sidered as Crown lands. The reserves that the Colonial Secretary contemplated making were of such importance that they were almost entitled to a small Bill of their own. He could not see that any amendment which might be brought in would prevent any Minister at any time reserving another 800,000 acres of leasehold land if he thought fit to do so.

Motion put and passed; the clause postponed.

Clause 5—agreed to.

Clause 6—Amendment of Section 19:

Hon. J. F. CULLEN: Some reason might be given by the Colonial Secretary for omitting the words referred to in the clause. The section it was proposed to amend was against allowing blacks on boats, and the words referred to in the clause seemed to make the provision complete.

The Colonial Secretary: They are being repealed because they are not necessary.

Hon. J. F. CULLEN: Are they redundant?

The Colonial Secretary: Yes.

Clause passed.

Clause 7—agreed to.

Clause 8—Amendment of Section 43:

Hon. J. F. CULLEN: The initiation of action was to be limited to the Chief Protector. Had any trouble arisen in the past under an ordinary protector by reason of which it was desired now to remove the power which these protectors had and to confer it solely on the Chief Protector? The offence of cohabiting with blacks was one of the worst of its kind.

The COLONIAL SECRETARY: Section 43, which this clause would amend, provided that any person, other than an aborigine, who lived with an aboriginal woman should be prosecuted. Prior to the passing of the Act in 1905 it had not been an offence for a white man to live with a native woman. Several large half-caste families had thus sprung into existence prior to the passing of the Act, and the position was that under the Act the white men concerned would have to be prosecuted for their condition of domestic life, or forced to marry the respective aboriginal women with whom they were living. In some instances these men were quite ready to marry the aboriginal women, but in other cases they would not do so; and, among this latter class, if prosecutions were made the men would leave the women and children now dependent on them to get their own living. Fortunately, there were not many instances of these ill-assorted unions, and it had been thought wise to give the Chief Protector a little discrimination and not insist on prosecutions if he thought it would be against the best interests of the parties concerned.

Clause put and passed.

Clauses 9 to 15—agreed to.

Progress reported.

House adjourned at 5.50 p.m.

Legislative Assembly,

Tuesday, 22nd November, 1910.

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

PAPERS PRESENTED.

By the Premier: 1. Report of the Railway Advisory Board on country east of the Great Southern Railway. 2, Report of the Railway Advisory Board on the proposed extension of the Upper Chapman Railway. 3, Report of the Railway Advisory Board on the proposed extension of the Northampton Railway. 4, Report of the Railway Advisory Board on the proposed construction of a railway to Mt. Erin. 5, Report of the Railway Advisory Board on the proposed Wagin-Darkan Railway.

By the Minister for Lands: Report by the Surveyor General to 30th June, 1910.

By the Minister for Railways: Rates and general Regulations under the Railway Acts.

By the Minister for Works: Plan showing the route of the proposed railway from Tambellup to Ongerup.

QUESTIONS (2)—EDUCATION DEPARTMENT.

Assistant Inspector.

Mr. PRICE asked the Minister for Education: 1, In answer to Mr. Bath, *re* appointment of Assistant Inspector, the Minister for Education stated—"It was found that if this proviso were made, he could only be appointed under the Public Service Act as a temporary employee"—Did the Inspector General know this before calling for applications? If not, why is the head of a department not acquainted with his regulations? Does the Minister not consider it a fault to be ignorant of such regulations? 2, Were applications for the position of advisory teacher called for through the *Education Circular*. If not, why not? 3, Is it a fact that the Commissioner refused to accept the Department's nominee for the Assistant Inspectorship? If so, is it a fact that this nominee has been appointed to a newly created position—advisory teacher—carrying the salary of £270 per annum, whereas the maximum for an officer holding a "C" certificate—the certificate held by the officer in question—is £180 per annum?

The MINISTER FOR EDUCATION replied: 1, The Inspector General did not know that the proviso that the officer in question should be eligible to be reappointed at any time as a teacher would be held to render his appointment to a position under the Public Service Act impossible, except as a temporary employee. There is no regulaton dealing with the specific point, but it is held that as there is no special provision under the Public Service Act for appointments under these exact conditions it is not expedient to bring them within the Public Service Act. 2, Applications were called through the *Education Circular* for the position of Assistant Inspector. The position of Advisory Teacher is the same, except in name, and that the Advisory Teacher is not brought within the Public Service Act. 3, No; on the contrary, the Commissioner accepted the recommendation of the Department.

Mr. PRICE: Will the Minister lay on the Table all papers connected with this appointment?

The MINISTER FOR EDUCATION: The hon. member had better move a formal motion.

Schools in Timber Districts.

Mr. O'LOGHLEN asked the Minister for Education: What action has been taken by the Education Department towards establishing schools at Jarrahdale Board Mill, Marrinup, Holyoake, and Dwellingup?

The MINISTER FOR EDUCATION replied: 1, Jarrahdale Board Mill.—An Inspector will visit and report during the next few weeks. 2, Marrinup.—Millars' Karri & Jarrah Company are submitting a price for the erection of a suitable building. 3, Holyoake.—The Timber Hewers' Co-operative Society are submitting plans for a building. 4, Dwellingup.—No application has yet been received, but an Inspector visited the place on the 17th inst., and a form of application was sent to the manager of the mill on the 18th inst. It is hoped that schools at the last three places will be ready to open after the Christmas holidays.

QUESTION—LAND SELECTION IN JARRAH FOREST, BRIDGETOWN.

Mr. HOLMAN asked the Minister for Lands: 1, Was block No. 3838, Bridgetown district, purchased by Mr. Wilmot? 2, What were the price and conditions of purchase? 3, Was the price reduced? 4, Is Mr. Wilmot a forest ranger employed by the State? 5, Who reported on the block and recommended the application at the ordinary or reduced price? 6, Was any other report asked for or made in connection with the block? 7, Was a report received from

any person recommending the reservation of the jarrah on the block, if so, whom? 8, Why was this recommendation not carried out? 9, Does the Minister approve of granting areas, in close proximity to the railway on which there is valuable jarrah, to forest rangers or other persons? 10, Has any inquiry been made in connection with the case, if not, will an inquiry be made? 11, Have any improvements been made on the block? If not, and it is possible, will the Minister cancel the application?

The MINISTER FOR LANDS replied: 1, Yes, as grazing lease 4264-68. 2, Seven shillings per acre, payable in 20 years. 3, No. 4, Yes. 5, Inspector Harold Brockman. 6, Yes, by Ranger Wilmott, but on his pointing out that he was an applicant, a report was obtained from Inspecting Ranger Brockman as to the timber on the land. 7, Yes, from Surveyor Henry. 8, Surveyor Henry's recommendation was forwarded to the Inspecting Ranger for further report, and he stated that although the land did contain a few patches of jarrah he did not consider the patches worth reserving. 9, No. 10, A further inquiry will be made. 11, There is no report on the improvements on this block, but as it was only surveyed in October, 1909, no improvements are yet due. Should the conditions not be complied with the block will be forfeited.

QUESTION—LAND SELECTION, MR. BREADON'S HOLDINGS.

Mr. HOLMAN asked the Minister for Lands: 1, Did an immigrant, Mr. G. W. D. Breadon, a settler in this State, abandon his holdings? If so, why? 2, Did he suffer considerable monetary losses on those holdings? 3, What recompense has been made Mr. Breadon, if any? 4, Will the Minister place all papers in connection with this case on the Table of the House?

The MINISTER FOR LANDS replied: 1, Yes; because he was dissatisfied. 2, He alleges that he did. 3, He was paid £30. 4, Yes.

QUESTION — FRUIT CARRIAGE, MUNDARING.

Mr. JACOBY asked the Minister for Railways: Will he, owing to the increasing quantity of fruit produced in the vicinity of Mundaring Weir, make provision at the Weir railway terminus for the acceptance of fruit on trains there?

The MINISTER FOR RAILWAYS replied: Fruit and other traffic is accepted at the Mundaring Weir station when tendered for conveyance by rail.

QUESTION — RAILWAY PROJECT, SOUTH SWAN.

Mr. MURPHY asked the Minister for Railways: When will the report of the engineers with reference to the South Swan railway be ready for presentation to the House?

The MINISTER FOR RAILWAYS replied: The Engineer-in-Chief has been asked to report on the proposal, and a survey is now being made from Belmont to Burswood, and will be continued to Fremantle, as also to Midland Junction or Guildford, as may be deemed advisable. The official report, however, cannot be available for some time.

QUESTION — COLLIE COAL MONTHLY OUTPUT.

Mr. A. A. WILSON asked the Minister for Mines: The amount of tonnage per month (separately) of coal produced from the coal mines at Collie as from August, 1909, to October, 1910?

The MINISTER FOR MINES replied: 1909—August, 17,951.15 tons; September, 14,869.82 tons; October, 16,488.08 tons; November, 24,909.46 tons; December, 28,146.00 tons. 1910—January, 28,857.56 tons; February, 24,684.76 tons; March, 25,427.75 tons; April, 23,563.61 tons; May, 21,426.71 tons; June, 23,535.46 tons; July, 19,143.30 tons; August, 21,209.80 tons; September, 20,061.16 tons; October, 18,404.00 tons.

QUESTION — RAILWAY EXCURSIONS TO MUNDARING WEIR.

Mr. JACOBY asked the Minister for Railways: 1, How many Sunday excursion trains have been run by the Railway Department to Mundaring Weir since June 1st this year to present date? 2, What was the average number of passengers carried per train? 3, What was the total number of passengers booked by all trains to Mundaring Weir from June 1st to November 14th, 1910, inclusive?

The MINISTER FOR RAILWAYS replied: 1, 17. 2, The average number was 353, but the traffic having fallen off very considerably this month (two trains were run with an average of 64 only), the excursions have been discontinued for the present. 3, The number of passengers booked to Mundaring Weir from 1st June, 1910, to 31st October, 1910, was 8,441. The information from the 1st to the 14th November is not yet available.

ASSENT TO BILLS.

Mesages from the Governor received and read notifying assent to the following Bills:—

1. Geraldton Municipal Gas Supply.
2. General Loan and Inscribed Stock.
3. Agricultural Bank Act Amendment.
4. Supply, £719,410.

APPROPRIATION MESSAGE.

Message from the Governor received and read recommending that an appropriation be made from moneys to the credit of the Loan Suspense Account for the purpose of the Southern Cross-Bullfinch Railway.

BILL—HEALTH.

In Committee.

Resumed from the 18th November; Mr. Taylor in the Chair, the Minister for Mines in charge of the Bill.

Clause 270—Examination of school children: [An amendment had been moved by Mr. Angwin to add after "officer," in line 1, the words "if required by the Minister."]

Mr. ANGWIN: It was necessary that a medical officer of health should be acting under some authority. The Minister for Works pointed out that it would be unwise to debar any medical officer from visiting the schools until he had been authorised by the Minister to do so. The Minister also pointed out that the regulations under the Education Department would be drafted in such a way that a medical officer would have to comply with them, thereby showing cleary that the medical officer would be under the authority to a large extent, not of the Minister but of the Inspector General of Schools. It appeared that the department which should not have the right to say whether a medical officer should examine the school children or not was the very department which by regulations would be allowed to interfere. We should not allow another body to come in outside of the Minister, who would have control of the Act, and say when a medical officer should visit schools for the purpose of examining children. In his (Mr. Angwin's) opinion a general examination of the school children was meant. That was the only conclusion that could be arrived at.

Mr. Heitmann: Do you object to that?

Mr. ANGWIN: No; but it should not be at the whim of every person to do this; it should only be on the authority or when required by the Minister as the amendment provided. It was to be hoped that the examination of the children would not be an additional charge against the local authority.

Mr. KEENAN: Would the Minister inform the House on whom the charge for inspections of this character would fall?

The MINISTER FOR MINES: That was explained in one of the earlier clauses of the Bill. It was pointed out that it was the intention of the Government as far as possible to have the work departmentally done, and during the past three or four years this work had been so carried out as far as the metropolitan area was concerned. The cost would be borne by the department, while in the country.

medical officers of health, who would also be medical officers of schools and school children, would have to perform the duty, and would be paid by the local authority as remuneration for the services a salary of not less than £15 per annum. Hon. members would notice that the salary had been increased from £10 to £15. As far as possible, however, it was intended that the work should be done by the department. Members would also notice that on the Notice Paper there was a proposed new subclause which would give power to have the teeth of the school children examined by a duly registered dentist. It was agreed that this was particularly good work, and it had been appreciated by all classes. It would be unwise therefore to impose a restriction which would provide that the authority should be required to receive special instructions from the Minister before an examination could be made.

Mr. KEENAN: The only objection to the clause was with regard to the payment for services. Clause 32 provided that a medical officer performing this work would be paid a salary of £15 per annum, but it was not suggested that he should be called upon, for a salary of that amount, to examine the school children. It was obvious that if the medical officer made an examination of this character properly he would require a fee of that amount for almost a single examination. Then friction would arise over the question of who was to bear the cost. Supposing the central authority, which was the Minister, having reason to fear an outbreak of diphtheria at, say Northam, were to order the local medical officer to examine all the school children and report. This would be a very wise and proper proceeding; but it would be absurd to saddle the local authority with the cost of it unless the local authority were given power to itself order such inspection. If the power was to rest with the central authority then the central authority should foot the bill. In any case the question of who was to pay should not be left in doubt. It might easily be that an inspection in a more or less remote district would mean a very considerable sum by way of travelling expenses. Certainly it seemed to him the cost should be borne by the central authority. If, on the other hand, the local authority was to be expected to meet the cost then that authority should have some voice as to the necessity or desirability of an examination. If the medical officer was to act at the direction of the Minister then the Minister should take the responsibility for paying the bill.

Mr. HEITMANN: There was no reason whatever for the extraordinary fear displayed by the members for East Fremantle and Kalgoorlie as to who was to pay the cost. Seeing that such inspections were in the interests of public health the question of cost should not be allowed to loom so largely in the discussion. That it should be given such prominence was suggestive of a danger that where health matters were left to the local authorities those authorities could be relied upon to do everything so long as it cost nothing. But, apart from this, it seemed that hon. members had altogether a wrong idea of the intention of the clause. The members for East Fremantle and for Kalgoorlie seemed to think the department desired the power merely in order that it might be used at times of epidemics. This was not the purpose of the clause at all. Its real purpose was that a true knowledge might be gained of the general state of health of school children, with the object, not only of preventing epidemics but of bringing about a general improvement of the health of those children. In other parts of Australia this system was being carried out much more fully than in Western Australia, and it was surprising to find from the results of the system the extraordinary high percentage of children showing defects which, in a greater or less degree, were interfering with their educational progress. Not only would he give power to the Health Department to carry out his work, but he would like to see created a medical branch of the Educational Department in order that these inspections might be carried out systematically and at regular periods, not only in the more thickly populated districts, but right throughout the State. The result of the medical inspections of school

children in Tasmania showed that in 1908 of 3,000 children examined in Hobart 30.47 were defective; of 2,100 examined in Launceston 21.61 were defective, while of 5,000 children examined in the country districts 13 per cent were defective. And it was to be remembered that these defects were unquestionably interfering with the educational progress of the children. It was necessary that we should test our school children with a view to discovering whether they were in a fit bodily state to receive the tuition given them.

Mr. Jacoby: And with a view to making sound citizens of them.

Mr. HEITMANN: Yes. One had only to enter a State school to see that there were numbers of children who, looked upon as merely dull, would on closer examination be found to be suffering from post-nasal growths, and other such hampering defects. Without having the actual returns at hand he thought he was right in saying that as a result of an inspection made at Boulder nearly 30 per cent. of the children were found to be defective, whilst the percentage in Perth was about the same. Not only should the children be examined at regular periods, but we should also see that strict attention was paid to the school buildings. Of his own personal experience he knew of a school whence infectious diseases had been taken to the homes year after year. It was clear that with a systematic and proper inspection of school children we would have in these children healthier bodies and better educated minds, while later on they would prove to be citizens of a higher all-round type than other children not so examined when at school. With regard to who was going to pay the cost he was not concerned.

Mr. Angwin: I am.

Mr. HEITMANN: As a matter of opinion he would rather see the Government undertake a complete scheme, because he was satisfied that if left to the local authorities it would not be carried out in a proper manner. He would support the clause.

Mr. ANGWIN: The hon. member had declared that the question of finance had too prominent a place in the discussion. But it was to be remembered that the local authorities were financially handicapped from the very start.

Mr. Heitmann: That is no argument against the inspection of children.

Mr. ANGWIN: Parliament came along and declared that the local authorities should levy not more than a certain amount in rates. If there was not sufficient revenue the position of the local authority could be realised. A large part of the revenue permitted to be raised under the Bill must be devoted to looking after the health of the district in a proper manner, without having increased expense put on the local authorities in this direction. The inclusion of words asking for the authorisation of the Minister meant that the local authority would look to the Minister for payment for these examinations. No objection was raised to the examination of children; it was simply that it was a matter for the department to pay for them out of money provided by Parliament for the purpose. What inspections would a medical officer make who was receiving only £15 per annum from the local authority?

Mr. Jacoby: That is only the minimum.

Mr. ANGWIN: In the heavily populated districts it was understood the department would undertake the work, so that the provision would really only apply to large areas with a small population that could not afford to pay more than the minimum of £15 to their medical officers. There were many charges made against the local boards in regard to neglect of duty. As a matter of fact, these local boards did their duties as efficiently as they could with the money at present at their disposal, and there was no desire to see the same charge levelled against them in the future because of want of funds. There was also a desire to protect the department so that the local authorities would not direct their medical officers to conduct examinations and send in the bills to the central authority. It should be provided that if a medical officer conducted an examination without the authorisation of the Minister he should look to the local authority for payment.

but if he was authorised by the Minister to make the examination then he should look to the central authority for payment.

The Minister for Mines: Why refuse a local authority power to send a medical officer to conduct examinations?

Mr. ANGWIN: The duties of a medical officer to a board of health were limited at present to examining schools to see if they were in a sanitary condition. This Bill would place additional duties on the medical officer, which additional duties, in other parts of the world, received additional remuneration. The local authority in this regard should be protected, and the Government should carry out the work. That was the object of the amendment.

Mr. JACOBY: The hon. member was unduly afraid of a large amount of expense being put on the local authority, but it would be found most medical practitioners, also oculists, were anxious to undertake this work in an honorary capacity, as it gave them a considerable amount of experience and also a certain amount of advertisement. It was pleasing the Committee were in accord with the principle contained in the clause. In America a great deal had been done in this direction. In a large number of instances a fair percentage of children, who might ultimately have got as far as the lunatic asylum, had been successfully treated and saved to become useful and intelligent citizens of the State.

Mr. Angwin: Some of the local boards may get into the lunatic asylums through having this additional expense.

Mr. JACOBY: Why the objection to the local authority consuming its own smoke; why want to push every burden of the result of disease in a particular centre on to the shoulders of the State, more particularly when the conditions existing might have been brought about as the result of the neglect of the local authority? Surely the health of the locality should be the concern of the local authority, and if they neglected their duty the Government should intervene, but the burden should be placed on the local authority. It was to be hoped the examination of school children would ultimately develop into the system suggested by the member for Cue, and that we would have a branch of the Health Department chiefly concerned in overlooking the health of the rising generation. It was pleasing to see the step which was being taken. The country would be so satisfied with the working of the law that it would pay the additional expense to develop it still further.

Mr. BATH: The member for East Fremantle did not seem to realise that a careful attention to the medical examination of children in schools would save the local authorities and the State a great deal of expense in future years.

Mr. Angwin: I realise it, but I want the Government to pay for it.

Mr. BATH: It was one of those steps in race culture that was going to mean a great deal indeed to future generations. It was one of the greatest steps in advance in hygienic science that had ever been made. In Australia we always boasted about the remarkably healthy condition of the children in the schools and wherever they were met with, but all the medical examinations indicated that the condition of things was not as good as it should be—as a matter of fact, indicated the beginning of ailments and complaints which, if taken in their earlier stages, would undoubtedly result in very great benefit to the health of these children in later years. It was one of the best possible works that could be undertaken, but the member for East Fremantle asked that the work should not be placed upon the shoulders of the local authorities. We heard at times champions of the local authorities saying they were not given sufficient powers: but now when we gave them important duties to perform, the complaint was made that that the local authorities were burdened with these duties. The member for East Fremantle complained that the taxation powers were insufficient, but that could be easily remedied. If the work was good and desirable to be undertaken the proper course was to ask for sufficient powers of taxation in order to carry it out. It seemed rather a peculiar argument to ask that

the work should be undertaken by the State. By passing the liability over to the central authority the local authorities would not ultimately relieve the ratepayers from the obligation. If the work was necessary and had to be undertaken the people would have to pay for it whether it was undertaken by the local authority or by the State. When members talked about relieving the local authority they forgot that the people would have to pay just the same, whether through the local authority or through the State. The work when undertaken would relieve the local authority of expense in later years, and the local authorities should welcome such important powers being placed upon them and should provide the necessary funds in order to carry the work into effect.

Mr. BOLTON: Members did not seem to understand the clause. In the past medical officers in examining school children committed breaches of the peace, and the clause was put in so that they might conduct these examination in the future without committing breaches of the peace. The member for Cue was well satisfied with the clase as it stood, but the clause did not provide for any additional examination whatever.

Mr. Heitmann: I do not want to diminish it, at all events.

Mr. BOLTON: It simply legalised the continuance of a past practice, and yet the member for Swan was delighted to hear of the step that had been taken. Examinations had been made for years past, and it was only because it had been found there was a technical breach of the law that the clause was brought forward. It was not as to who should bear the expense; that question was not raised in the clause at all. If the amendment were carried it would be obligatory on the Minister to pay the cost. The present position was that just when it was thought fit the Medical Department, or medical authority, could undertake an examination of school children, there was no question of payment at all. Why not have a regular examination of all school children in all State schools, instead of having the provision in the Bill? The clause was innocent in its present form, and could be passed, but it was no improvment on what had been done in the past. Let us improve on the present methods, and they could be improved upon. If the clause was carried, nothing would be done; it was the same haphazard style.

Mr. Heitmann: Would the amendment make it mandatory for the department to do the work?

Mr. BOLTON: At present neither the Minister nor the Commissioner could demand that a school child should be examined. If there was power in the clause he would be satisfied. The position was not altered one iota from what it had been in the past, and the clause would not alter it. If it were made mandatory for the medical officer to do the work, then it would be different.

The MINISTER FOR MINES: No one was more desirous of trying to conserve the power of the local authority than the member for East Fremantle. In connection with this clause, the purport of which every member agreed with, we found that the member for East Fremantle was desirous of taking away from the local authority any power to have children examined.

Mr. Angwin: I gave my reason for it.

The MINISTER FOR MINES: The Government were desirous as far as possible of carrying out this work by the department. On the Estimates there was provision made for a medical officer at a salary of £600 a year whose duty it would be to attend to this special class of work, but the medical officer was not the only medical officer who could do this work; there were medical officers of the local authorities, but in nearly every instance the work would be carried out by the Government. In the back-blocks districts, where the medical officers were subsidised by the Crown, they would be asked to do this work, and no doubt they would be willing to carry it out. It was a very small additional duty which would be cast upon these medical men in the back districts. The members of the Western Australian Dental Association were willing to examine the teeth of children

and advise parents free of charge, and arrangements had also been made that the treatment of these children should be free of charge. A sum of £150 was provided on the Estimates for outfits for these dentists to enable them to carry out their work, and he was satisfied additional expense would not be entailed on the local authority, and very little additional expense he hoped would be entailed on the Crown. Beneficial results had followed from the examination in the past. In England the whole cost was borne by the local authorities, and not by the Government. Here it was intended to carry out the work as far as possible by the Government, but in outback districts the Government were justified in asking the local medical authorities to do the work as the Government subsidised them.

Mr. ANGWIN: This was a class of work that should be paid for from funds voted by Parliament. That was the reason why he wanted the words inserted, not that power should be taken away from the local authority. The local authorities were not prepared to pay for this work unless they were forced to do so by the Government. The clause was inserted to get over the difficulty, for without the clause the Government could not compel the local authorities to do the work. Unless the clause was passed the Government ran a risk, but the Government did not want to run any risk. They did not care who ran a risk so long as they did not. In regard to medical men being willing to do the work, he had not come across them. Special authorisation was to be given to dentists, and why should not the same authority be given to medical officers?

The Minister for Mines: Suppose the clause was made to read "so authorised by the Commissioner or local authority," would that do?

Mr. ANGWIN: No, the district should not be made responsible.

Amendment put and negatived.

The MINISTER FOR MINES moved a further amendment—

That the following be added to stand as Subclause 2:—"Any duly registered dentist may, if so authorised by the central board or the local board of the district, examine the teeth of any such child, and the child shall submit to, and the parents or guardians of such child shall permit, the examination."

The Committee had already been advised of the arrangements made with the Western Australian Dental Board and he hoped that the amendment would be agreed to.

Mr. PRICE: Would the Minister explain why it was necessary in that subclause to require the dentist to be authorised by the central board or the local authority, seeing that he had not thought such authorisation necessary for medical officers.

The MINISTER FOR MINES: A medical officer was a health officer who had been approved by the local health board and by the Commissioner, and it would not do to give power to examine children to any registered dentist unless he also had been approved. Any medical officer did not mean any medical man, but meant the medical officer as defined in the Act.

Mr. ANGWIN: The central authority had power in the Bill to call upon the local authority to do almost anything which the measure provided for, and the subclause proposed to impose an additional expense. He did not object to such examinations taking place, but the Government should bear the expense.

The Minister for Mines: We cannot compel the local authorities to do this.

Mr. ANGWIN: The central authority could compel the local authority to do anything.

The Minister for Mines: This is entirely permissive.

Mr. ANGWIN: If work such as the examination of children's teeth was of interest to the whole of the State the Government should take the responsibility of seeing that it was carried out in an effective manner. The work would never be well done unless it was done through the central authority and paid for. Although the intention of the Government looked well on paper, the proposal would be a dead letter unless

power was given to the Minister to compel the carrying out of the work.

Mr. PRICE: Would the Minister agree to the insertion after the word "dentist" of the words "or eye specialist." Specialists in the diseases of the eye were just as distinct from medical officers as were dentists, and it was more necessary to pay attention to children's eyes than to their teeth.

The MINISTER FOR MINES: There would be no grave exception to the addition of the word "oculist." He would consult the health authorities, and if he found that he was making a mistake he would ask the Committee to allow him to withdraw the amendment afterwards. It was undesirable that the department should have quacks engaged in work of that nature and it would be necessary for an oculist to have his degree.

Mr. Price: Why not "an eye specialist"?

The MINISTER FOR MINES: It would be very hard to define what "an eye specialist" was. If the hon. member would allow the clause to pass, his suggestion would be brought before the Health Department, and if the authorities were agreeable the suggested amendment could be inserted on recommittal or could be proposed in another place.

Mr. PRICE: The suggestion of the Minister was acceptable. Diseases of the eye broke out in schools and it might be necessary to call in an eye specialist to deal with such epidemics.

Amendment put and passed.

Mr. HEITMANN: What was the intention of the Government in regard to the inspection of school children? It had been stated that there was in this State a very satisfactory system of inspection, but the Principal Medical Officer in his report had said—

> The examinaion of school children has received attention for some years in this State. Unfortunately the work has not been continuous during the past year in consequence of the outbreak of diphtheria, necessitaing a large amount of work in the laboratory.

The Government had not considered the matter, or if they had considered it and had a sympathetic department, they had failed in carrying out their duty. There were enthusiasts in the department, but they were handicapped through Governments in the past not being prepared to spend the money. The Minister should go into the work in a proper manner and not allow isolated outbreaks of diphtheria to interfere with it at all.

The MINISTER FOR MINES: There was some difficulty in the department owing to the several outbreaks alluded to in the report, and owing also to the absence of Dr. Cumpston in connection with the Commission as to tuberculosis amongst miners. The Estimates, however, would show the earnestness of the department in the work, and when members knew that during the last six months, 3,000 children had been examined, they would see that the department had not been idle.

Mr. Heitmann: That is a very small proportion of our school children.

The MINISTER FOR MINES: That was a fair proportion for six months. Having once made an examination of all the children in the State, the work would be less arduous in the future, and the intention of the Department was to keep it well up to date.

Clause as previously amended put and passed.

Clause 271—Regulations:

Mr. BOLTON: The clause gave the Commissioner power to make by-laws for the carrying into effect of the provisions of the Act, and the Commissioner, who was at present the Principal Medical Officer, at times made by-laws which were distinctly against the opinions of the Chamber. He was inclined to move to delete Subclause 2, and not give the Commissioner power to make by-laws. His reason was that although on no less than three occasions the House had carried a measure for the abolition of compulsory vaccination, the Commissioner had waxed very wrath at the combined intelligence of the Chamber having pronounced against the continuance of compulsory vaccination. It would be remembered that after the Vaccination Act Amendment Bill was defeated in the Legislative Council, the Assembly struck

out of the Estimates the item providing the salary for the compulsory vaccination officer, thus deciding there should be no more compulsory vaccination. This was how the Principal Medical Officer concluded his report on vaccination—

> The Legislature having struck out the item from which the salary of the compulsory officer is derived, the services of this officer have had to be dispensed with. It will be advisable to provide some other means by which this necessary work can be carried out.

The combined wisdom of the members of the Assembly having decided compulsory vaccination was not now necessary, the head of the Health Department issued instructions to all the police constables that the parents, or guardians, of children born in any district should be notified that they must have the children vaccinated immediately or prosecution would follow; and lists of children born in these different districts were supplied to the police and the police notified parents or guardians that the children must be vaccinated or prosecution would follow. Seeing that this could be done by regulation, it followed that other regulations, just as opposed to the opinions of members of the Chamber, would probably be made by this same officer. There was on the Notice Paper a new clause which he (Mr. Bolton) would move to stand at the end of the infectious diseases part of the Bill. Had the provisions of the Vaccination Act been included in the Health Bill, because vaccination was decidedly a matter relating to infectious diseases, then an amendment could have been moved for the abolition of the compulsory clause. However, as this step was not taken, it was necessary to move the clause on the Notice Paper to abolish compulsory vaccination, and it would be well to get an assurance from the Minister as to what attitude would be taken in regard to that clause.

The CHAIRMAN: Would it not be better for the hon. member to reserve his discussion on vaccination until he reaches his new clause?

Mr. BOLTON: Under the system of making regulations it was desired to call attention to the regulations made to compel vaccination, notwithstanding there were three votes in the House opposing compulsory vaccination. That regulation was issued over-riding the decision of the Assembly.

Mr. Underwood: What was the result of the referendum on the question?

Mr. BOLTON: The referendum in regard to vaccination was decidedly and overwhelmingly in favour of the abolition of compulsory vaccination.

The CHAIRMAN: It would be better for the hon. member to reserve that point until he came to the new clause. The hon. member was in order in confining his remarks to regulations which might be printed under the clause of the Bill now under discussion.

Mr. BOLTON: The commissioner could over-ride the line of action decided on by Parliament by issuing a regulation. It was no use the Minister saying that it was not law to have no compulsory vaccination because both Houses had not passed the amending Bill. Both Houses would certainly adopt the clause he now proposed to add to this Bill. But the Principal Medical Officer might also disagree with this decision of the Chamber. One or two extracts from the report of the Medical Department would show the officer's antipathy towards the decisions of Parliament, a feeling which probably led to the making of the regulation complained of. This was one extract—

> The continuous and successful effort to induce ratepayers to vote against compulsory vaccination at the late municipal elections indicates that the public are being carried away by the clamour of the agitators, and their own indifference and want of knowledge of the dire results which must follow the introduction of small-pox into the State, which may happen notwithstanding every reasonable precaution. It is to be feared that their folly will be brought home to them only when face to face with the calamity at which they now jeer, and when they witness the havoc wrought by the courage of ignorance.

Even Ministers on the Treasury bench de-

cidedly favoured the proposal in the amending Bill. Of course the Minister for Mines, having introduced the Health Bill, would probably not favour it now, but it would be pleasing to hear what the Minister proposed to do with regard to the new clause he (Mr. Bolton) intended to move, because if the Minister intended to oppose that clause it would be necessary to take steps to get a majority to carry it. In fact there was a majority of members pledged to carry it.

The CHAIRMAN: The hon. member can deal with that clause when he reaches it.

The MINISTER FOR MINES: No new regulation was issued under the Compulsory Vaccination Act, but as the Act was compulsory, instructions were issued to carry it out. In reference to the clause the hon. member referred to, owing to representations made by the Health Department, he (the Minister) would be compelled to oppose it.

Mr. BOLTON: If no regulation was issued it was most peculiar that the police were now taking on the duties of the compulsory officer. The Principal Medical Officer had power to make such a regulation, or at least an instruction.

The Minister for Mines: The Act must be carried out until it is repealed.

Mr. BOLTON: Public opinion was that the Act should not be carried out. When the Assembly passed the amending Bill and also deleted the item from the Estimates in regard to the compulsory officer, the Colonial Secretary said to him (Mr. Bolton) "I will not give in yet. I will instruct the police that they are to do this duty to beat you," and the Colonial Secretary did instruct the police and had beaten him, but there was a higher tribunal, referred to by one member of the Government, that would eventually fall pretty heavily on this or any other Government playing with the matter too long. The Minister would not go so far as to ask those members pledged to support the new clause to go back on their word.

The Minister for Mines: I have not yet made a party vote during the whole Bill.

Mr. BOLTON: There was sufficient guarantee that the new clause would be carried, and the Colonial Secretary would be glad to accept it rather than lose the Bill.

Mr. Walker: Would you suggest limiting the Commissioner's power to make regulations?

Mr. BOLTON: An amendment to the clause now before the Committee might not have the desired effect.

The Minister for Mines: You cannot move any amendment to this clause to affect vaccination.

Mr. BOLTON: The object was to see that, if the clause proposed was adopted by both Houses, the Principal Medical Officer, who was anxious to see compulsory vaccination, should not in some degree issue a regulation in that direction. Certain instructions had been issued already which were by no means fair, and the desire was that this officer should not continue in that line if it was possible to obviate it.

Mr. ANGWIN: In the examination of school children medical officers would ascertain whether the children were vaccinated or not. A regulation made under this clause might instruct medical officers to find out whether children were vaccinated or not.

The Minister for Mines: Under the Vaccination Act vaccination cannot be compelled after a certain age.

Mr. ANGWIN: Regulations might be made, and once they became approved of it would be impossible to get away from them, but whether it could be done or not the people would be frightened by them.

The Minister for Mines: We cannot make regulations in that regard.

Clause put and passed.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 272—By-laws:

Mr. PRICE: Would the Minister explain the meaning of Subclause 2, which provided that any by-law might be restricted in its operation to any defined portion of a district?

The MINISTER FOR MINES: In connection with health and in case of an

outbreak of disease the department might have to insist upon some special by-laws, which might be applicable to only a certain portion of a district.

Clause passed.

Clause 273—Model by-laws:

Mr. ANGWIN: The Minister should explain to the Committee the necessity for this clause. In Clause 272 it was provided that the local authority may make by-laws, then it was found that when the central board required the local authority to do so they "shall make by-laws." Surely that ought to be included in this clause also? The Government might make model by-laws for the whole State, and the Minister declared that it might be found necessary to make by-laws for one district, which would be applicable to a defined area. If that was so how could we make by-laws that would affect the whole of Western Australia.

The MINISTER FOR MINES: The principle which would be involved was in force at the present time, and the clause merely provided what was contained in Section 11 of the Act of 1900. A great number of the local authorities had these model by-laws. The commissioner would have the power to make any of these by-laws compulsory upon the local authority, and that had been proved by experience to be wise. The system of model by-laws, in a great majority of cases, had been accepted by the local authorities.

Mr. ANGWIN: On looking at Clause 272 it was found that the local authority "may from time to time" make by-laws, and if the by-laws were not suitable the commissioner could compel them to make certain by-laws which would comply with the requirements of the central authority. That was all that should be required. The next clause declared "that the central board shall make by-laws"; then the local authority could adopt them, but the very next words of the clause were, "and shall if required by the commissioner." These clauses appeared to be all contradictory. There had been a lot of objection raised about the Government having power to make model by-laws, especially if their adoption by local authorities were made compulsory. The local authorities were put in a false position, because the central authorities might make by-laws which might be applicable to a place like Perth and would not be applicable to Kalgoorlie, and then they might come along and say that having made these model by-laws the local authorities would have to adopt them.

The MINISTER FOR MINES: The hon. member should recognise the advisability of the central authority preparing a set of model by-laws for the information and guidance of local authorities. The advantage could not be denied. He would not quarrel with the hon. member if he desired to delete the words "and shall when the commissioner so requires" in Subclause 2, but so far as the necessity for having these model by-laws was concerned there could be no question.

Mr. HUDSON: The clause was mere surplusage. The argument of the Minister was that the commissioner might have the right to make model by-laws for the guidance of local authorities; that would be a matter of practice in the office; there would be no necessity for legislation. Naturally the central board would prepare model by-laws to submit to the local authorities for consideration. If, on the other hand, it was shown that the local authorities could adopt the model by-laws by some short method, and so cheapen the cost of publication such as was done in connection with the Companies Act, where there were certain provisions for the management of companies, and the whole of the regulations were adopted by accepting Table (a) in the Schedule, there might be some advantage. There was, however, no such provision in the Health Bill. The local authority adopting model by-laws would have to publish them fully, and it would be necessary for the local authorities to have them recorded throughout their books and published in the *Government Gazette* and in newspapers at considerable expense.

The Minister for Mines: You will notice that Subclause 3 provides not for the publication of the by-laws but publication of the resolution adopting the whole or any portion of the by-laws.

Mr. HUDSON: All by-laws had to be published in order that effect might be given to them.

The Minister for Mines: In this case the publication of the resolution would be sufficient.

Mr. HUDSON: The publication of by-laws was necessary, otherwise they would not be the by-laws of a local authority.

Clause put and passed.

Clauses 274 to 276—agreed to.

Clause 277—Parliament may annul by-laws:

Mr. ANGWIN: Seeing that the department would be under the direct control of a Minister, and that therefore the Ministry as a whole would be responsible for any by-laws made under the Bill; and that, further, another place had nothing to do with the making or unmaking of Ministries, it seemed to him that the annulling or approval of those by-laws should be left entirely to this Chamber. He could not see that another place was in any way interested in a matter so vital to the Ministry as the approval or annulling of by-laws for which the Ministry were responsible. The power of dealing with these regulations or by-laws should be confined to the House. It was time we should try for greater powers in the House in respect to the actions of the Government in the making of regulations and by-laws. If the House had greater powers in this respect the Government would take greater care in the framing of regulations and by-laws. He moved an amendment—

That in line 1 the words "either House of Parliament" be struck out, and "the Legislative Assembly" inserted in lieu.

Mr. SCADDAN: What would be the position in the event of a regulation which had been approved by an overwhelming majority in the House being disagreed with in another place? In his opinion it would mean that, in spite of the fact that the people's representatives in the House were favourable to such regulation, and in fact might have unanimously carried a resolution affirming it, the members of another place, not the representatives of the people, might annul that regulation, and there would be no appeal whatever from their decision.

Mr. Walker: How are the regulations to be submitted to us?

Mr. SCADDAN: Clause 276 provided that all regulations and by-laws should be laid before both Houses of Parliament within 30 days of their making if Parliament were then in session, and if not then within 30 days after the next meeting of Parliament. But under Clause 277 the members of another place were to be given the privilege of annulling any such regulations or by-laws, notwithstanding their possible approval by the Legislative Assembly. Surely the Minister did not seriously intend to set up such a position.

Mr. JACOBY: It might easily be that an extraordinary position would arise under the clause. Regulations would have to be made within the four corners of the measure, but either House could render some particular part of the measure futile by moving a resolution disagreeing with the regulations made. This would indeed create an extraordinary position. Although it was quite possible that nothing unusual would occur, still the possibility remained of one House annulling the by-laws without appealing to the other.

The MINISTER FOR MINES: So far as memory served him, the procedure adopted in the past had been to insist that any regulations should be placed on the Table within a stated period. Then if those regulations were objected to by any member it was open to that member to move that in the opinion of the House such regulations were not desirable, whereupon, if such motion were carried, it was regarded as a direct instruction to the Government that the regulation had not the support of the majority in the Chamber. In face of such resolution any Government would immediately amend the regulation according to the desire of the Assembly. In the Queensland Act was contained a section similar to the clause in the Bill, which had also been inserted in the 1905 measure. However, we would be placing ourselves in an anomalous position if we agreed that the Legislative

Council should have power to annul any regulation notwithstanding that the Assembly regarded that regulation as being satisfactory. He did not like the clause himself. For his part he would favour the following of the old procedure which he had described.

Mr. WALKER: Certainly the clause would place us in an anomalous position if it were adopted, while, if we deleted it, we would simply provide that the regulations be laid on the Table. The misfortune was that numbers of regulations were placed on the Table among other papers, and no particular attention was drawn to them. Provision should be made that the Minister administering any Act of Parliament in respect to which regulations were framed, should specially draw the attention of the House to those regulations when tabling them. It was not sufficient merely to table the papers.

The Minister for Works: They are published every week in *Hansard*.

Mr. WALKER: But the Minister himself scarcely spent his week in searching *Hansard* for traces of papers tabled. The member most eager to perform his duties could not possibly keep in touch with all papers that issued from the Ministerial departments, and examine in detail all the matters which were placed upon the Table. It was only when regulations touched some important matter that the attention of members would be aroused, and there ought to be some other means of calling attention to them. The Bill was of paramount importance to the State and he conceived the possibility of regulations which might be of a very drastic and very harassing character, and might be the cause of very serious irritation to the whole of the State, passing absolutely unnoticed and becoming law simply by their being laid on the Table of the House. If the clause were negatived there should be some substituted clause making it necessary for the Minister to draw the attention of the House to the regulations by submitting some formal resolution.

Mr. SCADDAN: Did the Minister intend to allow the clause to stand?

The Minister for Mines: No, I suggest that we delete it.

Mr. SCADDAN: Was it the desire of the Minister to have no provision for regulations at all?

The MINISTER FOR MINES: The Committee had already agreed to Clause 276, and 277 was unnecessary. Any regulations which were presented to Parliament had the force of law at once. So far as laying regulations on the Table was concerned, all that could be done was done. but though regulations were tabled week after week hon. members took very little notice of them. When, however, it was found that the working of regulations became too inquisitorial, members began to find out through complaints made to them that the regulations were such as did not meet with approval, and that was the only method by which members could become conversant with the regulations. Many of the existing Acts gave power to frame regulations, but those regulations always underwent the scrutiny of the Crown Law authorities, who saw that they were in accordance with the provisions of the Act; and unless greater publicity could be given—and that did not seem practicable—members were not likely to take any more notice of them than at present. It would be far better to continue as at present than to have the possibility of one House declaring that a regulation should be annulled and the other passing a resolution that the same regulation should be confirmed. It would be possible to do without the clause and to continue the practice which had been in force in the past.

Mr. WALKER: The Minister was right in saying that the clause could be done away with, but there ought to be a substituted clause.

Mr. Angwin: Why should we do away with it?

Mr. WALKER: Because the clause provided the elements of a deadlock.

Mr. Angwin: Not if my amendment is carried, because then only the Assembly can deal with the regulations.

Mr. WALKER: There had long been dissatisfaction with the present method of dealing with regulations. The Minister had said that the difficulties of regulations could be found out in the working of

them, and by the complaint of the people when they felt the pinch, but that was not a just way.

The Minister for Mines: There is a motion by Mr. Gill on the Notice Paper now to annul certain regulations.

Mr. WALKER: The motion might never be reached, and all the time the public would continue to suffer. His sugegstion was that when regulations were made they should be placed on the Table of the House and by resolution of the Minister in charge referred to a Select Committee for their report thereon. That would mean the placing of additional work on members, but in regard to an important matter such as the health of the community members would be willing to devote their time to the regulations framed. Experienced men could be selected from both sides of the House, who would be able to judge of the force of those regulations and submit a recommendation to the House. The sections dealing with regulations in the Bill ought to be treated carefully, because the chief features of the law were put into regulations, and it was in them that the harassment would be found. He was not satisfied that with the bare approval of silence, regulations should be allowed to stand until the public cried out loud enough to attract the notice of some member who would move for their annulment.

Mr. ANGWIN: The clause introduced a new system in allowing either House to annul a regulation, whereas formerly the vote of both Houses was required. He could not see the necessity of another place having a vote on that matter. It was to be hoped that in this instance members would assert the rights of the Legislative Assembly and conserve to that Chamber alone the right to deal with regulations. That would make the Government more careful in framing regulations and more considerate of what the effect would be on the public.

The MINISTER FOR MINES: The objection that applied to the clause must also apply to the amendment. It would be placing in the Bill a power for one House to make legislation. We had not reached that stage yet in this State, and while we had our present Constitution we should endeavour to do nothing of the sort. If members desired the Bill to pass into law we should not do anything in this regard that would be likely to be unacceptable to another Chamber. If any by-law did not meet with the satisfaction of an hon. member, that hon. member could adopt the same procedure as was adopted by the member for Balkatta in regard to the public service regulations. The hon. member could submit a motion that the regulation be disallowed, and if that motion were carried by the Assembly the Government would immediately take steps to carry into effect the wishes of the House.

Mr. Keenan: Where is the clause taken from?

The MINISTER FOR MINES: New Zealand.

Mr. SCADDAN: If members had the opportunity of discussing a regulation that might be most objectionable, possibly members would declare it unnecessary, but no such opportunity was given. The Government which made the regulation had charge of the Notice Paper, and if a member tabled a motion to disallow a regulation the Government would not give the opportunity to discuss the motion. Surely members should have the opportunity of dealing with any regulations framed under a measure which Parliament had passed. When a regulation was presented to Parliament is should be the right of any member to demand the consideration of it within the specified time. The motion submitted by the member for Balkatta would never be reached, yet the regulation would still go on. Some regulations were very far-reaching, more so than the Acts, yet Parliament had no control over them, because private members' motions were at the mercy of the Government.

The Minister for Mines: The amendment would not put you in a better position.

Mr. SCADDAN: No, the amendment did not meet the case, but provision should be made by which members would have the right to discuss any regulations within a given period after they were laid on the Table.

Mr. GILL: The difficulty was that there was no method such as that suggested by the leader of the Opposition. There would be no opportunity to deal with the motion on the Notice Paper in regard to disallowing one of the public service regulations, as the time was not far distant when private members' day would disappear.

The Minister for Mines: That regulation is over five years old.

Mr. GILL: It was just issued afresh. It was, no doubt, a waste of time discussing regulations members had no opportunity of dealing with. Members should have the opportunity of claiming the right to deal with regulations within the period allowed by the Act. There did not seem to be any objection to the amendment before the Committee. The Minister took exception to one House dealing with legislation, but did not take exception to the Ministry alone framing regulations and putting them into force. One failed to see the objection to the whole of the House dealing with regulations, particularly as the Assembly had the making and unmaking of Governments.

Mr. WALKER: The Minister should say whether the improvements suggested could not be adopted.

The Minister for Mines: You cannot do it to this clause.

Mr. WALKER: A clause could be drafted and put in the Bill so that there would be some process by which the Chamber would take cognisance of regulations that became law. When passing a Bill every possible opportunity was given for discussing every word of it, but it was in the regulations that the sting, the danger and the irritation were, yet we were satisfied to allow these to be drafted by those who would be officers under the Act, and who would provide them to make their work as easy and convenient as possible, doing it, perhaps, at the expense of those to be the victims of the operation of the regulations. When the regulations were put on the Table of the House they were not sifted, they were never read outside the department introducing them, and they were not known until they came into operation, until somebody felt the effects of them. It was unjust and unfair to foist regulations and by-laws on the public in this way. The difficulty could be overcome if, when by-laws were brought down, the Minister concerned drew attention to them by resolution and referred them to a select committee, whose duty it would be to go through each clause seriatim and report to the House, the House then acting upon the report. Obnoxious by-laws or regulations could thus be nipped in the bud before they did injustice to the community. It was a sad feature of our modern civilisation that householders and citizens suffered intensely from some irritation that was unnecessary, on the score that it was carrying out some Act of Parliament, and people suffered grievances year in and year out without any redress. Of course if a thing was very outrageous there was a noise about it, and possibly a member would put a motion on the Notice Paper to disallow the regulation, but the motion was never reached, and so the thing went on from year's end to year's end. The Minister should promise that some provision should be made for a revision and, if necessary, for consideration of the regulations that would be framed in regard to this Bill and submitted to the House afterwards.

The MINISTER FOR MINES: If the hon. member would submit a draft of an amendment in the direction indicated, Clause 276 would be recommitted. That was the clause providing that regulations should be laid on the Table within a certain period.

Mr. KEENAN: The Minister was not adopting the right course, assuming that he desired to achieve that which he had been asked to achieve. The desire of the member for Kanowna was that the regulations should be discussed by Parliament and until sanctioned by Parliament should have no force or effect.

The MINISTER FOR MINES: It was understood that the desire was that there should be a select committee appointed to deal with these regulations a certain time after being placed on the Table of the House. We knew, of course, that provided they were not *ultra vires* they had all the effect of law. The provision

was that they had to be laid on the Table of the House so that hon. members who desired to take exception to them could do so by notice of motion. There might be provision made in the measure as to the reference of these regulations to a select committee. The only thing he feared was that hon. members would not give consideration to them because it would involve a large amount of work to revise them. He was quite prepared to recommit Clause 276, and members could in the meantime consider what action they would like to take with regard to the regulations.

Mr. ANGWIN: Power was given to the central authority to make model by-laws and enforce them, and, apparently, there would be nothing left for the local authorities to frame. There was no desire to press the amendment, and he would ask leave to withdraw it.

Amendment by leave withdrawn.

Clause put and negatived.

Clause 278—agreed to.

Clause 279—Entry:

Mr. KEENAN: There should be some limitation of the time when the central authority and its officers should have the right, and the local authority and its officers should have the right to enter the premises.

The Minister for Mines: The time is provided in the clause.

Mr. KEENAN: It was presumed that the hours mentioned further down in the clause were intended to govern the whole clause. The position of the words made it doubtful whether they related to the whole of the clause.

Mr. WALKER: This was rather a drastic clause, because it provided that any officer in the Health Department had the right to enter into any part of a person's premises between the hours of 7 in the morning and 6 in the afternoon, convenient or otherwise, and cause all sorts of possible irritations. There should certainly be some restriction; no no one should have the right to enter a house on mere suspicion or to see whether anything was being evaded with regard to the Health Act. There were enough sources of annoyance to the citizens of the State at the present time without adding more, and a few clauses further on the Bill practically embraced all the police force as officers who would come under this clause. We should be careful indeed how we interfered with the comfort of the people of the State. It was a little too much for the ordinary patient individual to bear. What safeguard was the Minister going to provide?

The MINISTER FOR MINES: The health authorities and their officials had been carrying out the duty which it was proposed to entrust them with in this clause for many years, and no complaint had ever been made against them by householders. For the past 24 years the officers had had even greater powers, as provided in Section 99 of the Act of 1886, which read as follows:—

> Persons acting in the execution of this Act under the authority of the central or any local board may, with such assistance as may be necessary, from time to time and at all reasonable times in the daytime, or wherein in this part of this Act specially provided in the night or other time, or in case of a nuisance or cause of inquiry or complaint arising in respect of any business then at any hour when such business is in progress or is usually carried on, enter and inspect any house, building, or dwelling and all other places whatsoever, whether private or public, within the jurisdiction of the local board, in order to ascertain if any person has recently died of any epidemic, endemic, or contagious disease in any of the places aforesaid, or if there is any filth or other matter dangerous to health therein or thereupon, or if there is ground for believing that necessity for such entry and inspection otherwise exists in relation to the execution of the provisions of this part of this Act.

For all those years the health authorities had had that power. Now it was proposed to limit the hours during which an inspector could enter to those between 7 o'clock in the morning and 6 o'clock in the evening.

Mr. Keenan: Would you call 7 o'clock in the morning a reasonable time?

The MINISTER FOR MINES: Perhaps it would be scarcely a reasonable time after an all-night sitting. Further, the inspectors were given very general powers under Clause 208, in Part IX., and if we wanted that part of the Bill carried out it would be necessary to give power to the officers of the central or local authority to enter and inspect. Members could rest assured the power would be used with the utmost discretion.

Mr. ANGWIN: It was scarcely likely that the power would be abused. Still it was to be remembered that in the opinion of some hon. members the duties of the officers had not been carried out in a satisfactory manner in the past, and that one of the chief objects of the Bill was to compel the stricter carrying out of those duties in the future. Under the new order of things the attitude of the inspectors might at first by some people be regarded as a little harsh. He agreed that there was no necessity to curtail the hours during which inspectors would be empowered to visit premises; but he thought the clause might in some way be modified.

Mr. KEENAN: The clause should contain some provision for the existence of a reasonable belief that a breach was being committed before the inspector was empowered to make an entry. He moved an amendment—

> *That in line 2 after the word "shall" the following be inserted:—"if they have reasonable cause to believe that a breach has been committed of any of the provisions of this Act or of any by-law or regulation duly made under this Act."*

This was necessary in order that there might be some restriction on mere cursory inspection. As the clause stood there was no necessity to call on an officer for any reason in support of his action in visiting and inspecting any premises.

Mr. BATH: It was essential that the authorities should have the power given under the clause, and because of this he would oppose the amendment. As a matter of fact health administration was rather difficult, and even where offences were committed so many obstacles were placed in the way of securing a conviction or an amelioration of the offence that the power given in the clause was quite necessary without the restriction proposed by the member for Kalgoorlie. If we framed the Bill in such a way as to give people the impression that it was intended to secure effective health administration, and that those in authority would have sufficient knowledge and zeal to see that the provisions were carried out, we would obviate the necessity for entrance upon anybody's premises; because those who were likely to commit breaches of the health laws, seeing the evident intention on the part of the health authorities to secure proper administration, would avoid committing such breaches, and there would be less necessity for the power being exercised than if we were to convey the impression that the administration would be slipshod, and would be hampered by reservations such as that proposed by the member for Kalgoorlie.

Mr. WALKER: The amendment was worthy of support. He would advise hon. members who took the complacent and all-charitable view to be very careful how far they entrusted their liberties to the general officials of the community. It had been resistance to the aggression of authority which had brought civilisation to its present stage. The Anglo-Saxons, or such of them as had settled in Britain, had learned to glorify the sanctity of the home. The Englishman's home was his castle, his sanctuary, his place of retreat. The theory was that even the law halted before the home. None could enter a man's house unless duly armed with the King's warrant, even though in the pursuit of a criminal. That immunity from the aggression of authority had not been obtained without a very long struggle, and those who traced the history of that struggle would hesitate very much when they found a proposal to hand back their freedom to officialdom, to accept the same old supervising inquisitorial rights which it had been the struggle of civilisation to get rid of. Surely if authority could not follow a man suspected of crime

into his house, it should not be allowed to demand admission to his home at 7 o'clock in the morning merely because it suspected there was a smell in one of his drains. It would be going back into the old form of William the Conqueror. And the member for Brown Hill had supported it with just the same argument as William and his successors had enforced the curfew, namely, that it was good for the subject, it was for the sake of the subject. The argument of the member for Brown Hill was just a slight survival of the slumbering embers of the curfew times. It was not desirable to go back to those days, but rather that there should be some responsibility on those who undertook the administration of the Act. There was no guarantee that an officer who administered the Act would be a man of discretion and refined feeling, and it was necessary that a man when entering a house for the purpose of carrying out an inspection should have reasonable grounds for doing so, otherwise he might walk into a home at any hour when perhaps the inhabitants were not yet awake. That would give the citizens protection if unreasonably and unnecessarily he were to be annoyed, possibly by an inspector who wished by constant annoyance to wreak some revenge on him for a fancied injury.

The MINISTER FOR MINES: It was to be hoped the Committee would not agree to the amendment. The cry all through the debate had been for effective administration and the amendment would absolutely destroy all effective administration. In Clause 152 the duties of the inspector were defined, and it was not only when there was reasonable cause to believe that a breach of the Act existed that he should make an inspection. He must take inspections from house to house in order to see whether the conditions were as they should be according to the Act. In regard to infectious diseases it must be apparent that special powers were necessary. Above all things effective administration was wanted, and the member for Kalgoorlie would realise that if his amendment were agreed to it would tend to prevent the attainment of that end.

Mr. KEENAN: Suppose an officer, without any reasonable cause to believe that a contravention of any of the by-laws had taken place, entered on any premises and a complaint were made to the Minister, would he not be one of the first to resent the conduct of his officer? Whilst we were entitled to make elaborate provisions to give effect to the Act, we should not make irritating provisions. Officers became acquainted with the conditions of a district they were supervising, and from that acquaintance they learnt the facts or the belief of the neighbours as to the existence of facts and they inquired into them. That was reasonable conduct; but the reverse was that in a haphazard sort of way the inspector would drop into a man's house without any reason whatever for going in. That would be a source of irritation without in any way assisting in the administration of the Act.

Mr. GORDON: If an inspector were to wait until he got a complaint in regard to the conditions in butchers' and bakers' shops the proprietors would be able to conduct the premises in any way they chose so long as there was no smell. People should also be protected against themselves, for, in the case of dry wells, for instance, they were not always able to judge of the presence of danger in the way that an inspector could do.

Mr. Keenan: Are you in favour of that liberty being extended to private houses?

Mr. GORDON: It was desirable that the inspector should have the fullest liberty to inspect private houses or any other premises at any time, in order to see that the premises were kept in a proper state. Under the present Act an inspector could enter all premises night or day.

Mr. BATH: The member for Kanowna had given the Committee an address on liberty. He might be pardoned for paraphrasing the saying, "Oh Liberty! what a rhetorical crime was committed in thy name." The liberty for which the hon. member had pleaded was the liberty to jeopardise the health of the whole community. If we were going to allow that liberty we might as well wipe out the health legislation altogether. The power

given in Section 279 was essential. An inspector passing along a street could not say whether he had or had not any reasonable cause to suspect that the conditions of the Act were not being carried out. In connection with premises affected by Section 235, for instance, the only means by which the inspector could see whether the Act was being adhered to was by personal inspection, and if the premises were being conducted properly the owner would have no complaint against the inspector because he would know that in the discharge of his duty the officer was treating all alike without discrimination or favour. Except by personal inspection how was an inspector to determine what was the character of the confectionery made in a lollie factory?

Mr. Heitmann: He could not even say whether the lollies were made under sanitary conditions.

Mr. BATH: There was the instance brought to light recently of the butcher who had been in the habit of putting decayed beef and other such tasty articles into the delicacy known as German sausage, and it had been only by inspection that the inspector had been able to secure a conviction.

Mr. Walker: Was he not suspected before?

Mr. BATH: Without any inspection it had been impossible to suspect him by merely passing along the street. If inspectors were to be limited in the way desired by the member for Kalgoorlie they would be seriously hampered in the carrying out of their work, and he trusted that the hon. member would not insist on his amendment.

Mr. ANGWIN: The clause went further than the inspection of back yards and factories. It permitted the inspector to enter a room in a private dwelling, and any person refusing him admittance was liable to a penalty.

Mr. Heitmann: One would imagine inspectors were burglars. Would an inspector force his way in?

Mr. ANGWIN: We had to legislate to meet cases where there was possibility of things taken place. The hon. member talked of the neglect of local authorities, and argued that they must legislate to prevent that neglect in the future. Acting on the hon. member's advice, we should agree to the amendment to prevent the possibility of anything of this nature taking place in the future. The amendment would prohibit inspectors forcing admittance at times when, perhaps, it would not be advisable for them to inspect premises.

Mr. SCADDAN: There were too many things in our Acts prescribing what inspectors could do. Inspection under our Factories, Early Closing and Mining Acts was restricted altogether too much. The mines inspectors had to give notice to mines that they were making visits.

The Minister for Mines: That is not in the Act.

Mr. SCADDAN: Inspectors gave notice of their visits so as not to interfere with the workings on mines, and the Minister concurred in their attitude, though stating in the House that if they had done such thing it would warrant their dismissal. If we appointed inspectors we ought to trust them to know what would be a reasonable hour to make an inspection. Any man who did not know what a reasonable hour was should not be an inspector. There was no fear of the clause working harshly. If it did we could amend it. If the inspector had reason to believe that anything was wrong he should have the authority to make the inspection; but if we restricted him, as was proposed by the amendment, the inspector would be altogether too cautious. We should, as much as possible, relieve these inspectors from restrictions placed upon them by Acts of Parliament.

Mr. WALKER: If we followed out the argument of the member for Brown Hill logically we would be on dangerous ground. The hon. member would make health inspectors the arbiters of the health of the whole community. It was dangerous to over-eat. At his breakfast, a man might become diseased and a menace to his neighbours; then we must have an inspector at this man's breakfast table to watch him gobble his diet. Some people slept in beds not properly

aired or of a composition that would not allow them to breathe or the blood to circulate during their slumbers. What then? We should have a health inspector sleeping with them. By the reductio ad absurdum we could grasp the object of the hon. member's amendment. Was it not the sacred duty of all to protect individually our liberty from possible annoyance from men of whose real character there was no guarantee when they were appointed inspectors? We must be careful we did not lose the safety and immunity of our homes. Every officer of the Health Department could, at any time, go into one's bedroom if he so desired.

Mr. Underwood: If the door is open, of course.

Mr. WALKER: No, the inspector could demand admittance. It was possible to do wrong by fortifying one's self against possible aggression or insult. The amendment was to prevent the free roving commission which would enable an inspector to call at any time.

Mr. UNDERWOOD: One could not be but impressed by the case the member for Kanowna had made out; at the same time, there was always the limitation, commonsense. The clause would give an inspector the apparent right to approach the breakfast table and see whether the breakfast chop was perfectly grilled. That was what we were giving him power to do. It was essential from the health point of view that the health inspector should have a look at that chop. The duty of these officers was to see that we did not do anything in our homes that would be dangerous to the neighbours. After all, if the bed was not properly aired or the sheets were a little damp, that would be likely to affect oneself and not a neighbour. The limitation of commonsense would easily protect this clause against any interference. His opinion was that it was necessary to give a very considerable power to these officers. He had endeavoured to give them the fullest possible powers to enforce sanitary and all other conditions which would promote the health of the general population, and he was convinced that the clause was necessary. Having every confidence in the commonsense of the health officers, he hoped the clause would be agreed to as it stood.

Mr. McDOWALL: After having listened to the eloquence of the member for Kanowna it was difficult to believe that the Committee were discussing a prosaic clause in the Health Bill. What was the difference between the amendment and the clause which had brought forth a remarkable flow of eloquence from the member for Kanowna? The clause simply gave an officer power to enter a place at any time between 7 in the morning and 6 in the afternoon, and which in itself was not a very serious matter, and the amendment was that they should have this power if they had reasonable cause to believe that a breach was taking place. When the two were compared would anyone say that the amendment improved the clause to any extent? In his opinion it did not; it would make the clause inoperative. Unless some better amendment than that proposed was suggested the clause should be passed as it was printed. The clause was being rendered inoperative. If the health of the community was of importance it was necessary that the health officers should have the power to enforce the Act. The amendment would tempt officers to evade their duty.

Amendment put and negatived.

Mr. KEENAN moved a further amendment—

That after "who" in line 1 of Subclause 2 the words "wilfully and unreasonably" be inserted.

As the clause stood the Minister had all the power he required, and no person should be penalised for refusing to admit an officer unless that person refused wilfully and unreasonably.

Amendment passed; clause as amended agreed to.

Clause 280—agreed to.

Clause 281—Obstructing execution of the Act:

Mr. ANGWIN moved an amendment—

That after "who," in line 1, the words "wilfully and unreasonably," be inserted.

The MINISTER FOR MINES: There was no objection to inserting "wilfully," but unreasonably was a question, not of fact, but of opinion.

Mr. UNDERWOOD: Perhaps the Minister would furnish the Committee with the definition of "wilful." The clause read "Any person who obstructs, hinders, or resists—" He failed to see how anyone could obstruct except he did so wilfully.

Mr. Scaddan: You are obstructing now, though not wilfully.

Mr. UNDERWOOD: Far from wishing to obstruct he was merely endeavouring to have the clause elucidated. In his opinion a person could not obstruct, or even oppose, except wilfully. For instance he was opposing the amendment, but he was doing it wilfully.

Mr. ANGWIN: With the permission of the Committee he would alter his amendment in accordance with the suggestion of the Minister by deleting the words "and unreasonably."

Amendment (as altered) put and negatived.

Clause put and passed.

Clause 282—agreed to.

Clause 283—Power to take possession of and lease property on which expenses are due:

Mr. GILL: Would the clause come into conflict with the section in the Municipalities Act in regard to rates unpaid?

The MINISTER FOR WORKS: There was no danger of the clause clashing with the section in the Municipalities Act, or with a similar one in the Roads Act. The hon. member might safely allow the clause to pass.

Mr. HUDSON: As he understood it, the information sought to be obtained by the member for Balkatta was as to priority of claims. Supposing municipal rates had been owing on a certain property for three years, in consequence of which the municipality had the right to take possession of the property and lease it; and that there was money owing on the same property for expenses under the Health Act—which would have the right of priority of seizure, the Health Department or the municipality?

The Minister for Works: I cannot even now see the point.

Mr. HUDSON: This was an expense that might be incurred for improvements, as when the local authority entered on a place to carry out some work such as the filling in of depressions.

The MINISTER FOR WORKS: The revenue received by the local authority was divided into two divisions, the ordinary rate and the rate for health purposes. There was a certain proportion observed between the two rates, and the same proportion would apply in regard to the expenses that might be incurred in connection with the seizure. The proportion must remain the same between the expenditure and the revenue.

Mr. HUDSON: This was not exactly a rate; this was a claim for expenses incurred by the local authority, perhaps in the removal of a nuisance. It would be a charge on the property, and a question of priority of claim arose. If that money had been actually expended by the health authority, the money should go back to the health authority.

Mr. UNDERWOOD: Another question arose—in the event of the expenses having been incurred and the health authority having seized the land upon which three years' rates were owing, there was no power to compel the health authority, after appropriating the amount owing to it, to hand over any excess to anybody else. It seemed possible that the other local authorities would be left without their rates. Whichever authority got in first would take the lot, and there was no provision that in the event of a sale the other rates owing on the property should be paid out to the other bodies.

The MINISTER FOR WORKS: The seizure in such a case would be a joint seizure by the one body in its two capacities.

Mr. Hudson: How would it operate if the Minister seized for water rates?

The MINISTER FOR WORKS: If the Waterworks Department made a seizure its claim would have to be satisfied before that of any other body which had power to seize but had neglected to do so. In the event of a sale the claim of the

seizing body would take priority of any other claim. In this case the seizing body would be the body to which rates were due, and therefore would make a joint seizure for the two purposes and would apply the proceeds proportionately to the indebtedness, if they were insufficient to meet fully both divisions of the debt.

(*Mr. Brown took the Chair.*)

Mr. HUDSON: Was it intended that land once being seized should become the absolute property of the local authority making the seizure? Supposing there were a surplus over the amount of the indebtedness, how would the balance be appropriated?

The MINISTER FOR WORKS: Any surplus of proceeds would necessarily, in accordance with the terms of the Municipalities Act, accrue to the registered proprietor of the property.

Mr. HUDSON: There was a question as to the payment of liabilities in other directions. There might be two corporations entitled to make a seizure. Supposing they were two separate bodies and the health authority made a seizure, there was no provision for that health authority to pay the rates owing to the municipality.

The MINISTER FOR WORKS: Every municipal body was likewise a health body, and there was no possibility of the position suggested by the hon. member arising. If there were two separate bodies the second one would take the usual means to get payment out of any surplus there might be after the satisfaction of the debt to the seizing body.

Clause put and passed.

Clauses 284 to 287 agreed to.

Clause 288—Prosecution of offences:

The MINISTER FOR WORKS moved an amendment—

That the following be added to stand as Subclause 2:—"An inspector of a local board may, by virtue of his office, and without receiving express authority from such board, institute and carry on proceedings against any person for an alleged offence against this Act or any by-law or regulation made thereunder, and he shall be reimbursed out of the funds of the board all costs and expenses which he may incur or be put to in or about such proceedings."

This would give an inspector power to act on his own initiative, power to act even against a person whom the local authority might wish to shield.

Mr. Angwin: Do you know of any instance where the local authority wished to shield?

The MINISTER FOR WORKS: No such instance was within his knowledge, but perhaps the hon. member with his larger experience might be able to supply an instance.

Mr. Angwin: I do not know of any such instance and no insinuation is necessary.

The MINISTER FOR WORKS: There was no insinuation in providing against a contingency that might occur. Even if he and the hon. member had not known of any such cases, that did not prove that such cases did not occur. Even their knowledge combined was not universal. There might possibly be in some districts a large and influential ratepayer, who committed a breach of the Health Act, and against whom an active and conscientious health officer was anxious to take proceedings, although the ratepayer's influence might make him a person whom the local body did not wish to tackle. The amendment would enable promptitude to be shown in the steps that were necessary to be taken in order to suppress a nuisance or to provide against risk of infectious diseases. In some large local governing districts which contained a widely scattered area the health inspector might go out on a tour of inspection without it being possible for him to get precise instructions in regard to the proceedings he should take in individual cases without incurring a large amount of delay. It was far better that prompt action should be taken in these cases than that the evil should be allowed to remain until the officer could get instructions as to enforcing the abatement. If the hon. member for East Fremantle was anxious to protect the reputation of the local authorities, it was not necessary to do so by casting a slur on the integrity and capabilities of the

officers who served those bodies. He hoped that in order to make the Act thoroughly effective the Committee would accept the new subclause.

Mr. ANGWIN: The Minister contended there was a possibility of something happening that had never taken place. We were told the local authorities prevented prosecutions against influential ratepayers, but the most influential elector would have only four votes. Experience showed that large ratepayers generally tried to further the administration of the Act by health inspectors. There was the danger that the health inspector under the clause might run the local board into legal costs without consulting his board. However, the provision seemed such a dead letter that when the Bill was originally brought down the Minister did not see fit to include it. Inspectors generally knew the feelings of their boards, and even with the power that the amendment proposed to give they would not undertake prosecutions that their boards did not think desirable.

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

Clauses 289 to 293—agreed to.

Clause 294—Notice of action:

Mr. SCADDAN: The clause provided that a person taking action against the board must furnish his address and the address of his solicitor. He moved an amendment—

That the word "and" be struck out and "or" inserted in lieu.

Mr. HUDSON: The amendment, if carried, would prevent the name and address of the person being given. This should be furnished; and if a party to an action employed a solicitor, the name and address of the solicitor should also be given.

The MINISTER FOR WORKS: The clause, as printed, would not bind persons to employ solicitors. The Crown Law Department would be consulted on the point.

Amendment withdrawn.

Clause put and passed.

Clauses 295, 296—agreed to.

Clause 297—Recovery of expenses from local authority:

Mr. ANGWIN moved an amendment—

That the words "shall be recoverable as a debt due to the Crown. Without affecting any other mode of recovering such expenses, they" be struck out.

The clause provided that all expenses incurred by the central authority on behalf of the local authority should be recoverable as a debt due to the Crown, and that, without affecting any other mode of recovering, such expenses could be deducted out of any moneys payable in respect of subsidy. Strong powers were given to the central authority to issue instructions to local authorities and to carry out certain works, and it was already decided by members that the central authority should be able to direct instructions for things to be done without reference to the local authorities. Any instructions given without the local authorities being directly notified should be paid for only out of moneys due to the local authorities from the Crown. That was the object of the amendment. Otherwise the central authority might make the local authority bankrupt in carrying out works which should have been left to the local authority to undertake. The amendment would better encourage the local authorities to carry out their duties.

The MINISTER FOR WORKS: The hon. member could not give an instance of a local authority becoming almost bankrupt owing to its treatment by the central authority. The hon. member could cite no instance where the local board suffered by the arbitrary action of the central authority, which previously was a board. Now it was to be a Government officer responsible to the Ministry, and through the Ministry to Parliament, was the central authority more likely to act more arbitrarily in the treatment of local boards than was the case when the central authority was a board that was not directly responsible to the Ministry or Parliament? The hon. member objected to the central authority having power to prove its debt in a court, and wanted to enable it at all times to recover the debt without litigation, so that the Commissioner would not require to do anything except get his fingers on any subsidy that

might be payable to the local board. The words which the hon. member proposed to strike out would enable the Commissioner to recover the debt in the usual fashion. The amendment, instead of being a protection to the local authorities, would have the reverse effect. The hon. member surely was not serious in proposing it.

Amendment negatived.

Clause put and passed.

Clauses 298 to 306—agreed to.

Postponed Clause 176—Contamination of milk:

The MINISTER FOR MINES: With regard to this clause when it was previously before the Committee the opinion was expressed that the penalty was not severe enough, and it was agreed to postpone the clause with a view to providing a penalty which would give effect to the desire of the Committee. Clause 183 dealt with penalties generally. He now proposed to add a new subclause. He moved an amendment—

That the following be added to stand as Paragraph 3:—"Notwithstanding anything in this Act or the Justices Act of 1902 the irreducible minimum penalty for the commission (either as a first or as a subsequent offence) of any Act described in Paragraphs 1, 2, 3, or 5 of Subsection (1) of this section shall be half the (pecuniary or other) maximum penalty to which the offender is liable.

Instead of as was provided in Clause 183 the minimum penalties being 10 per cent. of £20 and 10 per cent. of £50 or imprisonment, the penalties under the new subclause would be one half of £20 for the first offence and one half of £50 or imprisonment for the second offence.

Mr. BATH: It was rather difficult to get the hang of the amendment at is was not on the Notice Paper. The object he had had in view when we were discussing the clause originally was to strike out the option of a fine in the case of a second or subsequent offence. The matter was of such a serious nature that after a person was convicted and was fined, if he committed a second offence there should be no option of a fine, but he should be imprisoned. Because if by the offence the offender could make sufficient profit to pay the fine and still leave a bit to spare there was no deterrent to the subsequent committing of the offence. He would like the penalty made imprisonment for a second offence.

The MINISTER FOR MINES: If the hon. member would look into the subclauses he would see they contained many offences which might not be due to the fault of the employer. It was his (the Minister's) intention to give serious consideration to Paragraph 5. The penalty there provided ought to apply to the person who took employment while suffering from a contagious disease, for that person had absolute knowledge that he was so suffering, while the employer might not have the slightest idea of it. In the circumstances it would be unfair to impose a penalty on the employer. Again, the selling of unwholesome milk might be due to the action of an employee and if we insisted upon imprisonment for a second offence, we might often prevent a conviction in cases where the bench considered the offences sufficiently proved to warrant the infliction of a fine, but not to be of so grave a nature as to merit imprisonment. Thus the hon. member might really be defeating his own object by making the penalty too severe.

Mr. Bath: Clause 182 gives power to deal with a person suffering from an infectious disease, because the local authority can make by-laws and provide a punishment for it.

The MINISTER FOR MINES: At the same time it was not desirable to defeat the object of the hon. member by providing too severe a penalty.

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

Clauses 177 to 183—agreed to.

The MINISTER FOR MINES moved that the following be added to stand as Clause 206a:—

Penalties. Any person guilty of an offence against this division of the Act, or against any by-law or regulation made under this division, shall be liable on conviction, if there is no penalty specially provided for such offence. (a) For the first offence to a

penalty not exceeding £20; and (b) for every subsequent offence to a penalty not exceeding £50, or imprisonment with or without hard labour for not exceeding six months.

New clause passed.

New division:

Mr. COLLIER moved—

That the following stand as a new division and clause at the end of Part VIII.—Division 4.—Special penalty relating to sales of food. (1) If a sale or attempted sale of food is an element of any offence of which any person is convicted under this part, or any by-law or regulation made under this part, of this Act and the sale or attempt was made in premises occupied by the offender, the justices may, in addition to any other penalty, order the offender to display conspicuously in such premises in manner determined by them, a printed notice of the conviction. (2.) The justices may in such order determine the form of the notice, the style of printing, and the size of the letters to be adopted and used therein, the part of the premises to which the same shall be affixed, and the period for which it shall remain displayed; but such period shall not extend beyond three months from the date of the conviction. (3.) If the offender shall refuse or neglect to obey or comply with any such order or determination he shall be liable on conviction to a penalty not exceeding two pounds for every day during which or any part of which the refusal or neglect continues.

Question passed, the new division added.

New clause:

Mr. BOLTON moved—

That the following stand after Clause 232 at the end of Division 1 of Part IX: —(1.) No parent or other person shall be liable to conviction or to any penalty for neglecting or refusing to have any child vaccinated or to take any child or to cause any child to be taken to be vaccinated as a protection against any infectious disease, if, in the case of a child born before the commencement of this Act, within four months after the commencement of this Act, or in the case of a child born after the commencement of this Act, within four months from the birth of the child, he makes a statutory declaration that he conscientiously believes that vaccination would be prejudicial to the health of the child, and within seven days thereafter delivers the declaration to the district registrar of births and deaths in the registry district within which the birth of such child was registered. (2.) A statutory declaration made for the purposes of this section shall be exempt from stamp duty. (3.) A statutory declaration for the purposes of this section shall be made in the form set out in the Third Schedule to this Act or in a form to the like effect.

There was no necessity for a long argument on the question, and he was prepared to divide the Committee in five minutes if necessary. It would be admitted that the principle of the abolition of compulsory vaccination had been adopted by that House on no less than three occasions, and to prevent loss of time to the Government in the introduction of a Vaccination Bill to amend the Act, he had proposed to include such provision in the Health Bill. Vaccination was decidedly a health matter, if anything in this world was.

Mr. Butcher: Non-vaccination is a health matter.

Mr. BOLTON: There was no denying that the amendment was a public necessity. A referendum had been taken in every local governing district in the State, and every district had voted decidedly in favour of the abolition of compulsory vaccination. That was the direction which another place had asked for as a preliminary condition to the acceptance of the proposed reform.

The MINISTER FOR MINES: There was need for caution in that matter and the insertion of such a clause into a health matter was not a proper method of dealing with the subject. It was with some diffidence that he opposed the clause because on many occasions he had expressed his opinion that in the Vaccination Act there should be some provision of the sort indicated, but he had re-

ceived from the department statistics showing the effects of vaccination, more especially in the Eastern countries, and its influence in preventing the ravages of smallpox. In India since vaccination had been started there had been a marked decrease in the number of deaths from smallpox.

Mr. Bolton: If you are going into those arguments you will keep us here for hours. Say you simply oppose it because the department are against it.

The MINISTER FOR MINES: The tacking of that amendment to a Health Bill was not the proper way to get a thorough expression of opinion as to whether the compulsory clause of the Vaccination Act should be repealed. It must be recognised also that, living as we were practically at the door of the Orient where smallpox existed, there was a necessity for caution. Members should exercise that caution at this moment and endeavour on a future occasion to amend the Vaccination Act instead of bringing the amendment in as a side issue to a Health Bill.

Mr. Butcher: Your Government promised to bring in this amendment within a reasonable time.

Mr. Scaddan: Hear, hear!

Mr. Bolton: And they have done nothing.

Mr. Butcher: We are compelled to bring it in as a side issue.

The MINISTER FOR MINES: The Government had not made that promise, but a large amount of support had been given to the member for North Fremantle by Government members when he had brought his Bill forward.

Mr. Bolton: And then the Government arranged defeat for it in another place after a promise being made by the Minister there.

The MINISTER FOR MINES: Members of the Government knew of no arrangement of that nature. The hon. member forgot that the Colonial Secretary was in charge of the Health Department and would be guided, not by his own experience, but by the advice of his medical officers.

(Mr. Taylor resumed the Chair.)

New clause put and a division taken with the following result:—

Ayes	22
Noes	13
Majority for	9

Ayes.	
Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. Murphy
Mr. Bolton	Mr. O'Loghlen
Mr. Butcher	Mr. Price
Mr. Carson	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Cowcher	Mr. Troy
Mr. Davies	Mr. Ware
Mr. Gill	Mr. A. A. Wilson
Mr. Gourley	Mr. Underwood
Mr. Hardwick	*(Teller).*
Mr. Johnson	

Noes.	
Mr. Brown	Mr. S. F. Moore
Mr. Draper	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Harper	Mr. Piesse
Mr. Male	Mr. F. Wilson
Mr. Mitchell	Mr. Daglish
Mr. Monger	*(Teller).*

New clause thus passed.

First and Second Schedules—agreed to.

New Schedule:

On motion by Mr. BOLTON a new Schedule (*vide Votes and Proceedings*, pp. 310-1) was added to the Bill.

Title—agreed to.

Bill reported with amendments.

House adjourned at 11.9 p.m.