

Mr. HARRISON: Are workmen's inspectors also included in the operation of this clause, or does it apply to district inspectors only?

The MINISTER FOR MINES: The first part of the clause applies to district inspectors only, but the remainder applies to all mining inspectors.

Amendment put and negatived.

Clause put and passed.

Clause 14—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 11.25 p.m.

Legislative Council,

Tuesday, 21st September, 1915.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Jetties Regulation Act, 1878—charges for storage at the Esperance Jetty. 2, Health Act, 1911-12—(a) adoption of Parts II. to VI. and VIII. to X. of the model by-laws: (b) by-laws. 3, S.S. "Lalandia"—cable from the Agent General for Western Australia in connection with the State steamer.

JOINT SELECT COMMITTEE, HORSE-RACING CONTROL.

Extension of time.

On motion by Hon. F. Connor (North) the time for bringing up the report was extended for a fortnight.

JOINT SELECT COMMITTEE, MONEY BILLS PROCEDURE.

Extension of time.

On motion by the Colonial Secretary (Hon. J. M. Drew—Central) the time for bringing up the report was extended for a fortnight.

QUESTION—GOVERNMENT OFFICES IN PRIVATE BUILDINGS.

Hon. A. G. JENKINS asked the Colonial Secretary: 1, What annual rent are the Government paying to the A.M.P. Society for office accommodation for (a) the Agricultural Bank, (b) Industries Assistance Board. 2, For what term have the Government leased the said offices? 3, What annual rent were the Government paying to the owners of Emanuel Buildings for the premises formerly occupied by the Agricultural Bank? 4, When does the lease of these premises expire? 5, Are these offices now vacant, if not, what rent are the Government receiving from them? 6, Were the buildings formerly occupied by the A.M.P. Society offered to the Government, or did any negotiations take place in regard to purchase? 7, If yes, what were the terms of the offer, stating particularly the amount of cash required to be paid?

The COLONIAL SECRETARY replied: 1, (a) £581 15s., (b) £665 5s. 2, Two years for whole of No. 2 floor and 12 months for two rooms on No. 3 floor. 3, £1,040. 4, 29th February, 1916. 5, Yes. Nil. 6 and 7, Yes. The managing trustee saw the resident secretary of the A.M.P. Society and ascertained that the building could probably be purchased by the Government for £16,000, and payment could be made by Treasury Bills.

MOTION — PUBLIC WORKS, AUTH- ORISATION BY PARLIAMENT.

Hon. J. F. CULLEN (South-East)
[4.36]: I move—

1, That, in the opinion of this House, the Government should introduce legislation to provide that no public work, undertaking, purchase, or addition to a public work (except as authorised by the Railway Act), the estimated cost of completing which exceeds £20,000, shall be commenced unless sanctioned by Parliament. 2, That the foregoing resolution be communicated to His Excellency the Governor.

The PRESIDENT: I think we will take the two matters separately.

Hon. J. F. CULLEN: Very well. Administration under the British Parliamentary system is largely based on the principle that the Executive can only expend moneys voted by Parliament, and the only exception to this principle recognised by constitutionalists is that during Parliamentary recesses exigencies may justify an Executive in exceeding votes of Parliament or expending money on lines which Parliament has previously sanctioned. In such exceptional cases, it is always the course to consult Parliament as soon as opportunity offers to bring up the items of unsanctioned expenditure for approval or at least for condonation. The reason why I have tabled the motion is that the Government of this State have violated this principle of constitutional government repeatedly, deliberately, and flagrantly. They have launched new works, new undertakings, new purchases involving hundreds of thousands of pounds entirely behind the back of Parliament, and without even a pretence of urgency. Take, for instance, the steamship service, the timber mills, the brickworks, the meat and fish-shops—all these are instances of works on which Parliament should have been consulted and for which appropriations should have been asked in the ordinary way. But the Government, behind the back of Parliament, secretly and entirely on their own responsibility launched all these works. The first thing that Parlia-

ment heard of them officially was in items on Appropriation Bills asking for money to foot the bills the Government had incurred. It might be superficially said that if such undertakings prove a success, there will be financial salve for the wounds to the Constitution. It is hardly necessary in a House like this to point out that, whether these unconstitutional actions are successes or woeful failures is entirely beside the question. The question is that the Government, without any urgency, without any exigent circumstances, have gone behind the back of Parliament, made their secret bargains, launched their enterprises on their own responsibility, and then have come to Parliament for the money to be voted. This places Parliament on the horns of a dilemma: Parliament must either repudiate these pledgings of the honour of the country or must condone these unconstitutional and dangerous exercises of Executive authority. As a matter of demonstrated fact, whenever the Government have gone behind the back of Parliament and made secret bargains, the country has nearly always been victimised; in every case the country has been injured, and in most cases the losses have yet to be fathomed. But the point is not whether losses occur, but whether it is not dangerous for Parliament to allow the Government to continue to make secret bargains and secret contracts, instead of coming openly to Parliament and laying their plans and proposals before the people's representatives. The gullibility of Ministers of the Crown, not all of them, but certain of them, is simply amazing. It reminds one of the wayback's experiences on his first visit to the City when he falls into the hands of confidence sharks. For years past it has been open for any adventurers to come to certain Ministers here and say, "Do not trust those old established firms who have got reputations to lose. Do not trust the old business firms. Pin your faith to us, for we, like you, are new." It has been open to any adventurers to come along and say to Ministers, "Here is the bargain of a lifetime," and certain Ministers have jumped

at the bargain. Little fishes are not in it with the readiness to be caught of certain Ministers; and the country has to pay the cost. The admitted cost of the experiment over Nevanas & Co. is serious enough already, but it will be found that that is by no means all the cost. The conundrum of McArdle, Bell & Co.—a name the country had never heard before—has already cost £6,000, and it is not solved yet. The country will not be satisfied without more light on that wicked throwing away of £6,000 behind the back of Parliament. As for the powellising contract, Ministers are only now beginning to prick up their ears and to wonder what will be the end of the burden which that secret contract will cast upon the taxpayers of this State. It is not in reason to suppose that administration of this sort can escape loss and heavy damages. In ordinary private enterprise all the light of day is sought, and how much more should the light of day be let in on every affair of State, on every transaction for which Parliament and ultimately the taxpayers will be responsible! I do not wish to labour this matter at all, but I want to emphasise the point that it is high time this system of secret contracting, this trampling on the very foundation principle of British Parliamentary administration, should be ended. I think the motion I have submitted offers a fair way of ending this danger, and it is not a new, untried way. A quarter of a century ago the Government of New South Wales voluntarily introduced it as a restriction on their own administration, and Parliament adopted it almost unanimously, and it has been the law of New South Wales ever since. No Government of New South Wales, the richest State of all, can commence an undertaking, or a work, or a purchase, involving any sum in excess of £20,000 without the express sanction of Parliament. Quite recently the Commonwealth Government have adopted a similar restriction, and it is now Commonwealth law. I want to be fair to the Government of this State. They have twice submitted this very proposal to Parliament as part of a larger proposal. They submitted it as part of

their proposal for a standing committee of politicians on public works. Now, this House has refused to accept the principle of a political committee on public works; and I submit that it has wisely refused. I for one know a great deal about the working of such a committee in another State. Its working there is unsound and dangerous. I am referring to this now because I have no doubt that when the Colonial Secretary honours me with a reply he will say, "Why did not the Legislative Council accept this very restriction at the hands of the Government when twice presented to the House?" The answer is that this House refused to accept the proposal because it came as a mere incidental of what the majority of this House have looked upon as a dangerous proposal. How would that proposal work—a standing committee of members of both Houses to advise on public works? I will tell the House how such a committee has worked in another State. Not the most capable members, not members with expert knowledge on public works, have been appointed to that committee, but members who have begged and prayed individually other members of Parliament to give them the emoluments of the position. They said, "We expected something we did not get; so give us this." They have gone to Ministers who nominate the committee and said, "We must have something; at all events put us on the Public Works Committee." Therefore, that political tribunal for investigation and advice has proved utterly unsound and unreliable. Then I shall be asked how the committee continues to live if it is unsound and unreliable, and why it has not been ended. Just because there are some things that cannot be ended. If one creates additional billets, and if there are a number of men holding those billets, and a far greater number of men expecting the reversion of those billets, it is impossible to abolish them. That is the main reason why such recourse to a political committee of advice is dangerous and yet lives. I hope the Colonial Secretary will not try to answer me by saying, "This House could have had the very proposal you have brought up, and this House has

twice refused it; why are you asking for it again?" My answer to him would be that the Government, having twice proposed this very thing as an incidental, surely cannot refuse it by itself, now that the trouble which the proposal was to remedy has reached such a serious pass. The Government, having twice proposed this very restriction on their own administration, cannot refuse my motion. I do not say they will not refuse the motion, but they cannot refuse it consistently. I wish to explain why I have submitted the second paragraph of the motion. The usual course is when one House passes a resolution to refer it to the other House. I have deliberately departed from that course because I am convinced that, were the course adopted, my motion would never reach the Executive. It may be remembered that a little time ago a very important report was adopted in this House. Had that report been communicated to His Excellency the Governor it would have gone officially to the Executive, whatever the Executive might have chosen to do with it. But, without consultation with the mover and seconder, a further motion was submitted that the report be sent to the other Chamber with a request for concurrence. That was done deliberately with a view to having the report killed, with a view to humiliating this Chamber, and with a view to having the effect of this Chamber's action undone. When that motion was carried and the report left this Chamber, there was an end of it.

Hon. W. Kingsmill: What report was that?

Hon. J. F. CULLEN: The report on the retirement of Captain Hare, the ex-Commissioner of Police. I shall ask the House to have this motion sent to His Excellency the Governor so that it may come before the Executive in a formal way. I have every confidence in submitting my motion to the House and I have every confidence in the fairness of the Colonial Secretary who, I feel sure, will afford an opportunity for a vote to be taken upon the motion in due course, for the hon. gentleman has always met members in a manly and honourable

spirit. I submit the motion on strong grounds. The unconstitutional expenditure of money by the Executive behind the back of Parliament has reached such a pitch that it has become a public scandal, and cannot go on. The remedy proposed by my motion is one which Ministers themselves have twice proposed to Parliament. My motion simply asks the Government to adopt the restriction by itself without tacking it on to a proposal for a political tribunal of investigation and advice in connection with public works. I commend the motion to the House.

Hon. Sir E. H. WITTENOOM (North) [4.58]: I should like to say a few words in support of the motion. I have listened with great pleasure to the excellent speech of the mover, and congratulate him on submitting the motion to the House. The subject is one upon which personally I feel very strongly. As a member of Parliament I resent, and resent strongly, the action of the present Government, or of any other Government, in spending money which has not been voted by Parliament. The members of the Parliament of this country are sent to the Legislature for the purpose of voting and expending to the advantage of the State the money that is raised by taxation and other means; and the Government are placed in their position for the purpose of administering the expenditure of money as it is voted by Parliament. Our Constitution, I think, provides that no money can be legally expended by the Government unless it has been voted by Parliament. If the Government can ignore Parliament and spend money in excess of any votes made by Parliament, it is time Parliament should be dissolved, for we are no use in the country at all; because the most important part of our duties is to control the expenditure and see that the money is administered in the interests of the taxpayers. A great many will say that some of the usefulness of Parliament lies in its legislative enactments. This is important to a certain extent, but the administration of the finances of the country is far more important. We have

many instances of the unauthorised expenditure of money. Take the most important we have had in recent years, namely, the purchase of steamers. This transaction was made a little time before Parliament met. I heard a rumour that steamers had been purchased, but I could not believe it, because I wondered where the authority came from. Nevertheless I found it was true; the money had been spent, and I learnt that it was taken from a vote of £200,000, which the previous Liberal Government had placed on the Estimates as an urgency vote which might be required in a contingency. It has always been my impression that no money can be spent without the warrant of the Governor. If that is so His Excellency must be assured of his justification for signing the warrant. Then, on what grounds could the Governor have signed the warrant for the purchase of those steamers? I find that His Excellency was advised by his Executive that he be granted the money out of this vote placed on the Estimates for urgency purposes. It seems to me that is exceeding the powers of the Government altogether, and is taking from Parliament the right to make those purchases. In these circumstances I am quite in accord with the motion, and I will be very glad to see it laid down that no Government, Liberal or Labour, shall be allowed to spend more than the sum named without proper authorisation. Of course there are times when it is necessary for the Government to make certain unauthorised expenditure, but it ought to be only under exceedingly pressing circumstances, in which case it can be easily explained when brought before Parliament. Much expenditure goes on these days in a secret manner, Parliament hearing nothing about it until the purchase has been made. Why should there be any secret about this expenditure, these purchases, and these contracts? Is there any necessity for secrecy? Surely if there is to be an undertaking the public can be trusted with it, and it can be explained that we are going in for meat works, or for brick works, or for a powellising scheme, and that it will cost money. Why

does not this all come out plainly, instead of our having to drag it out of Ministers? I remember reading, the other day, remarks made in another place about people talking gutter stuff and making all sorts of insinuations. How can we expect the man in the street to thoroughly understand without proper explanation what is going on? If these financial arrangements were conducted without this secrecy it would be not only to the advantage of the public, but to the advantage of the Government. I am altogether opposed to this system of spending money without warrant or authority and overriding Parliament in this way. Another question: We have a deficit of nearly a million and a quarter. Whatever has caused that deficit has had to be paid for. A million and a quarter has had to be found from somewhere; because, surely, we do not owe it to the people who gave the services. Under what authority has that million and a quarter been paid away, and where has it come from? The answers to these questions should be very interesting. If it has been found from loan money, on what authority has loan money been used for it? Such a loose method has been adopted in dealing with finances that, as far as I can understand, the Government do not seem to worry about any authority whatever. We have heard of a recent expenditure of an immense amount for a new steamer; yet nothing has been brought before Parliament. One would think the Government would like to discuss the matter with Parliament, seeing that it is supposed to be in the interests of the country and, therefore, there is no necessity for keeping it from us. Suppose this sort of thing occurred in any commercial company. Take my own case: If I in my position as a director or manager of some company were to go on spending money without authority, what would the shareholders and other directors say to me? It is exactly the same position. I may think I am doing wonderfully well in the interests of the company, but I am doing it entirely without authority. I am not going to say that the Government are not imbued with the

idea that they are spending the money to advantage; but it is an idea that I and a good many others do not share with them. We may be mistaken but, judging by the results and by the deficit, I hardly think we are. I am glad to have had an opportunity of protesting against this system, now so common, of spending money without the authority of Parliament. It is a wholly unconstitutional practice. I have pleasure in supporting the motion.

On motion by the Colonial Secretary debate adjourned.

BILLS (3)—FIRST READING.

1. Sale of Liquor Regulation.
2. Permanent Reserve.
3. Mines Regulation Amendment.

BILL—GOVERNMENT ELECTRIC WORKS ACT AMENDMENT.

In Committee.

Resumed from the 16th September; Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 3, to which an amendment had been moved by Mr. Allen, that in lines 2 and 3 the words, "otherwise than to a Government department, or agency (State or Commonwealth)" be struck out.

The COLONIAL SECRETARY: I am opposed to any amendment, particularly the amendment before the Committee. If that amendment be carried we shall be in much the same position as before. We shall be able to carry a line through Fremantle, but not to supply electricity, except to the Harbour Trust. We shall not be able to supply to the railway station, notwithstanding that the Commissioner for Railways is controlling the tramways and the power house. Again, in the case of the Hospital for the Insane, if that institution is within the borders of the Claremont municipality we shall not be able to supply it with electricity, although the cost of electricity to that institution at present is a very big consideration, and would be considerably re-

duced if the Government could supply it with electricity from their own power house. I hope that hon. members, having so strongly affirmed the principle of the Bill, will not withdraw from the position they have taken up.

Amendment put and negatived.

Hon. J. F. ALLEN: I have another amendment to move—

That the words after "local authority" in the proviso be struck out.

The object of the amendment is to prevent the Government entering into competition with private enterprise. Authority has already been given the Government under this measure to pass through the territories of local governing bodies for the purpose of supplying their own requirements in other districts, and if the clause be passed, even with the amendment, the Government will still have the right to supply themselves with electric current. The amendment is aimed at preventing the Government from supplying private people with current in those districts in which the local governing bodies have not established electric works. Those local governing bodies might desire in the future to establish electric works and thereby secure those privileges at present retained to local governing bodies which have established works. The amendment cannot be classed as parochial, because it will in no way affect Fremantle.

The COLONIAL SECRETARY: I fail to discover the object of the amendment; and if it has been asked for by any local authority which has not hitherto established electric works, I think such local authority is adopting a more or less "dog in the manger" policy. Why should the Government be prevented from taking its current into the territory of any local governing body in which works have not been established? There may be large factories there which require the power the Government is in a position to supply. This amendment would prevent the Government from supplying that power, even though in doing so the Government would not be entering into competition with the local authority.

Amendment put and negatived.

Clause put and passed.

Clause 4—Amendment of Section 7:

Hon. J. F. CULLEN: I move as an amendment—

That the word "Minister" in line 10 be struck out and the words "resident magistrate" inserted in lieu.

Under the clause the Minister is given final power over all works contemplated under the Act, and the appeal provided for is in effect an appeal from the Minister to the Minister. I maintain this should not be. It would be better if it were proposed that the appeal should lie to an arbitrator under the Arbitration Act. At least there should be a proper appeal.

Hon. J. DUFFELL: If the Bill becomes law it will not be unalterable, like the laws of the Medes and Persians. If it be found that the Minister is acting in an arbitrary manner Parliament will be very soon apprised of the fact by the local governing bodies, and it will then be time to introduce an amendment to the clause. I do not feel disposed at the present time to accept the amendment suggested by Mr. Cullen; I am prepared to support the clause as it stands.

The COLONIAL SECRETARY: The details suggested by the mover of the amendment would never come before the Minister, as the Commissioner has every power under the Act regarding the placing of poles and electric lines. If, however, appeals became necessary such appeals should be to the Minister. The local authority would approach him and state its case, and if any injustice had been done the Minister could be depended upon to rectify it. Personally I see no objection to the amendment, but I think it would be in the interests of the local authorities themselves if the appeal be to the Minister.

Amendment put and negatived.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Amendment of Section 20:

Hon. H. P. COLEBATCH: I trust that the carrying of this clause will not work an injustice on any person.

The COLONIAL SECRETARY: I cannot see how any injustice can arise and I will give the hon. member my assurance that no injustice will occur.

Hon. H. P. COLEBATCH: In Clause 5 provision is made that, where notice has to be served on the property owner, if he is absent from the State, this notice can be served by merely fixing it on the property for at least three days. We now propose by Section 7 to make that provision retrospective. Will there not be some danger of depriving the owner of his proper rights?

The COLONIAL SECRETARY: In order that the matter may be investigated, I propose that we report progress.

[The President resumed the Chair.]

Progress reported.

BILL—WEIGHTS AND MEASURES.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill. Clauses 1 to 4—agreed to.

Clause 5—The Commissioner of Police to administer:

Hon. J. DUFFELL: I wish to move the following to be added as a proviso to the clause:—

Provided, however, that it shall be lawful for the Governor-in-Council at any time to appoint by proclamation any municipal authority to administer the Act within the area of such municipality.

This proviso, of which I gave notice, appeared on the Notice Paper under the Roads Act Amendment Bill. It is intended to apply chiefly to the eleven municipalities which I mentioned in the debate on the second reading of the measure.

The CHAIRMAN: I understand the hon. Mr. Baxter has an amendment which precedes that of the hon. member.

Hon. C. F. BAXTER: I move an amendment—

That the word "police" be struck out, and "public health" inserted in lieu.

I consider that the Weights and Measures Act can be better administered by the Public Health than by the Police Department, which is already overburdened with Acts of this description. In the Public Health Department we have men who have had experience of weights and measures already, whereas the Commissioner of Police and his officers would not have had that experience.

The COLONIAL SECRETARY: I hope the amendment will not be carried. There are not sufficient inspectors under the Commissioner for Public Health to administer the Act. There are five health inspectors, five meat inspectors, and four factory inspectors. If the work was to be done by that department it would be necessary to considerably augment the staff and incur enormous and unnecessary expenditure. With the police, however, it will not be necessary to incur very large expenditure, the chief item in regard to which will be in the direction of purchasing copies of the standard weights and measures, as they exist in the Treasury. I agree that experience is necessary in those who have to administer the Act, and that the officer who is appointed should be something in the nature of an expert, and should be able to give instructions to those administering the Act in the country. It is not the intention of the Government to appoint every constable as an inspector, but to appoint non-commissioned officers also. If the latter have not the necessary knowledge to begin with, means should be provided by which this can be gained.

Hon. Sir E. H. Wittenoom: Do you mean duplicates of the standard weights and measures?

The COLONIAL SECRETARY: Yes. The amendment is an attempt at interference with our intended administration of the measure. We have come to the conclusion that it could best be administered by the police. This is a vital clause, and the House should not dictate to the Government as to how it should be administered. The Act must be administered by the police or not at all. I

hope hon. members will not take that as a threat.

Hon. J. F. CULLEN: I cannot understand why the health authorities should be proposed as the administrators of the Act. At the same time I am not satisfied with the transfer from the municipal authorities to the police. If the Minister had adduced anything to show that the Government had not confidence in an extension of the present machinery, namely, administration by municipal and roads board authorities, we would have something to go upon; but he did not.

The Colonial Secretary: I did.

Hon. J. F. CULLEN: Then I missed it. I attach a good deal of weight to the view put forward by the Minister. I do not think he meant to restrict the right of expression of public opinion on any matter that the Government might bring forward. Unless the majority of the House can see a better way of administering the Act, then the measure has to be perfected and passed. I am not satisfied that it would not be well to extend the machinery, clothing all municipal authorities and local roads boards with power.

Hon. C. F. Baxter: To administer the weights and measures?

Hon. J. F. CULLEN: Yes.

Hon. C. F. Baxter: It may be all right with municipalities but I do not know about roads boards.

Hon. J. F. CULLEN: It is all a form of municipal government. Unless someone can show me that a better arrangement can be made, I am bound to help the Government to pass the Bill.

Hon. A. SANDERSON: This is a Federal as well as a State matter, and it is somewhat surprising that no reference has been made to that fact.

The Colonial Secretary: I did do so.

Hon. A. SANDERSON: I beg the hon. gentleman's pardon. How does the Colonial Secretary work out the Federal weights and measures in regard to goods which come into this country from the other States?

The Colonial Secretary: The Federal authorities asked us to take action five years ago.

Hon. A. SANDERSON: And this is the result! Did the Federal authorities ask the Colonial Secretary to put this matter in the hands of the police? They left it open. The Colonial Secretary has not given us good reasons why the police should be weighted with this measure. At any rate it is interesting information to know that the Government, after five years, have produced this Bill.

Hon. A. J. H. SAW: I hope Mr. Baxter will not press his amendment to put this on to the Health Department. There is a very important amendment to the Health Act before us at the present time, and if that becomes law it will cast considerably heavier duties on that department. The police have always been recognised as a receptacle for all kinds of odds and ends; they are in the same position in Western Australia as the naval men in the old country who are general utility men. The police in this State will be quite competent to carry out the duties.

The COLONIAL SECRETARY: Out of 31 municipalities there were only eleven which took the trouble to secure copies of the standard weights and measures and even of those eleven I do not think there were two which troubled about the administration of the Act. They could not afford to pay an inspector to devote any time to the work and it was consequently tacked on to the duties of the inspector of nuisances, or some such officer who, having his hands already full, could not give much attention to the administration of weights and measures. The result was that outside of Perth there was practically no administration at all. In the Weights and Measures Act no cognisance was taken of the roads boards; their functions were purely to build bridges and construct thoroughfares. Since then their functions have been widened, and it is now necessary that the Act should be administered in the roads board districts, and we came to the conclusion that the police were best fitted to discharge the duties. Mr. Baxter said that

there would be resentment amongst the settlers and traders if policemen in uniform constantly interviewed them to make inquiries. But is not that happening daily in connection with areas under cultivation and other matters, and no one has ever heard a word of complaint.

Hon. J. J. HOLMES: The Commissioner of Police is the proper authority to administer this measure. The moral effect of the police making these investigations will be of advantage to the general community, and it will bring about what the measure aims at.

Hon. F. CONNOR: I commend Mr. Baxter for having brought forward this amendment. The hon. member believed it was right, and therefore he should be encouraged.

Amendment put and negatived.

Hon. J. DUFFELL: I move an amendment—

That the following proviso be added to the clause:—Provided however, that it shall be lawful for the Governor in Council at any time to appoint, by proclamation, any municipal authority to administer the Act within the area of such municipality.

My reason for bringing this matter forward is, as I stated on the second reading of the Bill, that certain municipalities which had complied with the Act and had become familiar with the necessary knowledge for administering it, and which had provided themselves with standard weights and measures, should have the privilege of administering this measure. The leader of the House stated that only two out of the 11 bodies which had provided themselves with the necessary standard weights and measures had complied with the Act practically in its entirety. From my personal knowledge the Act has been administered in its true spirit by local governing bodies, and furthermore, there are many Acts tending to the health and well-being of the community generally which are administered by municipalities, and the administration of which is not common knowledge, not even to members of this House. I may call attention to one. The inspector at Subiaco who has

been discharging those duties has also attended most carefully to health matters by seeing that the purveyors of meat did not wrap up meat in waste newspapers. I mention this merely in passing, and in order to show that there are vigilant officers. An officer who has for years past been fulfilling his duties faithfully would continue to be just as capable an officer in the future, and if he came across defaulters his vigilance would not cease with the knowledge that he had the law behind him. If the proviso is added it will be a distinct acquisition to the Bill.

The COLONIAL SECRETARY: I hope the House will not pass the amendment. If it is carried all of the 31 municipalities will approach the Minister with the request that they be permitted to administer the Act. They will be a continual source of worry. All the local authorities with possibly the influence of the Press, will combine in order to secure the administration of this particular measure, especially after it becomes known that the duties will devolve on the police. If the Committee is inclined to support the amendment there should be added to it the words "or to at any time revoke or alter such proclamation." The Minister may be inclined to permit some municipality to administer the Act, and subsequently he may discover that that municipality is not qualified to do so. These words are already in different parts of the Bill.

Hon. Sir E. H. WITTENOOM: At first sight the amendment is one which appears to commend itself to members, but when we take into consideration the fact that members of a municipal council are dependent on the vote of the electors in the district it would appear unwise. In those circumstances it is easily possible that the Act, if administered by the municipalities, would not be administered as it should be and as it probably otherwise would be if municipal councils were not dependent on the votes of persons affected by the operation of the Act.

Hon. J. DUFFELL: I should like to correct what I think is a misapprehension on the part of Sir Edward Wittenoom, who appears to fear that the administra-

tion of the Act by municipalities would be affected by consideration for the votes of the people. The inspector or other officer appointed to administer this Act would not be influenced by any such consideration. He would not be elected by the people and would not, I think, be so influenced even though it may be true that some councillors might be. This officer would be appointed by the council, not elected by the votes of the people.

Hon. E. M. CLARKE: I shall support the amendment because it has been my experience that municipal control in this matter has always been satisfactory. I am a great believer in control by local authorities wherever possible. If the amendment be agreed to, it would relieve the Government of considerable trouble and expense in the appointment of a crowd of inspectors. It might be as well urged that the Governor in Council should appoint say a pound keeper; and then where are you going to stop? In my opinion matters of this kind run more smoothly when controlled by the local people, who know their own wants.

Hon. A. G. JENKINS: If we are to hand over the control to some local authorities why not hand it over altogether? I think the amendment would prove unworkable. I can imagine the fate of a Minister who granted the control in the case of, say, Subiaco and refused Leederville, or who allowed Boulder to have control and refused Kalgoorlie. Having appointed one municipal authority, how could a Minister refuse to appoint others? Only efficient men will be appointed to administer the Act, and I think they will be able to do so satisfactorily.

Hon. J. DUFFELL: The amendment applies only to those municipalities which have already supplied themselves with standard weights and measures and have thus in the past shown themselves to be interested in the well being of the people in this connection. Why should they, having gone to the expense of providing standard weights and measures, have them thrown on their hands and told they should be scrapped as they are of no further use? The police have their own particular work to do and in this matter

could work in conjunction with a municipal council. I have no fear that my proposal will create any clash as suggested by the leader of the House, and am convinced that if it be carried it will give an added value to the Bill.

Amendment put and negatived.

Clause put and passed.

Clauses 7 to 11—agreed to.

Clause 12—Local Standards:

Hon. A. SANDERSON: I should like to have an assurance from the leader of the House that the Bill has the approval of the Federal Government. I understand this legislation has been introduced as a result of a request by the Federal Government made some five years ago.

The COLONIAL SECRETARY: The position is, that the State Government received a communication from the Federal Government some five years ago pointing out that defective scales and weighing machines were being imported into the Commonwealth and suggesting that legislation was desirable to deal with the matter. The question was referred to the City Council, which was administering the Weights and Measures Act. When the Council looked into the question it was ascertained that though incorrect scales were in use, there was not the necessary authority in the existing legislation to control such matters. The Government of the day took up the question, but though a Bill was drafted no progress was made. When the present Government came into office the matter was taken further with the result that we have the Bill to-day. So far as I am aware, the Federal authorities make no claim, and have no desire, to take over the administration, and they have no right of review in respect of legislation submitted to this House. The time may come, if it is so provided in the Constitution, and I think it is, when the Federal Government may desire to take over the control in matters of this kind; but it is no concern of the Commonwealth until such time as it is decided to avail themselves of any power they may have in this direction.

Hon. A. SANDERSON: Why did the Federal Government ask for the intro-

duction of this legislation if it is no concern of theirs. It is useless for the leader of the House saying the question does not concern the Commonwealth; it most intimately concerns the Federal Government. We have had an assurance that the Government have been requested by the Federal Government to introduce this Bill.

The Colonial Secretary: I have never stated that the Bill was introduced at the request of the Federal Government.

Hon. A. SANDERSON: I have it here on my notes, and I appeal to the House to say whether the leader of the House did not tell us that the Government had received a communication from the Federal authorities five years ago in which that Government requested the introduction of a Weights and Measures Bill. I certainly was under that impression. However, the leader of the House now denies that, and I must of course accept his assurance.

Clause put and passed.

Clauses 13 to 18—agreed to.

Sitting suspended from 6.12 to 7.30 p.m.

Clause 19—Sale by net weight or measure:

Hon. Sir E. H. WITTENOOM: I raised the question whether it would be necessary to have the weights marked on bags of wheat and bales of wool, but the Minister has pointed out that this would be obviated by the words "by retail." Therefore I take it that this would not apply in either of those cases.

The Colonial Secretary: And any article can be exempted by regulation.

Clause put and passed.

Clauses 20 to 23—agreed to.

Clause 24—Verification and stamping:

Hon. Sir E. H. WITTENOOM: Under paragraph (a) I take it that weights now in use will still be legal.

The Colonial Secretary: Yes, until a year from the commencement of this measure when they would have to be submitted for re-verification.

Clause put and passed.

Clauses 25 to 28—agreed to.

Clause 29—Sale to be by weight unless by consent of purchaser:

Hon. J. DUFFELL: For reasons given on the second reading I think the quantity should be made one ton. Established traders should not be placed at a disadvantage as compared with those who might cart firewood in from the bush.

The COLONIAL SECRETARY: The New South Wales Act specifies 5 cwt. and the Imperial legislation 2 cwt. It would not be advisable to increase the quantity.

Hon. J. DUFFELL: The conditions prevailing here differ because of the proximity of the bush whence a man can bring in a load of firewood. These carters usually arrive about dusk and offer the housewife a load which looks a magnificent bargain and the smallness of which is not apparent until it is tipped into the yard. I move an amendment—

That in line 2 "five" be struck out and "twenty" inserted in lieu.

Hon. W. PATRICK: I suggest that the quantity be made 10 cwt. In very few cases would bush loads exceed that quantity.

Hon. Sir E. H. Wittenoom: How would the weighing be arranged?

The Colonial Secretary: The seller must make provision for the weighing and the purchaser can check it.

Hon. F. CONNOR: It would be impossible to give effect to such a provision. How could articles be sold by weight when in many places there is no means to weigh them?

The COLONIAL SECRETARY: Clauses 29 and 30 would apply only to such districts as the Governor by proclamation might notify. The object of the clause is to compel the selling by weight instead of cord in all cases where the quantities do not exceed 5 cwt. The metropolitan area would be one district.

Hon. F. Connor: Then it would be necessary to get a weighbridge?

The COLONIAL SECRETARY: There are plenty of weighbridges.

Hon. C. SOMMERS: I see nothing wrong with the clause. The purchaser need not buy but, if he is satisfied, surely that is sufficient. Regarding the bush

carters mentioned by Mr. Duffell, it is generally a case of once bitten twice shy. The 5 cwt. is a fair minimum.

Hon. J. DUFFELL: The clause would enable a man to bring in a dummy load—

Hon. C. Sommers: You need not buy it.

Hon. J. DUFFELL: But it would constitute unfair competition with those who carry stocks of wood for the convenience of the people. If the weight were increased to 10 or 20 cwt., these carters would be unable to compete so successfully as under the 5 cwt. provision.

Amendment put and negatived.

Clause put and passed.

Clauses 30, 31, 32—agreed to.

Clause 33—Regulations:

Hon. J. F. CULLEN: I move an amendment—

That all the words of paragraph (d) after "such," in line 1, be struck out.

An addition has been made here to the paragraph as it originally stood, which has the effect of tying down transactions to a particular method that will not be largely used. For some years there has existed a trade custom of weighing bags with the grain, and as the value of the bags did not differ much from that of the grain there was no objection. At the present time, however, the bag is worth six times its weight in grain. Its cost is about 9d. or 10d. and its weight about 1½ lbs., whilst the value of the grain, even at 5s. per bushel, would be only about 1d. per lb. I may mention that in my town millers are providing silos and taking delivery of the grain in bulk. Why should not the matter be left open for arrangement between vendor and purchaser? The old trade custom will not hold good this season.

Hon. C. SOMMERS: I agree with the amendment, though I think Mr. Cullen is wrong regarding the weight of a sack, which would be about 3lbs.

Hon. J. F. Cullen: That is the 4-bushel sack.

Hon. C. SOMMERS: At all events, the weight of the 3-bushel sack is considerably more than 1½ lbs. The words pro-

posed to be struck out are, however, superfluous.

The COLONIAL SECRETARY: The words proposed to be struck out were not in the Bill as introduced in the Assembly, and I do not know who is responsible for their introduction. I leave the matter to the good sense of the House to decide.

Amendment put and passed.

Hon. W. PATRICK: The paragraph will not read well if it ends with the word "such," and I therefore move a further amendment—

That the word "grain" be added to paragraph (d) as amended.

Amendment passed, the clause as amended agreed to.

Clauses 34 to 49—agreed to.

Clause 50—Regulations:

Hon. J. F. CULLEN: I intend moving the insertion of the usual clause with regard to regulations, reserving to either House the power to disallow them.

The CHAIRMAN: The hon. member had better move that as a new clause.

The COLONIAL SECRETARY: I am prepared to accept the suggested new clause.

Clause put and passed.

New clause:

The COLONIAL SECRETARY: I move—

That the following be inserted to stand as Clause 8: "The Commissioner of Police may, by arrangement with the Commissioner of Railways, from time to time examine and test any weighing instrument used on the Government railways."

New clause passed.

New clause:

Hon. J. F. CULLEN: I move—

That the following be inserted to stand as Clause 51:—(1.) Any regulation or by-law made or purporting to be made under or by virtue of this Act shall—(a) be published in the Gazette; (b) take effect from the date of publication or from a later date to be specified therein; and (c) be judicially noticed, and unless and until disal-

lowed as hereinafter provided, or except in so far as in conflict with any express provision of this or any other Act, be conclusively deemed to be valid.

(2.) Such regulations and by-laws shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. (3.) If both Houses of Parliament pass a resolution at any time within one month after any such regulation or by-law has been laid before them disallowing such regulation or by-law, then the same shall thereupon cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute.

New clause passed.

Schedules A, B, and C—agreed to.

Schedule D—Weights for bushel, Section 18:

Hon. W. PATRICK: I observe that the word "seed" is inserted after "wheat." What is the reason?

The COLONIAL SECRETARY: This schedule applies only to seed wheat. I believe there is a variation in new wheat.

Hon. W. PATRICK: After the remarks of the leader of the House I think the word "seed" should be struck out. I understand now that the schedule is applicable only to seed wheat and in that case the point is covered by schedule B, in which it is provided that eight gallons shall be a bushel, that is, cubic measurement shall be accepted. The universal custom in connection with the sale of wheat is by weight, 60 lbs. constituting a bushel. From time to time public notification is made that the standard weight of a bushel shall be 60, 61, 62, or 63 lbs., for a particular year. But that refers only to the specific quality of the wheat in that year. That is what is known as fair average quality. But wheat is always sold at 60 lbs. to the bushel. Evidently that is the intention under this Act, as Clause 18 provides "in any contract for the sale by the bushel of any articles mentioned in schedule D the bushel shall be determined by weighing; the weight

equivalent to a bushel of any such article be that stated in the schedule." I move—

That the word "seed" be struck out.

Hon. J. F. CULLEN: The weight of a bushel depends upon the standard fixed, and we have no right to fix a standard for wheat, the standard being dependant on the season. Why should Parliament have power to fix a standard of wheat?

Hon. C. SOMMERS: I am astounded at a member so well informed as Mr. Cullen confusing the point. The standard to which he refers is what is called the fair average quality of wheat as fixed from year to year by the Chamber of Commerce for the guidance of buyers.

The COLONIAL SECRETARY: There seems to be divided opinions on this point among the wheat experts of the House, and as it will take some time to investigate the matter I think we should report progress.

Progress reported.

BILL—ROADS ACT AMENDMENT AND CONTINUATION.

In Committee.

Hon. W. Kingsmill in the Chair: the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Effect of transfer, division, severance, etc., of districts:

Hon. A. SANDERSON: It is my intention to propose that the whole of this clause be struck out. I would remind hon. members that the purpose of the Bill is to re-enact the 1911 Roads Act until the 31st December, 1916, the reason being that that Act is intended as part of a consolidated Roads Act to be ultimately brought before Parliament. To pass this particular clause would be inadvisable.

The Colonial Secretary: What is the objection?

Hon. A. SANDERSON: The objection is that we do not know what its effect will be. I am asking members if they thoroughly understand the original section and the effect of the clause if passed. If they do, then I have nothing

more to say. The roads board conference held last year desired numerous amendments in the Roads Act. If this clause be passed its effect will be of very great importance and I think the roads board conference should be given an opportunity of expressing their opinion for the guidance of this House. Why should we take upon ourselves the responsibility of passing a clause the effect for which I for one do not pretend to understand.

The COLONIAL SECRETARY: The amendments proposed in the Bill are very necessary; and I certainly agree that there should be a consolidation of the Roads Board Act. But this Bill deals with the present position, and in some cases with very pressing necessity. In some cases some roads boards have been rearranged and consequent difficulties have arisen which makes legislation of this character absolutely necessary. These amendments have been prepared by the Crown Law Department. The 1911 Act provided that in the case of division or abolition of a district and its inclusion in another, or a new district being formed, the Governor could apportion the assets and liabilities and went on to lay down the procedure for doing so by making the old board responsible for collecting rates and then to retain part of rates due up to the time of division, etc., for themselves and to hand the balance over to the new district, after deducting therefrom a charge of 5 per cent. for collecting, etc. In the 1912 amending Bill, steps were sought to amend the Act and make this procedure very simple. That amendment, however, repealed the whole of the procedure by having the effect of dealing with only an apportionment of the current rates, and did not provide for arrears; consequently we have had to reintroduce similar provisions which existed in the 1911 Act and slightly improved to meet the requirements which experience has shown to be necessary. Some cases were before the local court and Supreme Court for arrears which were owing by persons whose properties were transferred from

the Avon district (previously named Greenhills) to them by the Avon district, and similar cases existed at Brookton and at Corrigin (previously called Kunjinn). These provisions will be necessary for the new districts which it is contemplated will be formed at Nyabing from the Katanning district; also Melbourne, Murrawa, and Jibberding road districts to be formed along the new Wongan Hills-Mullewa railway line. The new proposals are practically the same as in the 1911 Act and were also contained in the 1902 Act, *vide* Sections 8 and 161 of the Roads Act. As regards the Perth Road Board district, the alteration of these wards has no direct bearing on the present amendment, and the amendment is required irrespective of the Perth board being non-existent. The difficulty with the Perth roads board only cropped up in September, 1914, whereas, as already pointed out, the provision for adjusting matters, both for revenue and loan, existed in the 1911 Act, Section 9, Subsection 2.

Hon. J. F. CULLEN: I think the explanation of the Colonial Secretary is satisfactory. This only applies in cases of abolition or reconstruction.

Hon. A. Sanderson: It may apply to any roads board.

Hon. J. F. CULLEN: Not unless there is a reconstruction. With regard to the hon. member's remark about consolidation, I would say that the Act was acknowledged to be incomplete when it was passed, and the limitation of time was put in to compel consolidation.

Hon. A. SANDERSON: This question of consolidation, instead of acting as a spur to the Government to bring down what is admittedly required now, allows them to carry through some minor or important point, as the case may be, simply to satisfy the day's use. At any rate, I have satisfied myself by having entered a protest against the whole clause.

Clause put and passed.

Clause 3—agreed to.

New clause—Amendment of Section 209:

The COLONIAL SECRETARY: In accordance with notice I move—

That the following be inserted to stand as Clause 3:—"Amendment of Section 209 (1) The principle Act is further amended by adding a subsection to Section two hundred and nine as follows—(6) The duty of a chairman to sign or initial each page of the rate book shall be deemed to have been performed if each folio thereof is signed or initialled by him, and notwithstanding that the signature or initials shall be set at the foot of the columns which are deemed not to be part of the rate book. (2) The amendment made by this section shall have effect as from the commencement of the principal Act."

This is necessary owing to the adoption of modern methods of accountancy by numerous roads boards. They have a combined rate book and ledger. One part of the book is the ledger, and the other part the rate book. It has been held, however, that the fact that as part of it is the ledger (one sheet) it is not a rate book, particularly if the chairman signs the ledger page instead of the rate book page. This method of accountancy was not considered when the original Act was introduced.

New clause put and passed.

Title—agreed to.

[The President resumed the Chair.]

Bill reported with amendments.

House adjourned at 8.22 p.m.