IN COMMITTEE.

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

ADJOURNMENT.

The House adjourned at 11.13 p.m. until the next day.

# Legislative Council.

*Wednesday, 28th September, 1898.*

Death of the Premier of Queensland: Motion of Condolence—Question: Supreme Court Business Congested—Question: Mineral Lands Regulations—Paper presented—Motion: Diamond Mining and Regulations—Shipping Casualties Inquiry Bill, in Committee—Supply Bill (£300,000); all stages—Local Inscribed Stock Act Amendment Bill, first reading—Reappropriation of Loan Moneys Bill, Council's Amendments assented to—Joint Committee: Official Receiver in Bankruptcy; Motion to Enlarge the Powers—Companies Act Amendment Bill, in Committee, new clauses further considered—Health Bill, in Committee, progress reported—Adjournment.

THE PRESIDENT took the chair at 4.30 o'clock, p.m.

PRAYERS.

## MOTION OF CONDOLENCE: DEATH OF THE PREMIER OF QUEENSLAND.

THE COLONIAL SECRETARY (Hon. G. Randell): Before proceeding with the business of the day, I desire to move a motion to the following effect:—"We, the members of the Legislative Council of Western Australia in Parliament assembled, having learned with sorrow of the untimely death of the Hon. T. J. Byrnes, Prime Minister of Queensland, desire to express to the Parliament and the people of that colony, our sympathy with them in the sad loss they have sustained. That this message of sympathy be telegraphed by the President of the Legislative Council to the President of the Legislative Council in Queensland." It is not necessary for me to say more than a few words to hon. members in regard to this motion. I am quite sure members of this House sympathise with the Parliament of another country in the death of the leader of that Parliament. Personally I was unacquainted with the late Mr. Byrnes, but I believe he attained a very high position in political circles as the leader of the Government of that country. He was a young man comparatively—38 years of age—and to achieve the distinction which he had achieved at that age he must have had in him great possibilities for his future political life. It is a loss to the Government of that colony at such a time as the present. Hon. members will sympathise with the Government of that colony in the loss they have sustained. It is a sad one, especially under the circumstances. The late Hon. T. J. Byrnes had only recently attained the high position of Premier of Queensland, and to have the services of such a man cut off as it were in the prime of his life is, as I have said, a national loss. I believe it is a unique circumstance—I am not quite sure about that—but I believe it is a unique circumstance in the history of popular government, that a Prime Minister has been taken away during his time of office, by death. Hon. members I am quite sure will express the sympathy of this House by approving of this motion being sent. I will ask Mr. R. S. Haynes to second the motion.

HON. R. S. HAYNES: I have much pleasure indeed in seconding this motion. I am glad this House recognises the loss such as the colony of Queensland has sustained by the death of the leader of the Government as one which this country through its Parliament could sympathise with. I feel that it must be a serious loss to the colony of Queensland. We know that Queensland has passed through troublous times, both in connection with the financial wave and the depression which has existed, and in connection with the severe and disastrous floods which had a tendency to almost bring the colony

into ruin. But I am proud to think that Queensland has stood up against those troubles and fought manfully, and now that colony has sustained a loss which at this distance we may see she will have some difficulty in coping with. The loss of the leader of the Government, especially in the circumstances of that colony, no doubt will be felt by all persons having the welfare of the colony of Queensland at heart, and we, as a portion of Australia, feel that the interests of Queensland and the interests of ourselves are a part of one great continent and a part of one great nation. The late hon. gentleman had a distinguished career. He was a young man, and had a distinguished university career. He was a member of the Ministry previously in the capacity of Attorney General. He was amongst the youngest men who held the position of leader of the Government in any of the colonies. In view of the political situation of Queensland, the loss will be severely felt, and I am sure the House will willingly pass this motion sympathising with the colony of Queensland. We fortunately have never had to face such a difficulty as that, and I am sure the loss of the leader under such circumstances will be felt severely.

Question put and passed.

## QUESTION: SUPREME COURT BUSINESS CONGESTED.

HON. H. G. PARSONS asked the Colonial Secretary whether, in view of the extreme congestion of the Supreme Court lists, such congestion being chiefly owing to the number of goldfields cases, and in view, also, of the grave inconveniences resulting to judges, counsel, litigants, and witnesses, it is the intention of the Government to enforce the provisions of 61 Vict., 28.

THE COLONIAL SECRETARY (Hon. G. Randell) replied that the Government did not at present intend to put the provisions of the Act referred to into force, as the present judicial staff was able to cope with the legal business of the colony.

## QUESTION: MINERAL LANDS REGULATIONS.

HON. A. P. MATHESON asked the Colonial Secretary:—Why regulations dated 8th September, 1898, amending the Mineral Lands Regulations have not been laid on the table of the House for approval within fourteen days, in accordance with the Act?

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—The omission was due to the fact that the paper was addressed to the Clerk of the Council on the 13th instant, instead of to myself. In that way the Mineral Lands Regulations have not been laid on the table of the House in the usual way; but I have now pleasure in presenting the paper.

## PAPER PRESENTED.

By the COLONIAL SECRETARY: Mineral Lands, Regulations dated 8th September, 1898.

## MOTION: DIAMOND MINING AND REGULATIONS.

HON. A. P. MATHESON moved "That this House dissents from the amendment of the Mineral Lands Regulations, dated 8th September, 1898, defining diamonds and precious stones as minerals, for the purpose of the Act, until further Regulations have been laid on the table of the House, and have been approved, providing—1. For the area of a protection area in the case of diamonds and precious stones. 2. For the area of a reward claim in the same case. 3. For the area of an ordinary claim in the same case." In submitting this motion he did not propose to detain the House for more than sufficient time to explain the position in which the Mineral Lands Regulations—which the Colonial Secretary had laid on the table this evening—left the question so far as diamonds were concerned. It appeared that until recently no provision was made by the Legislature of the colony for mining for diamonds and precious stones. The reason no doubt was that no discoveries of precious stones had been made. While there was a special gold-mining Act, and a special portion of the Mineral Lands Act dealing with coal, and there was a special clause dealing with silver, tin and antimony, no provision was made for diamond-mining. But in consequence of an application received by the Government it had become necessary, it might be presumed, to make some provisions for diamond-mining, and it ap-

parently occurred to the Minister of Mines to add a short paragraph to the regulations under the Mineral Lands Act. The short paragraph simply added the words "diamonds and other precious stones" to the clause which defined minerals. The other minerals defined by this clause were gold, lead, copper, tin, etc., which he need not enumerate. The Mineral Lands Act of 1892 was an Act in which the necessities of men who wanted to open a quarry were taken into account very much more than the necessities of the mining population who proposed to mine for silver or for precious stones. So much was that the case that, when it became necessary to define the area of a lease, a special clause was inserted providing that a lease for tin, silver or antimony should not exceed 40 acres. In the case of anything else the size of the lease was to be 160 acres. The result of this short paragraph defining a diamond as a mineral, without making any other provision for diamond-mining, had been that all the more extended clauses, suitable to the quarrying for building stones, gravel, or material for brickmaking had become applicable to the diamond-mining industry. Under this Act a one-man claim for diamond-mining could be 160 acres; the largest size of a protection area could be 640 acres, and a reward claim could, at the largest, be 1,600 acres.

HON. J. E. RICHARDSON: To mine for diamonds?

HON. A. P. MATHESON: YES; to mine for diamonds, always assuming that a diamond mine was found in a position for which a reward claim was allowed by the Act. When the relative value of diamonds and other minerals was considered it was quite absurd that those large areas could possibly be locked up in the hands of one individual, by the alteration of the Act. It could hardly be credited that the Minister of Mines intended that such should be the case. The position he had pointed out must have been in some slight degree overlooked. It might be interesting to know that in Africa, where diamond mining was carried on to its largest extent by white population, the size of a one-man holding in the Transvaal was 31 feet by 31 feet, representing about 1-45th of an acre, and that in the Cape—which was a British colony—30 feet by 30 feet was the ordinary one-man diamond claim. Each individual man was allowed, he believed, to amalgamate with any number of other men, and so arose the holding of a diamond mine. But in the first instance, every individual miner was given an opportunity of pegging out 31 feet by 31 feet, and a reward claim in the Transvaal was just six ordinary claims, or $\frac{1}{8}$th of an acre. If hon. members just thought for a moment of the regulations referring to gold mining, they would find that the maximum area allowed in this colony for a gold-mining claim was 24 acres, and for an alluvial claim 70 feet by 70 feet, which latter amounted to 1-9th of an acre. Then the maximum alluvial reward claim was 600 feet by 600 feet, which was equivalent to about 9 chains by 9 chains, as against a reward claim for diamond mining of 1,600 acres. The maximum alluvial prospecting area for gold was 1,000 feet by 1,000 feet, which roughly meant 15 chains by 15 chains, as against the proposed diamond protection area of 80 chains by 80 chains. The diamond industry only ranked second after the gold-mining industry, and considering the number of people who were unemployed in the colony at the present time it was extremely undesirable that large areas, such as were contemplated by this Act, should be locked up, and miners debarred from taking up claims. His own opinion was that the diamond mining industry required a complete set of regulations for itself, and if diamonds were discovered and the industry developed, special regulations would probably be found necessary. To attain his present object, it was only necessary to move that the regulations be not approved until the protection area, the reward claim, and the mining claim had been further defined in the regulations, and had been approved by this House.

THE COLONIAL SECRETARY (Hon. G. Randell): In view of what had fallen from the hon. member, and also in view of his own inexperience in gold-mining, he moved that the debate be adjourned until next Tuesday. No objection would be offered to an adjournment, because by next week the remarks of Mr. Matheson would be in print, and hon. members

given an opportunity of considering them.

Put and passed, and the debate adjourned until Tuesday, 4th October.

## SHIPPING CASUALTIES INQUIRY BILL.

IN COMMITTEE.

On the motion of the Hon. R. S. HAYNES, the House resolved into Committee to consider the Bill.

Clauses 1 to 4, inclusive—agreed to.

Clause 5—Preliminary inquiry into shipping casualties:

HON. R. S. HAYNES moved, as an amendment, that in line 2 of sub-clause (*a*) the words "Chief Officer of Customs" be struck out and "Harbour Master" inserted in lieu thereof. We found on inquiry that this was the chief objection to the Bill. At the present time, if a casualty occurred, as the law now stood, it was the duty of the chief officer or officer residing in or nearest to the place where the casualty occurred, to hold a preliminary inquiry. Then he decided whether any blame was to be attached to anyone, and if there was blame he made the charges. At the present time the Collector of Customs did this; he framed the charges, then he conducted the case, and afterwards he was one of the board of formal inquiry which decided the case. The Collector of Customs pointed out the anomaly to the Committee, and also that a person who brought the charges naturally had a prejudice in favour of the case when he came into court. The Committee thought it would be better for a man skilled in maritime affairs to make the preliminary inquiry. A man might be an admirable collector of customs, but he might not know anything about shipping affairs. A ship might come into port at a time when it ought not to come in, or without ascertaining where the lights were, or a captain might do many things, and it was only right that a man versed in shipping should decide whether the captain did right or wrong, and handled his ship in a proper manner. The alterations he (Mr. Haynes) proposed to make would enable a nautical man to formulate the charges and to conduct the case afterwards, if it was decided to hold a formal inquiry. The bench which would try the case would know nothing about it until it came before them.

THE COLONIAL SECRETARY: Had the hon. member considered another phase of the question? Supposing an accident happened to the ship through the fault of the Harbour Master's servants.

HON. R. S. HAYNES: Sub-clause (*c*) would deal with that. He would take another case: supposing an accident occurred at Wyndham or Derby, and no Harbour Master was convenient, then, by sub-clause (*c*) the inquiry would be held by a person appointed by the Minister. The Harbour Master was the proper person to hold the inquiry. Having in view the evidence given by Captain Laurie, it was only right that a captain's certificate should be dealt with by a man who understood something about nautical business. The amendments suggested by the Committee were to bring the Bill into line with other Acts of Parliament. As the law at present stood, it was an anomaly.

Amendment put and passed.

HON. R. S. HAYNES moved, as a further amendment, that the words 'chief officer of Customs," in sub-clause (*b*), be struck out, and the words "harbour-master" be inserted in lieu thereof.

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

Clause 6—agreed to.

Clause 7—Application by person making preliminary inquiry for formal inquiry:

HON. R. S. HAYNES moved that the following words be added to the clause:—

> And where charges are to be made against the master, mate, or engineer of any ship, such person shall frame and set forth the charges in a clear and definite manner, and deliver a report of his investigation or statement of the case, and a copy of such charges, to the court at the time of making the application, and serve, or cause to be served, either personally or through the post, a copy thereof, together with a notice of the time and place of holding of the court on the person sought to be charged, a reasonable time prior to the sitting of such court.

If these words were not added there would be no machinery to bring the facts of the case before the person charged. He did not know how the person charged found out when the court was sitting, under the present Act.

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

Clause 8—Court of formal inquiries into shipping casualties and conduct of officers:

HON. R. S. HAYNES moved, as an amendment, that in line 3 of paragraph 3 of sub-clause (*f*) the words "The Collector of Customs or Chief Officer of Customs at the nearest port, together with" be struck out. Under the Bill it was proposed that the court should consist of the Resident Magistrate, the Collector of Customs, and two assessors. The Resident Magistrate was a lawyer and skilled in the administration of justice, and two nautical men would sit with him to decide the case. Why, therefore, should the Collector of Customs also have to sit? Was not the Resident Magistrate sufficient? He intended to move an amendment subsequently to enable the present Collector of Customs to be appointed the chairman of the court at Fremantle, because the present Collector of Customs had taken a great deal of interest in shipping matters and shipping disputes, and therefore it would be advisable to retain him as the chairman of the court. The next Collector of Customs might not be a suitable person to administer the law, and therefore it would be left to the Minister to appoint another person to be the chairman of the court.

Amendment put and passed.

HON. R. S. HAYNES moved, as further amendments, that in paragraph 1 of sub-clause (*f*), the words "nearest to such port: Provided that in case at the nearest port the Chief Officer of Customs shall be the Government Resident, then the court shall be formed of the Chief Officer of Customs and justice of the peace" be struck out, and that the words "at the nearest port" be inserted in lieu thereof; also that the following new sub-paragraph be added to the clause, "And in any case by any person or persons appointed for the purpose by the Minister."

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

Clause 9—Assessors at formal inquiry:

HON. R. S. HAYNES moved, as amendments, that in sub-clause 1, line 3, the words "appointed out of a list of persons for the time being appointed by the Minister, in such manner and according to such regulations (if any) as may be made with regard thereto" be struck out, and the words "summoned by the president or police magistrate, or other person holding the formal inquiry" be inserted in lieu thereof; also that at the end of sub-clause 2 the following words be added "provided that if the inquiry involves a charge against an engineer, one at least of the assessors shall be a certificated engineer;" also in sub-clause 3, line 1, the words "other than an officer of the customs" be struck out; also that in sub-clause 3, line 3, after the word "superintend" the words "and conduct" be inserted; also in sub-clause 3, after "the" the words "management of the" be struck out; also that at the end of sub-clause 3 the following words be added "and for that purpose in his discretion, to retain and employ legal assistance;" also in sub-clause 6, line 1, after the word "court" the words "or a majority of the members thereof" be inserted; also in sub-clause 6, line 2, between the words "the" and "investigation" the words "preliminary or formal" be inserted; also at the end of sub-clause 8 that the following words be added "and the rules, practice, and procedure of the local court shall, as far as practicable, be followed;" also that in sub-clause 10, line 2, after "section" the words "shall be a judicial proceeding and" be inserted.

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

Clause 10—List of assessors:

HON. R. S. HAYNES moved, as an amendment, that the clause be struck out. The intention of the framer of the Bill was that a list of nautical assessors should be made out, and that these assessors should be drawn upon at the will of the Collector of Customs. The Committee thought it would be better to strike out the list, as the Collector of Customs said that it would be absolutely unworkable; that would leave it in the hands of the chairman to select the most competent persons to sit with him.

Question put and passed, and the clause struck out.

Clause 11—power of court of investigation or inquiry as to certificates:

HON. R. S. HAYNES moved, as amendments, that in sub-clause (*a*) line 3, all the words after "default" to the end of sub-clause be struck out; also, that in sub-clause 3, line 4, the words

"with their report" be struck out, and the following words inserted in lieu thereof: "if the certificate has been granted by the Board of Trade, and on other cases to the local authority which has granted the certificate, together with the report"; also that in sub-clause 4, line 4, after the word "furnished," the words "a reasonable time" be inserted; also that in line 5, all the words after "to" be struck out, and "such holder" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Clause 12—agreed to.

Clause 13—Evidence of persons about to leave the colony:

HON. R. S. HAYNES moved, as an amendment, that in the sub-paragraph, line 4, after the word "held," the words "together with a list of charges" be inserted.

Put and passed, and the clause, as amended, agreed to.

Clauses 14 to 17, inclusive—agreed to.

Schedule—agreed to.

Preamble and title—agreed to.

Reported with amendments, and the report adopted.

## SUPPLY BILL (£300,000).

Received from the Legislative Assembly and read a first time.

### STANDING ORDERS SUSPENSION.

THE COLONIAL SECRETARY moved that the Standing Orders be suspended to allow of the Bill being passed through all stages that day.

Question put and passed, and the Standing Orders suspended.

### SECOND READING, ETC.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: It has been the practice to submit this Supply Bill, because it is necessary the Government should have funds to carry on the service of the country. I trust hon. members will support the Bill, and pass it through to-night.

Question put and passed.

Bill read a second time.

Passed through Committee without debate, reported without amendment, and report adopted.

Read a third time and *passed*.

## LOCAL INSCRIBED STOCK ACT AMENDMENT BILL.

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

## REAPPROPRIATION OF LOAN MONEYS BILL.

### COUNCIL'S AMENDMENTS.

The Legislative Assembly having intimated by message their assent to the amendments suggested by the Council, for striking out the items for two railway surveys to Mount Leonora and to Norseman, and the Assembly having made the amendments in the Bill,

The House resolved into Committee, and formally agreed to the two amendments.

Resolutions reported, and report adopted.

## JOINT COMMITTEE, OFFICIAL RECEIVER IN BANKRUPTCY.

### MOTION TO ENLARGE POWERS.

HON. R. S. HAYNES moved: "That the Committee appointed to act jointly with the Committee of the Legislative Assembly, to inquire into and report on the administration of the Bankruptcy Act by the Senior Official Receiver, be also empowered to inquire into and report upon the administration of the affairs of registered companies, of which the same officer has acted as Official Liquidator." A similar resolution had, he said, been passed in another place, and as this was a joint Committee of the two Houses, he hoped the motion would pass in the Council without discussion. It might be almost unnecessary to submit the motion, because it appeared that acting as Official Liquidator entrenched on the duties of Official Receiver, but it was only during the course of the inquiry that it had been found there was some difference between the two offices. The inquiry was in regard to the administration of the Act by this officer, and if a person involved had administered other Acts as well, and given up his time, it was desirable in order to have no dispute to make full inquiry. It was advisable, though not necessary, the Committee should be armed with this power.

Question put and passed.

## COMPANIES ACT AMENDMENT BILL.

IN COMMITTEE.

Consideration in Committee resumed, on motion moved on the previous day by HON H. G. PARSONS, that the following be added as a new clause:—

All notices of general or extraordinary meetings, required by law to be issued to shareholders upon the register of the company, shall be issued from the registered office of the company within the colony, in the case of companies whose head office is in any other colony in Australasia, not less than one month, and, in the case of other companies, not less than two months before the date of such meeting.

He said that in order to meet the representations of certain members, which seemed to carry a great deal of weight, the proposed new clause would require amendment.

THE CHAIRMAN: The proposed new clause stood in the hon. member's name, and though he would be at liberty to explain the proposed amendment, another member must move it.

HON. A. P. MATHESON moved, as an amendment to the proposed new clause, that between the words "shall" and "be" in line 3 the following words be inserted: "In case it shall be proposed at such meetings to reconstruct the company, issue uncalled or additional shares or issue debentures or sell, mortgage, or otherwise deal with any of the company's assets in such a way as to affect the interests of colonial shareholders." In moving this he would like to point out that to make such notice effective, additional words were required. Limited liability companies had articles of association governing their proceedings, and these articles always provided for notice to be given in regard to the ordinary or extraordinary meetings, and three weeks' notice was usually prescribed. A person who accepted a transfer of a share in a company, as a rule, by the form of a transfer, accepted it subject to the articles of association. To his mind, though he spoke not as a lawyer, the transferee contracted himself out of the Act and subjected himself to the articles of association. In order to make it obligatory on every company to amend their articles of association, there should be a clause to the effect that no company should carry on business in the colony unless they inserted such a stipulation in their articles. He was in doubt as to whether either House of Parliament would go that length, and he merely submitted the suggestion for their consideration.

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

New clause:

HON. H. G. PARSONS moved that the following be added as a new clause:—

On the application of any shareholder on the Colonial Register, his shares shall be transferred to the register of the head office of the company.

This new clause, he said, would meet objections which had been raised. He had had the clause drafted as shortly as possible, the Bill being extremely complicated as it was. The best way would be to pass this clause, and see how it worked, because it was the plain English of what was required.

New clause put and passed, and added to the Bill.

New clause:

HON. H. G. PARSONS moved that the following be added, to stand as clause 6 of the Bill, "A copy of the transfer register of the company shall be kept at the registered office of the company in the colony, and all alterations of such register shall within a reasonable time be entered on the colonial register." He had purposely not mentioned any time because "a reasonable time" was a term known to the law, and he did not wish to bind a company to any definite time.

HON. A. P. MATHESON: Would the hon. member supply the Committee with some information as to the utility of this proposed new clause. So far as he could judge, it would simply gratify the curiosity of some people. Very often in London, transfer offices took as much as £200 or £300 a month in transfer fees, and this amount was made up of half-a-crown fees. If these entries had to be transmitted to the colony, it would take a large staff of clerks to keep the books.

HON. J. W. HACKETT: They were given a reasonable time, and that might be five years.

HON. H. G. PARSONS: If the London office could keep one copy of the books, it could keep two. It was only reasonable that we in this colony should have full information of what was done on the

London registers. He understood that the people connected with the Great Boulder in London were perfectly prepared not only to keep a copy of the London register here, but also to send a copy of the colonial register to London; therefore a copy of both registers would be kept on both sides. He was sure reasonable time would not be construed into meaning five years. Numbers of companies were desirous of entering into this course of business. This Bill would bring the different companies into line. It was impossible to make one company keep a copy of the London register here and not the others.

HON. A. P. MATHESON: What was to be the particular advantage?

HON. H. G. PARSONS: It would be of great advantage to know what was being done on the London register, just as it would be of advantage for the people in London to know what was done here.

HON. A. P. MATHESON: It would not be known here until the value of the information was past.

HON. H. G. PARSONS: It would be better to have the information late than not at all.

New clause put and passed, and added to the Bill.

Preamble and title—agreed to.

Bill reported with amendments, and report adopted.

## HEALTH BILL.

### IN COMMITTEE.

On the motion of the COLONIAL SECRETARY, the House resolved into Committee to consider the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Interpretation of terms:

HON. C. A. PIESSE moved, as an amendment, that in the interpretation of "earth closet" the words "dry powdered earth or other" be struck out. He wished to prevent earth being used as much as possible. He would like to see inserted the words, "lime or wood ashes." If his amendment were carried, the deodorizing material to be used would be left to the discretion of the different boards. In Tasmania they did not allow dry earth to be used, and the system in that colony was satisfactory.

HON. F. T. CROWDER: They had no dry earth in Tasmania.

HON. J. W. HACKETT: Earth was the best deodorant that could be used.

Amendment put and negatived, and the clause agreed to.

Clause 4—Appointment of Central Board of Health:

HON. F. T. CROWDER moved, as an amendment, that in line 3, paragraph 2, the word "two" be struck out and "three" inserted in lieu thereof. Considering the Central Board of Health was to consist of five members, two was too small a number to form a quorum.

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

Clauses 5 to 12, inclusive—agreed to.

Clause 13—Municipal Council to constitute a local board for city or town:

HON. W. T. LOTON: Was there any necessity to have the words "in Council" after the word "Governor" in this clause?

THE COLONIAL SECRETARY: They could do no harm.

HON. W. T. LOTON: When the draftsman started he simply said "Governor," but in several other clauses he had "Governor in Council." Why was it necessary to start with the term "Governor" and subsequently to use the term "Governor in Council"? Would it not be advisable to strike out the words "in Council" all through the Bill?

HON. F. WHITCOMBE: Although the Interpretation Bill had not been finally passed, in that measure "Governor" meant "Governor in Council."

THE COLONIAL SECRETARY: There was an Act independent of the Interpretation Bill, he believed, which made the same provision. He had thought it out of place, perhaps, for him (the Colonial Secretary) to move an alteration, inasmuch as the Bill had passed through the Legislative Assembly, and the legal advisers of the Crown might have some reasons for leaving out the words.

THE CHAIRMAN drew attention to the fact that in clauses 13, 14 and 15 the term "Governor in Council" was used, whereas under clause 17 "Governor" was the term. In clause 15 both terms were used.

HON. J. W. HACKETT: It was simply bad drafting.

THE COLONIAL SECRETARY pointed out that in clause 16 the term "order-in-council" was used.

HON. F. WHITCOMBE: The only "order" that could be made was an "order in council."

THE COLONIAL SECRETARY: It would cause a lot of work to make the alteration throughout the Bill.

HON. J. W. HACKETT suggested that "in Council" be struck out. In New South Wales the term "Governor in Council" was always used, but in many of the other colonies "Governor" was inserted. This question was raised at the very initiation of responsible Government in this colony, and it was then decided to use "Governor" instead of "Governor in Council." If the Bill were left as drafted the question no doubt would be raised as to what was the difference between the two phrases. The same point arose in reference to the Education Bill, and he hoped the uniform practice of Western Australia would be adopted, and the law courts not left to decide the question.

THE COLONIAL SECRETARY: There were some Acts which the Governor performed without the Council, in connection with the transfer of prisoners and other matters.

HON. J. W. HACKETT: Those were questions of prerogative, whilst this was a question of a statute.

HON. F. T. CROWDER: In clause 16 provision was made for the appointment of a local board by order in council, and if the amendment were carried how would this clause be affected?

HON. J. W. HACKETT: The amendment did not affect the clause in the least. An "order in council" always meant an order of the Governor in Council. It was evident a mistake had been made in another place.

At 6.30 p.m. the CHAIRMAN left the chair.

At 7.30 the CHAIRMAN resumed the chair.

HON. W. T. LOTON moved, as an amendment, that the words "in Council," in line 4, be struck out.

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

THE CHAIRMAN: As it had been decided to take the words "in Council" out, these words would be eliminated as consequential amendments wherever they occurred in the Bill after the word "Governor."

Clause 14—agreed to.

Clause 15—Districts outside and not adjoining municipalities:

HON. C. A. PIESSE: The clause stated that "such local board that was appointed shall enjoy the same powers and discharge the same duties within the same district as are by this Act conferred and imposed on a municipal council of a city or town." He would like some information upon this point. Were local boards to have the same powers as a municipality?

THE COLONIAL SECRETARY: Yes; as provided by the Bill.

HON. J. W. HACKETT: As a local board of health.

HON. J. E. RICHARDSON: The clause stated that the Governor in Council might appoint any number not exceeding seven members to be a local board of health. The Governor might only appoint one or two.

HON. J. W. HACKETT: We must trust to that.

Clause put and passed.

Clauses 16 and 17—agreed to.

Clause 18—Officers of Health, appointment, remuneration, and duties:

HON. C. A. PIESSE: This clause would work a hardship. Each local board would have to appoint its own officers, and in many districts there were no doctors, and yet the clause said that the boards should appoint a local qualified medical practitioner to be the health officer. There was another difficulty; the local boards would not be able to get sufficient funds to pay for these officers. According to the Bill, each local board was bound to have a health officer, an analyst, an inspector, a secretary, auditors, and the ordinary nightmen. Then there were rent of offices and the publication of advertisements. All these expenses had to be borne, whereas the local board had only power to levy a rate up to a shilling in the £.

Clause put and passed.

Clauses 19 to 22, inclusive—agreed to.

Clause 23—Officers of local board:

HON. F. T. CROWDER moved, as an amendment, that, in line 2, the words

"subject to the approval of the Central Board" be struck out. If these words were left in, the local boards would not be able to appoint a rate-collector, or nightman, without the approval of the Central Board.

THE COLONIAL SECRETARY: This provision was in force now.

HON. F. T. CROWDER: The Bill gave the local boards power, without consulting the central authority, to dismiss their officers.

HON. C. A. PIESSE said he hoped the Committee would carry this amendment. These words took all the grit, as it were, out of the local boards.

THE COLONIAL SECRETARY: The appointment and powers conferred on the Central Board were the very essence of the Bill. Unless we had a central board with strong powers, the provisions of the measure would not be carried out properly. Local boards might make mistakes in the appointment of officers, and no harm could be done by having this provision in the clause.

HON. J. W. HACKETT: The Minister could supersede the action of the central board if necessary.

HON. F. T. CROWDER: At the present time local boards throughout the colony, before they could appoint any junior officer, had to send in the name of the man to the central board to get the approval of that body. If an officer left the local board and the local board wished to fill up the position, the board might have to wait a fortnight for the approval of the central board and, in the meantime, the work of the local board would be at a standstill.

Amendment put and negatived, and the clause agreed to.

Clauses 24 and 25—agreed to.

Clause 26—Municipal Council to make and levy public health rate:

HON. C. A. PIESSE: This clause inflicted a great hardship on small communities where it was necessary to have health boards. The power to levy a rate of one shilling altogether, in small communities, was given, but it would be impossible to pay the salaries of the officers necessary for carrying out this Bill, out of this rate. If the local boards did not appoint the officers provided for in the Bill, the central board would appoint them and then the question would crop up as to how these officers were to be paid. There was not sufficient rateable property in some small communities to pay the salaries of these officers.

THE COLONIAL SECRETARY: Small communities could combine and share the expenses of the officials.

HON. C. A. PIESSE: That would work very well in places such as Cottesloe and Claremont, but in places 20 miles apart it would not work. He suggested that where places were taxed to the utmost, some supplementary assistance should be given by the Government.

HON. F. T. CROWDER: What the hon. member contemplated would not come about. There was a power in the Bill further on to make a charge per pan. Health boards in the country would be able to raise sufficient money by taxing the land.

THE COLONIAL SECRETARY: If the hon. member looked at clause 7 he would find that local boards would get certain moneys from certain funds where the work was ordered to be done by the Government.

Clause put and passed.

Clauses 27 to 29, inclusive—agreed to.

Clause 30—Accounts to be kept by local boards:

HON. F. T. CROWDER moved, as amendments, that in line 10 the words "two guineas" be struck out, and that after "audit" the words "not less than one guinea" be inserted. The clause provided that each auditor employed by a local board should be paid two guineas. The accounts of the central board could not be audited for, perhaps, 10 or 20 guineas, whereas in small communities the accounts could be audited for one guinea.

HON. A. C. PIESSE supported the contention of the hon. member.

THE CHAIRMAN: The amendment could not be accepted. This Bill came down by message from His Excellency the Governor. The Committee could only make a suggestion.

THE COLONIAL SECRETARY: This amendment only reduced the rate to be paid.

THE CHAIRMAN: It was left an open question.

HON. F. T. CROWDER moved that a suggestion be forwarded to the Legislative Assembly that in clause 30, line 10, the words "two guineas" be struck out, and "not less than one guinea" be inserted after the word "audit."

Motion put and passed.

HON. F. T. CROWDER moved, as a further amendment, that after the words "*Government Gazette*," the words, "some paper circulating in the district" be struck out. Local boards would have enough to do to carry on with their 6d. rate, without being put to the expense of advertising in the local newspapers; and an announcement in the *Government Gazette* would be quite sufficient. To advertise an abstract of accounts in a local paper would come to something like ten guineas per annum, and no local board could afford to give it.

THE COLONIAL SECRETARY: This matter came under the operation of clause 7. The expenditure was under order of council, and had to come out of moneys appropriated by Parliament for the expenses of local boards, and the announcement ought to be inserted in the local papers.

HON. C. A. PIESSE: A proper audit of accounts was provided for, and one publication in the *Gazette* would be quite sufficient.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 8 |
| Noes | ... | ... | 4 |
| Majority for | ... | ... | 4 |

| *Ayes.* | *Noes.* |
|---|---|
| Hon. A. P. Matheson | Hon. J. W. Hackett |
| Hon. D. McKay | Hon. W. T. Loton |
| Hon. E. McLarty | Hon. G. Randell |
| Hon. H. G. Parsons | Hon. W. Spencer |
| Hon. C. A. Piesse | (Teller) |
| Hon. J. E. Richardson | |
| Hon. F. Whitcombe | |
| Hon. F. T. Crowder | |
| (Teller) | |

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

Clauses 31 and 32—agreed to.

Clause 33—Central board to make by-laws as to dairies, etc.:

HON. A. P. MATHESON suggested an amendment, that in the sub-clause providing for the registration of plumbers and gas-fitters the word "examination" be inserted between "the" and "registration." He did not see what good registration would be without examination.

THE COLONIAL SECRETARY: There was no provision that he knew of for any examining body, and, further, the amendment involved payment of fees, which was a money question, in respect to which an amendment could not be moved in this House. His objection, however, was that there was no examining body.

THE CHAIRMAN: The central board had power to make by-laws; and it was quite true the amendment entailed expenditure.

HON. A. P. MATHESON: What object could be served by registration unless a certificate of capacity was wanted? And what steps were going to be taken to prove capacity?

HON. F. T. CROWDER: If a person came up for registration he would be required to show that he was a gas-fitter or plumber, and on that he would be registered.

Clause put and passed.

Clauses 34 to 37, inclusive—agreed to.

Clause 38—By-laws:

HON. C. A. PIESSE suggested that the first sub-section, which required all cesspools to be cleansed and filled up, should also include dry wells, which were perfect death-traps, in the public schools and at other places.

THE COLONIAL SECRETARY: The word "cesspools" embraced what was intended by the hon. member.

HON. F. T. CROWDER: In the Government schools all the water ran into the dry well, and he took it that dry well would come under the same law as cesspool.

HON. F. WHITCOMBE moved that the sub-clause, which prevented the keeping of cows or goats within certain limits of the municipality, be struck out. It was not advisable to give the board of health power to define the limits. At present boards of health had sufficient powers and control, if cows and goats were not kept in a proper manner.

HON. A. P. MATHESON: The objection by Mr. Whitcombe could be endorsed. He (Mr. Matheson) himself kept a cow, and it might easily happen that a municipality or local board would prohibit

his doing so, there being nothing to define the limit. In the 17th sub-section ample power was given to prevent any nuisance from the keeping of cows, and if this sub-clause was retained the keeping of horses or fowls might as well be prohibited.

THE COLONIAL SECRETARY: The clause ought to be retained because it would not do to keep cows, say, in the centre of Perth.

HON. F. WHITCOMBE: If there was no nuisance, why not?

THE COLONIAL SECRETARY: This provision was already made in 59 Vic. 35, s. 3, and it had caused no inconvenience, and it would not be put into operation unnecessarily.

HON. F. T. CROWDER: The sub-clause was ridiculous, because ample provision was made against keeping animals which were a nuisance or injurious to health. Cows were certainly no more of a nuisance than horses. A lot of families even in the middle of the city kept cows for their own use, and there was no reason why they should not.

HON. H. G. PARSONS: The sub-clause was rather legislating for the city and neglecting the outlying towns. Goats on the fields were a great convenience, and to keep them was much better than being compelled to buy adulterated milk. In St. Kilda, Victoria, where he was brought up, people kept cows, and they were not found to be a nuisance. Cows did no more harm than horses, and in country districts, or towns in a state of transition, cows and goats ought to be allowed.

HON. J. E. RICHARDSON: The sub-clause ought to be struck out. Such a provision might be all very well for large cities, but in a place, say, like the new municipality of Claremont, such a power ought not to be given to the local body.

Amendment put and passed, and the sub-clause struck out.

HON. F. T. CROWDER moved that in sub-clause 38 between the words "of" and "and" the words "poultry yard" be inserted. The amendment was moved on the ground that more disease was spread from poultry yards than from stables.

Put and passed, and the clause, as amended, agreed to.

Clause 39—Inspector to prosecute for breach of by-laws:

HON. C. A. PIESSE suggested that the clause be struck out. If the inspector was to have all this power, why give the boards any power at all? The inspector ought to consult the board before he took action, otherwise hardship might result.

Clause put and passed.

Clause 40—agreed to.

Clause 41—Prohibition of the mixing of injurious ingredients, and of selling the same:

HON. F. T. CROWDER moved as amendments that in line 3, the word "whether" be struck out, and "if" inserted in lieu thereof; also that in line 4, after "health," the words "or not" be struck out. The clause provided that no ingredients should be used "whether such ingredients be injurious to health or not," and it was this provision he desired to amend. If the clause were passed as drawn, it would mean that no confectionery or lollies could be coloured, no matter how harmless the ingredients were. Surely the intention of the Act was that only injurious coloured ingredients should not be used.

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

Clause 42—Prohibition of the mixing of drugs with injurious ingredients and of selling the same:

HON. F. T. CROWDER said he desired to move a similar amendment to that made in the previous clause. If a druggist coloured his mixtures with injurious ingredients, he would be liable to a penalty, but it was monstrous that a man should not be allowed to use colour that was not injurious to health.

THE COLONIAL SECRETARY: If the hon. member looked at the words "except for the purpose of compounding" he would see that the amendment was unnecessary.

HON. F. T. CROWDER: An amendment was, perhaps, unnecessary in view of that amendment.

Clause put and passed.

Clauses 43 to 50, inclusive—agreed to.

Clause 51—Prohibition of sale of milk of diseased cows:

HON. F. WHITCOMBE moved that, in line 4, the words "to his knowledge" be struck out. The onus of proving cows to be free from disease should be placed on the person who offered the milk for sale,

or who procured it from the cow, otherwise the inspector would have to show that the owner of the cows knew that they were suffering, and that was a most difficult thing to prove. The penalty rested entirely in the discretion of the court, and no doubt, if a man had innocently offended, a heavy penalty would not be inflicted.

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

Clauses 52 to 91, inclusive—agreed to.

Clause 92—Overcrowding in houses:

HON. C. A. PIESSE: Would the fines for overcrowding go to the boards or would they be paid into the general revenue?

THE COLONIAL SECRETARY: That was provided for in the last clause of the Bill.

Clause put and passed.

Clause 93—Prohibition to occupying cellar dwellings:

HON. F. T. CROWDER: Large buildings were erected in Perth with underground rooms properly ventilated, and having windows, and many people preferred these rooms for coolness. If these rooms were used for sleeping apartments, the landlord of the house would be liable to a fine. There were many rooms underground in De Baun's Hotel, and in other large hotels, but if this clause was passed as it stood, these underground rooms, although properly ventilated, and having windows, could not be used, although they were very healthy rooms to live in.

HON. F. WHITCOMBE: The clause provided for cellars which were to be occupied separately as a dwelling. If storeys in large buildings were let independently of the building, the fine could not be inflicted.

HON. H. G. PARSONS: In the country a man might dig a hole in a hill so as to have a cool place to live in, but if he did so, according to this clause, he would be liable to a penalty of £20 for every day he lived there.

HON. F. T. CROWDER: Different storeys in large buildings were let separately. He feared that the letting of underground rooms would be contrary to the Bill.

Clause put and passed.

Clauses 94 to 97 inclusive—agreed to.

Clause 98—Houses of persons receiving infants for nursing to be registered:

HON. F. T. CROWDER moved, as amendments, that in line 2 the words "more than one infant, or in the case of twins more than two" be struck out, and the word "any" inserted in lieu thereof; also that in line 4 the word "their" be struck out, and the word "his" be inserted in lieu thereof. A case came up the other day in which a woman had been in the habit of taking, every now and again, a baby in to nurse, and getting rid of it by popping it into a hole in the back yard. This clause as it stood would allow this system to go on. If a person kept one child, and, in the case of twins two children, that person was not now compelled to register. If a person kept an infant more than 24 hours, that infant should be registered. This provision would not affect guardians or relatives.

HON. C. A. PIESSE: What the hon. member had proposed was necessary.

THE COLONIAL SECRETARY: The object which the hon. member had in view was a good one, but there might be a case in which a parent would make an arrangement with a friend to take charge of a child, or even two or three children, as a pure friendly act, and to take the responsibility of the parent for the time being. Such a case as this might come under the clause, and the person taking the children would have to register. In the case of one parent being dead, the other parent would be precluded from taking advantage of an opportunity of having the children brought up properly by a friend.

HON. F. T. CROWDER: The term "guardian" would cover that case.

HON. E. McLARTY: This clause provided only for those who took in infants for hire and reward.

THE COLONIAL SECRETARY: The case he mentioned would be for fee or reward.

HON. F. WHITCOMBE said he would like to see the amendment go further and to cut out all the words after "received" in the first line, leaving out altogether the question of hire and reward, then all persons receiving children would be compelled to register.

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

Clauses 99 to 103, inclusive—agreed to.

Clause 104—Death of an infant received for nursing:

HON. F. T. CROWDER suggested that in lines 1 and 2 the words "twenty-four" be struck out, and "twelve" inserted in lieu thereof. The Bill further on provided that a boarding house keeper should report a death within twelve hours, and he did not see why the death of an infant received for nursing should not be also reported within twelve hours.

HON. W. T. LOTON: In the event of a child dying at three o'clock in the afternoon, the keeper of the house would have to get up in the middle of the night to report the death.

Clause put and passed.

Clauses 105 to 116, inclusive—agreed to.

Clause 117—Infectious diseases to be reported:

HON. F. T. CROWDER suggested as amendments that in line 7, the words "as respects any particular district" be struck out; also that in the same line the words "or contagious" be inserted between "infectious" and "disease." This clause stated that certain diseases should be reported on, and he desired that the doctor should report infectious or contagious disease without any limitation. There were one or two very bad diseases which were not specified, and it should not be left optional to the local board to ask the doctor to report on them. A common lodging house keeper had to report all infectious or contagious disease, and the same duty ought to be placed upon the doctor.

HON. W. T. LOTON: But why strike out "as respects any particular district?"

HON. F. T. CROWDER: The clause provided that the doctor had only to report certain infectious diseases if ordered specially by the local board to do so.

THE COLONIAL SECRETARY: That was not the right reading, as the hon. member would see if he observed the words "to which the Act has been applied by the local board." What would be the use of a doctor reporting outside the local board district? The insertion of the word "contagious" would meet what the hon. member required.

HON. F. T. CROWDER moved, as an amendment, that the words "or contagious" be inserted between "infectious" and "disease."

HON. F. WHITCOMBE: From the reading of the clause it would appear that it applied not to the "district" but to the "disease." No doubt the clause meant something, but at present it appeared to him to be nonsense, and the Colonial Secretary was responsible for seeing it put into workable shape.

THE COLONIAL SECRETARY: This provision might be taken to be in a workable shape, since it had been in operation since 1890. He took it that it meant any house in any district in which the Act applied, and if it was within any district embraced by the operation of the Act, the doctor had to report to the local board.

HON. F. WHITCOMBE: The clause did not read that way

Amendment—that the words "or contagious" be inserted—put and passed, and the clause as amended agreed to.

Clause 118—Duty of local authority to cause premises to be cleansed and disinfected:

HON. F. T. CROWDER moved, as an amendment, that in line 5, between the words "infectious" and "disease," the words "or contagious" be inserted.

Put and passed, and the clause as amended agreed to.

Clauses 119 to 129, inclusive—agreed to.

Clause 130—On default by local boards, chairman may be ordered to provide hospitals, etc.:

HON. C. A PIESSE asked the Colonial Secretary whether the clause meant the Government would bear half the cost?

THE COLONIAL SECRETARY: The clause meant that if there were no funds to build, the funds must be provided by Parliament.

Clause put and passed.

Clauses 131 to 183, inclusive—agreed to.

Clause 184—Prohibition of feeding swine on refuse:

HON. E. McLARTY: In this clause it was provided that pigs should not be fed on blood or offal, unless the latter were cooked. This would prove a hardship on butchers, and was, moreover, a clause for which there was no necessity, and which could never be carried out, especi-

ally in country places. He suggested as an amendment that in lines 2 and 3, the words "upon any blood or offal, unless cooked, or," be struck out.

HON. D. McKAY: The provision could be evaded in the country, but it would prove useful in the towns.

THE COLONIAL SECRETARY: The danger was that tuberculosis and pneumonia-affected cattle were killed without people knowing that the animals were suffering from these diseases, and the offal was given to the pigs, and the diseases were spread. This clause had received great consideration in another place, and the arguments which Mr. McLarty was now using were then put before the Assembly. He took it that this clause was intended to apply to public slaughter-houses, and large slaughter-houses principally, to prevent injurious effects following from the slaughter of diseased animals, the offal from which was given to pigs in its raw state. Looking at the clause from that point of view, it was an important one. There was a real source of danger from pigs eating uncooked diseased offal, and there was something repulsive to him about it. If the hon. member wished to amend the clause he had better move to postpone it and look into the matter.

HON. C. A. PIESSE: Pigs in country districts ate all the offal from diseased animals; they ate dead horses and dead sheep which died from all kinds of diseases. The only way to get over the difficulty was to provide that no pig should eat any offal.

HON. J. W. HACKETT: How could we keep a pig from eating offal?

HON. C. A. PIESSE: That was the trouble. Hundreds of pigs roamed about at their own sweet will devouring the carcases of diseased animals. The clause ought to be struck out.

HON. E. McLARTY: This provision might prevent the spread of disease in the country, where there was a great deal of slaughtering done, but the clause would not be effective unless it was made general, and if it was made general it would not be carried out. The provision would hamper butchers, and give them a great deal of unnecessary work. There was not much danger from the pigs eating uncooked offal.

Clause put and passed.

Clauses 185 to 243, inclusive—agreed to.

New Clause:

HON. F. WHITCOMBE moved that the following be added to the Bill to stand as a new clause:—

> Upon information laid before any justice of the peace that any person is reasonably suspected of being a leper, the chairman of the local board of health of the district in which such suspected leper shall then be, or in which he was last known to reside, may issue a warrant, and thereupon such suspected person shall be arrested and brought before the said chairman, and then and there, or so soon thereafter as conveniently may be, shall be examined by the health officer of the local board and two other legally qualified medical practitioners, who may thereafter give the certificate required by section 112 of this Act.

The law as it stood provided for certain measures being taken in the case of leprosy, but it did not confer any power upon anybody to compel an examination of a leprous suspect. It was highly desirous that power should be given that any person who was reasonably suspected to be suffering from leprosy should be examined. The information would have to be supported by the opinion of a medical man, and in that case no injustice would be done.

THE COLONIAL SECRETARY: No legislation of this kind, so far as he was advised, was in force in any British community.

HON. F. WHITCOMBE: In New South Wales there was a law to this effect.

THE COLONIAL SECRETARY: He was informed that was not so.

HON. F. WHITCOMBE: Mr. Haynes had informed him that it was the law in New South Wales.

THE COLONIAL SERETARY: This was a very important clause, but there was an element of danger in it. It interfered with the liberty of the subject.

HON. J. W. HACKETT: Any one who had a grudge against another person could have that person arrested on suspicion of being a leper.

THE COLONIAL SECRETARY: Yes; it would place a person at the mercy of an unprincipled man, and in that case it would cause distress and trouble and injury.

HON. J. W. HACKETT: It would ruin a man.

THE COLONIAL SECRETARY: Yes; it would ruin a man for life. Just now an inquiry was being held by a Select Committee in reference to persons supposed to be suffering from leprosy, and it was reported to the Committee that a certain person was suffering from leprosy, but he believed there was no foundation for the report. He (the Colonial Secretary) had known the man who was suspected, for the last 46 years, and he was certain that the man was not suffering from any disease of the kind. The suspect had submitted himself to be examined by doctors before the Select Committee of another place, and he believed the doctors had pronounced him not to be suffering from the disease. We should not be scared by statements which had recently been made in the public press about cases of leprosy, as he believed they were not founded on fact. He would object to this proposed new clause, as anyone might be exposed to great danger. Although the object the hon. member had was a good one, still there was an element of danger about it.

HON. F. WHITCOMBE: Under the circumstances, would the Colonial Secretary inform hon. members of the Council why clause 112 was inserted in the Bill, and how it could be carried into effect? It was not likely that any person suffering, or supposed to be suffering from leprosy, would submit himself willingly to be examined, and there was no power to compel such a person to be examined. Clause 112 was worth nothing unless some machinery for compulosry examination was provided. If we took a lesson from the other colonies, we would act promptly, and provide this necessary machinery. It was all very well for the Colonial Secretary to ask where a law for the compulsory arrest of suspected lepers was in force. If the hon. gentleman had taken the trouble to study the laws of Queensland and New South Wales, and the regulations in force in the northern territory of South Australia, he would have found that in the two former colonies compulsory arrest was necessary, and that in the northern territory such cases were provided for. In Western Australia we were as liable to be attacked by this disease as were people in the other colonies; and the Bill ought to be complete.

THE COLONIAL SECRETARY: The law proposed in the Bill was all the law there was in Victoria.

HON. F. WHITCOMBE: Victoria was a nice little place where you could see everybody, and, probably, in Melbourne there was more leprosy than in New South Wales, as a consequence of there being no means in Victoria of checking the disease, and compelling retirement of infected persons from crowded centres. Because this compulsory examination was not in force in Victoria or England, or other places, was no reason why it should not be put in force in Western Australia. It was childish to say a scare had been raised in the newspapers, and that no steps should be taken until there was an outbreak. Legislation in this colony had anticipated an outbreak of leprosy by the introduction of clause 112 in the Health Bill, and if that were anticipated, why should it not be provided against? If the matter had been overlooked in the other House, it was the duty of the Council to fill in the discrepancy. Some hon. members were particularly pitiful of the sorrows of others, and afraid some persons should be victims of the spite of another. The machinery proposed that the information should be laid before a justice of the peace.

HON. J. E. RICHARDSON: By any one?

HON. F. WHITCOMBE: If the Government preserved the same caution in the appointment of justices of the peace in future as they had in the past—and it would ill become a member of the Government to say otherwise—some guarantee would be provided that the information laid would not be taken too hastily. The information would not be received until it was endorsed by medical opinion, and then after the information was laid, the chairman of the local board had discretion as to whether the warrant should be issued; and that officer, with a due sense of his responsibility, would be in no haste to issue a warrant. He would make all inquiry, not allowing any delay which might prove dangerous. If the justice of the peace and the chairman of the board were not sufficient safeguards, then it would be difficult to provide safeguards, at any time, in the colony. His (Mr. Whit-

combe's) duty was ended when he submitted this clause, and any responsibility for the results of its rejection would lie on hon. members.

THE COLONIAL SECRETARY: There were a number of cases of eczema and other skin diseases which might be mistaken for leprosy, and it would be a terrible thing to lay an information against a victim of such diseases, and make him undergo the ordeal.

HON. J. W. HACKETT: And make him an outcast for ever.

New clause put, and declared negatived.

HON. F. WHITCOMBE called for a division.

THE CHAIRMAN: There was only one voice for the ayes, and the hon. member could not call for a division.

On the motion of the COLONIAL SECRETARY, progress was reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 9.15 p.m. until the next day.

# Legislative Assembly.

*Wednesday, 28th September, 1898.*

Paper presented—Question: Supreme Cou Counsel and his relation to a Judge—Deat of the Premier of Queensland: Motion Sympathy—Official Receiver in Bank ruptcy, Joint Committee: Motion to Ex tend Time—Public Education Bill, Legi lative Council's Amendments—Local In scribed Stock Act Amendment Bill, thir reading—Official Receiver in Bankruptcy Joint Committee: Motion to Enlarg Powers; Notice of Motion for Correspon dence—Motion for Papers: Sub-Accountan of Works Department, Dismissal—Motion Rebate on Dutiable Articles (Potatoes)- Motion: Penal System and Commission Inquiry; to Disapprove Appointments- Department of Mines: Policy and Ad ministration—Motion: Esperance-Norse man Railway, to Construct by Privat Enterprise; Division (negatived) — Ad journment.

The SPEAKER took the chair at 4.3 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Acclimatisation Com mittee, Report.

Ordered to lie on the table.

QUESTION: SUPREME COURT COUNSE AND HIS RELATION TO A JUDGE.

MR. LYALL HALL asked the Attorne General if he knew whether Mr. Hens man, the junior counsel in the case o Noyes v. Haywood and Sons, was any re lation of the judge before whom the cas was tried.

THE ATTORNEY GENERAL (Hon R. W. Pennefather) replied: Yes.

DEATH OF THE PREMIER OF QUEENS LAND: MOTION OF SYMPATHY.

THE PREMIER (Right Hon. Sir J Forrest): Before we proceed with th business of the day, I have a sad dut to perform, for I have to ask the Hous to agree to a resolution expressing ou sorrow at the untimely death of the Prim Minister of Queensland, and also askin this House to express to the Parliamen and people of Queensland our sympath with the members of that Parliament i