HON. F. T. CROWDER: Surely private individuals could brew for their own use, so long as they did not sell.

Clause as amended agreed to.

Clause 4—agreed to.

Preamble, title—agreed to.

Bill reported with a suggested amendment.

Message accordingly transmitted to the Legislative Assembly.

APPROPRIATION BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

PUBLIC WORKS COMMITTEE BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

ADJOURNMENT.

The House adjourned at 6·25 o'clock, until the next day.

Legislative Assembly.

Wednesday, 12th February, 1902.

Question: Train Derailment at Katanning, particulars—Auditor General's Report, Reasons for Delay—Public Works Committee Bill, third reading—Early Closing Bill, first reading—Appropriation Bill, second reading, etc.—North Perth Tramways Bill, second reading, in Committee, reported—Coal Mines Regulation Bill, in Committee (resumed), reported—Workers' Compensation Bill, Legislative Council's Suggestions—Land Act Amendment Bill, in Committee (resumed), progress—Transfer of Land Act Amendment Bill, second reading (negatived)—Health Act Amendment Bill, in Committee, reported—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

QUESTION—TRAIN DERAILMENT AT KATANNING, PARTICULARS.

MR. TAYLOR (for Mr. Thomas), asked the Commissioner of Railways: 1, How many derailments had occurred at the Katanning railway station during the past three months, and dates of such accidents. 2, What cost had been incurred by the department in consequence of such accidents. 3, Whether an inquiry had been held as to the causes of such accidents; if so, who is to blame. 4, Who was the shunter stationed at Katanning. 5, On what date he entered the service. 6, Whether he was on duty on July 4th to 11th.

THE MINISTER FOR RAILWAYS replied:—1, During the last three months four derailments have occurred at the Katanning railway station. Particulars briefly are:—*(a.)* 6th November, 1901: Truck 4276 was derailed, in No. 1 loop, through Shunter Stuckey (of Albany staff) omitting to see that points were correctly set. *(b.)* 17th January, 1902: Trucks 711 and 511 derailed, in No. 1 road, through Porters Coy and Rogers (of Katanning staff) failing to see that the stop block was removed before giving the driver the signal to go ahead. *(c.)* 18th January, 1902: Brake van Z 5025 was derailed, when being backed through points leading from passenger siding to goods shed, owing to the points not having been turned for crossover road to main line before the train was signalled back. Porter Rogers was responsible for omitting to correctly set the points. *(d.)* 23rd January, 1902: Truck 4572 was derailed owing to failure on the part of Guard Cull (of Albany staff) to remove the stock block on No. 2 road before signalling the driver to proceed.—2, Cost: *(a., b., c.)* None as far as can be ascertained. *(d.)* Crossbar of brake triangle slightly bent. Cost of repairs not known.—3, Full inquiries were made into each case, and responsibility located, as shown in answer to Question 1. 4, At present, Porters Coy and Rogers perform the shunting operations. 5, Coy entered the service on 11th October, 1900, and has been at Katanning since 3rd November, 1901. Rogers entered the service on 12th July, 1901, and was transferred to Katanning on 9th September, 1901. Porter Hayson was at Katanning from 16th September, 1901, until October last.

6, From 4th July to 11th July, 1901, Porter West was on duty.

AUDITOR GENERAL'S REPORT: REASONS FOR DELAY.

Letter from the Auditor General to Mr. Speaker, read to the House, explaining his reasons for the statutory Report (year ending June, 1901) not being quite ready for presentation to Parliament. [*Vide* Legislative Council proceedings, p. 2925, *ante*.]

PUBLIC WORKS COMMITTEE BILL.

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

EARLY CLOSING BILL.

Received from the Legislative Council, and, on motion by the COLONIAL SECRETARY, read a first time.

APPROPRIATION BILL.

SECOND READING.

THE COLONIAL TREASURER (Hon. F. Illingworth): I move that this Bill be now read a second time.

Put and passed.

Bill read a second time.

MR. F. MONGER (York): May I ask whether it is the intention of the Government to rush this Bill, which we have only just received, through all its stages, without giving members an opportunity of discussing it?

THE MINISTER FOR MINES (Hon. H. Gregory): It is only a copy of the Estimates which have been passed.

IN COMMITTEE.

Bill passed through Committee without debate (except an inquiry), reported without amendment, and the report adopted.

THIRD READING.

THE TREASURER moved that the Bill be read a third time.

MR. J. L. NANSON: There was no reason why this should be done immediately.

THE TREASURER: It was desirable to send the measure to another place. The Government had no intention of proroguing Parliament until this House was perfectly satisfied that its work was done.

MR. NANSON: Having that assurance, he withdrew his objection.

MR. R. HASTIE: There was no apparent reason for passing the third reading to-day. To do so, he understood, would enable the Government to close the session at will.

THE TREASURER: Not at all.

MR. HASTIE: The assurance of the Minister was undoubted; but for certain reasons Parliament might be prorogued contrary to the wish of many members. Unless there were some stronger reasons than that assigned, he would at present oppose the third reading.

THE MINISTER FOR RAILWAYS: In addition to the assurance of the Treasurer, there was the reason that the Upper House had at present nothing to do, and were waiting for this measure. On no previous occasion had the third reading of the annual Appropriation Bill been opposed.

MR HASTIE: It was surely unusual for this Bill to be read a third time till the business of the session had been practically finished.

THE SPEAKER: The hon. member could not speak again.

THE TREASURER: The hon. member (Mr. Hastie) was in error.

HON. F. H. PIESSE: The Upper House had surely sufficient business to deal with.

THE TREASURER: No.

HON. F. H. PIESSE: Then send forward some of the other measures for their consideration.

MR. W. J. GEORGE: The third reading should be passed. If members were not tired of debating, the country was tired of seeing Ministers prevented from doing the work of their departments. The Treasurer's assurance as to the duration of the session ought to be sufficient. Members had fooled away so much time that they had better reform.

MR. D. J. DOHERTY: For the sake of reforming the member for the Murray, he would vote for the third reading.

MR. G. TAYLOR: After the Treasurer's assurance that the third reading did not mean an immediate prorogation, he would vote for the third reading; but this he would not do if it meant the slaughtering of other items on the Notice Paper.

Question put and passed.

Bill read a third time, and transmitted to the Legislative Council.

NORTH PERTH TRAMWAYS BILL.

SECOND READING.

THE MINISTER FOR WORKS (Hon. C. H. Rason), in moving the second reading, said: The object of this Bill is to give effect to a Provisional Order that has been issued for an extension of the tramway lines from Leederville to and through the Osborne Park Estate. The measure meets with the approval of the local bodies, and is thoroughly in order. Its only novel feature will be found in the schedule, which gives to the tramway company, if they wish it, the right to carry freight on their line in special freight-cars. It is expected this will meet the requirements of many people living in a part of the district with which there is no railway communication, and the Government have been protected, inasmuch as this permission to carry freight can at any time be cancelled by giving six months' notice.

MR. GEORGE: Any compensation?

THE MINISTER FOR WORKS: Without compensation.

MR. W. J. GEORGE (Murray): I do not know much regarding this tramway, but I should like the Minister to explain one point. When the granting a tramway concession in Perth was being considered, the City Council stipulated for the right to use those tramlines for the conveyance of nightsoil during certain hours of the night; but I believe that when it was attempted by the council to make use of that power, the payment required by the Tramway Company was so exorbitant that the council did not avail themselves of the power. The possibility of being able to use cars for the conveyance of nightsoil was a great factor in inducing the City Council to grant tramway rights in Perth, because at that time the council were confronted with great difficulties in regard to the removal of nightsoil, and it was urged that the construction of a tramway would greatly relieve the council from that difficulty. I do not know whether there is any such provision in this Bill, but there ought to be for the benefit of the public bodies concerned. Local bodies on the north side of Perth are those who should have most say in the matter; but I have called attention to it now in order to show that the local bodies, if they require the power, should have the use of the tramway on fair terms for this purpose, and not on such terms as the promoters of this tramway may choose to fix. It has been said the removal of nightsoil over a tramway at night would be a nuisance; but the reply is that any nuisance arising therefrom could not be so great as that arising from the present system of removal.

THE MINISTER FOR WORKS (in reply): This Bill has been submitted to the North Perth Roads Board and to the Perth Roads Board; and those bodies have not thought fit to insert such a specific clause as that suggested by the hon. member. There is a clause in the Bill which will enable those bodies, or either of them, to enter into a contract for the use of the tramway for the purpose suggested; and if suitable terms are not agreed on by them, the Bill provides that any dispute shall be settled by arbitration. Therefore in the event of either body wishing to obtain the use of this tramway for the removal of nightsoil, that body will be able to enter into an arrangement, and there is the resort to arbitration for settling any difference. The case appears to be met by this Bill, as far as possible.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses—agreed to.

Schedule (Provisional Order):

MR. W. J. GEORGE: Paragraph 7 of the schedule provided that this tramway might be used to carry freight of various kinds; but at the end of the clause that power seemed to be nullified by making it optional with the company whether they carried such freight or not.

THE MINISTER FOR WORKS: Paragraph 7 gave power to the Tramway Company to carry freight; but it was necessary that the company should not be absolutely bound to do so, because a subsequent provision enabled the Minister of Railways to cancel that power at any time; therefore it would be hardly proper to bind the Tramway Company to carry freight, when power was reserved to the Minister of Railways to cancel that provision.

MR. GEORGE: The paragraph practically left it to the will of the promoter to carry freight or not, at his option.

THE MINISTER FOR WORKS: This Bill had been submitted to the local bodies; and it would be unwise now to make the alteration suggested. He had the assurance of the Crown Solicitor that the Bill protected the rights of the Government and of the public.

MR. GEORGE: The Crown Solicitor had to see that the legal forms were correct in the Bill; but this was a practical question as to whether the promoter should be required to carry freight, and he (Mr. George) was referring particularly to the carrying of nightsoil if required by the local authority to do so. There should be a comprehensive system arranged by the Government, not only for the city but for the suburbs, to insure the removal of nightsoil by some such system as that of carrying it over tramways at night time. He moved as an amendment in the fourth line that the words beginning "the promoters shall not be bound," to the end of the paragraph, be struck out.

MR. F. W. WALLACE: The objection raised by the member for the Murray had occurred to him. He was informed there was a large quantity of produce grown in the suburb which this tramway would serve, and the expectation of the people there was that this tramway would enable their produce to be brought to the city, and that this provision was to be made in lieu of constructing a roadway. If the word in the first line, "may," were altered to "shall," this would meet the difficulty suggested by the hon. member.

MR. GEORGE withdrew his amendment by leave, and moved that in the first line of paragraph 7 the word "may" be struck out, and "shall if required by the local authorities" be inserted in lieu.

MINISTER: That would be accepted.

MR. R. HASTIE: It was to be hoped the amendment would be carried, because he had heard this was going to be a one-sided affair. According to this paragraph, it was permissive to the company to carry these people as they liked, or to refuse to carry merchandise if they pleased.

MR. DOHERTY: The Government had accepted the amendment.

MR. W. D. JOHNSON: The amendment did not go far enough. There was no doubt the paragraph gave the company a monopoly, and they would still have a monopoly if the amendment were carried. Apparently by means of this tramway a new settlement on the coast would be established, and it was quite possible the company might acquire the land around there, start a business, and carry their own goods free, whilst they could put on any rate they liked in regard to other people.

MR. DOHERTY: The rates were going to be amended.

Amendment put and passed.

MR. W. J. GEORGE farther moved that all words after "nature," in the fourth line, be struck out.

Put and passed.

MR. GEORGE: Paragraph 8 contained the words "provide special cars for workmen before eight o'clock in the morning." Many men living outside of Perth had to reach their work by half-past seven in the morning, or earlier.

THE MINISTER FOR MINES: The cheap tram fares would be in force before and until eight o'clock.

THE COLONIAL SECRETARY: Cheap rates would be charged up to eight o'clock.

MR. GEORGE: All right.

Schedule as amended put and passed.

Title—agreed to.

Bill reported with amendments, and the report adopted.

COAL MINES REGULATION BILL.

IN COMMITTEE.

Consideration resumed from the previous day, at the schedule.

MR. J. EWING (in charge of the Bill) moved numerous amendments in the Schedule of Rules (unless otherwise stated) as follow:—

In Rule 12, MR. EWING (referring to an amendment moved by him at the previou sitting to strike out the word "scraper") said a scraper was an iron tool used after a hole was bored and before powder was put in.

THE CHAIRMAN: The word "scraper" was struck out previously.

MR. R. HASTIE: There was no reason for striking out the word "scraper."

MR. F. REID: There was reason for striking it out, because if the word were left in, a man could be compelled to purchase a copper scraper, whereas an iron one was much more useful and cheaper, and would last longer. The scraper was never used for tamping.

In Rule 13, all words after "magazine" were struck out.

Rule 22, struck out as unnecessary.

In Rule 23, on motions by MR. EWING, the words "shall once in each," in the first line, were struck out, and the words "or in his absence the under manager shall once in a," inserted in lieu.

In Rule 24, all words after "than," in the fourth line, struck out, and the following inserted in lieu, "thirty feet, and with spaces for foothold of not less than six inches clear of wall."

In Rule 32, the following words were added: "This rule shall not apply to sinking with windlasses worked by hand."

In Rule 36, line 2, after "provided," all the words down to and inclusive of "workman" were struck out, and the words "within 12ft. of the working place" added to the rule.

In Rule 47, line 2, the word "and" struck out between "splints" and "bandages"; also the words "blankets and medical requisites" were inserted.

Referring to Rule 51:

THE MINISTER FOR MINES said it provided that any two persons, not being mining engineers, might be appointed by miners to inspect the mine in which they worked. This would press somewhat heavily on mine-owners. Should we not go far enough by allowing the men working in a mine to nominate two of their own number to inspect any dangerous workings?

MR. EWING: That was the rule at present; but it was thought that as collieries increased in number it might be better to have two men specially appointed for this purpose to inspect all the collieries. Farther, it was thought--perhaps wrongly—that if miners reported adversely of the mines in which they were employed, their employment might be jeopardised. The miners desired that the rule should stand as printed.

MR. DOHERTY: What about the mine-owners?

MR. EWING: They preferred the amendment suggested by the Minister. He (Mr. Ewing) would be satisfied if the rule were passed.

THE MINISTER FOR MINES moved that the words "or any two persons, not being mining engineers," in line 2, be struck out. The Government inspector would be a thoroughly-qualified man. Any worker in a mine could send to the inspector a confidential report; any two men working on a mine could inspect; and it was undesirable that outside people should have the right to report on properties. In the interests of both workmen and mine-owners, the words should be excised.

MR. F. REID supported the rule. It was taken from the Act of New South Wales, in which country he had worked for years as a collier. Prior to the introduction of the rule, two men from each colliery were appointed to inspect the colliery, and he had known such men to be victimised and forced to leave the country for giving fair and straightforward reports. The rule did not involve the bringing in of outsiders to report on a property. Inspections would be made by the officials of the miners' unions, who were always practical men; and they would be able to give fair reports without fear of consequences.

MR. J. RESIDE: Seeing this rule was somewhat similar to that in force in gold mines, the amendment was a surprise. Gold miners could appoint two competent workmen, not necessarily employed on the mine, to inspect workings considered unsafe, and coal miners should have the same privilege. The regulation did not work injustice, and was hardly ever availed of.

MR. R. HASTIE: The rule as printed was harmless; but the phrase, "any two persons, not being mining engineers, may be appointed inspectors," was inexplicable. During a "boom," it would be difficult to find one man in a district who would admit he was not a mining engineer. The choice of the miners should not be limited.

THE MINISTER FOR MINES: As stated, the rule was similar to that in the New South Wales Act. He would therefore withdraw the amendment.

Amendment by leave withdrawn.

Referring to Rule 52:

THE MINISTER FOR MINES said it provided that a coal-getter must have

had at least two years' experience. Who was to determine that fact?

MR. EWING: It was necessary that a man who worked at the face alone should have two years' experience, and a slight practical test by the overman would soon determine whether a newcomer was competent.

MR. TAYLOR: In New South Wales, coal miners worked in bords, and a miner without experience could work in a bord if with another experienced miner. The danger was when a miner without experience was set to work alone at the face.

MR. REID: It would be easy to see whether a man was experienced in coal-mining, by the way he worked. There should be at least one miner in a bord who was experienced; and he could take an inexperienced man with him under this clause, and be responsible for him. The clause should stand as printed.

THE MINISTER FOR MINES moved as an amendment, in the second line, that after "he" there be inserted the words "has satisfied the manager that he," making the passage to read, "has satisfied the manager that he has had two years' experience of such work," etc. This amendment would throw the onus on the manager.

MR. TAYLOR: The clause as printed was the same as in New South Wales; and if found there that the provision was necessary and workable, it should be good enough for coal-mining in this State. He must oppose the amendment.

THE MINISTER FOR MINES: In New South Wales, coal-mining was an old industry, and there were thousands of skilled miners, so that it was easy for a manager to satisfy himself as to a man being experienced or not; but in this State, where coal-mining was a new industry, it was not so easy for the manager to ascertain whether a man applying for work had had two years' experience under the supervision of a skilled workman.

Amendment put and passed.

Referring to Rule 53 (Penalty for interference with check-inspector, etc.), the third line was amended by inserting after "check-weigher" the words "or refuses to afford proper facilities for the holding of any meeting for the purpose of making such appointment."

Schedule as amended agreed to.

Title—agreed to.

Bill reported with amendments, and the report adopted.

WORKERS' COMPENSATION BILL.

LEGISLATIVE COUNCIL'S SUGGESTIONS.

Schedule of two amendments suggested by the Council now considered, in Committee.

Suggestion 1—Clause 5, Sub-clause (*b*), strike out "gross neglect or" and insert the words "serious and":

THE MINISTER FOR RAILWAYS (Hon. W. Kingsmill) moved that the suggested amendment be agreed to.

MR. HASTIE: Would the member for Claremont explain the effect of the amendment?

MR. W. F. SAYER: The Imperial Act, and also the New South Wales Act, provided in Section 4 that the liability of the employer shall not arise where the injury was attributable to the wilful misconduct of the workman injured. The exception to that was where the injury arose from the wilful misconduct of the workman. It was against the first principle of the measure that contributory negligence should debar a workman from the right to compensation, the first principle being that the cost of compensating a workman for risks incident to the trade or manufacture should be thrown on those persons who used the articles manufactured. This House had inserted the words "gross negligence or wilful misconduct," and apparently the Council had restored the wording as it appeared in the Imperial Act and in New South Wales Acts.

MR. R. HASTIE: One understood, then, that the words "gross negligence" were to be deleted, so as to read "serious and wilful misconduct."

MR. F. W. SAYER: Yes; "serious and wilful misconduct."

Question put and passed, and the suggested amendment made accordingly.

Suggestion No. 2:

THE MINISTER FOR RAILWAYS: The amendment suggested in the second schedule of the Bill, paragraph (*c*.), was to strike out the word "thirty" before "pounds" in the last line, and insert "one hundred." He moved that the suggestion be agreed to.

Question put and passed, and the suggested amendment made accordingly.

Bill returned to the Council, as amended.

LAND ACT AMENDMENT BILL.

IN COMMITTEE.

Consideration resumed from the 5th February, on new clause moved by the Premier.

New Clause—Timber lessees and licensees may be authorised to construct tramways:

"The Governor may grant to any lessee or licensee, under Part XI. of the principal Act, upon such conditions as to the Governor may seem fit, permission—

(*a.*) To construct and use tramways through and upon any Crown land or reserve, and to employ locomotive engines or other motive power and wagons for the haulage of timber, piles, poles, balks, or firewood, lawfully felled, cut, split, or removed; and

(*b.*) To connect any such tramway with any Government railway, subject to the regulations of the Railway Department made from time to time with respect to private sidings.

"Any such permission may be revoked at the will of the Governor, and no person shall be entitled to recover compensation for any loss or damage he may sustain in consequence of such revocation."

MR. W. F. SAYER moved that after "balks," in line 3, paragraph (*a.*), the word "sandalwood" be inserted.

MR. R. HASTIE: When discussing this clause previously, the member for Dundas (Mr. Thomas) intimated that he had two important amendments; and the member for the Boulder (Mr. Hopkins) gave notice of an amendment. We ought not to pass the new clause to-night when those members were absent, if any arrangement could be made by which those members would have an opportunity of bringing forward the matter.

THE MINISTER FOR RAILWAYS: Those two members knew these clauses were on the Notice Paper for to-day, and he thought they might have been present.

MR. TAYLOR: The same might be said of the Premier. They were at Albany.

THE MINISTER FOR RAILWAYS: The Premier had asked him (the Minister) to take charge in his absence, and it was open to other members not here to get members who were present to take charge of their clauses. If the member for Kanowna (Mr. Hastie) would give him an assurance that those members would be present, he would not have much objection to progress being reported.

MEMBERS: No.

THE MINISTER FOR RAILWAYS: Apparently, if he himself did not object, other members would. He would agree to progress being reported only on the representation of the member for Kanowna that the two members would be present; otherwise he would like to go on.

MR. HASTIE: Both members had assured him they would be present late on Wednesday night. Doubtless, it was thought in their absence some other member would deal with the matter. One of the proposals made by the member for Dundas was very important, and he strongly urged the Committee to agree to progress being reported until to-morrow.

Question (progress) put, and a division taken with the following result:—

Ayes	...	...	11
Noes	...	...	16
Majority against	...		5

AYES.	NOES.
Mr. Daglish	Mr. Diamond
Mr. George	Mr. Doherty
Mr. Hastie	Mr. Ewing
Mr. Holman	Mr. Gregory
Mr. Johnson	Mr. Hayward
Mr. O'Connor	Mr. Hicks
Mr. Quinlan	Mr. Illingworth
Mr. Reid	Mr. Jacoby
Mr. Reside	Mr. Kingsmill
Mr. Taylor	Mr. Nanson
Mr. Monger (*Teller*).	Mr. Parkiss
	Mr. Rason
	Mr. Sayer
	Mr. Throssell
	Mr. Wallace
	Mr. McDonald (*Teller*).

Motion thus negatived.

Amendment (new clause) put and passed.

MR. W. F. SAYER: When paragraph *(h.)* of Clause 2 was struck out, he had promised to move a new paragraph for abolishing in the South-West Division the prior right granted to pastoral lessees to purchase land thrown open in an agricultural area. He now moved that

the following be inserted, to stand as paragraph (*h.*):

As from the 30th day of June, 1902, nothing contained in Sections 69 and 72 of the principal Act shall apply to the South-West Division of the State.

From that date the lessees in the South-West Division would no longer have the pre-emptive right granted them under the principal Act. This new paragraph was moved at the request of the member for Northam.

MR. MONGER: Though the member for Northam had made a study of land laws and was an undoubted authority, still these little amendments should not be rushed through, considering that the Bill had already gone through another place. He moved that progress be reported.

MR. HASTIE: Had not this new paragraph been fully discussed in the Upper House, and thrown out by a small majority?

MR. NANSON: As the Bill left another place, the prior right in the South-West Division was absolutely abolished, and this paragraph was introduced to give the pastoralists in that division six months' notice of the intention to abolish the prior right. It was in the nature of a compromise. He had always opposed the prior right; but, representing a constituency where there were many pastoralists, he would agree to give reasonable notice of the intention of the Legislature.

HON. G. THROSSELL supported the amendment. At first he had favoured giving squatters 12 months' notice; but under the new paragraph there would be ample time to take up grazing leases if required, and no doubt most of the lessees had already protected themselves, and very properly, by making selections up to their maximum. The paragraph was a fair compromise.

MR. MONGER: Better report progress. There were other new clauses on the Notice Paper to be proposed by members not now present.

Motion (progress) put and negatived.

Paragraph (*h.*) put and passed.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

MR. JACOBY: Referring again to a new clause he intended to move, he wished to explain that a similar clause was contained in the Act of 1898, but was subsequently repealed; the main reason for repealing it being, he believed, that there was a fear of collusion between selectors and a pastoral lessee, for the purpose of enabling the pastoralist to get an undue amount of compensation for improvements. Still, the want of such a provision had practically debarred a large number of persons from selecting on pastoral leases, because of the difficulty of paying a considerable sum for improvements on taking possession of the land. While this was so, a large area of pastoral country, fit for cultivation, would continue to be used only for the value of the herbage.

THE CHAIRMAN directed attention to Standing Order No. 297, requiring notice to be given of any intended new clause. It was desirable that notice should be given in a case of this kind. It should be given at the beginning of the sitting, and not in Committee.

MR. JACOBY: If he could not give notice now, there would not be time to do it in order to get the amendment discussed at the next sitting of the House. He therefore asked leave to move that the clause be added to the Bill.

THE MINISTER FOR RAILWAYS: Progress might be reported in order that the clause could be considered, and it could then appear on the Notice Paper.

MR. SAYER: There was another amendment of some importance which he desired to move, for relieving the hardship created by paragraph (*j.*) of Clause 2, which provided that a pastoralist who did not recover 75 per cent. of the amount of his claim should not be entitled to costs. This amendment also should be put on the Notice Paper; and to enable him to do so he moved that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

TRANSFER OF LAND ACT AMENDMENT BILL.

SECOND READING (MOVED).

Order read, for second reading of the Bill.

THE COLONIAL SECRETARY (Hon. F. Illingworth) moved that the order be postponed until Tuesday next.

MR. F. MONGER: One could hardly see the object of the Colonial Secretary in postponing the order unless the hon. gentleman, like himself, was desirous of seeing the Bill thrown out. The Bill simply meant that if a person bought a sub-division in a big estate, every time he sold a portion he had to pay a price equivalent to that of a new title. The purchaser had to pay 32s. 6d. for every allotment, and the vendor had to pay 32s. 6d. for each allotment, which really meant that the purchaser had to pay, instead of 32s. 6d., £3 5s., because the vendor certainly was not going to bear the cost which this innocent little Bill attempted to inflict upon him. In asking that the Bill be read this day six months, he was indorsing the wishes of most members. And if the measure were carried in this House, there was another Chamber which would prevent it from becoming law.

THE SPEAKER: The question before the House was that the Order of the Day be postponed until Tuesday next. If the hon. member wished to move his amendment, the best plan would be to vote against the postponement, and then the question would be that the Bill be now read a second time. Then the hon. member's amendment could be moved.

Motion (postponement) put and negatived.

THE COLONIAL SECRETARY: I believe the only thing that can be done in the circumstances is for me formally to move the second reading. In doing so, my only reason for postponing the Bill was because the Premier had, in just a formal manner, moved the first reading. Personally I do not know who introduced the Bill in another place, but it is simply a reproduction of a Bill which on two former occasions has been brought into this House and ignominiously rejected. I have no doubt that will be the fate of this Bill.

THE SPEAKER: This did not come up from the other House.

THE COLONIAL SECRETARY: Did it not?

THE SPEAKER: No; it was introduced here.

THE COLONIAL SECRETARY: I do not know how it got here. Having had a little experience in land dealings, I will explain to the House what this Bill means. It means that if a man possessing a lot of land subdivides it into 50 blocks, sells two or three blocks, and lodges his title for the transfer of those few blocks, he must either leave his title in the Titles Office until he sells the whole of the 50 blocks, or he must pay £1 12s. 6d. to get a title for the unsold portions, and every time he sells he has to repeat the same thing. Consequently the vendor of the land, every time he sells a block, must take out a fresh title. There is no advantage to anybody, except that it would be a little less trouble in the Land Titles Office. The people who deal with the Land Titles Office pay the expense of that office, and I think their convenience should be consulted, and not that of the officers. Of course the first reading of the Bill having been moved by the Premier, I could not now do other than move the second reading; but I reserve my right to vote against the Bill when the time comes, if I so choose. There is no necessity to say more. This is a Bill that can do no good to the State, which is not really interested. It is simply a Bill which might perhaps save a little trouble in the Land Titles Office, to the great inconvenience of persons dealing in land.

MR. GEORGE: Are the officers overworked?

THE COLONIAL SECRETARY: No.

MR. W. F. SAYER (Claremont): Although I am not in any way responsible for this Bill, I would like to explain that the object of the measure is to make the practice here with regard to the certificate of title the same as in all the other Australian States.

MR. GEORGE: No; we are more advanced.

MR. SAYER: When a vendor of land sells a portion of the land comprised in a certificate, he has to lodge that certificate of title in the Land Titles Office for the transfer, and a new certificate for the portion of land purchased is issued to the purchaser, for which he pays £1.

MR. MONGER: And 12s. 6d.

MR. SAYER: One pound for the certificate, and 12s. 6d. for registering the transfer and for the diagram on the new certificate. If the practice obtaining here

were the same as in Victoria or elsewhere in the other States, either the original certificate of title would remain in the Titles Office, or if a new one were required, the vendor would have to pay a fee of 10s. for the new title. Ordinarily, the fee is £1, but if there is a certificate for the residue of the land remaining to the vendor, the fee is 10s. The object apparently is to avoid that fee of 10s. for the new certificate. When our Transfer of Land Act was passed through Parliament, it occurred to someone apparently that the fee of 10s. might be saved to the vendor, and so it is provided that the old original certificate should be amended, showing the transferred portion excised from it, and this amended certificate issued to the vendor. I believe in practice it is found the result is that after a while where an estate is cut up, the certificate of title comes to be absolutely covered with excisions showing transfers of small portions, so that not only the certificate of title but the folio of register becomes absolutely a mass of corrections. Therefore, it has been deemed desirable that the practice which obtains in the other States shall exist here, and that when an owner sells a portion, a purchaser, to get a certificate for it, shall pay £1, and the vendor, to get a certificate for the remainder, shall pay 10s.

THE COLONIAL TREASURER: The purchaser has to pay £1 12s. 6d.

MR. SAYER: One pound for the certificate, and 12s. 6d. for registering the transfer and for the diagram on the new certificate.

MR. GEORGE: Do not officers know their work?

MR. SAYER: Yes.

MR. GEORGE: Why do they not carry it out?

MR. SAYER: They do carry it out, but it is very inconvenient.

MR. GEORGE: They are paid for inconvenience.

MR. SAYER: I do not say it is not practicable. When I was Commissioner of Titles it was always carried out.

MR. GEORGE: You must go there again.

MR. SAYER: This proposal is not a new one: it is an old one. But I myself thought perhaps it would be better if we could have these indorsements all over the certificates rather than that we should require the vendor to buy a new certificate at a cost of 10s. It is a matter of 10s. When it was proposed that our practice here should be made the same as it is elsewhere, it occurred to me it was scarcely necessary, and although in some instances it is very inconvenient to have a certificate of title and the folio of register absolutely one mass of corrections, a correction being made every time a small portion is sold, that inconvenience occurs in the case of a very small number of the whole of the transfers, because it is not every day that a man cuts up his land. The bulk of the land remains substantially intact, and passes from hand to hand. When an estate is cut up, I must confess it is inconvenient that the folium of the register should be one mass of indorsements of transfer.

MR GEORGE: Has anything to be paid now for indorsements?

MR. SAYER: Not by the vendor; but the purchaser pays a fee of 10s. on registering his transfer, and a fee of £1 for his new certificate.

THE COLONIAL SECRETARY: The transfer costs £1 12s. 6d.

MR. SAYER: If there is a diagram, 2s. 6d. is charged for that. The fee is £1 for a new certificate, 2s. 6d. for the diagram if any, and 10s. for registering the transfer.

THE COLONIAL SECRETARY: There is always a diagram.

MR. SAYER: If there be a diagram, the purchaser pays £1 12s. 6d. The old certificate, defaced, is given back to the vendor, for which no charge is made; but in the other States a new certificate is issued to the vendor for the residue of the land remaining in him after transferring the sold portion. The object of the Bill is to bring our practice into accord with that of the other States. As to whether it is necessary, I do not say anything.

MR. GEORGE: You have said it is unnecessary.

MR. SAYER: When I was Commissioner of Titles, though a change might seem desirable, I did not deem it absolutely necessary, and therefore I set my face against it.

MR. GEORGE: And you have not since changed your opinion?

MR. SAYER: Not at all. I say it may be desirable, but it is not absolutely

necessary. As it is a matter with which the Premier, as Attorney General, is concerned, I think it desirable that we should adjourn the debate until to-morrow evening; and I move accordingly.

Motion (adjournment) put and negatived.

MR. W. M. PURKISS (Perth): I oppose the passage of this measure. It is all very well to say the practice sought to be imposed by the Bill is the practice which obtains in other States. In the other States, people have a *penchant* for a property and income tax. We have not yet arrived at that stage, save and except so far as a tax on dividends is concerned, for that very closely approaches a property tax. As the member for Claremont (Mr. Sayer) says, if at present a vendor has a certificate of title comprising, say, 50 different sections of land, and he sells one of them to a purchaser, the purchaser gets his transfer and pays his fees, the original certificate remaining intact, save that there is indorsed on it the fact that one section has been alienated. But according to the Bill, if I have a certificate of title in respect of which there are 50 different sections of land, and I sell one to-morrow, the purchaser has to pay all the fees previously payable, and I have to get a new certificate for the remaining 49 sections, and pay an additional 10s. for that. If I sell another section the day after to-morrow, the purchaser has to pay his fees, and I must get a new certificate for the remaining 48, paying another fee of 10s.: and that might go on daily till, by a process of exclusion, I should have no land remaining, and should have paid in all £25. And that, I say, is a pretty big land tax, which I shall oppose.

Amendment (six months) put and passed, and the second reading negatived.

HEALTH ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 6, inclusive—agreed to.

Clause 7—By-laws, orders, etc., in reference to the bubonic plague:

MR. W. J. GEORGE: Probably few members had read the Bill. By this clause tremendous power was vested in various authorities. The Bill should be postponed till early next session. Two sessions ago a new Municipal Act was passed at one sitting, on the assurance that it was a perfect Bill; yet it was now known to be altogether imperfect, and it did not satisfy those who had clamoured for its introduction. There had been no opportunity of comparing this Bill with the principal Act, though there were several clauses by which the latter measure would be materially affected. There was a clause providing that anyone suffering loss or trouble through the bubonic plague must lose all remedy at law. Throw out the Bill, and bring it in early next session. He moved that the Bill be read this day six months.

THE CHAIRMAN: That was not in order. A motion might be made "that the Chairman do leave the Chair."

THE COLONIAL SECRETARY (Hon. F. Illingworth): The Bill had been on the table for many weeks, and the Government were not to blame if it had not been studied by members. The object of Part I. was merely to correct certain mistakes in the original Act, and there was not any new principle of great consequence involved.

MR. GEORGE: What about the increase of rating?

THE COLONIAL SECRETARY: The district boards dealt with by Clause 2 had practically lapsed because there was no power in the Act to fill vacancies caused by resignation. This defect had cost the Government hundreds of pounds. Mr. Sayer, who had drafted the Bill, could more fully explain.

MR. W. F. SAYER: Dr. Black, the Chairman of the Central Board of Health, had carefully gone through the Bill with him, and the only portion of the Bill in which Dr. Black was interested was the first part, which it was desirable to conserve because it contained most essential provisions for remedying defects in the Act of 1900. The Bill contained matters about which there should be no dispute. Clause 7 was inserted to validate certain orders made by the Central Board of Health in reference to the bubonic plague, and the Government were simply following that which was done in the Eastern States. The clause had been copied *verbatim et literatim* from the Act of New South Wales, passed in 1900, and it had been deemed right and proper to do what had been done in New South Wales, to validate orders made in a time of great

stress by the Board of Health when that body had overstepped the law.

MR. RESIDE: The first four clauses of the Bill were absolutely necessary, and Clause 7 was merely a copy of the provision in existence in New South Wales. It had been found necessary to take drastic measures in connection with the bubonic plague. Some amendments were required in the interests of the local boards of health, and other amendments were necessary owing to the faulty drafting of the principal Act. The second part of the Bill dealing with elective boards should be brought into force as soon as possible.

MR. McDONALD: Clause 7 should be deleted from the Bill. The Central Board of Health had overstepped the mark in Perth and Fremantle, and had put trades people to great expense. The boards had tried to shirk their responsibility by recompensing the tradesmen so injured. A number of local boards of health had not considered the Bill, and it was hoped by many in the metropolitan area that the measure would not be forced through this session.

THE COLONIAL SECRETARY: Not the second part.

MR. McDONALD moved that the clause be struck out.

MR. HASTIE: The object of the Bill was to enable the various boards of health to get to work, therefore the first part of the measure should be enacted as soon as possible. Clause 7 was considered absolutely necessary by those who had studied the measure. He would like to know what the position would be if the clause were struck out. He understood at present if arrangements were made to fight the bubonic plague, the work would have to be done at the expense of the community, but Clause 7 provided that everybody should take precautions to prevent the plague from spreading. As far as he knew, there were no means of enforcing precautions unless the clause were passed.

MR. GEORGE: The Bill covered a very wide subject indeed, and was one that the Committee at the present time, after a lengthy session, should not be called upon to deal with. The measure should be thoroughly considered, not in one evening, but in many evenings. The second reading of the measure was passed in a perfunctory manner.

THE MINISTER FOR WORKS: It was introduced on the 2nd of September.

MR. GEORGE: A great deal had happened since then. The clause provided that all proclamations which had been made should be deemed to be good proclamations. Although the Central Board of Health had done certain things with a good intention, these things had not been done wisely, and litigation had been commenced. If Clause 7 were passed there would be no reason why Clause 8 should not be agreed to, and that provision at once took away from a man any rights he had before the Bill was passed. The country could better afford to recompense a man who had suffered through mistakes which had been made than that the individual should be allowed to suffer.

MR. McDONALD: Clause 7 practically meant that Dr. Black could go to the Colonial Secretary and get an order to pull down any store or warehouse in Perth or Fremantle.

THE COLONIAL SECRETARY: The object of the clause was to validate certain things that had been done under the present Act. There was a mistake in the principal Act in referring to a former law, and in consequence of that mistake which occurred in the text of the original Act, a supreme court action went against the Government. The Bill did not increase the powers which boards of health had previously, but it validated acts that had been committed during the bubonic scare.

MR. DOHERTY: Were there any actions pending against the Government now?

THE COLONIAL SECRETARY: Not that he was aware of. He did not wish to force any debatable clause through, and he was prepared to abandon every clause which contained a new principle, but he hoped members would not take the extreme course of rejecting the Bill as a whole. The few clauses which had already been passed were of a very urgent character, and if the Committee would discuss the clauses that remained and pass those about which there was no dispute, the clauses which contained any new principle could be rejected. Clause 10 should be passed. The original Act allowed the Central Board to take

possession of a place where there was smallpox or bubonic plague, but when the board took possession they could not take any action until the order had been published in the *Government Gazette*, therefore the board would have to wait until the *Gazette* was published before the order could be put into operation. Such a defect should be altered. If the Committee did not pass the Bill the objections which had been raised would still remain, because the existing Act was faulty.

DR. O'CONNOR: Under the Health Act of 1888 there was sufficient power to deal with bubonic plague or any other disease. The Central Board of Health had made a mistake and they desired Parliament to put them right. The clause should be struck out.

MR. DOHERTY: Perhaps the Colonial Secretary would take hon. members into his confidence, and explain who was responsible for the grievous errors which had occurred?

THE COLONIAL SECRETARY: It did not matter who was responsible. For his part, he did not know.

MR. HASTIE: The Colonial Secretary might agree to the limitation of the clause so that it should not affect cases now pending.

MR. DOHERTY: Before the Bill went farther, he would like to have an explanation. Had some of the gentlemen in charge of the Health Act exceeded their powers; and, if so, who were those in fault?

DR. O'CONNOR: During the bubonic plague scare, things were rather in a mess. Dr. Black had a tremendous lot of work to do, and some mistakes were made by inspectors. The Central Board of Health had had to suffer by reason of those mistakes.

MR. PURKISS: Clause 7 was a very wise provision, and should stand; but Clause 8, unless amended, should be struck out, since as it stood it would inflict a cruel wrong. Undoubtedly, during the bubonic plague epidemic officers were under great strain and, perhaps hurriedly, did things which were technically wrong. Clause 7 merely proposed to indemnify the Board of Health in respect of technical errors; and that was perfectly right.

MR. SAYER: Clause 7 was not designated to protect individuals who might have erred. A similar clause had been found necessary in New South Wales in similar circumstances. The Committee should clearly understand that the clause was not designed to exonerate individuals for errors committed. Apparently, at the time of the bubonic plague scare no law existed sufficient to meet the stress of the occasion; and officers here, as in New South Wales, had perhaps overstepped the letter of the law. Hence, in order to prevent numerous more or less speculative actions being brought, it was considered advisable to validate the acts of the Health Board's officers. While there was no desire whatever to prevent those who had advanced claims from prosecuting them, it was considered undesirable that people should be at liberty to advance claims for the next six years.

MR. W. J. GEORGE: The difficulty might be met by inserting after the word "Act," in line 8, such words as, "except as regards actions or suits which have already been commenced."

THE COLONIAL SECRETARY: It would not be necessary to add those words if the succeeding clause, 8, were struck out; and he assured hon. members that he would himself move the excision of that clause.

MR. GEORGE: It was better to be sure than sorry. If Clause 7 were passed as it stood, suits now pending really could not go on. One could not expect a Judge and jury to give a verdict in favour of the plaintiff, when they were faced with a law stating that the actions of the Central Board of Health were right and valid.

MR. DAGLISH: All the words in the clause after "Act," in line 8, should be struck out.

MR. GEORGE: That would not take away the sting of the clause. Any suits which had been commenced should not be rendered abortive by parliamentary action. Clause 7 was simply a whitewashing provision.

MR. HASTIE: Certainly.

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

Ayes	...	...	9
Noes	...	...	20
Majority against		...	11

AYES.	NOES.
Mr. Daglish	Mr. Ewing
Mr. Doherty	Mr. Gordon
Mr. George	Mr. Gregory
Mr. Holman	Mr. Hastie
Mr. McDonald	Mr. Hayward
Mr. Monger	Mr. Hicks
Mr. O'Connor	Mr. Illingworth
Mr. Taylor	Mr. Jacoby
Mr. Quinlan (*Teller*).	Mr. Johnson
	Mr. Kingsmill
	Mr. Nanson
	Mr. Piesse
	Mr. Purkiss
	Mr. Rason
	Mr. Reid
	Mr. Reside
	Mr. Sayer
	Mr. Throssell
	Mr. Wallace
	Mr. Diamond (*Teller*).

Amendment thus negatived.

MR. W. J. GEORGE moved that after the word "Act," in line 8, the following be inserted: "Excepting as regards such actions or suits which have already been commenced."

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

Clause 8—No action to be commenced or continued in respect of above matters:

MR. PURKISS suggested that the words "commenced or continued," after "be," line 1, be struck out, and "brought" inserted in lieu. An action was pending. A verdict for damages had been obtained against the authorities, and that verdict was the subject of an appeal at the present moment before the Full Court. If the words at present in the clause were retained, they would cut away all the rights of those people.

MR. GEORGE: Why not strike the clause out altogether?

MR. PURKISS: No. Twelve months would be a fair statutory limitation.

MR. D. J. DOHERTY moved that the clause be struck out. This measure was introduced for the benefit of all the people, and where the State interfered with individual rights the State should bear the expense of the whole thing.

Amendment (that the clause be struck out) put and passed.

Clause 9—Amendment of the principal Act:

MR. T. F. QUINLAN: Was it intended to increase the health rate by 6d. in the £?

MR. F. W. SAYER: Section 26 of the Health Act of 1898 provided that every local board should make and levy a special annual rate not exceeding 6d. in the £. The amendment would enable a local board to increase the rate to 1s. in the £.

THE COLONIAL SECRETARY: It was to be hoped the hon. member (Mr. Quinlan) would not suggest the striking out of this provision, because sometimes small boards, especially on the goldfields, found a sixpenny rate insufficient. If they wished to rate themselves, he did not see why we should prevent them. It was necessary that provision should be made for sanitary purposes, and if we confined the rate to 6d. it would prevent some small outside places from making a sufficient rate to cover their actual necessities. If they did not want to impose the higher rate they need not do so.

MR. GEORGE: But they always did.

THE COLONIAL SECRETARY: No.

MR. QUINLAN: We had ample power and sufficient means at the present time by a sixpenny rate, so far as Perth was concerned. The total rating in Perth to-day amounted to 3s. 7d. in the £, and that was excessive. At electioneering times people advocated all sorts of things, and above all they urged that the property owners should be made to pay. Candidates promised everything to suit their purposes, and he knew such was the case, not only with regard to Parliamentary candidates, but municipal candidates also.

MR. R. HASTIE: It was impossible for the member for Toodyay to estimate the circumstances of different municipalities. We should trust the municipalities to impose whatever rate they thought best. He hoped the Committee would pass the clause as it stood, and allow the municipalities to discriminate.

MR. W. J. GEORGE: Some places on the goldfields could do with a health rate of a shilling or even two shillings in the £; but it was true that the burden of rating in the larger towns was sufficiently heavy. At one time in Perth the health rate was 2d. in the £, afterwards increased to 6d., and the money was then used for purposes not contemplated in the Health Act.

MR. JOHNSON: Why were they allowed to do that?

MR. GEORGE: As in the case of a good many things in regard to the hon. member—because they could not help themselves at the time. Once we started

to raise taxation, it was very hard to get it down. A sixpenny health rate in Perth had done very good service. He dared say they could spend 1s. in the £, but it would be unfair to add to the taxation by increasing the rate to that amount, not only in respect to large property owners, but also small property owners. He should endeavour to knock out the word "shilling," leaving the sum at 6d. If the people on the goldfields were so very anxious to have increased taxation, there was such a thing as voluntary taxation. He knew they were generous, and why not leave it to the good sense, common sense, and sense of justice of the people on the goldfields, to voluntarily tax themselves?

THE MINISTER FOR RAILWAYS said he had not yet heard any remarks in the speeches by one or two members which led him to suppose that, if this power, which was purely permissive, were given to the municipalities, the municipalities would inflict a larger tax upon the ratepayers than was actually needed for the purpose.

MR. GEORGE: They always did so.

THE MINISTER FOR RAILWAYS: Perhaps he should accept the opinion of two old members of the Perth City Council. He supposed they did it themselves in the past. The member for the Murray (Mr. George) had just said that they only used to pay 2d. in the £ for a health rate.

MR. JACOBY: There was no health.

THE MINISTER FOR RAILWAYS: Exactly; and, if he remembered correctly, Perth at that period had the reputation throughout the world, he thought, of being the most insanitary town. Whether that reputation was justified or not he did not know. Possibly it might have been based on the smallness of the health rate. Considering that this power conferred was purely and absolutely permissive, and also considering that local bodies were supposed to be a reflex of public opinion, he did not see that we would be justified in punishing those bodies who needed 1s. in the £ for health rate purposes in order to prevent waste on the part of those bodies who could do the work required with a 6d. rate. In small centres, the right to strike a rate as high as a shilling in the pound was bady needed.

MR. DOHERTY: To give the goldfields people the right to tax themselves at an increased rate, as they evidently desired, he moved that there be added to the paragraph, "excepting Perth and Fremantle."

MR. HASTIE: By that amendment the Committee asserted its willingness to trust the ratepayers on the goldfields, but not those of Perth and Fremantle, who, according to one member, would tax themselves up to the maximum. But let them do so, for they would soon reduce the rate if they found it unbearable. Many members had property in Perth and Fremantle and were anxious to prevent taxes being placed on themselves, while few were interested in goldfields towns. The metropolitan members were anxious not to fulfil the scriptural injunction to "wash and to be clean." Such members would oppose any similar sanitary provision. The sanitary laws should be uniform throughout the State.

MR. GEORGE: Who were the property owners mentioned?

MR. HASTIE: The hon. member was one.

MR. GEORGE supported Mr. Doherty's amendment.

MR. QUINLAN: For the past 11 years he had represented the principal ward in the Perth municipality, and he knew that the City Council would tax up to the maximum rate permitted. The provision in the clause was not required in Perth; but if required on the goldfields, let it be provided. Mr. Doherty's amendment would meet the case.

MR. DOHERTY: Let the words to be added read, "exclusive of Perth, Fremantle, and the suburbs thereof."

THE MINISTER FOR MINES: What sort of a health rate would there be if that were passed?

MR. DAGLISH: The clause being purely permissive, this fuss was unnecessary. Municipal councillors who overtaxed the people would surely be turned out. To say that they would unnecessarily tax up to the maximum was a reflection on municipal government, and particularly on the City Council of Perth.

MR. GEORGE: There was a natural tendency to over-taxation.

MR. DAGLISH: Why did country members like Mr. Quinlan speak on behalf

of Perth, when there was a member for Perth in the House?

THE MINISTER FOR RAILWAYS: Section 26 of the principal Act provided that every local health board could levy a public health rate not exceeding 6d. in the £ annually upon the annual ratable value of properties under the jurisdiction of the local board as might be deemed necessary. If, instead of striking out 6d. and inserting 1s., we added to the paragraph, "provided that by proclamation by the Governor any such rate may be raised to 1s. in the £ on the application of such local board," that would meet the case.

MEMBERS: That was the same thing.

MR. GEORGE: Say, "after a referendum."

THE MINISTER FOR RAILWAYS: It was far from being the same. By the clause, the right to strike a shilling rate was thrust on the municipalities, while by his proposal such a power must be sought by the local board, presumably after notice given.

MR. GEORGE: Not necessarily.

MR. NANSON: No Government would refuse the power.

THE MINISTER FOR RAILWAYS: No; but by the clause the power need not be sought, but was thrust upon the local boards.

MR. JACOBY: Many of them had asked for it.

MR. GEORGE: Let the ratepayers give them instructions to seek the power.

THE MINISTER FOR RAILWAYS: As his suggestion did not meet with approval, it would be withdrawn.

MR. QUINLAN: The last speaker had struck the right note; but he should add, "upon a referendum being taken," as in the case of municipal loans. As an old municipal representative, he (Mr. Quinlan) urged the Committee to accept either Mr. Doherty's amendment or the suggestion of the Minister for Railways. At every municipal election there was a general clamour for the imposition of extra taxation, which was blindly promised by many candidates. By a health rate of 6d. in the £ there would be ample means for all health purposes without levying 1s.

MR. PURKISS: The clause would intrust to the people of Perth and other municipalities the right to say whether they should rate themselves from 1d. to 1s. in the £. In these democratic days, if there was anything worth having, it was the right to trust the people to impose taxation on themselves; and by this clause the ratepayers were trusted to say, if they discovered it necessary to have a rate of more than 6d. in the £ on the ratable value, that they would levy such rate.

MR. GEORGE: The Perth City Council had levied a rate of 6d. in the £ for years when the expenditure for health purposes only amounted to 2d. or 2¼d. If increased power were now given, in a short time the municipality of Perth would use the power to tax up to 1s., which was not required for health purposes.

MR. QUINLAN: If a building were rated at £1,000, why should the owner be called on to pay a thousand sixpences more than was necessary for the same services of sanitation and so forth, as he had now? It was an unfair rate to impose on any owner. The Perth municipality did not ask for farther taxation in this particular.

DR. O'CONNOR: Under Section 178, the local board of health could rate any property 6d. in the £, in addition to the other rate.

MR. HASTIE: Supposing an epidemic occurred, and it was necessary for the Perth authorities to expend a large amount of money, where would the money come from? Were the authorities to ask the Government for it? The Perth Council would say they could not pay the money, because they were not allowed to tax.

DR. O'CONNOR: An epidemic was generally introduced from outside, and the Government should always find the money in such a case.

MR. McDONALD: What was the special rate under Section 178 of the principal Act to be levied for? A rate was levied for the removal of nightsoil and other purposes.

MR. DOHERTY moved to add at the end of paragraph 1, "and the following words are added to the section: 'provided that in the municipalities of Perth and Fremantle the rate shall not exceed 6d. in the £.'"

MR. McDONALD: Perhaps the mover of the amendment would consent to add

the words "East Fremantle" and "North Fremantle."

MR. HASTIE: Also "Kanowna." The property owners of Kanowna did not wish to rate themselves, and were quite as anxious for Government assistance as property owners of Perth and Fremantle.

THE CHAIRMAN: Hon. members could move the amendments indicated, after the present amendment had been disposed of.

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

Ayes	6
Noes	19
Majority against ...	13

AYES.	NOES.
Mr. Doherty	Mr. Daglish
Mr. George	Mr. Gordon
Mr. McDonald	Mr. Gregory
Mr. Monger	Mr. Hastie
Mr. O'Connor	Mr. Hayward
Mr. Quinlan (*Teller*).	Mr. Hicks
	Mr. Holman
	Mr. Illingworth
	Mr. Jacoby
	Mr. Johnson
	Mr. Kingsmill
	Mr. Nanson
	Mr. Purkiss
	Mr. Rason
	Mr. Reid
	Mr. Reside
	Mr. Sayer
	Mr. Taylor
	Mr. Ewing (*Teller*).

Amendment thus negatived.

MR. W. J. GEORGE: Perhaps the Colonial Secretary would state the reason for inserting the word "paving," as proposed by the second and third paragraphs of this clause. No doubt dairies should be thoroughly clean, but the provisions as to paving would throw a heavy burden on men hardly able to bear it.

THE COLONIAL SECRETARY: Being desirous of having as much as possible of this measure placed on the statute book, he intended to move that the provisions as to paving be struck out. He moved accordingly that all the words in lines 4 to 8 be struck out.

Amendment put and passed, and the words struck out.

MR. GEORGE: The provision forbidding expectoration was peculiar. He personally desired to see spitting prevented; but a practical man might well ask how the Minister proposed to put it down?

THE COLONIAL SECRETARY: Every civilised country forbade spitting; and the object of this provision was to check it, even if it could not be entirely stopped.

MR. GEORGE: What was the punishment for spitting?

THE COLONIAL SECRETARY: The whole of the present clause was only intended to give power to municipalities to make by-laws.

DR. O'CONNOR: Should not the words "one hundred and ninety-one to one hundred and ninety-five," in lines 10 and 11, be "one hundred and eighty-seven to one hundred and ninety-one"?

MR. SAYER: The section in the original Bill was intended to conserve the purity of water. No consent should be given to the establishment of manure works, for instance, that might tend to the pollution of water. By some error the necessary correction with regard to the section was not made. The clause was all right.

Clause as amended put and passed.

Clause 10—Amendment of Sections 110 and 111 of the principal Act:

MR. SAYER: The object of this clause was to correct the jumble that appeared to have happened in the drafting of the original Bill. We had in this Bill now the sections of the Victorian Health Act, carrying out the intention of the original Act, because there happened to be some older statutes, and by some means they became jumbled together, so that the powers of the Central Board of Health and the powers of the Government were put into inextricable confusion. We now followed the Victorian Act.

Clause put and passed.

Clauses 11 to 60, inclusive:

THE COLONIAL SECRETARY moved that these clauses be struck out. His object in moving this was that he wanted to save the first portion of the Bill; for if the other clauses were now proceeded with, a vast amount of discussion would be likely to ensue. These clauses had better be left over till next session. It was not that he had any objection to the Bill, but he wanted to insure the passing of the first portion.

MR. J. RESIDE: What was the object of the Colonial Secretary? Was he against the elective system of these health boards, or had he some other reason?

THE COLONIAL SECRETARY: The elective system was one which he was

most anxious to apply, but members would see there was no chance of getting this Bill through, if we were to stop to discuss the other 50 clauses. The member for Hannans (Mr. Reside) would know it was most important that we should get the first part of the Bill on the statute book; and that was the only reason why he (the Colonial Secretary) proposed abandoning the other clauses.

MR. RESIDE: Would the hon. gentleman undertake to introduce them at an early part of next session?

THE COLONIAL SECRETARY: Yes.

MR. J. RESIDE: This part of the Bill particularly affected his district. Two or three years ago the Boulder Health Board endeavoured to rate people, and there was a very strong outcry against rating without representation. The people absolutely refused to pay rates unless they were allowed a say in the election of the board, and also some say in the management of the funds, and he was afraid the same thing would take place again. There was some reason, he supposed, in the Colonial Secretary's contention that it might take too long to pass the whole of the Bill during the present session. At the same time, as far as he (Mr. Reside) was concerned, he represented a district where a number of people were disfranchised regarding these local health boards. They protested against it, and he took it that the same thing as occurred before would take place again, that being that some people, unless they were allowed a say in the representation, would refuse to pay.

THE COLONIAL SECRETARY: It was not from any desire to oppose the principle that he proposed to abandon the rest of the clauses; but he thought the hon. member would see it was utterly impossible to get the Bill through, if we were to deal with the other 50 clauses. There had been difficulty enough in getting the clauses passed that had been adopted.

MR. RESIDE said he could not agree to the withdrawal of the clauses.

MR. R. HASTIE: The reason given by the Colonial Secretary was a very good one, but it should be understood that from about one-third to one-half of the people in the Kalgoorlie-Boulder district did not pay the health rate. When asked to pay the health rate before, they absolutely refused to do it, and this time the great bulk would again refuse. There would be three or four thousand people, or at any rate two thousand, who would refuse to pay a shilling. It was nothing unusual for people to take up the attitude that unless they were represented they should not pay, and the same thing was done over and over again in Great Britain. As far as he knew, nowhere on the fields was a health rate levied where the people had no chance of representation. He felt almost certain that practically no money would be collected from them, so that if we agreed to these clauses being struck out, he hoped the Colonial Secretary would undertake to remedy this at the earliest possible moment to see that these people got some share in the representation, and that they paid their fair share of the health rate levied.

THE COLONIAL SECRETARY: In the first part of the next session he would bring in practically the same thing as this.

Motion (that the clauses indicated be struck out) put and passed.

Clauses struck out accordingly.

Schedules also struck out.

Title—agreed to.

Bill reported with amendments, and the report adopted.

ADJOURNMENT.

The House adjourned at four minutes to 10 o'clock, until the next day.