

Legislative Council,

Wednesday, 13th October, 1920.

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

QUESTION—OLD WOMEN'S HOME, MATRON.

Hon. J. CORNELL asked the Minister for Education: 1, How long has the position of matron at the Old Women's Home at Fremantle been vacant? 2, When were applications called for the position? 3, Why has an appointment not been made?

The MINISTER FOR EDUCATION replied as follows: 1, Since 22nd July, 1919. 2, (a) "Government Gazette," 16th January, 1920. (b) Daily Press, 26th June, 1920; "Government Gazette," 2nd July, 1920. 3, A recommendation has been made by the Acting Principal Medical Officer, and the appointment will be made next week.

ASSENT TO BILLS.

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

- 1, Time of Registration Extension.
- 2, Friendly Societies Act Amendment.
- 3, Broome Rates Validation.

BILL—PARLIAMENT (QUALIFICATION OF WOMEN).

Third reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.35]: I move—

That the Bill be now read a third time.

Question put and a division taken with the following result:—

Ayes	17
Noes	3
Majority for	14

AYES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. F. A. Baglin	Hon. J. Mills
Hon. C. F. Baxter	Hon. T. Moore
Hon. E. M. Clarke	Hon. E. Rose
Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. E. Dodd	Hon. H. Stewart
Hon. J. Ewing	Hon. J. Duffell
Hon. E. H. Harris	(Teller.)

NOES.

Hon. J. J. Holmes	Hon. V. Hamersley
Hon. G. W. Miles	(Teller.)

Question thus passed.

The PRESIDENT: I certify that the Bill, as disclosed by the result contained in the division list, has been passed by an absolute majority of the members of the Legislative Council.

Bill read a third time and passed.

BILL—SUPPLY (No. 2), £350,000.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.40]: On the 11th August of this year a Bill was passed granting supplies totalling £2,059,000. Of that total £944,000 was from the Consolidated Revenue Fund, £750,000 from the General Loan Fund, £50,000 from the Government Property Sales Fund, £15,000 from the Land Improvement Fund, and £300,000 from the Public Accounts. The expenditure from each of those funds to the 30th of last month has been: from the revenue account, £911,256, from the General Loan Fund, £513,196, from the Government Property Sales Fund, £7,434, and from Public Accounts £180,602. There is remaining of the authorisation under that Supply Bill, ample funds in regard to the General Loan Fund, the Government Property Sales Fund, the Land Improvement Fund and Public Accounts; to carry on until the Estimates have been dealt with, but the balance remaining in the Consolidated Revenue Fund is only £32,744, which will not be sufficient for the requirements up to the end of this month. The present Bill is merely for a sum of £350,000 for the Consolidated Revenue Fund and it is considered that that will be ample until the Estimates have been passed. The expenditure, of course, is governed by items as provided in the Estimates themselves. As I explained to the House when submitting the first Supply Bill, it was the intention of the Premier to table his Estimates earlier than in any previous year, and this has been done. The Estimates have been before the Legislative Assembly for some time and I have no doubt will shortly be completed. I do not intend to say anything further on the finances, except to draw attention to the fact that for the first three months of the current financial year the deficit was less by £88,332 than for the corresponding period of last year. I move—

That the Bill be now read a second time.

Hon. J. J. HOLMES (North) [4.42]: I suppose we must pass this Bill with as little discussion as possible. We so seldom get a chance in this House of discussing the financial position that when one sees an opportunity of saying a few words and drawing attention to what is really happening in this State, one avails himself of that chance. I find on looking through the Estimates that the estimated revenue for 1920 was £5,302,768 and the actual revenue was £5,363,501. There was an increase in the revenue over and above the Treasurer's estimate, of £560,733. When we turn to the expenditure we find that there was an increased expenditure of £540,603 over and above the Treasurer's Estimates, so that really the Treasurer has collected approximately £560,000 more than he expected, and in order to get that £560,000 he expended £540,000. The estimated revenue this year is £6,606,404 and the estimated expenditure is £7,006,111, leaving an estimated deficit of £390,707. When we compare the estimated revenue this year with the actual revenue of last year we find that last year £5,363,501 was actually received, while this year the Government expect to receive £6,606,404. In other words, the Treasurer expects to get £742,903 more during this year than he received last year, and in spite of this we are to finish the financial year with a deficit of approximately £400,000. The estimated increased expenditure this year totals £474,386. The estimated expenditure under special Acts this year is £224,396 more than that of last year, and we can assume that the balance of £250,000 is approximately increased administrative expenditure. To my mind this amount should be curtailed in some way. If we cannot meet our obligations now, I do not think we can ever expect to meet them. The general outlook of this country was never brighter or more hopeful. I refer to the country, not to the Government. All our primary industries—wheat, wool, timber, coal, minerals—are more promising than ever before; yet the Government, while expecting to receive £742,903 more than they received last year, expect to finish the year with a deficit of £400,000.

Hon. T. Moore: We want a change of Government.

Hon. J. J. HOLMES: The Government prior to the present Administration were even worse. These are the plain facts as set out in the public documents before me, and I merely direct attention to them that I may be able to say to the Government, "I told you so."

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—CARRIERS.

In Committee.

Resumed from the previous day.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 11—Act binding on Crown but not on the Commissioner of Railways:

[Hon. J. J. Holmes had moved an amendment, That the following words be added: "and shall be subject to the provisions contained in the Midland Railway Act, 1919."]

The MINISTER FOR EDUCATION: Yesterday I agreed to report progress in order to make further inquiries from the Crown Law Department with regard to the point raised by Mr. Sanderson and Mr. Holmes. I said—and I quoted the Midland Company's Act of 1919 to bear out my contention—that the additional words would have no effect whatever because the Midland Company was protected by its Act. The Solicitor General confirms the opinion I expressed. He states—

Certain clauses of the Government Railways Act, 1904, were incorporated with the Midland Railway Act of last session. The passing of the Carriers Act would not in any way affect the incorporation of these provisions in the Midland Railway Act.

The Solicitor General adds that the Midland Railway Company expressed some wish that these words should be inserted, and, as they do not mean anything, he has no objection. I shall not vote for the inclusion of any words which have no meaning and which are totally unnecessary. The position is that the Midland Company is protected by its own Act, and I see no reason for inserting unnecessary words.

Hon. J. J. HOLMES: After the statement of the Minister I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Hon. H. STEWART: I move an amendment—

That the words "not bind or be applicable to the Commissioner of Railways but shall in other respects" be struck out.

It is unfair that there should not be liability on the part of the Commissioner of Railways for loss of goods and stock in transit. I believe that in the other States and in Great Britain the railways are liable as common carriers. With the increase in rates and freights, our Commissioner of Railways should be liable for the goods for which he provides transport. It was only in 1904, after the railways had been running for some time, that legislation was passed to protect the Commissioner. The department claim that where losses have occurred through the negligence of their servants, they are willing to pay, but it is almost impossible to prove a case against the Commissioner owing to the privileged position he occupies.

The MINISTER FOR EDUCATION: I do not know why it should be so difficult to

satisfy members that the object of this Bill is not to impose liability but to limit the liability of common carriers, and that it is extended to these other departments of Government because they require it. It is not extended to the Commissioner of Railways because he already has it. The Imperial Act of 1830 was passed with the object of protecting common carriers from the risk to which they would otherwise be liable under common law. When the Government Railways Act was passed in 1904 the provisions of the Imperial Act of 1830 were incorporated. There are provisions in the Government Railways Act which have practically the same effect as the principles of this Bill. The reason why this provision was not included was that it was felt it should remain in the Government Railways Act, and that if these words were included, it might be implied that the sections of the Government Railways Act had been repealed by the passing of this measure.

Hon. Sir E. H. WITTENOOM: While I am quite in accord with the object sought by Mr. Stewart to make the railways common carriers, it would be difficult to give effect to it. It is optional on the part of those who send goods whether they make the Railway Department responsible or not. There are two rates, one for goods sent at owner's risk, and the other for goods for which the department are responsible.

Hon. H. STEWART: I perfectly realise the position. The mere circumstance that if this clause is not included in the Bill the powers of the Commissioner of Railways might appear to be in doubt is exactly the consideration that is present to my mind. I desire to remove the Commissioner's protection. Losses both large and small obtain in connection with consignments, and these losses would be less likely to occur if the Commissioner were compelled to keep his weather eye open in order to ensure that people receive proper delivery of their goods. Prior to 1904 the railways, which were then run at much lower charges, were subject to this liability; and the liability should apply now.

Hon. J. J. HOLMES: I do not think the Commissioner of Railways has got the protection that he leads the public to believe he has. I think it has been fought out in the law courts that in the case of goods consigned at owner's risk the Commissioner is bound to deliver, though not bound to deliver in good order and condition. In some cases the Railway Department neither deliver goods nor pay their value, which they have no right to do even as regards goods consigned at owner's risk. I presume that the State Steamship Service are common carriers and therefore will be protected under this Bill; and I ask what protection the people along the north-west coast are to have in the future? If the private steamship companies trading along that coast are not protected by this Bill, the result will be to drive all the trade to

those private steamship companies. On the other hand, if those companies, as common carriers, are protected by this measure, the people along the north-west coast will in future have no protection of any kind.

The MINISTER FOR EDUCATION: What provision of this Bill does Mr. Stewart wish to apply to the Commissioner of Railways? The Bill imposes no liability on anybody. Its object is to free people from liability. All the liability to which the Commissioner of Railways is subject is imposed by the Railways Act, 1904. The amendment can only create confusion.

Hon. J. NICHOLSON: The amendment would not accomplish what Mr. Stewart desires, namely to make the Commissioner of Railways liable for the losses which, as we all know, occur on the railways. If any words of this clause are to be struck out, I suggest it should be the words "in other respects," the force of which is not apparent.

Hon. H. STEWART: The Minister for Education says that the Commissioner is already provided for by other legislation in the same way as common carriers are provided for by this Bill. The liability of the Commissioner can only be affected by amendment of the Railways Act, 1904. Surely, then, the words which I propose should be struck out are unnecessary.

Hon. J. J. HOLMES: The better plan would be to strike out the entire clause as being unnecessary. Can the leader of the House tell us why the Commissioner of Railways should be exempted if he is already provided for and if other people engaged in the business of common carriers are not exempted?

The MINISTER FOR EDUCATION: Why should not a Government activity, carrying on the work of a common carrier, have the same protection as other carriers? The Commissioner is excluded from this Bill because he is already provided for in his own Act.

Hon. H. STEWART: In that case, let us effectively exclude the Commissioner from the operation of this Bill by cutting out the words which refer to him.

The MINISTER FOR EDUCATION: If those words are taken out, the Commissioner might be regarded as included under this Bill. Why should he be under two measures?

Amendment put and negatived.

Clause put and passed.

Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—CORONERS.

Received from the Assembly, and read a first time.

BILL—ROADS CLOSURE.

In Committee.

Resumed from the previous day; Hon. J. Ewing in the Chair, the Minister for Education in charge of the Bill.

Clause 2—Closure of portions of roads (partly considered):

The MINISTER FOR EDUCATION: I moved that progress be reported on this clause in order that I might obtain further information in regard to the proposed closing of a portion of Phillip-street. I took that course because the statements made by Mr. Holmes and Mr. Baglin were completely at variance with the information that had been supplied to me. Two points were raised; one was in regard to the attitude of the North Fremantle Municipal Council, and the other was on the general question of the inconvenience that would be caused to the public by the proposed closure. I will take the second point first, because it can be easily disposed of, and because I understand Mr. Baglin is satisfied that his statements were made under a misapprehension. There was confusion between two small streets. The report of the surveyor deputed to look into this matter reads as follows—

I beg to report having made an inspection of Phillip-street and Lancelot-street between lots 43 and 46 near North Fremantle station. The sketch herewith shows the improvements in the vicinity and the sand hill referred to in the site dealing with the matter of an exchange of Phillip-street for a portion of lot 47 which would widen Lancelot-street. A cutting of roughly 12 feet for a couple of chains would be required to make a level road from Napier-street to Broome-street along Phillip-street. This has already been done in Lancelot-street through the same sand ridge. As the streets are so narrow I think the widening of Lancelot-street would be an improvement for the district. The closing of Phillip-street would naturally benefit the owners of the lots 46 and 43 if both belong to one company.

I think that disposes of the objection in respect of the interests of the public. The closing of Phillip-street would be no hardship to the public, Lancelot-street being the street they require. The other matter is not quite so clear. The Acting Secretary of Lands, on the 12th March of this year, put up this minute—

I am informed that the British Imperial Oil Coy. hold lots 43, 46, and 47, and that Phillip-street, lying between lots 43 and 46, is nothing but a hill of loose sand, which cannot be used, and they are desirous of including it in their holdings, being willing to give up the portion marked "A" out of lot 47 to enable Lancelot-street to be increased to 66ft. in width up to its intersection with

Broome-street. The Mayor and the Town Clerk of North Fremantle have seen me in connection with the matter and are desirous of (a) the portion of Phillip-street referred to being closed and granted to the British Imperial Oil Coy. in consideration of their surrendering the portion of lot 47 to provide additional width to Lancelot-street; or (b) closing the portion of Phillip-street referred to, and granting it in fee simple to the council for the purpose of selling it and effecting an exchange. We had a very similar case to this dealt with in the Road Closure Bill last session at East Fremantle. I have promised the council that the matter will be submitted to the Minister for his consideration. I presume that you will first require an inspection to be made by a surveyor.

The inspection was made by the surveyor, and his report is the report I have read. The district surveyor reported as follows—

I can see no reason why the request of the British Imperial Oil Coy. should not be granted, and therefore recommend the closure of that portion of Phillip-street coloured blue on the litho. between Broome and Napier-street, provided the company gives a strip of land out of lot 47 to make the eastern portion of Lancelot-street—also coloured blue—one chain in width.

It will be noticed that the North Fremantle council put before the Government two alternative proposals. One being to close Phillip-street and obtain from the British Imperial Oil Coy. a piece of land of corresponding size by which to widen Lancelot-street, or (2) to close Phillip-street and hand to the council the fee simple to be sold to the company. Having had the matter inquired into, the Government decided to grant the first request. On the 16th July, 1920, the following letter was received from the North Fremantle municipality—

I shall be glad if you will kindly inform me whether anything further has been done in connection with this council's request for the closing of portion of Phillip-street.

The reply was sent on the 11th August as follows—

In reply to your letter of the 16th ult., in reference to the council's request for the closure of portion of Phillip-street, I have to inform you that the closure of this street is being included in the Street Closure Bill which will be submitted to Parliament at an early date.

Up to that stage everything was perfectly clear. The only complication that has arisen is suggested by the following letter from the North Fremantle municipality—

Some considerable time ago a deputation consisting of His Worship the Mayor of North Fremantle and the town clerk waited on the Under Secretary for Lands

with a request that the Government would take the necessary steps to allow a portion of Phillip-street, North Fremantle, being closed and a title for such closed portion being granted to the municipality to enable it if it so desires to dispose of that particular portion. The Under Secretary promised that the matter would be gone into but nothing further has been heard from the department. On the 16th July, 1920, a letter was sent to the Under Secretary for Lands requesting information as to whether anything had been done in the matter. As this matter is becoming an extremely urgent one principally on account of the wish of the British Imperial Oil Coy. to erect storage tanks for oil storage, I shall be glad if you will give this matter your immediate attention.

That is the full position. What has happened is simply that the North Fremantle council asked for the closing of the street. They put up two alternative proposals. The Government chose that which they thought best. Now it is apparent that the municipality would have preferred that the Government had taken the other course.

Hon. J. J. HOLMES: There is nothing on the file to show that two proposals were ever put up. The letter from the town clerk deals with only one proposal, nothing being said about the alternative proposal. Apparently there has been a misunderstanding. They want the Government to give them the fee simple of the land to sell to the company. An alternative proposal has somehow crept in and has been adopted.

Hon. F. A. BAGLIN: In raising an objection yesterday to the closing of Phillip-street, I was mistaking Phillip-street for Lancelot-street. I have now no objection to offer to the closure of Phillip-street, but I certainly object to the clause as it stands. In its present form the clause would make a handsome gift to the British Imperial Oil Coy. Phillip-street separates lots 43 and 46, which are held by the company. Unless this street is closed and handed over to the company they are likely to go out of existence altogether, for without it they cannot construct the necessary oil tank. Those two lots are worth £2,500 to the company, and if the street is closed and handed to them, the value of the blocks will be increased to about £15,000. We should hand the fee simple of the street to the municipality and allow them to dispose of it to the oil company. The idea of widening Lancelot-street has been abandoned. It would involve a very costly work, and there is no necessity for it. The money which the municipality is likely to receive from the sale of Phillip-street has already been earmarked for the construction of a children's playground on the North Fremantle beach. I move an amendment—

That after "estate," in line 4 of Sub-clause 2, the words "and shall forthwith

be transferred in fee simple and vested in the North Fremantle municipality" be inserted.

The MINISTER FOR EDUCATION: I trust the Committee will not agree to the amendment. This company is a national necessity. It would be one of the worst things that could happen to Fremantle if it were driven out of Western Australia, as the hon. member suggests.

Hon. F. A. BAGLIN: I do not say out of Western Australia.

The MINISTER FOR EDUCATION: He says the land is worth £2,500, but that because this strip of land is essential to the company it is worth £15,000 to it; and he suggests that we should hand over that little bit of land, which is worth nothing except that the British Imperial Oil Company must have it. The position is that the British Imperial Oil Company cuts off a corresponding area of its land. If the council are not desirous of widening that particular street, let them ask the Government for that bit of land so that they may sell it and get revenue out of it. I hope the Committee will not set up the invidious position that would arise if this strip of land were vested in any local governing body.

Hon. J. J. HOLMES: The Legislative Council has always taken notice of the views of the local authority. There is a misunderstanding in regard to the North Fremantle Council. It appears from the correspondence that the mayor and councillors put up one scheme, and it now appears that an alternative scheme is put up to the Minister by the Under Secretary. The municipal authorities have been under the impression that there was only one scheme before the Government, namely the scheme to give them the fee simple of this land to sell to the British Imperial Oil Company. I do not think they should have that, but I do think the Committee should satisfy itself that the council will not be the losers by the transaction.

The Minister for Education: They cannot lose anything by it.

Hon. J. J. HOLMES: If the Committee propose to ignore the mayor and councillors of North Fremantle I have nothing further to say. There is, however, no necessity to rush the Bill through to-day. If the position were made known to the North Fremantle council and the British Imperial Oil Company they would quickly solve the problem amongst themselves. It would be an injustice to pass the Bill in defiance of the views of the local authority.

Hon. A. SANDERSON: The Government have only themselves to blame for this position. It may be that Ministers have not had time to attend to a comparatively unimportant matter such as this. At the same time we are entitled to get from the Government the fullest information on a matter of this kind, and we should not have to extract it in the way that is being done. The suggestion that has been made here this afternoon amounts to the naked and unashamed ex-

exploitation of the capitalists. It is just as shameful as the exploitation of the Labour market would be by the other side. I agree with Mr. Holmes that we should consider the wishes of local governing bodies, and this matter should be postponed until we thoroughly understand what we are doing.

THE MINISTER FOR EDUCATION: I do not see that any further information can be given. What have the North Fremantle Council to lose by the closing up of a street which is useless to them? Mr. Holmes says he does not want the municipality to lose anything. What have they to lose?

Hon. J. J. Holmes: How do we know?

THE MINISTER FOR EDUCATION: Because they have asked that the street should be closed. They have no right to it except as a street. Mr. Holmes questions whether the Under Secretary for Lands has faithfully recorded the interview with the local authority. There is no doubt that they asked to have the street closed. It has nothing to do with them except as a street, and they have said: "Close it as a street." What harm can we be doing to the council by closing the street when they want it to be closed, when it is of no use as a street? If the council want the other block, which is being given in return for this piece of land, let them come to the Government and ask for it. We do not want it. We are simply doing this to widen the street as the local authority suggests. What right have the council to demand a big sum of money for a street which they want to be closed? They have no right to a penny for it.

Hon. A. Sanderson: Is there a file on the question?

THE MINISTER FOR EDUCATION: There are two or three files here on the subject.

Hon. A. Sanderson: On the Table of the House?

THE MINISTER FOR EDUCATION: No. It is not usual to put such files on the Table of the House, but they are here at the disposal of the hon. member. The information is clear that the North Fremantle council asked the Government to close the street. The only question in dispute is as to whether they want cash consideration, or whether they are prepared to take a corresponding portion of land elsewhere. I submit they are not entitled to any cash consideration for the closing of the street. It is only as a street that they have any right to it. What further information can hon. members require? No doubt the council will say they want the fee simple of the land because they wish to make money out of it. As a road the council do not want it. Mr. Baglin says that without the land the British Imperial Oil Company cannot carry on. What further information is required?

Hon. A. SANDERSON: I rise to a point of order. Is it not in accordance with the Standing Orders that any paper of this kind must be placed on the Table of the House, if used by any hon. member?

The CHAIRMAN: I think not.

The Minister for Education: You can have it on the Table of the House. You can have it on the floor of the House.

Hon. J. J. HOLMES: While I am not in sympathy with the proposal put forward by Mr. Baglin, I am concerned about the position of the North Fremantle council. The Minister for Education says that the mayor and town clerk came to the Under Secretary and told him the road was no good to them and should be closed. It would appear, however that the British Imperial Oil Company were prepared to pay to the council a sum of money for the closing of the road, and the position of the council was, whether they should sell it to the company or leave it as it is. There is more underlying this matter than I propose to disclose. I want to know where the alternative proposal came from. It appears from the correspondence that the council put up one proposal, and the Under Secretary in his minute put up an alternative proposal and made a recommendation upon it. That point ought to be cleared up before the Bill is passed. If the Committee likes to defy the local authority I have nothing more to say, but, although I am not going to put the council in a position to victimise the British Imperial Oil Company or any other company, I am prepared to see that the council get justice and consideration and have an opportunity of expressing their views on this subject, and I am prepared to hold up the Bill until that right is given.

Hon. F. A. BAGLIN: When Mr. Sanderson makes a statement that this is exploitation, he says that which is not complimentary to the mayor, councillors, or town clerk of North Fremantle. I happen to know all those people, and I know that they would not exploit the British Imperial Oil Company, the hon. member, or anyone else. The point has been raised by the leader of the House that the land in question belonged to the North Fremantle municipality as a street, and that they had no other right to it. At the same time I wish to know what right have the British Imperial Oil Company to it. If the Bill is passed as it is, that piece of ground will be made a gift to the British Imperial Oil Company, and I ask hon. members whether they are prepared to agree to that. The North Fremantle municipality would never have asked for the street to be closed if it had not been a question of the convenience of the British Imperial Oil Company. The council are not closing the street for the convenience of the ratepayers, but they did make a request to the Minister that the street should be closed for the convenience of the company. Surely, then, the company should be prepared to pay something. The company are getting a valuable concession from the municipality, and they should be prepared to pay something for it. Hon. members can rest assured that there is no exploitation about it. Mr. Sanderson can make that charge against me if he likes, but not against the mayor and councillors of North Fremantle. I would like, if possible, that the opinion of the mayor and councillors on this question.

should be obtained. I know what it is. What they desire is that permission should be given to close the street, and that they should be allowed to make their own arrangements with the company.

Hon. A. SANDERSON: I would like to ask this question of the leader of the House or anyone else who will answer it. On the subject of the closing of roads, has any road board ever received from a private party cash consideration for the closing of a road?

The Minister for Education: I have never heard of it.

Hon. A. SANDERSON: One has to be very careful in making statements in this Chamber. In the road board district in which I live such a thing has never been proposed. The leader of the House knows more of these matters, and he supports my view. At any rate this is a matter for inquiry. The leader of the House has also pointed out, and properly too, that the only right that the North Fremantle council has to this road is the right to use it as a road. That is a very important matter. It seems to me that the attitude of the council may be called a grab, or commercial instinct, if it is offensive to call it exploitation. They have a legal or moral right to use the position in which they find themselves to get a cash consideration from anybody in connection with the closing of this road.

Hon. J. Duffell: The matter should be referred to a select committee.

Hon. A. SANDERSON: I am averse to taking up more time than is necessary over matters such as this, but after the statements made by the leader of the House and Mr. Baglin, we certainly should have more information. We have also had the statement made by Mr. Holmes, who weighs his words, sometimes, at any rate, and I think he weighed them this afternoon. He said that there was more in this than he was prepared to disclose. What does that cryptic remark mean? So far as I am concerned I will do my best to see that the matter is thoroughly ventilated and clearly understood. The leader of the House said the matter was perfectly clear. It may be perfectly clear to him, but it is not clear to me. If I were asked by the council, or the trades hall, or the British Imperial Oil Company to explain what the question was that was involved, and why I voted in a certain way, I would not be able to say. I desire to be in the position to meet all those parties and to give a reply that they will understand. I trust the leader of the House will permit the matter to be adjourned.

Hon. J. E. DODD: The leader of the House would be well advised to postpone the further consideration of the matter until we get more information, even in spite of the fact that there have already been a couple of adjournments. I am not prepared to hand over to the North Fremantle council the right to exploit any company or anybody. I do not say they would do it. I reckon I am a fair average man so far as

business principles are concerned, and if I were in the position of the North Fremantle council, and I had the chance that will be given to them under the amendment, if carried, I am afraid the temptation would be accepted by me. I am inclined to think that the council are no better and no worse than I am. That is certainly what will happen if we carry the amendment moved by Mr. Baglin. On the other hand I am prepared to give all possible consideration to the local authority in these matters, and we should get more information from the North Fremantle council as well as from the company. The thing that appeals to me is the statement made by the Minister yesterday that the member for North-East Fremantle had raised no objection to this when the matter was before another place.

The Minister for Education: He supported it.

Hon. J. E. DODD: Knowing that hon. gentleman so well, and having been associated with him for so long, I am sure that if it had been possible to find any fault in connection with the matter he would have been the one to ferret it out. There is no one in Parliament more capable of doing that than that hon. gentleman. I hope the leader of the House will agree to postpone the further consideration of the matter.

The MINISTER FOR EDUCATION: So far as I am concerned, I have all the information that I can get, but I have no wish to rush the matter through. I am prepared to agree to a postponement of the consideration of the subject if those hon. members who are interested in it, and who desire additional information, are prepared to get it themselves. I am quite prepared to give them time to get it. I hope they will not expect me to get any more information, because I have everything that it is possible for me to get.

Progress reported.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Point of Order—Bill Discharged.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.55]: Before the debate on this Bill proceeds any further, I desire to raise a point of order, and I desire to assure Mr. Dodd that I do so in no spirit of hostility to his Bill. I regard it as my duty, however, as leader of the House, to make sure that the House does not do anything that it is not entitled to do, and I think that when I have shown the hon. member what the position is as it appears to me, if I am right, it would be disastrous to his Bill for the House to proceed with it. The second portion of Standing Order 238 says—

Bills for the appropriation of any part of the Consolidated Revenue Fund, or for imposing, altering, or repealing any rate, tax, duty, or impost—all of which Bills

must originate in the Legislative Assembly—are hereinafter referred to as Money Bills.

The words of importance there are "altering, or repealing any rate . . . must originate in the Assembly." The Eleventh edition of 'May's' Parliamentary Practice," page 574, contains the following—

That all aids and supplies and aids to His Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons to direct, limit and appoint in such Bills, the ends, purposes, considerations, conditions; limitations and qualifications of such grants which ought not to be changed or altered by the House of Lords.

The paragraph which follows reads—

By the practice and usage based on that resolution, the Lords are excluded, not only from the power of initiating or amending Bills dealing with public expenditure, or revenue, but also from initiating public Bills which would create a charge upon the people by the imposition of local and other rates or which deal with the administration or employment of those charges. Bills which thus infringe the privileges of the Commons when received from the Lords are either laid aside or postponed for six months.

The words "amending Bills dealing with public expenditure or revenue but also from initiating public Bills which would create a charge upon the people by the imposition of local and other rates" read in conjunction with our standing orders, seem to me to bring the Bill within the province of this paragraph. That is the contention I take up, subject, of course, to your ruling, Mr. President. If my contention is correct and we proceeded with the Bill, when it reached another place, there would be no alternative for them except to lay it aside or postpone its consideration for six months, which would have the same effect. If my contention is wrong, then by all means let us proceed with the Bill. If it is right, the only means by which this could be enacted during the present session, would be for the Bill to be ruled out of order and for it to be taken up in another place.

The PRESIDENT: Do I understand that the Minister is asking for a ruling?

The MINISTER FOR EDUCATION: Yes. I ask for your ruling.

The PRESIDENT: I have given the subject of this Bill very considerable thought and I have come to the conclusion that it is a Bill which cannot be initiated in this Chamber. I have done so for the following reasons: The leader of the House, in the case he has put forward, might have gone further than quoting the Standing Order. He might have quoted Section 66 of the Constitution Act, which is as follows:—

All Bills for appropriating any part of the Consolidated Revenue Fund, or for

imposing, altering, or repealing any rate, tax, duty, or impost shall originate in the Legislative Assembly.

That is a far more decisive statement than any which could be included in a Standing Order, and there is no doubt in my mind that the object of this Bill is to alter, not alone the incidence, but also the amount of taxation, and for that reason I think it should be originated in another place. It is true that this issue is clouded but I do not think obscured by the fact that the power given by the Bill is permissive. I have given that point careful consideration and have come to the conclusion that it does not affect the ultimate object of the Bill. Another point, which is not a vital one but still worthy of consideration, is the probable attitude which may be taken up towards this Bill in another place, an attitude which has been alluded to by the leader of the House. In order to gain information on that point we may consult the Standing Orders of another place. Standing Order No. 309 of the Legislative Assembly deals with certain cases in which the Legislative Assembly does not assert its privilege of insisting that Bills shall be initiated in that Chamber. The Standing Order is as follows:—

With respect to any Bill brought to the House from the Legislative Council, or returned by the Legislative Council to the House, with amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied, or extinguished, the House will not insist on its privileges in the following cases:—1, When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences. 2, Where such fees are imposed in respect of benefit taken, or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus. 3, When such Bill shall be a private Bill for a local or personal Act.

Having considered the case in what I think is all its aspects, I have come to the conclusion that this is not a Bill regarding which another place would be justified in not asserting their privilege. The point has already been mentioned by the leader of the House regarding the ultimate destination of money which might be collected under this Bill, and which would be payable to the local authority. He has quoted "May" and members will find his quotation on page 574. While I do not attempt to say that the relative positions of the House of Commons and the House of Lords are on all fours with the relative positions of the Chambers in the self-governing dominions, still we may accept his opinion on that point, because where our own authorities are silent on a subject, as in this case,

we may accept the parliamentary decision or decisions existent in the mother of parliaments as having an important bearing on our case. With regard to the destination of the money, we are justified in considering what is laid down in the passage quoted by the leader of the House, namely, that the Lords are excluded, not only from the power of initiating or amending Bills dealing with public expenditure or revenue, but also from initiating public Bills which would create a charge upon the people by the imposition of local and other rates. I point out again that that is important, not because the powers of the House of Lords and the House of Commons are defined, and not because it is usual to apply these relative powers to our Houses, but because it is very evident that the imposition of a local tax is considered as the same as imposing a tax whose ultimate destination is the Consolidated Revenue. For these reasons, I am of opinion that the Bill cannot be introduced in this Chamber and therefore cannot be proceeded with.

Hon. J. E. DODD (South) [6.7]: May any references be made to this matter at the present time?

The PRESIDENT: If the hon. member wishes to disagree with my ruling, he must give notice in writing at once.

Hon. J. E. DODD: I am quite willing to accept your ruling, but I would have liked to make a few remarks at this stage.

The PRESIDENT: If the hon. member wishes to make a personal explanation, he may do so.

Hon. J. E. DODD: I am perfectly satisfied that the privileges of the House are safe in your keeping, and if it was possible for the Bill to go on here, you would be quite willing to have it discussed. I am rather sorry this point was not brought up before.

The PRESIDENT: It will be necessary to formally discharge the Order from the Notice Paper. Either the hon. member or the leader of the House can move in that direction.

The MINISTER FOR EDUCATION: I move—

That the Order of the Day be discharged from the Notice Paper.

Question put and passed.

BILL—STALLIONS REGISTRATION.

In Committee.

Resumed from the previous day; Hon. J. Ewing in the Chair, the Honorary Minister in charge of the Bill.

Clauses 21, 22—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Honorary Minister, Bill recommitted for the purpose of further considering Clauses 3 and 16.

Clause 3, Constitution of Board of Control:

Hon. H. STEWART: I desire to move an amendment to the clause. It is set out that the board of control shall consist of an inspector and two other members to be appointed from time to time by the Government. I desire to provide in an amendment that one of the members to be appointed by the Government shall be a member of the Primary Producers' Association of Western Australia, and the other, a member of the Royal Agricultural Society. By this means, both the farming community and the pastoralists will be represented on the board of control, and they are the industries immediately concerned.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. STEWART: I move an amendment—

That all the words after "appointed" in line 3 be struck out and the following inserted in lieu—"by the Governor one of whom shall be recommended by the council of the Royal Agricultural Society and the other by the executive council of the Primary Producers' Association."

The HONORARY MINISTER: Although the Under Secretary is head of the department, it is not proposed that he should be appointed to the board. The inspector would be the Chief Inspector of Stock who is a qualified veterinary surgeon. I strongly oppose the amendment. It should not be made mandatory for the Government to accept the recommendation of any outside bodies. The best and most acceptable men would be appointed.

Hon. G. J. G. W. MILES: I oppose the amendment. I do not see why the Government should be compelled to select a member of any organisation. There might be better men outside. In one organisation a man sinks his individuality; in the other he pays a guinea to become a member.

Amendment put and negatived.

Clause put and passed.

Clause 16—No uncertificated stallion to be used for stud purposes:

The HONORARY MINISTER: The Government desire to define the portions of the State to which the measure should apply. The Act might prove detrimental in the pastoral areas where it might be found difficult to have a stallion examined except at heavy cost. I move—

That the following proviso be added—"Provided that this section shall not have effect in any defined portion of the State to which the Governor may by an Order-in-Council declare that this section shall not

apply, but any such Order-in-Council may be altered or revoked."

Hon. J. CORNELL: At the outset this measure will create hardships, but those hardships should be general. Exemptions are always pernicious and vexatious.

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

Bill again reported with a further amendment.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

In Committee.

Resumed from the previous day.

Hon. J. Ewing in the Chair; Hon. J. Duffell in charge of the Bill.

Clause 29—Interpretation:

Hon. J. DUFFELL: Paragraph (d) was taken word for word from the English Act, but on further consideration, I find that it is unnecessary. I move an amendment—

That Paragraph (d) be struck out.

Amendment put and passed.

Hon. J. DUFFELL: I move a further amendment—

That in Paragraph (e) "thirteen" be struck out and the word "fourteen" inserted in lieu.

This is merely to correct a printer's error.

Amendment put and passed.

Hon. J. DUFFELL: I move a further amendment—

That the following be added to stand as paragraph (h): "Ill-treat" includes wound, mutilate, overdrive, override, overwork, abuse, worry, torment, and torture; also knowingly overload and knowingly overcrowd, and unreasonably, wantonly, or maliciously beat."

That paragraph is to be found in the existing Act, but it was omitted from the Bill in view of paragraph (i.) of this clause, which paragraph limits the hours of work for horses to 48 per week. Paragraph (i.) having been deleted, this paragraph is now necessary.

Hon. J. CORNELL: I fail to see the necessity for the amendment. Clause 3 amply covers what the amendment seeks to provide.

Amendment put and passed.

The MINISTER FOR EDUCATION: I do not know whether the hon. member in charge of the Bill has considered the question of leaving this interpretation clause where it is. I see no positive objection to its being at the end of the Bill instead of at the beginning. No doubt it is often found desirable to discuss the interpretation clause last, for which purpose it is frequently postponed. But to my mind it is questionable whether this measure alone, of all the

measures on the Western Australian statute-book, should have the interpretation clause at the end instead of at the beginning. Confusion may result.

Hon. J. DUFFELL: The point has had consideration. The Solicitor General says that it is usual in British legislation to place the interpretation clause at the end, and that there is no reason why the interpretation clause should be at the commencement or why it should not be at the end.

Hon. V. HAMERSLEY: I appeal to Mr. Duffell to accept the suggestion of the leader of the House and transpose Clause 29 to stand as Clause 3.

Hon. J. DUFFELL: Personally, I have no objection. However, to transpose the clause would involve unnecessary expense in printing.

Hon. H. STEWART: I support the argument in favour of uniformity, especially when uniformity is so easily attainable.

Hon. J. CORNELL: I move an amendment—

That Clause 29 stand as Clause 3.

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

Title—agreed to.

[The President resumed the Chair.]

Bill reported with amendments.

As to Recommittal.

The HONORARY MINISTER: I move—

That the Bill be recommitted for the purpose of further considering Clauses 9 and 22.

Hon. J. CORNELL: I desire Clauses 3, 5, 6, 7, and 12 to be further considered.

Hon. J. NICHOLSON: I desire Clause 20 to be further considered.

Hon. J. DUFFELL: I desire Clause 21 to be further considered.

Question put and passed.

The PRESIDENT: The Bill is recommitted for the purpose of further considering Clauses 3, 5, 6, 7, 9, 12, 20, 21, and 22.

Recommittal.

Hon. J. Ewing in the Chair; Hon. J. Duffell in charge of the Bill.

Clause 3—Offences of cruelty:

Hon. J. CORNELL: In Subclause 1 of this clause Sir Edward Wittenoom secured the insertion of a paragraph, to stand as paragraph (o), making it an offence to "keep any dog that attacks bicycles, motor cycles, motors, or horses in the public streets." I utterly fail to see that this new paragraph comes at all within the title of the Bill. In any case, the paragraph will be of no value, as it cannot be enforced. Moreover, our Standing Orders distinctly

state that the clauses of a Bill must be in conformity with its title.

The CHAIRMAN: Does the hon. member raise a point of order?

Hon. J. CORNELL: No. I move an amendment—

That paragraph (o) of Subclause 1 be struck out.

Hon. Sir E. H. WITTENOOM: This Bill deals with animals, and paragraph (o) deals with animals. I see Mr. Cornell's point, but the paragraph can easily be enforced.

Hon. J. CORNELL: How are you going to construe cruelty into this paragraph?

Hon. Sir E. H. WITTENOOM: If a dog pulls a man off a bicycle and as a result breaks his leg or neck, that will be cruelty. I hope the paragraph will remain.

Hon. J. DUFFELL: I entirely agree with Mr. Cornell that paragraph (o) is not in keeping with the title of the Bill. I said so last night. The amendment has my support.

The MINISTER FOR EDUCATION: I feel just as strongly as anyone in regard to the offence, but the paragraph is entirely outside the scope of the Bill. With all due respect for your ruling, Mr. Chairman, I consider—

The CHAIRMAN: I have never been asked for a ruling.

The MINISTER FOR EDUCATION: Then I ask for your ruling. I consider that the paragraph is entirely foreign to the Bill.

Hon. Sir E. H. WITTENOOM: The Chairman of Committees last night ruled that it was in order.

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

Clause 5—Exemptions:

Hon. J. CORNELL: Paragraph (c) was amended last night by the inclusion of the words "or stray" between "wild" and "dogs." I move an amendment—

That after "dogs" in line 1. of paragraph (c) the words "or cats" be inserted.

A wild dog and a stray dog are both nuisances, but the stray cat, particularly in the suburbs, is a greater nuisance. No death is damnable enough for it.

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

Clause 6—Power to prohibit use of animal unfit for work:

Hon. J. CORNELL: The clause confers on officers of the Society for the Prevention of Cruelty to Dumb Animals a power which I think they should not have except under the machinery of Clause 14, which empowers a magistrate to appoint such officers special constables. I have no desire to harass the society in its good work, but I think its officers should be clothed with some proper authority. The power here

conferred should be left to constables, a class which, in the interpretation provision, includes special constables. I move an amendment—

That in line 1 of Subclause 1 the words "or officer of the Society for the Prevention of Cruelty to Animals" be struck out.

Hon. J. DUFFELL: As was clearly shown last night, it was the intention in 1912, when the existing Act was passed, that officers of the society should have that power. Who is better able than an officer of the society to say whether or not a horse is fit to be worked?

Hon. J. CORNELL: Have they that power now?

Hon. J. DUFFELL: Yes; they have been exercising that power from the beginning, and the inclusion of the words in the clause is merely to properly invest them with that power.

Hon. Sir E. H. WITTENOOM: I think the provision can be left as it stands, because we have the safeguard that the notice to be given must be signed by the officer of the society and endorsed by a justice of the peace; but I should be inclined to modify the provision in Subclause 3:

Hon. J. CORNELL: We cannot have two classes of persons empowered to take action under the clause. If the Bill was amended so that the inspector or officer would take the justice to view the animal that was said to be unfit for work, I would be satisfied for the justice to endorse the request. As a matter of fact, the officer will look at the animal and tell the justice, and the justice will endorse the action. If a constable tells a farmer not to work a horse, the farmer carries out the instructions, but might not be prepared to do so if they were given by an officer of the society.

Hon. H. STEWART: I intend to support Mr. Cornell's amendment. Special constables will be appointed by the magistrates, and the society will be able to secure all the special constables they want. What I am afraid of is that these people, who have not the training of an ordinary constable, may be indiscreet. I see no reason why Mr. Duffell should object, seeing that Clause 14 safeguards the position and protects the public.

Hon. J. DUFFELL: Mr. Stewart has taken a wrong view as to the meaning of the clause. Although a horse that is unfit for work is produced at a police court, the magistrate cannot order that horse not to be worked without an application by a police constable. I want officers of the society to be in a position to make similar applications themselves.

Hon. J. CORNELL: The society has its ramifications throughout the State, and there are resident magistrates in every centre. It is wrong to clothe officers of any society with the powers of a constable, unless the clothing of such power is in the hands of a responsible authority. Probably this society

has its percentage of failures and busybodies, just as any other society has.

Hon. J. NICHOLSON: Having regard to Clause 14, it is reasonable that these words should be struck out. A magistrate would always inquire into the fitness of a man for the position of a police constable. I do not want to block the good work of the society.

Hon. J. DUFFELL: That is what you are doing.

Hon. J. NICHOLSON: If I thought there would be any difficulty in getting special constables appointed, I would hesitate to agree to the striking out of the words, but I must support the amendment.

Hon. J. DUFFELL: I hope the clause will not be amended. Every officer has to be provided with proper authority, and there is nothing to be gained by altering the clause. It is the desire of the society to extend its operations, and to appoint a permanent officer on the goldfields when it has sufficient funds.

Hon. J. CORNELL: It is not my desire to prevent the purport of the clause being put into operation, but I have a decided objection to its being put into operation in the way desired by Mr. Duffell.

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

Ayes	..	..	..	7
Noes	..	..	..	7
A tie	..	..	..	0

AYES.

Hon. F. A. Baglin	Hon. J. Nicholson
Hon. J. Cornell	Hon. H. Stewart
Hon. J. J. Holmes	Hon. E. Rose
Hon. J. Mills	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. E. H. Harris
Hon. H. P. Colebatch	Hon. G. W. Miles
Hon. J. Duffell	Hon. E. M. Clarke
Hon. V. Hamersley	(Teller.)

The CHAIRMAN: I give my casting vote in favour of the Noes.

Amendment thus negatived.

Clause put and passed.

Clause 7—Constable may inspect saleyards:

Hon. J. CORNELL: I move an amendment—

That in lines 1 and 2 the words "or officer of the Society for the Prevention of Cruelty to Animals" be struck out.

We should not arm these officers with all the power of a constable and subject an individual to a penalty of £10. If hon. members pass the clause as it stands, I shall not worry any further about the Bill. I am very shy about any shypoo constable.

Hon. J. DUFFELL: There is nothing to prevent anyone from entering a saleyard to inspect animals, but an officer of the society can be prevented from entering premises where he has reason to believe a horse is suffering from disease or sores. It may come

to the knowledge of the society that a horse is in a bad way, and at the present time an officer of the society has not the power to go to the premises where the horse is to inspect the animal. The object of the clause is to give the inspector that power.

Hon. H. STEWART: I intend to vote for the amendment because Clause 14 deals with this subject very effectively.

Amendment put and negatived.

Clause 9.—Constables and others may arrest without warrant for alleged cruelty:

Hon. J. NICHOLSON: The words I object to in the clause are "without any warrant." If there is a power more than another which the legislative body should hesitate to confer on officers, it should be the power to arrest people without warrant.

The Minister for Education: Every constable has had this power since 1892.

Hon. J. NICHOLSON: A special constable has not this power. Before anyone is subjected to arrest at the instance of a constable, the matter should come under the consideration of a justice of the peace or a magistrate by whom a warrant should be issued in the recognised manner. There is ample power contained in Subclause 2 of Clause 8, but I object to conferring on any constable the power to arrest without warrant in such a matter. The freedom of our citizens will be imperilled if the clause goes through as it is. I move an amendment—

That in line 2 the words "without any warrant" be struck out.

The MINISTER FOR EDUCATION: Even if the words are struck out, our citizens will still be imperilled, because the Police Act provides that any officer or constable without any warrant, at any hour of the day or night, may apprehend any person for being drunk and so on, or for wantonly ill treating any living thing. The words are practically the same as those in the clause under discussion.

Amendment put and negatived.

The HONORARY MINISTER: In the interpretation clause Mr. Duffell has carried an amendment to provide that "constable" means any special constable appointed under Clause 14. We find that in Clause 9 we have a special constable set up who may be an officer of the Society, having the full powers of a special constable to arrest without warrant. That, to my mind, is going too far. I move an amendment—

That a proviso be added to the clause, as follows:—"Provided this section does not apply to a special constable."

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

Clause 12—agreed to.

Clause 20—Power for court to deprive person convicted of cruelty of ownership of animal:

Hon. J. NICHOLSON: This clause goes too far. It sets out what punishment may be meted out in the cases referred to, but I think that sufficient penalty is provided, without the additional punishment involved in confiscation.

The MINISTER FOR EDUCATION: The hon. member has not directed attention to the proviso attached to the clause. The object of this measure is not to punish people, but to protect animals. The proviso shows that that power of confiscation can only be applied when the court considers it necessary in order to protect the animal.

Hon. J. DUFFELL: I drew attention the other night to the fact that we have a case where one person has been convicted on 17 occasions in connection with one animal. He contravened the Act again and again. Hence the necessity for this clause. It is taken word for word from the English Act and there is nothing new about it. It is imperative for the effective working of the society that this should be in the Bill.

Hon. A. SANDERSON: I ask that the Committee shall consider this point. Has the Society for the Prevention of Cruelty to Animals or its inspectors gained the confidence of the public or have they been confronted with severe criticism respecting their work? Everyone will agree that animals should be protected. I trust the Committee will take that into consideration in deciding upon the clause.

Clause put and passed.

Clause 22—Slaughtering of decrepit animals:

The HONORARY MINISTER: This clause escaped my notice when going through the Bill last night, but on looking at the matter to-day, I have come to the conclusion that this clause is hitting at the working of our local Zoological Gardens. As it stands it would make it impossible for them to do their work. Subclause 1, for instance, says that the animals must be slaughtered with as little pain as possible within two days from the time that they have been delivered to the slaughterer. That is absolutely impossible for the Zoological Gardens authorities to comply with. They buy a number of horses at a time and if they slaughtered them within two days, what could they do with the flesh? Take Subclause 3 which provides that no animal shall be used or employed for any work after it has been delivered to the slaughterer. The Zoological Gardens authorities have two or three paddocks some 12 or more miles away. At times the horses have to be taken out to the paddocks and they have to be either ridden or driven, and this will prevent anything being done in that direction. I do not think that the sponsor for this Bill wishes to embarrass the authorities, so far as that is concerned. Subclause 4 will necessitate the employment of a clerk by the authorities in order to give a description and colour of the animal purchased by the authorities. Subclause 5 says that no

animal shall be killed in the sight of any other animal awaiting slaughter. Here again are imposed quite an impossible set of conditions. I do not know, if animals are slaughtered within sight of one another, what the effect will be and I have had experience among animals the best part of my life. It is ridiculous to place a provision like this in the Bill. I may say that my sympathies are with the society in their desires.

Hon. J. Duffell: Well you are showing your sympathy in a remarkable way.

The HONORARY MINISTER: The Bill as brought before the House would cause a revolution and it would be impossible to operate under it in some respects. I am sure that Mr. Duffell in his judgment never intended that some of these things should apply in the direction suggested. Take Subclause 6. This refers to decrepit animals, and who is to say whether an animal is decrepit. Last night I gave instances to show where experts had disagreed. Who will then be the judge? The Committee should consider the advisableness of rejecting the clause.

Hon. J. DUFFELL: We have heard a lot of wisdom from the Honorary Minister with respect to legislation which he has introduced. To-night he has had the audacity to question the wording of the clause which is exactly similar to a section of the Imperial Act of 1912.

The Honorary Minister: Where different conditions prevail.

Hon. J. DUFFELL: We had photographs produced of diseased animals, and if the Honorary Minister would look at them he would see the reason for some of these clauses.

Hon. J. J. Holmes: Could an officer of the society tell the condition of an animal by looking at a photograph?

Hon. J. DUFFELL: I would be prepared to back the knowledge of the officers of the society against that of Mr. Holmes or the Honorary Minister. The clause is not intended to be irksome, and it is adaptable to the requirements of the society here.

Hon. W. KINGSMILL: It is with a good deal of reluctance that I speak. As President of the Zoological Gardens for a great number of years, and as honorary director of the gardens for 13 months, I must say a word or two to put Mr. Duffell right with regard to a few points on which he is totally in error. He referred to this clause as applying only to those persons who purchase decrepit horses singly. It might surprise the hon. member to know that we purchase a great many more horses singly than in truck loads. As a matter of fact we get very few truck loads indeed. There is a class of person in England known as knackers. Such a class does not exist in Western Australia. The only people who carry on that business are the authorities of the Zoological Gardens, and they are obliged to; and I can only come to the same

conclusion as the Honorary Minister, that if the people who framed this Bill possess a knowledge of our work, they must be endeavouring to close the gardens.

Hon. J. Duffell: Officers of the society have found it necessary to pay visits to the Zoological Gardens.

Hon. W. KINGSMILL: I am aware that they visited the Gardens and inspected them with an air of very great wisdom. Indeed, one of them told me in a patronising manner, "I have had a look at your Zoo; I have no complaints to make." Considering that the Gardens are run by a highly skilled veterinary surgeon, who knows more than any officer which the society has yet had, I considered it was a piece of presumption on the part of the officer of the society to speak as he did. Furthermore, we had a great deal of trouble in years gone by. I knew an officer of the society who got into the gardens by surreptitiously climbing over the back fence in order to see what was going on, being persuaded that nefarious and agonising experiments were being carried out on the unfortunate animals we have to slaughter. These animals have to be bought singly—it is almost impossible to get truck loads—and they are kept in the gardens and fed or else taken out to the best paddock available—and we have several—and there looked after until their turn comes. Their end is made as easy as possible. As we are the only people who carry on this business, I can only look upon this clause as a recrudescence of the lack of confidence, to put it mildly, which the society for some years had in the management of the gardens, but which I thought had disappeared. I am sorry to find that it has not disappeared. Although I shall not vote on the question, I should be very glad to see the clause struck out of the Bill.

Hon. A. SANDERSON: After the criticism by the President, it is certainly very difficult to present a case which would commend itself to the Committee, but the fullest representations should be given to the point of view which people like myself hold on this very difficult and painful measure. I have visited a good many zoological gardens in different parts of the world, and I am quite satisfied that to cage up lions, tigers, and hyenas is to be guilty of cruelty to these dumb creatures. Whether that cruelty is compensated for by the amusement or interest afforded to the people is for them to decide. One must treat with special consideration anything which falls from the President in Committee, because his appearance in Committee is unusual, and therefore it is obvious that when he does intervene it is on a matter of considerable importance. I speak with no authority, except what I have seen, of modern methods with regard to zoological gardens. The idea of chaining up and caging these creatures is quite out of date. In the most modern gardens such as are found in South Africa, which gardens I re-

cently visited, there is a big pit beyond which the animals are at liberty in more or less natural conditions. Without wishing to emphasise this too much, I regard it as essential that officers of the Society for the Prevention of Cruelty to Animals should have the fullest right to go into zoological gardens or into vivisection laboratories or anywhere else, in order that the public conscience, which fortunately exists, should have the legal right to be considered. Recognising that this is not a personal or a political matter, the Honorary Minister might consider this point worthy of reconsideration: Take as an analogy the Plant Diseases Act, and the extraordinary powers given to his inspectors in connection with the inspection of orchards, etc. The Honorary Minister said that if this Bill were passed as introduced it would cause a revolution. I venture to say that if any of the Acts affecting the Department of Agriculture were put strictly into force, they would cause a revolution much quicker than would this measure. The question of administration is the essence of such legislation. As the Honorary Minister has appealed to me on more than one occasion to assist him to pass provisions which are, to say the least, a perfect outrage on the British Constitution, and appealed to me not without success—

The Honorary Minister: Not too often.

Hon. A. SANDERSON: I am speaking of the Honorary Minister's plant diseases, not of his wheat.

Hon. J. J. Holmes: His wheat is becoming a disease.

Hon. A. SANDERSON: What whales do with sprats or what boa constrictors do with mice does not come within our ken, being confined to the Antarctic Ocean, or to the wilds of India, but in the Zoological Gardens and in the outlying portions of this State there are creatures which come under our protection and with regard to which we have a responsibility that we cannot avoid. Cannot the Minister reconsider his attitude towards this clause? It certainly would be most gratifying to everyone connected with the society. There is no vote-catching business in this matter. Let the Honorary Minister remember the extraordinary powers given to inspectors in connection with plant diseases. Nineteenth of the Bill is a question of administration, and sometimes it is necessary to have extraordinary powers in order to meet extraordinary cases.

Hon. J. CORNELL: I shall vote against the clause. I have not seen the business of killing decrepit animals carried on about Perth. The clause could only apply to a person called in to destroy a decrepit animal, unless it is intended to apply to the committee of the Zoological Gardens, who, in any case, can be thoroughly trusted.

Hon. J. J. HOLMES: Unless Mr. Duffell will agree to a proviso exempting the Zoo-

logical Gardens from the provisions of this clause, I must vote against it.

Hon. J. Duffell: I am quite prepared to agree to such a proviso.

Hon. J. J. HOLMES: In that case the clause could remain.

The HONORARY MINISTER: I regret that Mr. Duffell has misunderstood my attempt to assist him. Perhaps I spoke with too much warmth on this particular clause. Mr. Holmes's suggestion will meet my objections.

Hon. J. DUFFELL: I accept the Honorary Minister's explanation, and regret any undue heat which may have characterised my remarks. I move an amendment—

That the following be added to the clause:—"This section shall not apply to the Zoological Gardens of Western Australia."

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

[The President resumed the Chair.]

Bill again reported with further amendments.

As to further recommittal.

Hon. J. DUFFELL: I move—

That the Bill be further recommitted for the purpose of considering a new clause to stand as Clause 21.

Hon. J. CORNELL: I desire to have Clause 24 further considered. There is an obvious error in that clause.

Question put and passed.

The PRESIDENT: The Bill is recommitted for the purpose of further considering Clause 24, and for the purpose of considering a new clause to stand as Clause 21.

Further Recommittal.

Mr. Ewing in the Chair; Hon. J. Duffell in charge of the Bill.

Clause 24—Inspection of traps:

Hon. J. CORNELL: The words "hare or rabbit," which were struck out of this clause last night, should obviously be reinserted. Otherwise there will be no obligation to inspect traps set for hares or rabbits.

Hon. J. Duffell: We have no hares in Western Australia.

Hon. J. CORNELL: I thought we had. What about rabbits?

Hon. J. Duffell: Rabbits are vermin.

Hon. J. CORNELL: I will not move an amendment.

Clause put and passed.

New clause—Sale and purchase of decrepit animals:

Hon. J. DUFFELL: I move—

That the following be added to the Bill to stand as Clause 21: "An auctioneer or other person who sells or offers for sale, and any person who buys or attempts to buy, except for the purpose of slaughter,

any horse, mule, donkey, or other draught animal which is so old, decrepit, or permanently diseased that it is unfit for work shall be guilty of an offence against this Act. Maximum penalty five pounds, minimum forty shillings. The production of a certificate from the buyer of any such animal given at the time of sale to the auctioneer or vendor that the animal is being purchased for immediate slaughter shall be a defence to any prosecution of an auctioneer or vendor under this section."

This clause is being proposed almost simultaneously throughout the States of the Commonwealth and also in New Zealand. All the Societies for the Prevention of Cruelty to Animals are seeking to have this provision enacted.

Hon. J. J. Holmes: From what Act is this clause copied?

Hon. J. DUFFELL: It is entirely a new clause, and is the result of correspondence which has been passing for some considerable time. It is more necessary in this State than in the Eastern States or in New Zealand, because of our larger areas of vacant land. It is the practice with certain people to buy for a shilling or two horses no longer fit for work, and turn out half a dozen such animals in the bush in the hope that the best of them will recover sufficiently to be sold at a price that will recoup the dealer for his other purchases, the remainder being left to suffer until relieved by death. If the clause does nothing more than prevent this kind of trade, it will be justified.

The Minister for Education: The clause is identical with Clause 21, which has been struck out.

The CHAIRMAN: If that is so, it cannot be accepted.

Hon. J. DUFFELL: I have altered it by striking out the word "good" from before "defence."

Hon. J. J. HOLMES: The Committee were wise in striking out the clause last night. It gives altogether too much power to the society. If we are to arm the society with so much power, we might just as well give them a gun.

Hon. J. CORNELL: I move an amendment on the new clause—

That after "who," in line 2, "knowingly" be inserted.

Amendment put and passed.

The HONORARY MINISTER: I move a further amendment—

That "decrepit" in line 4 be struck out.

Amendment put and passed.

Hon. J. CORNELL: I move a further amendment—

That after "diseased," in line 4, "permanently disabled" be inserted.

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

Bill again reported with amendments.

House adjourned at 9.42 p.m.