

scenes and life, they should be somewhere near the mark.

Other items agreed to; vote put and passed.

This completed the Education Estimates.

Progress reported, and leave given to sit again.

BILL—NAVIGATION AMENDMENT.

Received from the Legislative Council, and read a first time.

ADJOURNMENT.

The House adjourned at three minutes past 8 o'clock a.m. (Thursday), until the afternoon.

Legislative Council,

Thursday, 7th November, 1907.

	PAGE
State Children Bill, Report of Select Committee presented	604
Question: Bills and Marginal References	604
Reserve Leased (North)	604
Bills: Registration of Births, etc., &c.	604
Public Health, Committee resumed	604
Marriage Act Amendment, 1a.	610

The PRESIDENT took the Chair at 4.30 o'clock p.m.

Prayers.

PAPERS PRESENTED.

By the Colonial Secretary: Gaol Regulation 147 as amended.

STATE CHILDREN BILL, SELECT COMMITTEE'S REPORT.

Hon. W. Kingsmill brought up the report of the select committee on the State Children Bill. Report received, read, and ordered to be printed with the evidence.

QUESTION—BILLS AND MARGINAL REFERENCES.

Hon. W. KINGSMILL (without notice) asked the Colonial Secretary: 1, Has the Colonial Secretary, according to his promise made during the second reading of the State Children Bill, called the attention of the Crown Law Department to the inadequacy of the marginal references in the Bill? 2, If so, with what result? 3, If not, will he take steps to do so at the earliest opportunity?

The COLONIAL SECRETARY replied: Yes; I will again call the attention of the Crown Law Department to this, and undertake that any future Bills that come before this House will have marginal references.

QUESTION—RESERVE LEASED (North).

Hon. J. M. DREW asked the Colonial Secretary: 1, Has any farther portion of Aboriginal Reserve 297A been leased during the last three years? 2, If so—(a.) The name of the lessee, (b.) The area leased, (c.) The annual rental?

The COLONIAL SECRETARY replied: 1, Yes, on the 1st July, 1906. 2, (a.) F. Wittenoom; (b.) 28,000 acres; (c.) £28.

BILL—REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES AMENDMENT.

Read a third time, and transmitted to the Legislative Assembly.

BILL—PUBLIC HEALTH.

In Committee.

Resumed from the previous day, the Bill having been reprinted with amendments recommended by a select committee.

Clause 3—Interpretation:

The COLONIAL SECRETARY: In regard to the definition of infectious diseases, the select committee had recommended the striking out of leprosy, beriberi, tuberculosis, erysipelas, measles, scarletina, scarlet fever, typhoid fever, and malarial fever, because of the clause

in the Bill requiring the householder to report all infectious diseases. It should not be necessary to report a case of measles, so as to have a child suffering from measles sent to an isolated hospital; but certainly typhoid and scarlet fever should at least be reported; and when we reached Clause 226 (Removal of persons suffering from infectious disease to hospital) he would ask the Committee to insert a subclause stating that for the purpose of the clause, diphtheria, croup, and other similar diseases might be brought under the provisions of the Act by order of the Governor-in-Council. In the meantime it was necessary to reinsert in the definition of infectious diseases those that the select committee had recommended to be struck out and which by the reprinting of the Bill with the amendments of the select committee were now omitted from the definition before the House. He moved an amendment—

That in the definition of infectious diseases, the words "leprosy and beriberi" be inserted after "includes" in line 1; that the words "tuberculosis, erysipelas, scarletina, or scarlet fever," be inserted after "diphtheria" in line 3; and that the words "typhoid, malaria," be inserted after "typhus" in line 4.

Amendment passed.

Hon. J. W. WRIGHT: A railway carriage was not included in the definition of a public vehicle. There had been a lot of trouble in getting the rugs used by the Railway Department disinfected. Persons suffering from diphtheria had been carried in railway carriages, and subsequently these carriages had been used by ordinary passengers. Such railway carriages should be closed until disinfected. He moved an amendment—

That after "wagon" the words "railway carriages" be inserted.

Hon. M. L. MOSS: The Crown was not bound by statute unless specially named. He did not see why the Crown should not be bound by all laws. The amendment did not go far enough; we should have a clause inserted that the Bill should extend to the Crown and all its departments. The Colonial Secretary

might consult the Government as to having a new clause inserted binding the Crown.

Hon. J. W. WRIGHT: The amendment was brought forward in consequence of some trouble in getting railway rugs disinfected and cleaned. People had been known to get influenza and other diseases from the use of the rugs, and no precautions were taken for cleansing the railway rugs. The department had been offered the disinfectant but would not use it. The railway rugs were used year after year and never cleansed, they were only put out to air in the railway yards.

The COLONIAL SECRETARY: If the amendment were withdrawn temporarily, he would consult his colleagues about having a clause inserted as suggested by Mr. Moss. If that were not done the Bill could be recommitted, and the member could again move his amendment. It should not go out that the railway rugs were used for years without being cleansed. Some little trouble did arise with the health authorities when Mr. George was Commissioner; Mr. George resented the board of health interfering. However, the matter was brought under the notice of himself (the Colonial Secretary) and the Minister for Railways, and the rugs were disinfected and properly cleansed. It must not be supposed that the rugs were not cleansed regularly.

Hon. J. W. HACKETT: It would only require six words, "This Act shall bind the Crown."

Amendment by leave withdrawn.

Hon. G. RANDELL: A mistake had been made by the draftsman in the definition of "public place." It did not carry out the intention of the select committee. He moved an amendment—

That in the definition of "public place" the words "notwithstanding that a fee be demanded or paid for entrance thereto" be struck out, and "whether by payment of a fee or not" be inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clauses 4 to 7—agreed to.

Clause 8—Power to suspend operation of Act:

Hon. J. W. HACKETT: This was a clause of which Parliament should take special cognizance. Such a sweeping transfer of power to the Government of the day was surely without parallel in any Act. Not only could the provisions of the Act be annulled in any place, but no notice of the suspension need be given prior to the proclamation in the *Gazette*. He moved an amendment that the following words be added to the clause:—

Provided due notification of the intention to issue such proclamation shall be given in the Government Gazette at least two months prior to such proclamation being made.

The COLONIAL SECRETARY: The clause certainly gave great power to the Government, but the Health Act contained drastic machinery which might at times work hardship in some districts. If all the provisions of the Bill were strictly enforced, say against the dairying industry, which we wished to encourage, the consequences might be anything but encouraging. He agreed to the amendment.

Hon. E. M. CLARKE: Clause 47 contained ample provision for suspending any section.

The COLONIAL SECRETARY: That clause only enabled the Minister to exercise the powers of the Central Board.

Hon. R. W. PENNEFATHER: The clause would be availed of rarely and only in special circumstances. The period suggested by Dr. Hackett was too long. A month's notice should suffice.

Hon. J. W. HACKETT: Some districts were so far from the capital that two months would be a short period, compared with a week in a less-distant place. The clause was intended to suspend the provisions of the Act, not to bring them into operation. The suspension might affect indirectly many interests not immediately affected. He accepted Mr. Pennefather's suggestion that the amendment should read: "at least one month."

Hon. M. L. MOSS opposed the clause. He had never seen such a section in any Act.

The Colonial Secretary: It was taken from the Queensland Act.

Hon. M. L. MOSS: One could understand that in a grave emergency the Minister might exercise the powers in Clause 47; but why should the Executive have power to suspend the operation of the Act, thus repealing it in any locality? He would not trust any Government with such power. As well might we empower the Government to suspend the operation of the Municipalities Act.

The COLONIAL SECRETARY: The hon. member was a city resident, and had little country experience. The Bill was very comprehensive, and its provisions might work hardship if applied to certain country districts. There was no comparison between the Municipalities Act and the Health Act. The Act would not be repealed but suspended. The clause would never be availed of in a city or town, but probably only in remote district where certain provisions could not be applied.

Hon. M. L. MOSS: Then insert a clause enabling the Governor to exempt certain proclaimed districts from the operation of certain parts of the Bill. The clause would enable the health laws to be suspended in the city of Perth. Why give that absurd power to the Government?

Hon. R. W. PENNEFATHER differed from Mr. Moss. The Government, having a sense of responsibility, would hardly venture to suspend the operation of the Act where it ought to operate. No Government could defy public opinion.

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

Ayes	12
Noes	3

Majority for	9
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Ayes.	
Hon. J. D. Connolly	
Hon. J. T. Glowrey	
Hon. J. W. Hackett	
Hon. V. Hammersley	
Hon. R. Laurie	
Hon. W. T. Loton	
Hon. J. D. McKenzie	
Hon. R. W. Pennefather	
Hon. G. Bandell	
Hon. G. Throssell	
Hon. J. W. Wright	
Hon. E. McClarty	(Teller).

Noes.	
Hon. E. M. Clarke	
Hon. M. L. Moss	
Hon. R. F. Sholl	(Teller).

Amendment thus passed; the clause as amended agreed to.

Clauses 9, 10—agreed to.

Clause 11—Constitution of Central Board:

The COLONIAL SECRETARY: The original clause had been struck out and a new one inserted. There was not a very great deal of difference however. The original section of the Act provided for a board of five, while the Bill as presented last session increased the number to six. At the suggestion of the select committee the number was again fixed at five. In the first Bill it was provided that the Government Analyst should be a member of the board, but that portion of the clause had now been omitted. It also provided originally that the Principal Medical Officer should be the President of the Central Board. That, however, had been altered to read that the president should be the Principal Medical Officer or some other medical practitioner.

Hon. J. W. WRIGHT: A budget of suggestions with regard to the Bill which came from the Town Clerk of Perth had been handed to him, and among them was the suggestion that the board should consist of eight members, who should represent the metropolitan and coastal districts, the Eastern Goldfields, the Southern districts, and the Geraldton and Northampton districts.

Hon. G. RANDELL: Something of the same sort had also been sent to him, but he had not yet had time to examine the suggestions. The select committee went into the question of the personnel of the board very closely, and he was sure that the best system had been adopted. The Municipal Conference had been in favour of the present arrangement.

Clause put and passed.

Clause 12—President:

The COLONIAL SECRETARY moved an amendment—

That the words "Principal Medical Officer of the State shall be" be struck out.

Amendment passed; the clause as amended agreed to.

Clauses 13 to 24—agreed to.

Clause 25—Municipalities:

Hon. M. L. MOSS: There appeared to be ambiguity between Clauses 25 and 27, relating to health districts. Clause 25 set out that every municipal district should be a health district within the meaning of the Act and that the municipal council should be the local authority for such district. It was well known that in Perth and Fremantle there were 12 councillors and a mayor, but it was provided under Clause 27 that the local board should not consist of more than seven members. Perhaps the Colonial Secretary would explain the seeming ambiguity.

The COLONIAL SECRETARY: There was no ambiguity, for under Clause 25 municipal councils became health boards; but under Clause 27 the provision was made for boards which had to be nominated by the Government.

Clause put and passed.

Clauses 26, 27—agreed to.

Clause 28—Annexation:

The COLONIAL SECRETARY: There had been a slight amendment made to this clause. It was provided that to certain municipalities an area might be added of land outside their boundaries for health administration, and the alteration was made to the clause in order to give those municipalities powers under the Municipal Act to enable them to work the additional area.

Hon. R. F. SHOLL: Care would have to be taken to see that too much power was not given to the municipalities in dealing with areas outside their boundaries. He knew of a case where a man who owned land at Greenmount was taxed by means of a health rate for the benefit of Midland Junction, although he could not possibly gain any benefit whatever from the operations of the Midland Junction Council. If the clause gave power to municipalities to tax land outside their boundaries the owners of which could obtain no benefit, he would oppose it.

Clause put and passed.

Clauses 29 to 37—agreed to.

Clause 38—Removal of officers:

Hon. E. M. CLARKE: Under the clause, local bodies would be powerless to govern their own officers, and would be in all things under the control of the Central Board.

The COLONIAL SECRETARY: While the Central Board had power to remove a health officer or other officer appointed by a local board, and while such officer could not again be appointed by the local board without approval by the Central Board, a similar provision was contained in the present Act. The provision was essential, past experience showing it to be well nigh impossible to get local officers to fearlessly do their duty, without regard for local considerations. The clause was a protection to local officers, as under it they need not fear dismissal by the local board for having done their duty strictly; and on the other hand an officer dismissed by the Central Board for a dereliction of duty could not be reappointed by the favour of the local board. Provision was made elsewhere in the Bill by which the Minister could override an order of the Central Board; hence there was practically provided a court of appeal to the Governor-in-Council.

Hon. R. LAURIE: Rather should the officers be appointed by the Central Board than be liable to dismissal at its hands. During the plague scare at Fremantle, inspectors appointed under the central Board had overridden the local authority. If officers were appointed by the Central Board, they would be available for transfer from time to time to various parts of the State, thus obviating the possibility of local interests interfering with the discharge of their duty.

The Colonial Secretary: Such a scheme was not practicable.

Hon. R. LAURIE: It was unfair both to the local board and its officers that these officers should be practically at the mercy of the Central Board; for if an inspector from the Central Board made a report to his board condemnatory of an inspector appointed under local authority, it was reasonable to believe that the Central Board would accept the state-

ment of its own officer in preference to that of the local inspector.

Hon. E. M. CLARKE: Local bodies should be the best judges of an officer's fitness. If officers were appointed by the Central Board as suggested, they could set the local authority at defiance.

Hon. G. RANDELL: The clause had received careful consideration by the select committee; and as a former Minister controlling the administration of health matters, he felt that the hands of the Central Board should be strengthened in this connection. In many instances, if municipalities were left to control health matters at their own sweet will, disease would be rampant. Nothing short of pressure on the part of the Central Board had been of avail in preventing epidemics in the past, and this House should not seek to diminish the powers of the Central Board which, thought almost despotic, were necessary. Since there was an appeal to the Minister, and in some cases even to the court, no great harm could result from the clause.

Hon. M. L. MOSS: The effect of the clause was to vest in the Central Board a power which under Section 20 of the principal Act rested now with the Governor-in-Council. Such transfer of authority was undesirable and dangerous. If the drastic course of dismissing an officer appointed under a local authority were taken, the Government should accept the responsibility. Under the clause, Dr. Hope, health officer at Fremantle, who held the highest diploma, would be liable to dismissal at the hands of the Central Board, the president of which might not be Dr. Hope's professional equal.

Hon. G. Randell: A later clause gave to the Minister powers co-ordinate with those exercised by the Central Board.

Hon. M. L. MOSS: It was a sorry state of affairs which permitted of dual, and even triple, control in such an important matter as the health of the people. It would be wise to extend the functions of the Central Board for setting aside if necessary the authority of local boards and assume control of health matters; but farther than that this House should not go. He would vote against a

clause giving to the Central Board, sitting in their office and safe in their appointment for three years, the power of dispensing with the services of officers qualified to carry out their duties. A local officer dismissed could not be re-appointed unless by consent of the Central Board. He moved an amendment—

That the words "Central Board of Health may by order" be struck out, and the words "Governor may" inserted in lieu.

Hon. R. W. PENNEFATHER: The provision should remain intact. If there was one thing necessary in the interests of the health of the community, it was to have despotic power placed beyond the reach of political influence. If we vested this power in the Governor, political influence would come into play. *Salus populi suprema lex* should be the principle followed. To instance how individuals suffered was a weakness of argument. Regardless of any personal considerations, it was our duty to create despotic power and give every means of exercising it. If there was misuse of that power, there was a clause in the Bill by which certain powers vested in the Minister could be brought into play.

Hon. M. L. MOSS: *Salus populi suprema lex* was well guarded by Clause 22 (power of the board to act in emergencies). It was not in the public interest that Parliament should delegate its authority to separate bodies. Nothing could be done which would act as a barrier to carrying out these health laws by inserting "Governor" in place of "the Central Board of Health." The object of the clause was that the Central Board might cancel an appointment made by a local authority.

The Colonial Secretary: That would strengthen the board.

Hon. M. L. MOSS: It would be better to revert to the Crown colony system and have an autocrat running the whole establishment, if there was so much desire to strengthen the hands of these irresponsible bodies. The greatest amount of power should be given to the local authorities who were directly responsible to ratepayers, whereas the Central Board was a nominee board and responsible to

no constituents. One should not express such want of confidence in the local bodies as to give so much power to the Central Board. Only in extreme cases would political influence be exercised. Was this Bill to make the local boards so many pawns on the chess-board and to give the Central Board the power to check them at every moment? If so, one could not vote to put the local boards in such an absurd position.

Hon. R. LAURIE: There was no objection to the Central Board having supreme control in an emergency, but one objected to the Central Board saying that the officer of the local board must be discharged and could not be reinstated without reference to them. There was no talk of political influence when we passed the clause giving the Governor power by proclamation to suspend certain portions of the Act in certain portions of the State, though if there was a disease in the dairying industry and it was necessary to prevent its spread to Perth, the Central Board would be the best body to exercise that power. The power given to the Minister to do certain things was given so that if the Central Board did not act promptly the Minister could step in and see that the work was carried out.

Hon. J. A. THOMSON: Officers of local boards were often afraid to do their work conscientiously, as they knew that by doing so they would run the risk of losing their positions. It was a wise precaution that the officers of the local board should be protected and supported when they did their duty, and there would be no injustice in this clause by giving the power to the Central Board, or to the Governor if the amendment were carried, to dismiss officers of the local board, because that step would not be resorted to unless the officers had not been carrying out their duties as they should. As Captain Laurie had pointed out, if there were an epidemic amongst cows supplying milk in a certain district, that was where the authorities should come in. The chairman of a roads board might own some diseased cows, and the health officer would be afraid to act. Subclause 4 was therefore very necessary.

The COLONIAL SECRETARY had grave objection to the word "Governor" being inserted, for the reasons put forward by Mr. Pennefather. The select committee which considered the Bill comprised two ex-Ministers who had administered the Health Act, Mr. Langsford, who had served a long apprenticeship on health boards, and Mr. Wright, who had long experience on the Central Board of Health. If a local authority neglected its duty in health matters it was very different from a local body neglecting its duty in regard to general matters; for if a health body neglected its duty at Fremantle for instance, it might affect the whole State. Mr. Moss had referred to Clause 22. If one found an inspector not doing his duty, instead of the Central Board saying, "You must get rid of that man and put a competent man in," the local board was superseded by the Central Board. That provision was too cumbersome. In health matters prompt action was necessary; and where an inspector was not doing his duty through some cause or other, the Central Board should be empowered to step in and order the man's dismissal. There was less likelihood of political influence if the matter were left to the Central Board of Health.

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

Ayes	..	..	..	8
Noes	..	..	..	8
—				
A tie	..	..	..	0

AYES.
 Hon. E. M. Clarke
 Hon. J. W. Hackett
 Hon. V. Humersley
 Hon. W. T. Loton
 Hon. E. McLarty
 Hon. M. L. Moss
 Hon. G. Throssell
 n. R. Laurie (Teller).

NOES.
 Hon. G. Bellingham
 Hon. F. Connor
 Hon. W. Oats
 Hon. R. W. Pennefather
 Hon. G. Randell
 Hon. J. A. Thomson
 Hon. J. W. Wright
 Hon. R. D. McKenzie (Teller).

The Chairman gave his casting vote with the Noes.

Amendment thus negatived, the clause passed.

Clauses 39 to 46—agreed to.

Clause 47—Powers of the Minister:

Progress reported and leave given to sit again.

BILL—MARRIAGE ACT AMENDMENT.

Received from the Legislative Assembly, and read a first time.

ADJOURNMENT.

The House adjourned at twelve minutes past 6 o'clock, until the next Tuesday.

Legislative Assembly,

Thursday, 7th November, 1907.

	PAGE
Bills: Marriage Act Amendment, 3s.	610
Land and Income Tax Assessment, 2s. resumed, debated at length, passed	610
Registration of Births, Deaths and Marriages Amendment	647
Land and Income Tax (to impose a tax), 2s. moved	647

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

PAPERS PRESENTED.

By the Premier: Copy of amended Gaol Regulation No. 147.

BILL—MARRIAGE ACT AMENDMENT.

Read a third time, and transmitted to the Legislative Council.

BILL—LAND AND INCOME TAX ASSESSMENT.

Machinery Measure—Second Reading.

Debate resumed from the 31st October.

Mr. T. P. DRAPER (West Perth): In speaking this evening, I desire to remove a wrong impression created among some members of this House and also out-