraged everywhere else.

Hon. W. KINGSMILL: It is quite true that pastoral settlers have been encouraged everywhere else, and they should be encouraged in the Gascoyne district. I venture to say the most practical way in which the Government could encourage them would be not to write to these gentlemen letters such as Mr. Holmes read last night, but to say to them, "We are aware of your difficulties, and we wish to help you out of them: we know that you do not wish to repudiate this debt; we know that you want to pay interest and sinking fund; and, knowing your circumstances, we shall be willing to accept payment at such and such a rate." And the Government should extend such payment over a liberal term of years. If that course were adopted, this Bill would be very much improved, and the Government would be doing a generous action, and in doing that generous action would also be doing a wise and judicious stroke of business, because if one of these pastoral settlers is driven off his holding it will be very hard indeed to get someone else to take it up. I hope this suggestion

of mine will have the attention of the Government and of the members for the North Province. Let us now examine for a moment the position of the Gascoyne settlers, as compared with that of settlers in other parts of the State who are protected by rabbit-proof fences. The Gascoyne men took upon themselves the burden of the capital cost of the fence—a capital cost, it is true, which was largely inflated by the way in which the fence was erected. The capital cost, I understand, amounted to about £66,000. The Gascoyne pastoral settlers shouldered that responsibility. They said they would pay interest and sinking fund. In addition to that, they are asked to pay the maintenance and upkeep of the fence. I say, therefore, that the position is so obviously unfair and inequitable as compared with the position of other settlers, that it should not be continued. It is a fair thing to ask the Gascoyne pastoralists to pay interest and sinking fund, or perhaps to pay maintenance and upkeep; but to ask them to pay both is, in my opinion, unfair in the extreme. In other parts of the State the Government have spent public money in erecting similar fences, and the pastoralists get the protection of the fence in return for certain charges: but they are not supposed to pay back the capital cost of the fence. As it is in that instance, so too in this instance, I think the Government should place the men on the Gascoyne in exactly the same position as occupied by their brother settlers in other parts of the State. The Government should look upon the Gascoyne fence as a national undertaking, and ask the Gascoyne settlers to pay either the interest and sinking fund, or maintenance and upkeep of the fence, but most certainly not to pay both. I made some inquiries into this matter 12 months ago, when, owing to the absence at the time of certain Northern members, some of the pastoral lessees concerned, knowing I still took an interest in the North-West, approached me on the subject. From those inquiries, I am absolutely certain of one thing—that all the Gascoyne settlers, whether they were large settlers or small, whether they belonged

to the eleven plutocrats or to the 25 men who did not pay their rates and who are still in arrears, had this idea, that there was no desire whatever, no suggestion of a thought in their minds, that they wished to escape or to repudiate their liabilities. On the other hand, what they wanted was that the Government should treat them reasonably and in a business manner. I hope that when this Bill goes into Committee next week, the suggestion which I have made will be given effect to, and that not only will the rate be reduced, but also that some provision will be inserted in the Bill whereby easy terms can be granted to settlers in arrears for payment of their rates. Under these conditions I support the second reading of the measure.

Hon. F. CONNOR (North) [5.35]: I do not intend to make a speech on this measure. As a member for the North Province, I rise to thank Mr. Kingsmill for the admirable manner in which he has placed the question before the House. I think if one were to spend a week in stating the case, it could not be put more comprehensively than it has been by Mr. Kingsmill. The Bill if carried in its present form would, in my opinion, inflict great hardship on a very deserving part of the community, on men who have gone out into country that is certainly not pleasant to live in, and where they have had to face the prospects of drought and otherwise run great risks in endeavouring to develop new territory. I trust that the Government will agree to the amendment which Sir Edward Wittenoom intends to move in Committee. The carrying of that amendment will be to the advantage of the pastoral lessees, who will be ruined if the Bill is carried in its present form. Like Mr. Kingsmill, I do not think it is the intention or the wish of the Government to bring ruin on the pastoral lessees of the Gascoyne. Therefore I hope the Government will meet those people in a fair way when the Bill is in Committee. I support the second reading.

On motion by Hon. V. Hamersley, debate adjourned.

*House adjourned at 5.37 p.m.*

## Legislative Assembly,

*Thursday, 14th October, 1915.*

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The SPEAKER took the Chair at 3 p.m., and read prayers.

### PETITION—TROTTING ASSOCIATION LEASE, KALGOORLIE.

Hon. FRANK WILSON presented a petition from 221 persons engaged in the mining industry on the East Coolgardie Goldfield praying for an investigation into the granting of a special lease of gold mining lease No. 4370E to the Western Australian Trotting Association.

Petition received and read.

### QUESTION — POLICE FORCE, CHARGES OF DRUNKENNESS.

Mr. O'LOGHLEN asked the Premier: 1, How many charges were preferred against members of the police force stationed in the central portion of Perth for drunkenness during 1912? 2, How many convictions were obtained, and what were the names of the culprits? 3, How many of those convictions were obtained before the issue of the order in August, 1912, and how many after, in the latter part of the year?

The PREMIER replied: An investigation of numerous files would be necessary in order to obtain this information, and the request should be made the subject of a motion.