Legislative Council,

Thursday, 23rd September, 1909.

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

BILL—LICENSED SURVEYORS.

In Committee.

Bill passed through Committee without debate, reported without amendment, the report adopted.

BILL—POLICE (CONSOLIDATION)

In Committee.

Resumed from 21st September.

Postponed Clause 4—Appointment of Commissioner:

The COLONIAL SECRETARY: The consideration of this clause was postponed because some question arose on account of the absence of a provision in the clause regarding the removal of the Commissioner. The Crown Law authorities had been consulted, and they had stated that it was not necessary to make any provision for the Commissioner's removal in the clause. The right of appointment carried with it the right of removal, and the Governor could remove any civil servant, and, moreover, the Commissioner of Police came under the Public Service Act.

Hon. G. Randell: There might be an addition to that effect.

The COLONIAL SECRETARY: The Crown Law Department advised that there was no necessity to add any words.

Hon. M. L. MOSS: What the Colonial Secretary said was probably correct, but it would be as well, seeing that provision was made in the existing Act for the removal of the Commissioner, to include it also in the Bill before the Committee.

The COLONIAL SECRETARY: There was an objection to that, because it would clash with the Public Service Act. At the time the existing Act was passed the Public Service Act was not in force.

Hon. M. L. MOSS: Why not put it in the Bill to make it clear that the Governor may appoint and the Governor may remove the Commissioner in accordance with the Public Service Act.

Hon. J. W. Hackett: It would be necessary then to have the same proviso in every case.

Hon. M. L. MOSS: There were only one or two other special statutory appointments in the public service; the majority were simply appointed under the Public Service Act.

The Colonial Secretary: It was the same in the Commonwealth.

Hon. M. L. MOSS: If the appointment was made under the Public Service Act and the removal was also provided for in that Act, why did the Minister want to say anything about it in the Bill before the Committee? The point Dr. Hackett made was that the proviso would have to be in every Bill, but, as far as was known, there was only one other case, that of the Commissioner of Railways.

Hon. J. W. Hackett: The Auditor General.

Hon. M. L. MOSS: The Auditor General was excluded from the operations of the Public Service Act. The Commissioner of Railways held office for a period of five years. Mr. Pennefather's point was worth being followed up.

The COLONIAL SECRETARY: In the opinion of the Crown Law Department it would be superfluous. In most of the other Acts in force it simply said "shall be appointed by the Governor," and it was the same in the Commonwealth Statutes, while there was nothing about removal as that came under the Public Service Commissioner.

Clause put and passed.

Postponed Clause 7—Governor may remove commissioned officers:

The COLONIAL SECRETARY: This clause was postponed consequentially on Clause 4. It provided that the Governor could dismiss commissioned officers while the Commissioner, with the approval of the Minister, could dismiss non-commissioned officers and constables.

Hon. V. HAMERSLEY: Would not the Commissioner have power to dismiss without reference to the Minister?

The Colonial Secretary: No.

Hon. V. HAMERSLEY: Could not the Public Service Commissioner remove them?

The Colonial Secretary: They do not come under the Public Service Act.

Hon. R. W. PENNEFATHER: Subclause 2, which provided that the Commissioner could remove non-commissioned officers and constables would clash with the later clause providing that constables could secure boards of inquiry, because the Commissioner was apparently given the power to override any recommendation that might be made by any board that might be appointed. He therefore moved an amendment—

That in line 2 of Subclause 2 after the word "subject" the following be inserted:—"*to the provisions hereinafter contained and*"

This would make the subclause read that the Commissioner could only dismiss subject to the provisions hereinafter contained as to the approval of the Minister, and the Commissioner would not be able to dismiss a man in defiance of a recommendation of board of inquiry.

The COLONIAL SECRETARY: The amendment sought to take away from the Governor the power he possessed over every civil servant, that of removing for incompetency or for any other reason. It would mean that a constable could not be dismissed if a board did not recommend the dismissal, whereas at times there were various reasons why public servants should be removed. There was no likelihood of clashing between the subclause as printed, and the latter provision in the Bill, because it was not likely that the Minister would approve of a dismissal when a board had made a certain recommendation which did not comprise dismissal. The general power was contained in all the Acts, that the Governor might remove any officer.

Hon. G. Randell: You are using the word "Governor" for "Commissioner."

The COLONIAL SECRETARY: No. The Governor would only act on the recommendation of the Minister, and the Commissioner could only act with the approval of the Minister. If the amendment were carried, power would be given to the Minister to remove a sub-inspector or an inspector, but he would be prevented from removing a constable. It would be seen by the Notice Paper that the amendment he intended to move to Clause 30 overcame the difficulty in regard to the punishment of constables. At any rate, the clause now under consideration was much better from the constable's point of view than the provision already in the Act.

Hon. R. F. SHOLL: To have an efficient police force the head of the department should have some little power. If we were to have courts of appeal on every occasion it would result in endless expense, and would impair the efficiency of the force. There were sufficient safeguards to prevent the Commissioner from acting harshly. If the amendment were carried it would mean that the force could have no respect for the Commissioner, and they would trade on it. It was much better to have confidence in the head of the department, and to allow him a certain amount of power. We were too often hunting for something that might happen. He would support the clause as it stood.

Hon. R. W. PENNEFATHER: The amendment would not derogate from the powers of the Commissioner, and would certainly give effect to Clause 32, that which gave the Minister discretion as to granting a board. There could be no effect against that power. The amendment was only to put in the words "hereinafter contained." A man could get a board at the discretion of the Commissioner, and that board would make a recommendation. The amendment merely confined the Commissioner's powers of dismissal to being in accordance with the finding of the board.

Hon. E. McLARTY supported the clause. The head of the police force should have full control over it. There was too much reference to boards and disputing the authority of those in control. No doubt if the heads of departments dealt unfairly with their officers they would have to account to their Ministers, but no obstacle should be put in the way of giving proper control to the head of the Police Department.

Amendment negatived.

Clause put and passed.

Postponed Clause 27—Harbour police:

The COLONIAL SECRETARY: This clause had been postponed in order to extend to the Bunbury Harbour Board the power given to the Fremantle Harbour Trust to appoint special constables, but that power was not necessary because at Bunbury goods were not stacked on the wharves and in sheds on the jetty as at Fremantle.

Clause put and passed.

Clause 30—Inquiries into misconduct of constables:

The CHAIRMAN: The clause had already been amended in line 6 of Subclause 1, by striking out "ten" and inserting "five" in lieu.

The COLONIAL SECRETARY moved an amendment—

That Subclause 1 be struck out, and the following inserted in lieu:—"The Commissioner, or any other officer of the police force appointed by the Commissioner for the purpose, may examine on oath into any charge of neglect of duty or insubordination or misconduct against the discipline of the police force against any constable, and on proof thereof may sentence such constable to pay a fine not exceeding five pounds, and may reduce in rank or recommend the dismissal of the accused, but every such sentence, if by an officer other than the Commissioner, shall be subject to the approval of the Commissioner, and every recommendation for the dismissal of the accused shall be subject to confirmation by the Minister."

When the Bill was before the Committee previously strong exception was taken to the provision that the Commissioner had power either to fine, imprison, or dismiss a man, especially to the imprisonment. That power was now taken out of the clause as it was superfluous, for if a man deserved imprisonment it was certain that he would be recommended for dismissal. The Commissioner might fine or reduce in rank.

Hon R. W. PENNEFATHER moved an amendment on the amendment—

That in the last line but one after "accused," the words "or reduction in rank" be inserted.

The COLONIAL SECRETARY: This provision had been very much liberalised in favour of the police constable. The Commissioner could not reduce a non-commissioned officer in rank without the approval of the Minister: but the reduction in rank of a police constable was not a very great matter. There were first and second class constables, and at present the Commissioner promoted constables from the second class to the first class without reference to the Minister, and why should he not be competent to reduce a constable in rank.

Hon. R. F. SHOLL: The idea Mr. Pennefather had was to reduce the Commissioner of Police to a nonentity. In an important department like this more power should be given to the Commissioner than to the head of any other department. It was impossible for Ministers to keep in touch with the police force as the Commissioner could.

Hon. R. W. PENNEFATHER: After the explanation of the Minister that this provision was only applicable to constables, the objection which he had to the amendment fell to the ground. He asked leave to withdraw the amendment.

Amendment on amendment by leave withdrawn.

Amendment (to strike out Subclause 1 and insert a new subclause in lieu) put and passed.

Clause as amended agreed to.

New clause:

Hon M. L. MOSS moved—

That the following be inserted to stand as Clause 28:—"Every member of the police force shall at all times assist the council of the Pharmaceutical Society of Western Australia, the registrar thereof, and any person authorised as mentioned in Section 13 of the Pharmacy and Poisons Act, 1894, in the detection and prosecution of offences under such Act."

When the Bill was previously before the Committee he was successful in getting a similar clause to this inserted. The police force at all times were willing to assist the Pharmaceutical Society in prosecuting people for breaches of the Pharmacy and Poisons Act. It was a duty imposed on the Pharmaceutical Society to see that the selling of poisons

was carried out efficiently. In the past the Pharmaceutical Society depended on the fines which were procured from persons charged with offences to carry out their duties. These fines had now been taken away, but it was to be hoped that the Government would amend the Act so that these fines would go to this body. In the past the Pharmaceutical Society had carried out their duties without aid from the Government. In Victoria it cost the Government about £1,000 a year to do this work. The Pharmaceutical Society required a direct mandate from Parliament saying that the police would assist them in carrying out their duties. The Commissioner of Police had taken up the attitude that the Government did not get the fines, and he did not see why the police force should carry out these duties. It would do no harm to have the clause inserted. Offences were created by the Legislature for which heavy fines were imposed, and the closer supervision we got over the use and sale of noxious articles the better.

The COLONIAL SECRETARY opposed the clause, not that he disagreed with what the hon. member had said as to the work carried out by the Pharmaceutical Society, which had done a great deal of work without any remuneration, still, they did it for their own trade protection. At the same time, he had no desire to take from the society the credit which the hon. member gave them, but there was a decided objection to the amendment. At the present time the police force assisted the society to carry out the provisions of their Act, just the same as they assisted to carry out the provisions of any Act that was on the statute book. There was a decided objection to mentioning in the Police Bill any particular body, to single out any board or society, and instruct the police to do their work. In the past the police had given assistance, and would do so in the future. He opposed the clause for that reason.

Hon. M. L. MOSS: As a specific instance of the complaint he had made he might say that at Broome it had been discovered that a traffic was going on in opium. The Pharmaceutical Board had positive evidence sufficient to secure a conviction, and they had asked the police to undertake the prosecution, but this the police declined to do. He knew of a number of instances of poisons having been sold by unlicensed persons at Kalgoorlie, and in respect to which the board had been obliged to employ a solicitor to conduct the prosecution. The result was that the fines which should have gone to the society to assist in keeping it afloat were all mopped up in legal expenses. However he would be less disposed to press the clause if the Minister would give an undertaking to issue distinct orders that the police should readily render every assistance to the board.

The COLONIAL SECRETARY: It was not within his knowledge that the police had not given to the board the assistance they were entitled to. If the hon. member would lay such a complaint before the Commissioner of Police it would certainly be enquired into and, if found to be correct, would be rectified. Still he (the Colonial Secretary) could not give a general promise that in each and every case brought under their notice the police would be ready to prosecute.

Hon. M. L. MOSS: The Commissioner of Police had officially stated on the file that in every instance a special application would have to be made for a constable to be set in motion in any particular district. In other cases of offences against the law the police did not go to the Commissioner for permission to take action against the offenders; why then should it be necessary in respect to this particular Act? When formal applications made to the Commissioner were refuesd in respect to offences committed under the Act in outlying parts of the State, what chances had the Pharmaceutical Board of getting anything done? It was not necessary under the Health Act to make application to a police officer for assistance in detecting offences: why then should such a rule apply under the Pharmaceutical Act? Either it was an important statute and ought to be on the statute book,

or it was unimportant and ought not to be on the statute book. For his part he thought it ought to be there, and he was of opinion that the greatest stringency should be exercised in respect to people dealing with these dangerous products. It should be the plain duty of the police to institute a prosecution as soon as they were in possession of sufficient evidence. The proposed new clause had been moved at the special request of the board, who were fully alive to the danger that would arise if it became generally known that poisons could be indiscriminately handled by unlicensed or unauthorised persons dealing in them. The Commissioner of Police held a very erroneous idea as to what ought to be done in the interests of the community in this matter.

The COLONIAL SECRETARY : While quite alive to the danger of allowing poisons to be sold indiscriminately he was of opinion that it was altogether improper to single out any particular Act for special mention in the Police Bill as a measure to the provisions of which the police should pay special attention. The police could be relied upon to take action when circumstances warranted it. It was not to be expected that they would take action every time the Pharmaceutical Board drew their attention to some offence. After all, it was a somewhat controversial matter as to what extent the sellers of poisons should be prosecuted. For instance, the Pharmaceutical Board, no doubt, would have grocers prosecuted for selling patent medicines. He would undertake that whenever there should be a serious breach of the Act he would specially draw the attention of the Commissioner of Police to it, and remind him that it was held by some that the police had not given sufficient attention to the provisions of the Act.

Hon. M. L. MOSS : That would be sufficient. He only desired to point out that under the Health Bill it was made the special duty of the police to enforce the provisions of that measure.

The COLONIAL SECRETARY: That is an entirely different thing.

Hon. M. L. MOSS : There was not very much difference between the two. However, he had now an assurance from the Minister that the police would take notice of breaches of the Pharmaceutical Act and prosecute whenever necessary. With that assurance he would be content, and would ask leave to withdraw his amendment.

Amendment by leave withdrawn.

Title—agreed to.

Bill reported with amendments.

BILL—HEALTH.

In Committee.

Postponed Clause 92—Power to make pan charges :

The COLONIAL SECRETARY : When this clause had first come before the Committee Mr. Moss had raised an objection to it, pointing out that where a house was untenanted at the time of striking the rate it was not possible to make a charge on that house for the rest of the year, even though it should become occupied immediately after the striking of the rate. To get over that difficulty he (the Minister) moved—

That in line 1 of Subclause 3 the words "or becoming occupied" be inserted after the word "erected."

Amendment passed ; the clause as amended agreed to.

Postponed Clause 93—Sanitary charge in respect of non-ratable property :

The COLONIAL SECRETARY : The clause was postponed as it was thought there would be a consequential amendment following upon the alteration in the previous clause. This, however, was not so.

Clause passed.

Postponed Clause 100—Power of contractor to recover :

The COLONIAL SECRETARY moved an amendment—

That all the words after "contractor" in line 6 be struck out and "and if any person neglects or refuses to pay to the contractor any charge made by him under his contract with such local authority for services rendered on behalf of such person such charge may be recovered by the contractor from such person by action in any

Court of competent jurisdiction, or in a summary way before any two justices" be inserted in lieu.

When the Committee were considering the Bill previously, objection was taken to the contractor being given power to recover charges for the services from the ratepayers. The position was that if the contractor neglected to carry out his contract, he was liable to prosecution. That being so it did not seem unfair that the person who refused to pay the contractor should be treated in the same way. Much money was now lost by the contractor owing to bad debts, and it was wise, therefore, that some better way should be provided for enabling these charges to be recovered. If this were done it would be of benefit to the ratepayers, as the contractors would do the work at a lower rate.

Hon. M. L. MOSS: The clause was the result of the representations made to the Parliamentary Draftsman. There was a decision given by the High Court of Australia which necessitated some such provision being included. The proposed amendment would not, however, meet the case, as it would be possible for the contractor to bring a man before two justices, and if he could not pay, send him to prison with hard labour. If a person had no means and could not pay, he would have to go to gaol like a criminal. It was not fair to put a power like that in the hands of the sanitary contractor. He moved an amendment on the amendment—

That the words "or in a summary way before any two justices" be struck out.

Hon. R. F. SHOLL: It was not right that an individual who had not been a party to a contract should be liable to be sued for that contract if entered into between the local authority and a contractor. Surely the proper person to sue the individual was the local authority.

The Colonial Secretary: Would you make the local board liable to the contractor then?

Hon. R. F. SHOLL: Yes. The local authority would then have the power to sue the individual.

Hon. M. L. MOSS: There was always a danger of a local authority entering into a contract at a high price, and compelling the third party to pay a considerable sum for some bargain with which he had nothing to do. The case to which he had referred as being before the High Court was where there was a similar clause to the one suggested, and the contractor sued members of the public for payment for the services he rendered. One man resisted on the ground that he had not entered into a contract with the contractor, as it was the local authority who had done that. The High Court decided that the sanitary contractor could not recover the amount. There was a similar clause in the Fremantle contract some time ago, but that did not exist now as the Fremantle council performed the services themselves. It might happen, however, that under the clause a contract of this kind would be let at too high a price, and an individual would have to pay whether he liked it or not. He refused to put the right of placing a man in prison in the hands of the contractor.

Hon. W. PATRICK: There was no necessity to give to the contractor the power provided under the clause. At Cue there was a contract, but a specified scale of fees to be charged to the ratepayers was fixed.

The COLONIAL SECRETARY: The clause was drafted to meet such a case as that mentioned by Mr. Moss, for it was only right that the contractor should be given power to collect from the individual. The contractor would have a much better chance of recovering payment for the services than would the local authority. He had, however, no objection to the further amendment of Mr. Moss to strike out the words "or in a summary way before any two justices."

Hon. R. F. SHOLL: What security had an individual that the contractor was not charging double what he was entitled to? Under the clause there was no check over an exorbitant charge by the contractor.

Amendment on amendment put and passed.

Hon. J. W. LANGSFORD: Would the amendment help the contractor at all in view of the ruling which Mr.

Moss stated had been given by the High Court ?

Hon. M. L. Moss: This would force the liability on him.

Amendment (the Colonial Secretary's) as amended put and passed; the clause as amended agreed to.

Postponed Clause 129—Registration of boarding houses and lodging houses:

The COLONIAL SECRETARY: There was an amendment on the Notice Paper, standing in his name, that a definition of "boarding house" should be inserted in the interpretation.

Clause passed.

Postponed Clause 215—Compensation for building, animal or thing destroyed:

The COLONIAL SECRETARY: This clause was postponed at the request of Mr. Connor. The final words of the clause "whose decision shall be final" were struck out. Mr. Connor had the idea of adding something further in the way of providing for an appeal. It was hardly necessary to do anything further, because an appeal could only be made to the Supreme Court, and the Crown Law authorities had advised that it would be extremely unlikely that the Supreme Court would alter the decision of the lower court, because it would be given on a question of fact; no question of law would be likely to arise.

Hon. F. CONNOR: If there was anything wanting in the clause it was the duty of the Government to have it redrafted. There should certainly be some appeal. All these things were not questions of fact. The value put upon buildings or animals destroyed was not a question of fact; it was a question of value, and where an unfair value was given in the case of a house which was pulled down, the owner should certainly be able to appeal against the decision of the magistrate.

Hon. V. HAMERSLEY: Was it understood that the words "whose decision shall be final" had been struck out ?

The Colonial Secretary: Yes.

Hon V. HAMERSLEY: Then the question of appeal was left open ?

The Colonial Secretary: No; it was not.

Hon. M. L. MOSS: It followed that the Government would make regulations, and a better system of assessing the compensation than by leaving it to the magistrate would be to appoint two assessors to assist the magistrate, one to be apponited by the central board and the other by the persons whose animals or property had been destroyed. It did not always follow that a resident magistrate was altogether the best person to decide a subject of that kind off his own bat. It would be a good thing when dealing with the destruction of a building or an animal to have some machinery similar to that for assessing compensation in connection with public works.

The Colonial Secretary: Similar to the Workers' Compensation Act.

Hon. M. L. MOSS was strongly opposed to the assessors under that Act. There was only one question to determine under that Act, and that was whether there was total or partial incapacity, and the amount of compensation was fixed by statute. It was a totally different thing when one commenced to deal with buildings or animals destroyed. Considerable worldly knowledge was required when dealing with these matters, and in such cases it would be a good thing to give the magistrate the assistance of persons who would be likely to know. For instance, if 40 or 50 dairy cows were destroyed, two persons dealing with live stock should certainly assist the magistrate.

The Colonial Secretary: The matter would be dealt with under the Stock Diseases Act.

Hon. M. L. MOSS: True, it could be dealt with under the Stock Diseases Act, but if there was an infectious disease within the meaning of Part IX. of the Bill, the stock would come under it. The Stock Diseases Act permitted the taking of cattle and quarantining them, and now the Government came in with another set of provisions, and it was not certain whether the Stock Diseases Act would do what was required. It might be well to have another clause added to the Bill, saying, "nothing

in this shall apply or affect or prejudice the provisions of the Stock Diseases Act."

The Colonial Secretary: A note would be taken of that.

Hon. F. CONNOR moved an amendment—

That in line 3 of Subclause 6 after the word "magistrate" there be added:—"And two assessors, one to be appointed by the central board, or local authority, and the other by the owner of the building, animal, or thing so destroyed as aforesaid."

Hon. A. G. JENKINS: Did the Colonial Secretary intend to accept that?

The Colonial Secretary: Yes.

Hon. A. G. JENKINS: It was found that as a rule assessors were partisans, and they only made an inquiry more cumbersome. Such cases could be heard in the ordinary way. Assessors generally proved to be costly to both parties. There were instances every day where assessors, or arbitrators, having anything to do with proceedings, were invariably the means of these proceedings being prolonged. These cases should be decided in the ordinary way.

The COLONIAL SECRETARY agreed with Mr. Jenkins, but there was no desire to object to an amendment if it was thought it would afford better protection. Where assessors were appointed one would give his decision as low as possible, and the other would give his decision as high as possible, and the ultimate decision would be left to the magistrate. It would add unnecessary costs to the parties and in 99 cases out of 100 the magistrate, accustomed to dealing with matters of this kind, would give the best decision.

Hon. G. RANDELL: In small cases it would be piling up costs to make it imperative. If it were left optional it would be better because in serious cases the magistrate would in all probability ask the assistance of assessors.

Hon. M. L. MOSS intimated he had an amendment to move.

Hon. F. CONNOR asked leave to withdraw his amendment.

Amendment by leave withdrawn.

Hon. M. L. MOSS moved an amendment—

That in Subclause 2 after "magistrate" the following be inserted:—"or in case the claim exceeds £100 by a Judge of the Supreme Court sitting in Chambers."

Hon. R. F. SHOLL: It would be most expensive to bring witnesses from Wyndham to have a grievance rectified in the Supreme Court.

Hon. M. L. MOSS: The suggestion would evidently be impracticable. He asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause, as previously amended, put and passed.

Postponed Clause 247—Special provisions as to site, etcetera:

The COLONIAL SECRETARY: This clause and the next four had been postponed because an assurance was required that the local bodies would not be subject to any unjust charges.

(Sitting suspended from 6·10 to 7·30 p.m.)

On motions by the Colonial Secretary, Subclause 10 was amended by striking out in line 1 the words, "not exceeding" and inserting "of" in lieu; also in lines 3 and 4, by striking out the words "may at the discretion of the Minister" and inserting "shall" in lieu.

Clause as amended agreed to.

Postponed Clause 248—agreed to.

Postponed Clause 249—Agreement by local authority with hospitals for reception of patients:

The COLONIAL SECRETARY moved an amendment—

That in Subclause 2 after the word "jurisdiction" the following be inserted:—"Provided that if in any case it appears to the central board that the charges for the treatment and maintenance of any such person should be a liability on some other local authority the central board may order and direct the payment of such charges by such local authority bearing upon such charges shall be a debt due from such other local authority to the board or managing authority of such hospital, and may be recovered by the board or managing authority of such hospital or such other local authority by action in any court of

competent jurisdiction, provided also that if it is proved to the satisfaction of the central board, and the central board so certifies that any person suffering from infectious disease contracted such disease outside the State, the local authority shall be exempt from liability for the treatment and maintenance of such person."

Hon. M. L. MOSS: The clause was deficient unless the decision of the central board was made absolutely final. What right had a central board to cast the liability on some other local authority where infection was discovered? There was no other clause in the Bill which authorised the central board to fasten the liability on the board of the district from which the infection came? It was impossible to form an accurate opinion on the amendment when it did not appear on the Notice Paper.

The COLONIAL SECRETARY suggested that the clause be passed, and, if necessary, the Bill could be re-committed on the third reading.

Hon. M. L. MOSS: No doubt the amendment had been proposed in consequence of the attitude which he had taken up. The amendment might be defective and we ought to have reasonable time to consider it. However, the suggestion was reasonable.

Hon. C. A. PIESSE: There did not seem to be provision for the local authority if it became liable to defend itself.

Hon. M. L. Moss: It was left to the central board.

Hon. C. A. PIESSE: The local authority should have an opportunity of defending itself.

The COLONIAL SECRETARY: There was no ground for fear. The amendment provided that if a case came from an outside district that district should be charged with half the cost. The central board had no desire to charge the cost against another board.

Hon. C. A. PIESSE: There should be power whereby a local authority which was charged could protest.

The COLONIAL SECRETARY: The central board would give the board every opportunity before deciding.

Hon. M. L. MOSS: The object was to charge the district from which the infection came with half the cost, instead of the place where the person with the infection was found, but according to the proviso the central board would not be bound to consider the question of infection at all, but from some motive of their own they could saddle the cost on a district from which the case came. It was obvious that if a patient were under treatment in a hospital in Fremantle the central board might say to Perth, "you ought to pay half of this"; and it would not necessarily be because the infection had come from Perth. On the other hand, the central board might say, "this is a pretty bad thing for Perth, they have to pay half the cost of this case; there is no reason why Fremantle should not stand its share. It is true the infection did not come from there, but that is no reason why they should not pay a quarter." He was not saying what the central board would do, but what it would have power to do under the clause. It should be explicitly laid down that the cost should be borne by the district from which the infection had come.

The COLONIAL SECRETARY: The central board would still be the sole arbiter, because it would be for the board to say whence the infection had come.

Hon. M. L. MOSS: As the clause stood, the central board could capriciously allocate the cost of these cases. There was no doubt that if the clause were to be referred back to the Parliamentary Draftsman he would admit that this was so. Surely, then, that was not what the Minister wanted.

Hon. W. PATRICK: Theoretically the principle might be all right, but practically it would not work at all. Let hon. members suppose that a resident of Peak Hill took a holiday and eventually found himself at Geraldton, where a doctor declared that he was suffering from typhoid: How could the central board say where that infection had come from? And the cost of any inquiry into the matter would probably far outweigh any advantages to be gained.

Hon. M. L. MOSS: The idea he had had in view was by no means a new one, for it was to be found in the poor laws of England and in the Hospital and Charit-

able Aids Act of New Zealand. The question of where the infection had come from might safely be left to the central board; but the clause as printed simply put into the hands of the central board power to capriciously make a charge upon a local authority.

The COLONIAL SECRETARY: Why should the central board do anything of the sort? They would have no desire to saddle any local board with anything that was not rightly its own charge. However, if the Committee would agree to the clause he would undertake to re-commit it if it were considered necessary.

Hon. C. A. PIESSE: An extraordinary state of affairs would arise if this clause were agreed to. Was it desired that one district should collect the costs of a case from another? If that were so, at least some provision should be made for a prompt notification of the case to the district which was to be called upon to bear the expense of the case.

The COLONIAL SECRETARY: That would be covered by regulation. He moved a further amendment—

That in line 8 after the word "provided" the word "also" be inserted.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That in line 8 the words "may in his discretion" be struck out and "shall" inserted in lieu.

Hon. C. A. PIESSE: Once more he would protest against the local authorities being made to carry the poor of the State. It was the bounden duty of the State to bear this expense.

The Colonial Secretary: It is only half the cost, and that only in regard to infectious cases.

Hon. C. A. PIESSE: It made the objection still stronger, because the infectious cases were always the most expensive. It was a monstrous shame. He wished hon. members would go out into the back country and see the conditions prevailing there.

The Colonial Secretary: There are practically no infectious cases in the back country.

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

Clause 250—agreed to.

Clause 251—Hospitals for infectious diseases:

Hon. M. L. Moss: Was this an entirely new clause?

The Colonial Secretary: Yes.

Hon. M. L. MOSS: The clause was not a good one in any event but the subclause was much worse. It read—

> "The local authorities of the districts within such areas shall, from time to time, contribute to the expense of the establishment and maintenance of such hospitals in such proportions as may be agreed upon, or in the absence of agreement as may be determined by the Minister."

This conferred a very wide power on the Minister and really meant that he could say what amount of taxation should be paid by any district.

Hon C. A. PIESSE: The clause should not be passed in its present form. The remarks he had made the previous day on Clause 246 applied exactly to the present one. It was asking the people to carry a responsibility which they would not undertake. Many men in the country districts would absolutely refuse to accept the position.

The COLONIAL SECRETARY: The position was not so bad as had been made out. The clause provided first that the Government might establish hospitals, not general hospitals but for infectious cases. Each of the boards in an area would have to contribute towards the upkeep of that hospital. There was at present an infectious hospital in Kalgoorlie which had been taken over by the local boards and supposing those boards did not desire to control it, but that the Government should do so, each would have to pay a certain amount towards its upkeep. There were eight or nine local boards in that locality who might send infectious cases to the hospital, and each would have to pay its proportion of the upkeep. It was further provided that in the event of the boards failing to agree as to what proportion each should pay, the decision should rest with the Minister.

Hon. M. L. Moss: Will the amount be fixed on a population basis?

The COLONIAL SECRETARY: Consideration would be paid to the population of the area and the revenue and importance of each board. Such hospitals would only be established in the larger centres such as Perth and Kalgoorlie. The contribution would not be more than £200 a year in order to keep the hospital open. The cost of any patient sent in by a particular local board would be charged up against that board. If it were an indigent case the Government and the local board would each pay one-half.

Hon. C. A. PIESSE: If such hospitals were only to be established in the big centres, the clause should contain the names of those centres so that it would not be possible to make it apply to the smaller districts. As a matter of fact the power would be exercised everywhere.

Clause put and passed.

Postponed Clause 254—The Nurses' Registration Board:

The COLONIAL SECRETARY moved an amendment—

That Subclause 3 be struck out and the words "The president of the Central Board of Health shall be ex officio a member of the board and the other members shall be two medical practitioners to be appointed for a term not to exceed three years and to be eligible for reappointment."

It had been pointed out previously that under the clause it appeared that the members of the board were appointed for life. That was not the intention and consequently he had prepared the amendment, which meant that the Government had power to appoint the members of the board for one, two, or three years.

Amendment passed.

Hon. J. W. HACKETT moved an amendment—

That the following be added to Subclause 3:—"Provided that the first appointments shall be made for the term of one year and thereafter, one of such medical practitioners may be appointed on the nomination of the nurses registered under this part subject to and in the manner prescribed by the regulations under this Act."

It was unnecessary to repeat what he had said before on this question. There should be some representation on the board of a body such as that comprised of the nurses registered under the Act. There was a possibility, amounting almost to a probability, that the members of the registration board, if the clause were allowed to stand as printed, might be persons unacquainted with the latest results of obstetrical science, and unable to apply them even if they had heard of them. The main object of the clause was to place midwifery in the position that it should be in the State. The Colonial Secretary had placed in his hand a copy of the Nurses' Registration Bill introduced to the Legislative Council of New South Wales, under which the board was to consist of the President of the Board of Health, the Dean of the Faculty of Medicine of the Sydney University, two duly qualified medical practitioners who should be upon the active staff of the metropolitan general hospitals, two past or present matrons of general hospitals, one past or present matron of the Hospital for the Insane, and one past or present matron of a midwifery hospital, and two lay representatives. He did not ask the Committee to go so far as the clause in that Bill went, all he wanted was that at least one of the medical practitioners on the board should be the avowed representative of the nurses.

Hon. R. LAURIE: The amendment was a good one. The board no doubt would get the assistance of some able gentleman who was in daily practice rather than an officer who might be appointed to the board who might not have had the experience of a general practitioner. The amendment would receive his cordial support.

Hon. C. A. PIESSE: It appeared to him that this was the same old wolf in sheep's clothing that they dealt with on the previous day. The same danger would exist if the amendment were carried as would exist if the clause itself were passed, and for his part he could see the objection that he saw on the previous day.

There was nothing said about a majority of registered nurses nominating a doctor; it was simply upon a recommendation of registered nurses that a certain doctor would be appointed. It would become a close matter if the Committee accepted the amendment, and there would be the same trouble that was anticipated on the previous day when members opposed the amendment suggested by Capt. Laurie.

Hon. A. G. JENKINS: As far as the medical and the dental boards were concerned, every person who was a doctor or a dentist had to be registered, and consequently they had the right of election to those bodies. With regard to the nurses, there might be only a few registered under the Act, yet there might be some hundreds of nurses in the State, and the few would have the right to appoint a representative to the board.

Hon. R. LAURIE: All that trained nurses would have to do would be to secure registration. The time would come when nurses would be compelled to register. It was recognised that there should be on the board persons who would help, guide and direct the board to come to an understanding as to what trained nurses should be. The nurses who registered would have the opportunity of electing a representative, and it would be an incentive to all nurses to register so as to place someone there to represent their views.

Hon. W. PATRICK: It seemed that the amendment had been brought forward on the assumption that the chairman of the central board and the two other medical gentlemen, who it was proposed should constitute the board, would not be up-to-date in their profession. Dr. Hackett assumed that they would not be acquainted with the latest results in medical science. He (Mr. Patrick) had the right to assume that the Government would appoint gentlemen on the board who were acquainted with the latest ideas in medical science. If they did not, the Government would fail in their duty to the people of the State. It was the duty of members to see that there was a body who would take care that properly trained nurses were registered, and members had no right to assume that anyone else but properly trained nurses would be registered. Until there was a strong association of nurses in the State he would be opposed to putting into the hands of a small body the power of appointing medical gentlemen to represent them. If the board did not work satisfactorily then it would be the duty of Parliament to introduce an amendment to give that protection which was suggested by Dr. Hackett.

Hon. C. A. PIESSE: Capt. Laurie seemed to assume, and he actually stated that these nurses would all be of one mind, and Dr. Hackett had not shown how the nurses would arrive at the conclusion as to who would be the best man to represent them. The Government ought to be trusted in this matter of appointing the three members of the board.

Hon. C. SOMMERS: It might be advisable to pass the clause and give the House a chance of seeing how the board would work. Until the nurses had shown a desire to register under the regulations, we should wait. It would be an easy matter, then, if necessary, to bring in a small amendment. If nurses did register they would become a strong and persuasive enough body to induce some members of the House to submit an amendment if it was necessary. The Bill was a good one, and we should give the clause a trial and satisfy ourselves that the nurses intended to register to the extent we thought they would; then, when they were a strong enough body they could get the representation that Dr. Hackett desired to give.

The COLONIAL SECRETARY was opposed to the representation on the board from among the nurses and he was still of the same opinion. The proposal submitted by Dr. Hackett was not a proposal of that kind, it was to allow the nurses on the register to have a voice in the election of one of the representatives on the board. That representative, however, would not be a nurse; the representative would be a medical practitioner.

Hon. G. Randell: It would be a nomination not an election.

The COLONIAL SECRETARY: If a nurse were on the board, then anyone refused admission would be apt to say

that the application had been refused because it was the applicant's desire to practice against the others. Such a charge could not lie against the proposal as it stood, because it was simply a proposal to allow nurses on the register to nominate one of the medical practitioners who would form the board. We should first allow the board to make a start and it would be an encouragement to the nurses to register if they knew that by so doing they would have a voice in the election of a member of the board at a later stage.

Hon. R. W. PENNEFATHER: If we gave the nurses the right to nominate a representative to the board we would create a lot of bitterness, canvassing, and various unpleasantness. Nurses would be canvassed by some medical man, and would be formed into coteries, each having its own champion. On the other hand, there would be a body deserving of representation and with the skilled trained knowledge to select the best man for that particular class of surgery which, eminently, should be represented on the board. This outweighed the objection. Therefore he supported the amendment.

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

Ayes	10
Noes	7
Majority for ..	3

AYES.

Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. W. Hackett	Hon. M. L. Moss
Hon. V. Hamersley	Hon. R. W. Pennefather
Hon. S. J. Haynes	Hon. F. Connor (*Teller*).
Hon. J. W. Langsford	
Hon. R. Laurie	

NOES.

Hon. T. F. O. Brimage	Hon. G. Randell
Hon. A. G. Jenkins	Hon. T. H. Wilding
Hon. W. Patrick	Hon. C. Sommers (*Teller*).
Hon. C. A. Piesse	

Amendment thus passed; the clause as amended agreed to.

Postponed Clause 281—Power to take possession of and lease property on which expenses are due:

The COLONIAL SECRETARY: This clause had been postponed because members had drawn attention to the extraordinary powers contained in it, but there were really no more powers contained in it than were in the present Act. The board could only hold the lands in accordance with the Act under which the local authority was governed, and under its provisions dealing with the enforcement of the payment of rates.

Hon. C. A. PIESSE: There was apparently additional power given to that contained in the Municipalities Act; but seeing that there was no harm in the clause, he withdrew his objection.

Clause put and passed.

New Clause:

Hon. M. L. MOSS moved that the following be added to stand as Clause 254:—

No medicine for the internal or external use of a patient confined or being treated at a private hospital shall be made up or dispensed thereat unless the dispensary of such hospital be under the personal charge of a duly qualified medical practitioner or a pharmaceutical chemist duly registered under the Pharmacy and Poisons Act, 1894.

This was moved at the request of the Pharmaceutical Society, and he understood the Minister was agreeable to it. It was a common practice for inexperienced persons to mix drugs which would never be prescribed by medical men nor be dispensed by any chemist. Supervision was necessary.

New clause put and passed.

Schedules, Title—agreed to.

Bill reported with amendments.

Recommittal

On motion by the Colonial Secretary, Bill recommitted for amendment.

Clause 3—Interpretation:

The COLONIAL SECRETARY: When the Bill was going through Committee members took exception to the definition of boarding house, and the fear was expressed that a man's family might be considered boarders and that the boarding house provisions might be applied to a private house. To overcome this difficulty he moved an amendment—

That in the definition of a boarding-house, after "five persons" the words "exclusive of the family of the keeper thereof" be inserted.

Hon. M. L. Moss: It ought to say "for hire or reward."

Amendment passed.

Hon. M. L. MOSS moved an amendment—

That in the definition of boarding-house the words "harboured or" be struck out.

Amendment passed.

Hon M. L. MOSS moved a further amendment—

That in the definition of boarding-house after "boarded" the words "for hire or reward" be inserted.

Hon. V. HAMERSLEY: Every roads board district throughout the State would be a local authority under the Bill. In the country districts frequently fifteen to twenty men would be found at a house when work was going on there; the definition was rather dangerous.

Hon. C. A. PIESSE: Take the North West stations, they would become boarding houses in shearing time; so would all country houses at that season. The provision would apply to roads board districts as well as to municipalities.

The COLONIAL SECRETARY: Local boards of health would only be proclaimed in thickly populated centres, the provision did not cover country districts at all. In Wagin, for instance, the local boards of health would not extend outside the boundaries of the municipality.

Hon V. HAMERSLEY: Under the Bill local authorities included municipalities and roads boards and all roads boards would be health boards. Some time should be given to consider this matter.

The COLONIAL SECRETARY: The Bill could be re-committed again if necessary.

Hon. C. A. PIESSE: When the new Roads Board Bill was brought down it would be found to include all the powers which he had stated.

Amendment passed; the clause as amended agreed to.

Clause 10—Extraordinary vacancies:

The COLONIAL SECRETARY: When previously the clause had been before the House it was pointed out that it contained no provision giving the Governor power to remove any member of the board. In order to rectify this he now moved—

That in line 2 after the words "incapable to act" the words "or is removed from his office by the Governor for such cause as the Governor may deem sufficient" be inserted.

Amendment passed; the clause as amended agreed to.

Clause 170—Diseased or unsound food may be seized and destroyed:

The COLONIAL SECRETARY: In adoption of the suggestion put forward by Mr. Connor he moved—

That in line 3 of Subclause 3 after the word "shall" the words "if such animal, or food, was diseased, or unsound, or unwholesome, or unfit for human consumption" be inserted.

Amendment passed; the clause as amended agreed to.

Clause 266—Regulations as to registration of nurses:

The COLONIAL SECRETARY: To restore the clearness of reading impaired by a previous amendment he moved—

That the words "with the Nurses Registration Board" in line 2 be struck out.

Amendment passed; the clause as amended agreed to.

Bill reported with further amendments.

House adjourned at 9·5 p.m.