

Legislative Council.

Thursday, 27th October, 1927.

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

QUESTION—STAMP DUTY, EFFECT ON REVENUE.

Hon. J. NICHOLSON asked the Chief Secretary: 1, Has the attention of the Government been called to the letter written by Messrs. Saw and Grimwood, stockbrokers, Perth, which appeared in the "West Australian" of Friday, 21st inst., under the heading "Share Transfer Tax"? 2, Is it a fact that the rates of stamp duty payable on transfers of shares in the Eastern States are much lower than those charged on those transfers in Western Australia? 3, It is a fact that if a person resident in Western Australia dies possessed of shares in a company incorporated in one of the Eastern States, and such person is registered on the register of the company in that other State, no probate or succession duty is receivable in respect of such assets by the Government of Western Australia? 4, Is it not a fact that the present high rates of duty are calculated to affect detrimentally the revenue of the State, and if so, with a view to encouraging persons resident in Western Australia to become registered on the local register of companies carrying on business in this State and thereby assist the revenue of this State, will the Government consider the desirability of introducing amending legislation to effect reductions so as to bring existing rates of duty on such transfers in line with the rates prevailing in the Eastern States?

The CHIEF SECRETARY replied: 1, Yes. 2, I am not aware that such is the case, as the rates in the different States vary. 3, Yes. 4, The matter will be considered.

MOTION—TUBERCULOSIS.

Dairy Herd, Hospital for the Insane.

HON. A. J. H. SAW (Metropolitan-Suburban) [4.35]: I move—

That in the opinion of this House the policy of hush-hush adopted by both the previous and the present Government in connection with the presence of tuberculosis in the dairy herd at the Claremont Hospital for the Insane, which supplies milk to the Children's Hospital, is not in the best interests of the health of the people.

In presenting this motion, which I hope will meet with the concurrence of the House, I am not animated by any desire to attack either the present or the previous Government. No doubt the responsibility in the first place rested with the Mitchell Government for want of action in connection with the severe incidence of tuberculosis in the Claremont dairy herd. The present Government have probably been a "particeps criminis"; they have allowed a certain state of things to go on, whether in ignorance or not I do not know. At any rate, the present Government are responsible for the answer the Chief Secretary gave to me the other day, when I asked if he would lay the file dealing with the matter on the Table of the House; he declined to do so, but said I could see the file at the Agricultural Department. Nor is my motion intended as an attack on the veterinary branch. I am quite aware that the branch have been under-staffed. No doubt they had the best intentions in the world, but they have not been able to do the work which they would have liked to do in connection with investigation into the incidence of tuberculosis and the measures that should be adopted towards its eradication. I wish also to say that when I went to the office of the veterinary branch to peruse the files, I received the utmost courtesy and consideration from the officers of the branch. The Claremont herd was started at a date of which I am not certain, but it first came into prominence about 1912, when owing to the highly parlous condition of the milk supply to the Children's Hospital, and to the fact that it was considered the poor milk that was being supplied there was responsible for the high mortality then incident to the hospital, the Government of the day, a Labour Government, came to the assistance of the hospital by arranging that the Claremont herd should be considerably increased and that milk should be sent from the Claremont Hospital for the Insane to the Children's Hospital,

the charge for it to be something like cost price. No doubt the charge was higher than the price of inferior milk supplied by dairy-men, but so far as quality was concerned, certainly the Claremont milk was good milk, and moreover it was delivered fresh. The Government of that day are to be commended for the action they took, and the Children's Hospital authorities are to be commended for having drawn attention to the matter and obtained the Government's assistance. All that is past history. What I want to draw attention to now is what happened in 1922, and events following those happenings. In April, 1922, the veterinary branch for the first time tested by what is known as the tuberculin test the whole of the herd at the Claremont Hospital for Insane. I do not know whether hon. members are fully conversant with the tuberculin test. It is a test that shows whether a cow, or any other animal, to which it is applied has at one time or another had tuberculosis. It does not necessarily show that the cow is at the time of the test suffering from active tuberculosis, but it does reveal whether at some time or other the cow has had the disease. The disease may have been overcome and may be in a quiescent stage, or it may be active. So much for the test. Another thing to which I want to draw attention, and one which I mentioned when speaking on the Address-in-reply, is that a cow may have tuberculosis, and that unless that tuberculosis is what is known as the generalised form, or unless it affects the cow's udder, it is not supposed to be a menace to anyone consuming milk from that cow. Of course it is a potential danger, because one never knows when the disease may become generalised and bacilli get into the blood and so into the milk. Further, one never knows when the udder may become affected. So that the disease is always a potential danger, and consequently any cow that reacts to the tuberculin test, giving evidence that it has had or has tuberculosis in some form or other, should certainly be kept under close observation. Another feature to which I alluded on the Address-in-reply was the fact that a certain proportion of cases of tuberculosis, especially tuberculosis of the joints, of the bones, of the skin, and of the glands, are undoubtedly due to infection from cow's milk. I want to make this clear, because I find that it is not generally understood. There is an impression to the contrary prevalent amongst the public. Recently I was

speaking to a gentleman who occupied a high position in the previous Government, and I happened to mention to him something about tuberculosis in milk. He said, "Oh, Doctor, people do not get tuberculosis from bovine origin." I said, "Certainly they do." The error crept in like this: A great many years ago, Koch, the discoverer of the tubercle bacillus, and the greatest authority at that time on the bacteriological aspect of tuberculosis, maintained that bovine tubercle and human tubercle were distinct entities, and that bovine tuberculosis could not be conveyed to human beings. Koch was wrong, and before many years elapsed he admitted that he had been wrong. His theory was absolutely disproved, and certainly does not hold currency to-day. Undoubtedly there is danger to the public from consuming milk that is infected with tubercle bacilli. In 1922 for the first time the Claremont herd was tested, and the test showed that out of the 79 cows in the herd 36 gave a positive reaction to the tuberculin test. As I said before, it does not necessarily follow that all those cows had tuberculosis in an active form, or that they were a menace to the community; but assuredly some of them were. When that position became known to the then Chief Veterinary Officer, Mr. Weir—I obtained this information from the files which I inspected—he said, "If this is the case, the only thing to do is to weed out these cows as soon as it can be conveniently done, get rid of them and replace them with fresh cows that are not infected with tuberculosis." Hon. members will observe that Mr. Weir said, "As soon as it can conveniently be done." By that he meant, apparently, when the cows had gone dry. What was to happen to the milk in the interval does not appear from the file. The matter was eventually brought under the cognisance of the Commissioner of Public Health, Dr. Atkinson, who was away at the time when these observations were made. Upon his return—I think from a trip he had taken to the North-West—the matter was brought to his attention and he said, "It is not necessary to destroy these cows, but they should be isolated, put on fresh or different pastures, and of course their milk should not be consumed; they should be used for breeding purposes." That was very good advice, but it was not followed. Some correspondence took place between the different departments, and what eventually happened I cannot discover from the files. I do know, however, that Dr. Atkinson's sug-

gestion was not acted upon. I know also that one of the cows that gave a positive reaction to the tuberculin test was slaughtered, and in the report on the post mortem examination occurs the following passage:—

The only portion where any suspicion existed was in one of the parotid glands, which appears slightly abnormal.

That observation was not confirmed by any microscopical examination. That disposes of one infected cow; what happened to the other 35 infected cows the files do not reveal. It is quite likely that those cows were weeded out, as Mr. Weir expressed it, when that could conveniently be done; that is to say, when they became dry. But whether it was done or not the files do not relate. In going through them I noticed that the matter had been brought under the notice of Mr. Sutton, the Director of Agriculture. He made one comment on it—

In view of the inability to compel isolation of reactors, I am pleased to learn that the milk from this herd is being pasteurised before being distributed.

There, again, the file gives no evidence as to pasteurisation of the milk, except this chance remark of Mr. Sutton. Whether it was pasteurised or not, whether the pasteurisation was done at the Hospital for Insane or whether it was done at the Children's Hospital, whether indeed the authorities at the Children's Hospital were informed of the condition of this milk or of the condition of the cows that supplied the milk, I do not know. There is nothing on the file to show those things.

Hon. J. M. Macfarlane: Or what temperature was used in pasteurising.

Hon. A. J. H. SAW: I know nothing about that. So far as I am aware, there was no efficient pasteurising plant in the State in 1922. The people concerned may have been content with boiling the milk, and if they boiled it at a sufficiently high temperature and kept it at that temperature for a sufficiently long period, the bacilli would be destroyed. However, I do not know what, if anything was done in that regard, nor do I know how long they continued to pasteurise it, if at all; whether it was only a few weeks or a few months. Whether they got all those cows weeded out, I do not know. Anyhow, there is that remark of Mr. Sutton's that he was glad to hear the milk was being pasteurised before being distributed. What has happened since 1922? Something has happened, but not very much. That herd has not been again tested on a wholesale scale by the tuberculin test; that

is, from 1922 till to-day. But what has been done is that at infrequent intervals an inspector has gone down from the veterinary department, examined the herd, taken out any that looked sick and had them tested, sometimes by the tuberculin test, while sometimes they were condemned without that test, and slaughtered. I asked the Chief Secretary for the information, and he gave the occasions when they were inspected and the tuberculin test applied. But that was only to those animals that were manifestly sick. That is not sufficient. I understand it is possible for a cow to be in an advanced stage of tuberculosis and, so long as it is being well fed, it will maintain its nutrition and appear to be perfectly well. That I have, not of my own knowledge, but on excellent authority. So it is not sufficient to go down at infrequent intervals and simply pick out cows that are manifestly sick and inject them with tuberculin. The occasions on which they were tested—there is a little discrepancy on the file, but I think it is understandable; for this reason: if an inspector went down and found sick cows he may have injected them with tuberculin, but in any case he would have to go down and observe the result, and perhaps on a third occasion he would have to go down to see them destroyed. But the occasions after April, 1922, on which date the tuberculin test was applied on a wholesale scale, have been as follows:—25th June, 1924, two years later; 27th March, 1925, nine months later; 24th June, 1926, 15 months later; and the 13th October, 1927, sixteen months later, and I should not be surprised if that last test was made after my asking questions in the House. When this method was adopted of going down, inspecting the herd, picking out those obviously diseased and applying a test, on the first occasion three animals reacted to the test and were destroyed. On the second occasion two were found to be diseased, were diagnosed T.B. and destroyed. On the 24th June, 1926, the third occasion, four were found to be diseased, three reacted to the test and one was negative. The three giving positive reaction were destroyed. On the 13th October of this year two were found to be diseased, one gave a positive result and was destroyed, and one was doubtful and is being kept for further observation. The last one to be destroyed revealed pulmonary tuberculosis and tuberculosis of the mesenteric gland, that is to say, it had generalised tuberculosis and undoubtedly was a danger. How long it had

been in that condition and where its milk went I do not know, but no doubt the milk had been going into the supply to the Children's Hospital and Government institutions. Two of the three that were destroyed as a result of the examination on the 24th June, 1926 were postmortemed. One revealed bilateral pulmonary tuberculosis and tuberculosis of the larynx. The other had a small tubercular nodule in the peritoneum, and it was reported that on the naked eye appearance it had numerous small tubercular nodules scattered throughout the post quarter of the mammary gland. That last observation was not borne out by a piece that was submitted to microscopic examination. But it may be that the precise portion infected by tuberculosis was not submitted to microscopic examination. However, the piece that was so submitted did not reveal tuberculosis, although the naked eye appearances were those of tuberculosis. In 5½ years there have been only four inspections of that dairy herd, although in 1922 no fewer than 36 cows out of 79 reacted to the tuberculin test. I want to emphasise that inspections at such lengthy intervals are of very little value. I had a conversation with the Chief Secretary and the Acting Commissioner of Public Health over the question of graded milks in the Old Country. There are four milks called graded. That is to say, they receive special licenses from the British Ministry of Health as being good milks. Two of these are fresh milk, in respect of which the cows have been tested by the wholesale tuberculin test; and then the milk has to undergo certain treatment before being offered for public sale. The third variety of fresh milk is one in which the tuberculin test is not made on a wholesale scale, but the animals are inspected every three months. Even then, of course, some may slip through. But at Claremont the inspections are made only at intervals of nine months, 15 months and even longer. I do not know what the condition of the Claremont herd is to-day in reference to how many cows would react to the tuberculin test, for they have not been submitted to it since 1922. Possibly the authorities have been afraid to do it. Now I want to say a word, or two with reference to other dairy herds of the State. Because it may be taken for granted that if that is the condition at Claremont, where undoubtedly they have a fine high-class herd, if that is the condition down there under the supervision the herd ought

to get from the authorities, what is the condition of the other herds in the metropolitan area and the country districts? How often are they examined? I do not know. Certainly there has been no systematic inspection and application of the tuberculin test. I know that the veterinary branch is understaffed and have not been able to do the work they want to do. What they have had to be content with doing, at any rate since the present Chief Veterinary Officer, Mr. Murray Jones, a capable officer, has been in charge, is to give an occasional inspection to a herd, taking out cows that are manifestly diseased, having them tested by the tuberculin test and, if they are positive in their reactions, having them destroyed.

Hon. Sir Edward Wittenoom: Have there been many deaths directly attributable to these cows?

Hon. A. J. H. SAW: I have not the statistics. I do not know whether Sir Edward was here at the beginning of my speech, but I do know there have been a great number of cases of tuberculosis at the Children's Hospital and at other hospitals.

Hon. A. Lovekin: They die like flies up there.

Hon. A. J. H. SAW: The Children's Hospital receive a great number of tubercular cases, hip joints, knee joints, meningitis and tubercular glands. Perhaps that will answer Sir Edward. The Chief Veterinary Officer has to be content with this somewhat haphazard expedient. How often he can go and inspect a dairy I do not know. I do not know how many dairies there are in the State, but certainly a large number. In his report for 1925 the Chief Veterinary Officer says—

It is evident, however, that there is a good deal of tuberculosis present amongst the dairy herds in the metropolitan area, and this matter has been receiving the attention of this branch, particulars of which are given later in this report.

These are the particulars—

During the six months, January to June, this matter has been receiving the attention of this branch, and although the inspections have been by no means systematic on account of the shortage of staff, 59 animals were condemned for tuberculosis. On post mortem examination 35 of these were found to be generalised cases and 24 localised. These figures illustrate the urgent necessity for a regular and systematic inspection of dairies both in the metropolitan and country districts which contribute to the milk supply of the community.

Again, in 1926, he reports—

Tuberculosis. There is no doubt that this disease is very prevalent amongst the dairy cattle in this State, and with the object of eliminating the worst cases a systematic inspection of dairies was commenced in the metropolitan area in March last, an officer being specially appointed for this phase of the work. As the result of his inspection of 73 dairies, 52 cases showing clinical or suspicious symptoms were selected for the application of the tuberculin test, and of these 27 animals reacted, representing 52 per cent. Of the 27 which reacted, 26 were generalised cases and one localised case. Ten of the generalised cases were of the most dangerous type, the udders being very badly affected. In no case was the tuberculin test applied wholesale to any herd, only animals showing clinical or suspicious symptoms being selected for testing. In addition to the above animals, 13 cases were detected in the cow markets, 12 of which were generalised cases, and one localised.

The report for 1927 is not yet out, but I asked Mr. Murray Jones if he could give me roughly the figures for 1927, and he said the generalised cases of tuberculosis were 25 and the localised cases 35. He made another observation to me. He said that in every case where the tuberculin reaction was positive and the animal destroyed, the post mortem examination revealed the presence of tuberculosis. I think that shows that the tuberculin test is reliable when it is efficiently applied. There are two methods, and I think the veterinary branch applies both, using one as a check upon the other. Where it is applied by competent officers and carefully noted, the tuberculin test does reveal whether or not a cow has suffered from tuberculosis. Last session we passed the Dairy Compensation Act. I thought that under it, when cows were destroyed, the owners would receive compensation. There was a scheme for some sort of insurance fund, the owners putting in something and the Government contributing a proportion. I understood that when an animal had to be destroyed because of any infectious disease, compensation would be paid out of that fund. But I understand that the Dairy Compensation Act has not yet been proclaimed, and so is not in force. I maintain that it is the duty of the Government to put it into operation at once, and to grapple with this problem of tuberculosis. My interest in this question is not of to-day or yesterday or even of last year. I have always taken a great deal of interest in the subject of the conveyance of disease

through milk, as is evidenced by the fact that over 30 years ago I selected as the thesis for my M.B. degree the subject of the influence of milk in the spread of infectious disease, and ever since then I have kept my eyes open and have watched to see what effective measures could be taken with reference to these problems, not only the problems of typhoid, but other diseases conveyed by milk. When I read that thesis over 30 years ago, it was known that tuberculosis was due to the tubercle bacillus, but the tuberculin test had not then been discovered and our knowledge of bacteriology was on a very small scale, whilst the precautions that could be taken to prevent these diseases were not known nearly so well as they are known to-day. For years I despaired that effective measures could be taken to prevent these diseases spreading, but I always advised my patients—and the practice has been universal in my home as well—to boil all milk as soon as it entered the house, because I knew of the serious risk the community incurred by drinking milk from tainted sources. That position is entirely altered to-day. There is no doubt whatever, in the first place, if suitable measures are taken, tuberculosis can be eradicated from dairy herds, and that course should be adopted. The other method of dealing with milk still affected, not only with the tubercle bacillus, but with various other diseases, is by pasteurisation. Of that I was fully convinced when I saw what was done with milk during my visit to Wellington, New Zealand, and by what I have read since. Dr. Atkinson suggested that the affected cows of the Claremont herd should be isolated and put on fresh pastures, and he pointed out that so long as they remained where they were, and where clean cattle were running, they were infecting the pastures and in that way helping to spread disease. That is undoubtedly true. If all the infected cattle were removed from the herd, and fresh ones brought in, a strict watch could be kept on the clean ones, because they would run the risk of becoming infected by the pastures. Of course with exposure to sun, light and air, the tubercle bacillus is destroyed. Dr. Atkinson specially recommended that the cows that gave a positive tuberculosis reaction, should be removed from the pastures where clean cows were running

and he expressed the hope that whatever steps were taken, the main object should be to maintain a clean herd at Claremont. Unfortunately that advice was not followed, and the position to-day is as I have related. I submit the motion standing in my name.

HON. J. NICHOLSON (*Metropolitan*) [5.5]: I second the motion that has been so ably moved by Dr. Saw. The public of this State should be deeply indebted to Dr. Saw for having brought this matter so prominently before the notice of the Government, and I have no doubt that the Government will appreciate the action of the hon. member that in moving the motion his sole desire is to assist the Government to do that which is a manifest duty, namely, to protect the health of the people and to take whatever steps may be essential in that direction. Dr. Saw has shown clearly the position with regard to the Claremont dairy herd and how serious must necessarily be the consequences of a tainted herd communicating as they would through the channel of the milk supply, disease to children. One knows that the Government may not have had the opportunity up to date of making arrangements for a close inspection of all herds, but I hope, now that the matter has been so prominently brought forward, the Government will at once see that the subject is inquired into and an adequate and competent staff appointed so that measures may be taken to eradicate what is a serious menace to the health of the community. There is undoubtedly, as Dr. Saw states, one way of dealing with the matter; probably there are several ways, but there is manifestly one way that should appeal to the Government as being the correct way, and it is to see that steps are taken to stamp out the disease so that it will not be spread amongst the community. I sincerely hope that some action will be taken, action of a character that will remove the cause of this scourge.

On motion by Chief Secretary, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Postponed Clause 15—Printing rolls:

Hon. H. SEDDON: I desire to submit the amendment that stands in my name on the Notice Paper. I move—

That all the words after "printed," in Sub-clause 1, be struck out, and the following inserted:—"and issued under the hands of the Chief Electoral Officer whenever he thinks fit."

That provision is contained in Section 24 of the original Act and is certainly a more desirable state of affairs than that which the Bill proposes.

The CHIEF SECRETARY: I oppose the amendment. The object of inserting "Minister" is to bring the position into line with that of the Commonwealth. Section 36 of the Commonwealth Electoral Act provides for the printing of supplementary rolls at such times as the Minister directs. The South Australian Electoral Act and the Victorian Electoral Act—in both those States joint rolls are issued—provide that "the Minister shall direct." In the course of his remarks, Mr. Harris said that under the present Act the Chief Electoral Officer and not the Minister has the power to direct when the rolls shall be printed, and he referred to Section 24. The Minister has full power under Section 28 to direct when the rolls and supplementary rolls shall be printed in an amalgamated form. Section 28 is to be deleted for the purpose of inserting Clause 3 (a). The hon. member does not desire us to have the unusual spectacle of the Commonwealth Minister being in control of the rolls and the State Minister being deprived of that power. What is the object of doing that? Both State and Commonwealth Ministers will be directed by their permanent heads. The hon. member should withdraw his amendment.

Hon. H. SEDDON: The Minister has quoted the practice in the Commonwealth and other States but I would point out that the attitude adopted by this House has always been that the Chief Electoral Officer should be held responsible, and as the amendment is consistent with that attitude, I think it will make for smoother and more expeditious working. In the circumstances I feel I must adhere to my amendment.

The CHIEF SECRETARY: The hon. member has not answered my argument, which was that if the amendment is carried the channel of communication between the Commonwealth Minister in charge of the

administration of the Commonwealth Electoral Act will not be through the Minister in control of our Department, but through the Chief Electoral Officer. That would be anomalous.

Hon. E. H. HARRIS: The Minister raises an interesting point that has relation to an amendment I propose to deal with later on. If I interpret his meaning aright, it is that the Commonwealth Electoral Officer will direct and deal immediately with the Minister as to when the rolls shall be published.

The Chief Secretary: No, the Minister.

Hon. E. H. HARRIS: To direct when the State roll shall be printed! If that is so then our Chief Electoral Officer will be a mere rubber stamp! I am glad that the Chief Secretary has indicated that at this early stage. My remarks were based on the repeated decisions of this House in connection with the Bill of 1925, under which power was sought to be taken away from the Chief Electoral Officer and given to the Minister. I agree that in some instances it is desirable to vest that power in the Minister, but in this instance, as the Minister has to be elected by his constituents and the rolls have to be compiled, the Minister should have as little as possible to do with the Electoral Act and its administration.

Hon. A. J. H. SAW: I ask the question in my ignorance, but I would like to know whether the Chief Electoral Officer is not controlled by his Minister?

Hon. E. H. Harvis: Yes.

Hon. A. J. H. SAW: Then what difference does it make whether we make provision for the "Chief Electoral Officer" or "the Minister"? If we include "the Chief Electoral Officer," he will be controlled by the Minister and be told to do certain things. Surely it would be better to insert "the Minister," who has the ultimate responsibility.

Hon. Sir EDWARD WITTENOOM: It seems to me that the difficulty arises owing to the word "directs" in the clause. If "the Chief Electoral Officer" is inserted instead of "the Minister," it will be that officer's duty to attend to the rolls and at the same time he will be subservient to the Minister, who can interfere. As the clause reads the official cannot do anything until the Minister directs him accordingly, and the Minister, therefore, has full control of the situation. I think the Chief Electoral Officer should be in control. Why not give that officer instructions through the Bill to control the

rolls, and the Minister will then have to accept responsibility should he interfere?

Hon. E. H. HARRIS: In view of the remarks of Dr. Saw, I would draw attention to Section 24 of the principal Act which sets out that the rolls shall be printed and issued under the hand of the Chief Electoral Officer if he thinks fit. If it is good for the Council, it is also good for the Assembly. The clause, however, says that the roll shall be printed when the Minister so directs. It is possible that the Minister would direct that his own roll should be printed on a date to suit him! The power should remain in the hands of the Chief Electoral Officer.

The CHIEF SECRETARY: The Minister has absolute power now to have the rolls printed. That is in accordance with Section 28 of the Electoral Act. That provision will be deleted if the Bill be agreed to. Naturally the Minister would act on the recommendation of the Chief Electoral Officer.

Hon. H. Seddon: He might.

The CHIEF SECRETARY: The Minister does not trouble himself about the rolls, but waits for a recommendation from the Chief Electoral Officer. If the Chief Electoral Officer were given that power he could act only with the approval of the Minister, because expenditure would be involved and he would have to get the necessary authority. Why not bring our legislation into conformity with the Commonwealth Act and the South Australian and Victorian Acts and so secure consistency?

Hon. H. SEDDON: The Chief Secretary has missed the point we wish to make. The Chief Electoral Officer, according to the Act, can prepare the rolls whenever he thinks fit, but if the Minister has to direct him to do so, then the latter will control the position. The Chief Electoral Officer might think it desirable to have the rolls printed, but if the Minister has to direct him, then the responsibility is taken away from the Chief Electoral Officer and vested in the Minister.

Hon. A. LOVEKIN: I suggest a compromise on a fifty-fifty basis, as there is some virtue in each point of view. Instead of the amendment reading "and issued under the hands of the Chief Electoral Officer whenever he thinks fit," why not make it read "and issued under the hands of the Chief Electoral Officer whenever approved by the Minister"?

Hon. E. H. Harris: What is the difference?

Hon. A. LOVEKIN: My suggested amendment introduces the Minister, whereas he does not come into it under Mr. Seddon's amendment. The Chief Secretary indicated that he wished the Minister to be included so as to bring our Bill into line with legislation in the East. The clause does not make the Chief Electoral Officer responsible, but with the alteration I suggest the responsibility is cast upon the Chief Electoral Officer to have the rolls printed when he thinks necessary and the Minister's approval will have to be obtained.

Hon. Sir Edward Wittenoom: The Minister would act automatically?

Hon. A. LOVEKIN: Yes.

Hon. A. J. H. SAW: I do not wish to be personal but who is responsible? The Chief Electoral Officer, or the Minister? Surely it is the Minister.

Hon. E. H. Harris: Who is responsible to-day?

Hon. A. J. H. SAW: I should say the Minister.

Hon. E. H. Harris: But look at Section 24.

Hon. A. J. H. SAW: Who is the more amenable to Parliament. Undoubtedly it is the Minister, because he can be got rid of more easily than the Chief Electoral Officer. If prompted by the Minister, from whom Mr. Seddon proposes to take the responsibility, to do something, the Chief Electoral Officer would have to act accordingly and the Minister could shelter himself behind that official.

Hon. H. Seddon: But that would be on the files.

Hon. A. J. H. SAW: There are other methods of doing things than by minutes on files. My contention is that the Minister is responsible and should have the authority.

The CHAIRMAN: Do I understand Mr. Lovekin intends to move an amendment on the amendment?

Hon. A. Lovekin: I shall do so after Mr. Seddon's amendment to strike out part of the clause is dealt with.

Hon. H. J. YELLAND: It would be wise to make the Chief Electoral Officer the active agent. If he is dependent on the Minister and has to take orders from him, he may not proceed until it suits the Minister, and therein lies the danger.

Hon. J. EWING: The Chief Electoral Officer should occupy a more independent position. The administration of the present

officer has been excellent, but his work has been hampered through his having no direct access to the Minister. I would have more confidence in State officials than in Commonwealth officials, and for that reason I shall support the amendment. I am not at all keen on the Bill. The State should retain control of its electoral affairs and the department should be made as independent as possible of the Minister.

Amendment (to strike out words) put and a division taken with the following result:—

Ayes	..	..	..	..	10
Noes	..	..	..	..	6
					—
Majority for	..	..	..	..	4
					—

AYES.

Hon. E. H. Harris	Hon. G. W. Miles
Hon. J. J. Holmes	Hon. H. Seddon
Hon. Sir W. Lathlain	Hon. Sir E. Wittenoom
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. J. Ewing

(Teller.)

NOES.

Hon. J. M. Drew	Hon. J. Nicholson
Hon. E. H. Gray	Hon. A. J. H. Saw
Hon. W. H. Kitson	Hon. C. F. Baxter

(Teller.)

Amendment thus passed.

The CHAIRMAN: The question now is that the words "and issued under the hands of the Chief Electoral Officer whenever he thinks fit" be inserted.

Hon. A. LOVEKIN: I move—

That the amendment be amended by striking out "he thinks fit" and inserting "approved by the Minister" in lieu.

The CHIEF SECRETARY: The amendment on the amendment will get us nowhere. The Chief Electoral Officer would still have to obtain the approval of the Minister before he could incur the expense of printing rolls.

Hon. J. J. Holmes: If the Minister deals with it, he must take the responsibility.

The CHIEF SECRETARY: If the Minister refused to adopt the recommendation of the Chief Electoral Officer to have the rolls printed, he would be answerable to Parliament.

Hon. A. Lovekin: I am trying to help you. You desired the Minister's inclusion.

Hon. H. SEDDON: Under my proposal the initiative would rest with the Chief Electoral Officer, whereas under Mr. Love-

kin's proposal the initiative would rest with the Minister.

Hon. G. W. Miles: Mr. Lovekin's amendment should be withdrawn. The Chief Secretary does not want it.

Hon. H. SEDDON: We shall get better work by insisting on the officer taking the initiative. We should not leave room for the excuse that the Minister did not ask for a recommendation.

Hon. A. LOVEKIN: The amendment on the amendment would achieve what Mr. Seddon desires. The initiative would rest with the Chief Electoral Officer, who would obtain the approval of the Minister. The Chief Secretary desires that this measure be brought as nearly as possible into line with the Commonwealth law, and that was my object in moving to amend the amendment. If the Chief Secretary does not desire it, I shall not press it.

The Chief Secretary: I prefer Mr. Seddon's to yours.

Hon. A. LOVEKIN: I ask leave to withdraw the amendment on the amendment.

Amendment on amendment, by leave, withdrawn.

The CHAIRMAN: The question is that the words "and issued under the hands of the Chief Electoral Officer whenever he thinks fit" be inserted.

Amendment put and passed.

The CHIEF SECRETARY: There are consequential amendments, one in paragraph (c) of Subclause 2, for instance.

The CHAIRMAN: I should like to hear the Chief Secretary on the point. The clause as amended reads "rolls generally." That would mean "any roll at any time."

The CHIEF SECRETARY: Yes. It would refer to any roll at any time.

Hon. E. H. Harris: Do you rule that the next amendment is consequential?

The CHAIRMAN: I have not yet given any ruling. I should like to hear the hon. member who is responsible for altering the clause, and those who have supported him. Their remarks may guide me as to whether the clause should be consequentially amended or not.

The CHIEF SECRETARY: Paragraph (c) refers to supplementary rolls, because it has a bearing on paragraph (b).

Hon. H. SEDDON: It is optional whether the clause is consequentially amended or not.

Hon. E. H. HARRIS: The clause deals with rolls generally. It also deals with supplementary rolls. If the Chief Electoral Officer has to direct that the other rolls are to be printed and he has to compile the rolls generally, I submit that a consequential amendment is necessary. The Chief Electoral Officer should accept the responsibility of issuing the subsequent additions that may be made to the rolls after they are printed.

The CHAIRMAN: The Chairman may rule as to what is a consequential amendment. The Committee may also decide such a point. I ask the Committee to decide whether these words are to remain in or to come out.

The CHIEF SECRETARY: When I stated an amendment was consequential I meant that some amendment would have to be moved. Some words must be struck out, and others inserted in lieu, in order that the clause may be brought into line with the amendment we have just carried.

Hon. A. LOVEKIN: I move an amendment—

That in Subclause 2, paragraph (c), the words "Minister directs" be struck out, and "Chief Electoral Officer thinks fit" inserted in lieu.

Hon. Sir EDWARD WITTENOOM: This is a different matter from what we have just been dealing with. The paragraph refers only to supplementary rolls. It would be quite safe to let it stand.

Amendment put and passed.

Hon. H. SEDDON: Who is the State returning officer referred to in Subclause 3?

The CHIEF SECRETARY: That refers to any returning officer for any of the 50 districts that would have a returning officer.

Hon. Sir EDWARD WITTENOOM: Is a man appointed each time?

The CHIEF SECRETARY: He is permanently appointed unless it is necessary to call upon him to resign, or he himself resigns.

Hon. H. SEDDON: I can see no definition either in the Act or the Bill of the term "State returning officer."

Clause, as amended, put and passed.

Postponed Clause 18—Claims for enrolment or transfer of enrolment:

The CHIEF SECRETARY: The Chief Electoral Registrar, on my instructions, got into touch with the Solicitor General. Although the latter gentleman is confident

that this clause is bomb-proof and all right, in order to meet the wishes of the Committee he has made it clear beyond any doubt. I have submitted his proposed amendment to Mr. Harris, who has approved of it. I move an amendment—

That in Subclause 1, lines 2 and 3, the words "or if the district is divided into subdivisions, in a subdivision," be struck out, and the word "a" be inserted before the word "subdivision," in line 5.

Hon. E. H. HARRIS: I support the amendment, a copy of which I have already seen. I congratulate the Solicitor-General upon having made the clause perfectly clear, both as to the enrolment for the district and the subdistrict. The amendment will help us to overcome a difficulty, but we shall have another hurdle to take presently.

Amendment put and passed.

The CHIEF SECRETARY: I move a further amendment—

That in Subclause 1 the words "as the case may be," in line 5, be struck out, and "thereof" be inserted in lieu.

Amendment put and passed.

The CHIEF SECRETARY: I move a further amendment—

That in Subclause 2, after the word "subdivision," in line 2, the word "thereof" be inserted; that in line 3 the words "or subdivision" be struck out, and that after "subdivision," in line 5, the word "thereof" be inserted.

Amendment put and passed.

The CHIEF SECRETARY: Subclauses 1 and 2 will now read as follows:—

Any person qualified for enrolment who lives in a district, and has so lived for a period of one month last past, shall be entitled to have his name placed on the roll for that district or a subdivision thereof.

Any elector whose name is on the roll for any district or subdivision thereof, and who lives in any other district and has so lived for a period of one month last past, shall be entitled to have his name transferred to the roll for the district or subdivision thereof in which he lives.

Clause, as amended, put and passed.

Hon. E. H. HARRIS: Now that we have decided that the person may live for one month in an electorate, whether subdivided into districts or not, we should make it perfectly clear that he can enrol—

The CHAIRMAN: Order! What is the hon. member discussing?

Hon. E. H. HARRIS: I wish to point out that a person now eligible to enrol for the State will not be eligible to enrol for the Commonwealth. It is necessary that the Electoral Department should be acquainted with that fact before the clause is passed.

The CHAIRMAN: It has been passed as amended.

Hon. E. H. HARRIS: I could not introduce this matter, Mr. Chairman, while you were putting the amendments.

The CHAIRMAN: The hon. member could have spoken on the general question that the clause stand as amended. He has missed his opportunity.

Hon. E. H. HARRIS: Then I shall ask for the Bill to be recommitted.

New clause:

Hon. E. H. HARRIS: I move—

That the following new clause be added to the Bill:—"A subsection is added to Section 8 of the principal Act, as follows:—"(3) Every registrar shall act under and be subject to the control of the Chief Electoral Officer for the State, and the said Chief Electoral Officer may inspect all rolls, books, and documents kept by any registrar for the purposes of this Act, and satisfy himself that the duties imposed upon the registrar by this Act are being properly carried out."

The CHIEF SECRETARY: I ask your ruling, Mr. Chairman, as to whether the new clause is relevant to the Bill.

The CHAIRMAN: I should like to hear the Chief Secretary's views on that matter.

The CHIEF SECRETARY: The new clause proposes to give the Chief Electoral Officer additional powers. I say it does not give that officer additional powers, though that matter is beside my point. I contend that it is irrelevant to the Bill to insert a clause giving the Chief Electoral Officer power to inspect rolls, books, and documents.

Hon. E. H. Harris: I suggest you draw attention to the Chief Electoral Officer's powers under the principal Act.

The CHIEF SECRETARY: Section 5 of the principal Act reads:—

(1) The Governor may, from time to time, appoint a Chief Electoral Officer who shall, under the Minister, be charged with the administration of this Act.

And Section 6 provides—

(1) The Governor may, from time to time, appoint such registrars, returning officers, and assistant returning officers as may be required

to carry the provisions of this Act into execution.

The Governor, having power to appoint those officers, has, under Section 34 of the Interpretation Act, also power to suspend them and power to dismiss them.

Hon. E. H. Harris: That is a power given to the Governor.

The CHIEF SECRETARY: Consequently the Chief Electoral Officer has ample power and right to demand the production of rolls, books, and documents; and if they are not produced when desired by him, he can recommend the Governor-in-Council to suspend or dismiss the officer concerned.

The CHAIRMAN: Do you want my ruling?

Hon. E. H. HARRIS: May I not be heard in support of my case? I submit that the Chief Secretary's statement is *ex parte*. In moving my amendment I wished to call attention to the fact that the words of that amendment were embodied in a previous Bill. Word for word the amendment is a copy of a clause that appeared in the Bill of 1925. That clause has been omitted from the present Bill. If there is any valid reason for its omission, the Chief Secretary might indicate it. I desire the amendment to be carried because the Minister controlling the Electoral Department recently stated that Federal officers would have charge of this measure, that it was a Federal matter to be controlled by Federal officers, and that the Federal Government would pay the salaries of, and control, these officers. The Chief Secretary a little while ago suggested that that was the position. If it is the position, the necessity for my amendment is emphasised. I hold in the highest regard the Federal and State officers administering the respective Electoral Acts.

Hon. A. Lovekin: Does not Clause 16 of the Bill cover what you desire?

Hon. E. H. HARRIS: No. The first essential in the preparation of a roll is to have electoral registrars who will receive claims and objections and do all things necessary. On the 20th September I asked the Chief Secretary the following question:—

Should the Electoral Act Amendment Bill now before the House become an Act, what is the estimated number of electoral registrars that will be permanently appointed?

The Chief Secretary's reply was:—

This matter will be considered when the occasion arises.

In his reply on the second reading debate the Chief Secretary stated—

The actual work of registration under the joint rolls arrangement will be carried out by five divisional returning officers and their clerks and 27 registrars, all of whose services, as well as those of the local Commonwealth administrative staff, will not cost the State anything.

It is our duty, in the first place, to provide the necessary registrars, and, in the second place, to ensure that someone shall have power to control the actions of those registrars. My amendment declares that the Chief Electoral Officer shall have power to deal with those under him in the State's employ. Although the 27 registrars are in the Commonwealth service, they are to be officers employed by Western Australia. The Chief Secretary has quoted Section 5 of our principal Act. Section 6 provides for the appointment of returning officers and registrars. But the Act only gives an implied authority. There is nothing to say that those returning officers and registrars shall be under the control of the Chief Electoral Officer. The Commonwealth Act, by Section 7, provides—

There shall be a Commonwealth Electoral Officer for each State who shall, subject to the directions of the Chief Electoral Officer, be the principal electoral officer in the State.

The Commonwealth Electoral Officer in the State is subject to someone in Melbourne or Canberra. Section 8 of the Commonwealth Act reads—

There shall be a divisional returning officer for each division, who shall be charged with the duty of giving effect to this Act within or for his division, subject to the directions of the Commonwealth Electoral Officer for the State.

Section 9 of the Commonwealth Act, referring to assistant returning officers, says that they shall be "subject to the control of the divisional returning officer." The Commonwealth makes it perfectly explicit that all its officers in charge of branch electoral offices shall have full power to control all officers under them. As regards our State electoral employees our Chief Electoral Officer has not that power. The Federal employees, I say with all due respect, owe allegiance to their Chief in the State. Some hon. members have the idea that the State Electoral Officer for the Commonwealth is to be a servant of our Chief Electoral Officer. I hope those members will wake up to the situation. Those officers should be State officers under the control of the State's Chief Electoral Officer. Paragraph 7 of the agreement gener-

ously provides that the Chief Electoral Officer of the State shall have the right at all reasonable times to inspect claims and so forth, for the purpose of carrying out any duty imposed upon that Chief Electoral Officer under any law of the State. If we vest in the State Chief Electoral Officer the powers proposed by my amendment, he will possess some authority when he has occasion to interview the Commonwealth Electoral Officer for the State. South Australia and Victoria provide for that contingency. In those two States every one of the electoral officers is under the State Chief Electoral Officer. If that arrangement is good enough for Victoria and South Australia, it should be good for Western Australia; and Victoria and South Australia provide accordingly not in the agreement, but in their Acts. The agreement generously says our Chief Electoral Officer shall have the right to go to the Electoral Office and inspect his own rolls.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. H. HARRIS: Continuing my remarks on the new clause, let me direct attention to Subclause 1 of Clause 35 of the Bill, under which the divisional returning officers, that is the Commonwealth officers, shall determine objections forthwith. Under Section 46 of the principal Act, provision was made that the magistrate should determine those questions. I want to draw attention to Clause 1 of the agreement with the Commonwealth, which provides that the same persons shall be appointed electoral registrars under the clause. I am asking that the State Chief Electoral Officer shall have full executive authority to act. It is provided in the Bill that important issues are determined by the divisional returning officer, and it is provided in the agreement that those Commonwealth electoral registrars shall operate over the State. In my opinion it is essential that those officers should be under the control of the Chief Electoral Officer. Under Subclause 2 of Clause 1 of the agreement it is provided that the registrars by arrangement are under the joint control of the State and Commonwealth chief electoral officers. That being so, the Commonwealth registrars may say to the State Chief Electoral Officer, "We do not recognise you in this matter, for the agreement says we shall take our instructions from the Commonwealth and State chief electoral officers jointly. The State

Act does not say that those officers are charged with giving effect to the Act, as is provided in the Commonwealth Electoral Act. Under Clause 7 of the agreement it is further provided that the State Chief Electoral Officer shall have the right to inspect his own rolls. I have embodied portion of that in the new clause, but I want to see it in the Act, as it is in the Victorian and the South Australian Acts. If you refer to paragraph (f) of Clause 24 of the Bill, you will note that the registrar in reinstating a name is directed by the divisional returning officer, not by the Chief Electoral Officer; but if you look at paragraph (h) of the same clause you will see that in removing a name the divisional returning officer has to do it upon a certificate from the Chief Electoral Officer, and that they act with equal authority once the writ has been issued. That covers most of the reasons why the Chief Electoral Officer should be vested with this authority. In conclusion I wish to draw attention to a section of the parent Act, which the Bill says shall not apply to the Assembly. In Clause 2 of the Bill it is provided that certain sections of the parent Act relating to the Assembly shall not apply. All that does apply we have embodied in the Bill. If the Bill be passed in its present form the Chief Electoral Officer will not have the authority over his registrars that he has to-day. We shall be removing his power of control over those officers. We shall be taking from him the right to inspect the Assembly rolls of his registrars, although when it comes to a Council election he will still be vested with that authority. He should have the same authority in respect of both Council and Assembly elections.

The CHAIRMAN: The Chief Secretary has questioned the relevancy of the proposed new clause. Since the new clause has appeared on the Notice Paper, I have given some consideration to it. I am still somewhat in doubt as to its relevancy, but I am in no doubt as to its redundancy. I have looked up the Electoral Act, and it convinces me that the powers the proposed new clause seeks to confer on the Chief Electoral Officer are now possessed by that officer under Section 5 of the Act of 1907, which charges that officer with the administration of the State Act.

Hon. E. H. Harris: It gives him no power over his registrars.

The CHAIRMAN: In my opinion he has that power under the existing Act. That is on the question of redundancy. The question of relevancy is quite another matter. I will give my ruling in this way: I rule that the proposed new clause is relevant, and I leave it to the good sense of members to say whether or not it is necessary.

The CHIEF SECRETARY: I asked for your ruling on this point because it has been held that the proposed new clause is not relevant. However, that is not my own opinion. In view of your ruling on the point of relevancy, I have no objection to the proposed new clause, although there is already ample power in the Act for the Chief Electoral Officer to do all that is necessary to carry out the administration of the Act. Nevertheless the proposed new clause will give direct power to our Chief Electoral Officer.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

House adjourned at 7.47 p.m.

Legislative Assembly,

Thursday, 27th October, 1927.

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

QUESTION—SEPTIC TANKS, GOVERNMENT POLICY.

Mr. NORTH asked the Minister for Works: 1, Is he aware that, in at least one instance, a local authority in the Claremont electorate hesitates to proceed with the septic tank scheme on account of uncer-

tainty, as to the future policy of the Government, regarding the extension of deep sewerage? 2, Will he define the Government's intentions in this regard?

The MINISTER FOR WORKS replied: 1, No. 2, The position in regard to deep drainage was defined in reply to a question on the 4th instant, which was as follows: "It is considered that no portion of the area from North Fremantle to Claremont is sufficiently settled to make it practicable to instal a payable sewerage system at the present time. A tentative scheme of sewerage for the area North Fremantle to Subiaco has been prepared. The estimated cost is roughly £530,000 for the immediate future and a further £100,000 to complete as the area develops. A plan is being prepared showing the areas that would be reticulated under this scheme with a view to estimating the revenue."

QUESTION—STATE PSYCHOLOGIST.

Mr. NORTH asked the Minister for Health: 1, Has any report been prepared by the State Psychologist covering the activities of last year? 2, If so, when will it be available? 3, Has the establishment of a psychological clinic justified itself?

The MINISTER FOR HEALTH replied: 1, Yes. 2, Probably next week. 3, The hon. member will doubtless feel, after a perusal of the report, that the activities of the clinic are justified.

BILL—INFLAMMABLE LIQUID.

Report of Select Committee.

Mr. Lambert brought up the report of the Select Committee appointed to inquire into the Inflammable Liquid Bill.

Report read and ordered to be printed.

BILL—MENTAL TREATMENT.

Second Reading.

Debate resumed from the 18th October.

MR. SAMPSON (Swan) [4.38]: Without exception members will support the second reading and subsequent Committee consideration of the Bill. The question of insanity is of considerable interest and difficulty. I understand there are two