next subclause provided that the provision should not apply to an engine owned by an agriculturist. What was the good, therefore, of putting in words to say that the provision should not apply to boilers? We might as well say it should not apply to pianos.

Amendment put and negatived.

HON. Z. LANE moved an amendment:

That in Subclause 2, paragraph (*b*), the words "or air compressors" be inserted after "steam pump" in line 1.

The object of the amendment was to include air compressors among the exemptions. It was not necessary to have certificated engine-drivers to look after steam pumps or air compressors which ran themselves. Sometimes they were put under the charge of a youth or a cripple. It would be an injustice to the community to compel owners of this class of machinery to employ certificated drivers.

THE MINISTER: This was a most unreasonable amendment. Compressors required just as much skill from the driver as portable engines; and the Mines Regulation Act 1895 provided that they should be in charge of holders of second-class certificates. Large steam pumps were virtually steam engines, and if they were to be exempt it would mean that large pumps, such as those on the Coolgardie Water Scheme, would be exempt.

HON. R. LAURIE: An air compressor was a large piece of machinery. As a rule air compressors were kept in the engine-house, but sometimes they were kept in separate houses, in which case it would be a safeguard to have a certificated driver in charge of them. Mr. Lane did not tell us how the clause would affect the mining industry. If it would do so the hon. member should give us that knowledge.

HON. M. L. MOSS: As many members were absent on important business it was a pity that the Bill should be discussed. He moved that progress be reported.

Motion passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

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

Legislative Assembly,

Thursday, 3rd November, 1904.

THE SPEAKER took the Chair at 3·30 o'clock, p.m.

PRAYERS.

PERSONAL EXPLANATION—COURTESY TO THE CHAIR.

MR. J. C. G. FOULKES: (Claremont): I wish to make a personal explanation. Yesterday there appeared on the Notice Paper a motion asking for a return with regard to certain waterworks erected at Claremont. This notice had appeared on the Notice Paper for four or five days, and when the notice was reached the Speaker called on me to move the motion. I rose in my place and moved it, and gave particulars of the various questions arising out of that notice of motion. There were 12 paragraphs in that notice of motion, and I dealt with no less than 7 out of the 12; the seven most important. I did not want to weary the House by reading the whole of those 12. You, Mr. Speaker, told me afterwards that I must read the whole of that notice, and according to the report in the papers—I do not know whether that report is correct, because I did not hear myself fully what you did say—you appear to have accused me of discourtesy in not having obeyed your ruling. It appears you have given a ruling in my presence in the House that Notices of Motion should be read in full. I have looked up the Standing Orders and have looked up *May*, and they are both silent as regards the necessity of reading the whole of a motion. I have also made inquiries, and find that in Sir James Lee Steere's time when he

acted as Speaker in this House, the practice was that a member moved a motion, and he either read it in full or he moved it briefly by saying he moved the motion standing in his name. Not only that, but I asked Mr. Harper, who has also acted as Speaker in the House, and he said it was the practice and custom of the House to move motions in that manner. I never heard any ruling given by you, sir, changing this custom; and I wish to call your attention to the difficulties every member of this House must be under if decisions and rulings are given, unless they are distinctly brought under the immediate notice of every member. It is quite true that I may have been in the House at the time when that ruling was given, but, as you are aware, many of us are engaged in different matters of business and in discussing various Bills amongst ourselves when we are in the House, and we are sometimes unable, owing to the pressure of other business, to listen to every remark that comes from the Chair in this House because, as you know, some of the remarks coming from the Chair are not at all times rulings or decisions, but are statements made for the purpose of carrying on the business of the House. What I want to make quite clear to this House and to yourself is that there was no act of discourtesy offered by myself, nor would there be on the part of any member unless your ruling in regard to a particular matter were brought immediately under the notice of a particular member; and I may respectfully ask that in future, if any rulings or decisions are given of that kind, they shall be printed and posted up in some public place in the precincts of this House, so that members should have an opportunity of knowing what the rulings are, and may have the ability to comply with them. Of course, as you are aware, every member of this House is most sincerely desirous of obeying your rulings; but unless they are brought immediately under the knowledge of the member, particularly when there is a change made from the previous practice of the House, it is impossible for every member to comply with them. What I wished particularly to do was to show my position, that there was no misunderstanding on my part; not the slightest. I knew exactly what I was doing, and the last thing I would do would be to show discourtesy to yourself or other members. I have never failed in the matter of courtesy, not only to yourself but every member of the House. No one before has ever accused me of being discourteous, and there certainly must be some misunderstanding. There has been none on my part.

THE SPEAKER: I think it will be well for me to mention again my ruling regarding this matter, so that for the future there shall be no misunderstanding. Unless a member moving a motion in the House mentions what the motion is, the House and the Speaker are not officially aware of the motion. The fact that it is on the Notice Paper does not necessarily place it before the House or before the Speaker; and if the member himself does not move a motion, but expects the Speaker to be aware of the fact that the motion has been made from the circumstance that it has been printed on the paper, it then becomes the duty of the Speaker himself to read that motion to the House. One reason why I have insisted on this practice—it is a practice I have discovered elsewhere, and I am afraid I can hardly take into account the fact that it has not been adopted here—is that if this is not done, it means that instead of the member himself reading the motion to the House, it will be the duty of the Speaker to do so. Under these circumstances, I decided I could not take notice of any motion unless that motion was definitely made *viva voce* by the member moving it. I would also point out that if we were to adopt a rule of taking a motion as printed, we might take a member's speech as printed also, and in order that there shall be no misapprehension on the part of members of this House, as to what motion they are voting upon, I have laid down this rule, and I think it is a rule that would lead to a clearer understanding of the business being carried on. I wish to say I accept with very much pleasure the explanation made by the hon. member, and I feel sure in view of that he did not mean any discourtesy to the Chair.

MR. FOULKES: I would like to make my position quite clear. It is not an apology on my part. I wish to make that quite clear. I hope my own conduct will not be called into question. If there

was a misunderstanding, it was not on my part, but on the part of somebody else.

THE SPEAKER: I hardly think the hon. member is keeping within the bounds of courtesy at present. I think it would be well if the hon. member would remember that any discourtesy to the Chair is a discourtesy to the House itself.

MR. FOULKES: I know that, sir.

QUESTION—FENCING, CYCLONE.

MR. A. J. WILSON asked the Minister for Works: 1, How many miles of cyclone fencing have been erected by the Public Works Department to 30th September, 1904? 2, Who supplied the cyclone fencing? 3, At what price was it supplied? 4, Were public tenders called for such supplies? 5, If not, why not? 6, Were other offers received to supply a similar class of fencing? 7, If so, what was the class and price?

THE MINISTER FOR WORKS replied: The Public Works Department has done very little in the matter of cyclone fencing. At Lennonville School 28 chains were supplied for £60, and at Rottnest Island 60½ chains, with specially strong posts, for £112 12s. 3d. Tenders were called publicly, and the lowest offers accepted in each case.

QUESTION—RAILWAY FENCING, CYCLONE.

MR. A. J. WILSON asked the Minister for Railways: 1, How many miles of cyclone fencing have been erected by the Railway Department to 30th September, 1904. 2, Who supplied the cyclone fencing. 3, At what price was it supplied. 4, Were public tenders called for such supplies. 5, If not, why not. 6, Were other offers received to supply a similar class of fencing. 7, If so, what was the class and price.

THE MINISTER FOR RAILWAYS replied: 1, 38 miles. 2, C. H. Cheesbrough, local agent for the cyclone fencing. 3, From £36 to £50 per mile, differing on account of the varying character of the ground. (Posts supplied by Department and erected by Mr. Cheesbrough.) 4, No. 5, There being only one agent for this fencing, and the price offered being 25 per cent. less than the department could erect their standard dropper fence under similar conditions, in the interests of economy the price quoted was accepted. 6, No other makers of this fence were known to the Department. 7, See reply to No. 6.

QUESTION—FINANCE, GOVERNMENT STOCKS SOLD.

MR. RASON asked the Treasurer: 1, What was the total amount of West Australian Government stocks disposed of during the three months immediately prior to 10th August, 1904. 2, What is the total amount disposed of since that date.

THE TREASURER replied: 1, Stock and debentures £124,540. 2, Stock and debentures £70,150.

PAPER PRESENTED.

By the MINISTER FOR MINES: 1, Pilbarra Goldfield—Preliminary report by Government Geologist on geological features and mineral resources.

WITNESS DRAYTON, REFUSAL TO GIVE EVIDENCE BEFORE A SELECT COMMITTEE.

RESOLUTION PASSED, TO BE RESCINDED. FARTHER MOTION, FINE OF £50.

[The Premier had given Notices of Motion, that the amount of fine be £50, in accordance with the powers of the statute; the resolution previously passed having first to be rescinded; also, that he would propose a new Standing Order relating to the amount of a fine.]

THE PREMIER (Hon. H. Daglish) moved:

That the Standing Orders be suspended, for the purpose of moving that the following resolution, carried on Tuesday last, be rescinded:

"That the witness, John Drayton, who was summoned and refused to give evidence before the Select Committee on the Empress of Coolgardie Gold Mining Lease, is guilty of contempt of this House, and that he be fined in accordance with the terms of Section 8 of the Parliamentary Privileges Act 1891, in the sum of £100, for refusing to be examined before the said Select Committee."

He said: In the event of that resolution being rescinded, I purpose to move a similar motion, substituting £50 for £100.

THE SPEAKER: A sufficient number of members is present to permit of put-

ting the motion to suspend the Standing Orders.

MR. J. L. NANSON (Greenough): As one of the few members who opposed the resolution that a fine of £100 be inflicted on Mr. Drayton, and as one who opposed it on the ground that the matter was being settled too hurriedly, I think some explanation is due from the Premier as to the different course about to be adopted. I understand, though I may be in error, that the Standing Orders do not allow a fine exceeding £50 to be imposed, and that the House, acting hurriedly and without full information, imposed a fine of £100. As members will recollect, it was suggested when the matter was formerly under discussion that there should be an adjournment of the House before we arrived at a final decision. It was then pointed out by the Speaker that it was impossible to adjourn the House; that a question of that kind had to be settled at one sitting. It was also urged that notice should be given of such motions, involving very important questions, questions not to be settled hurriedly; that the intended motion should be placed on the Notice Paper, or some other means adopted by which members could be made aware that the subject was coming up, so that we might have an opportunity of looking into the matter, and of satisfying ourselves, not only as to the merits or demerits of the motion, but as to the proper course of procedure. I think it well to take this opportunity of reiterating the hope that when such a case, or any case involving the privileges of the House, comes before us, the utmost deliberation will be exercised before we take final action, so that the House may be spared the humiliation of confessing that it proceeded to pass judgment without being fully aware of the powers it possessed. Had more time been allowed, as some members requested, we should have been spared the not altogether pleasant task imposed on us to-day.

MR. J. M. HOPKINS (Boulder): I think the matter under discussion is not whether a penalty should be imposed on Mr. Drayton, or whether a penalty should be remitted. I take it the object of the motion is to overcome the difficulty resulting from the fact that the House, on the advice of the Government, blundered on a previous occasion. Having made one blunder, we propose that the Standing Orders be suspended with a view to cancelling a Standing Order or to amending a Standing Order.

THE PREMIER: No.

MR. HOPKINS: Then the object is to rescind the resolution previously passed.

THE PREMIER: Yes.

MR. HOPKINS: The House meets, and by the advice of the Government——

THE PREMIER: No.

MR. HOPKINS: Who tabled the motion?

THE PREMIER: I did.

MR. HOPKINS: The leader of the House tables a motion; and more particularly at this period, when we have only a Minister for Justice and not an Attorney General in the House, one takes it that the Premier is on such occasion fortified by the legal opinion of the experienced officers of the Crown Law Department. For my own part, I did not attempt to look up the Privileges Act of 1891, nor indeed the Standing Orders, not having a copy by me. But immediately I did look them up, I was rather of opinion that a mistake had been made, inasmuch as we had under the Privileges Act a power to impose a penalty provided by the Standing Orders, and the Standing Orders provided for a maximum penalty of £50 instead of £100. It certainly then appeared to me that the action taken was wrong.

MR. MORAN: You kept it to yourself at the time.

MR. HOPKINS: I did not have the opportunity of looking up the Standing Orders before the motion passed; but immediately afterwards I looked up the Privileges Act of 1891 and the Standing Orders, and I at once thought that an error had been made. I now find that an error was made; that even the Crown law authorities endorse the idea I hurriedly formed. I think it open to very strong objection that the leader of the House, fortified as he should be by the opinion of the Crown Law Department, should induce the House, I think almost force the House, without notice, to pass a resolution which we have afterwards in all humility to rescind. Then we come to the question whether it is wise for this Assembly, having passed a resolution, to suspend the Standing

Orders in order that such resolution may be rescinded. Is not that a rather dangerous course to follow? True, in the circumstances it appears to be the only course. The fact is that we made a mistake; and if this were any other court the person charged and penalised would have a right to appeal, would appeal on such a point, and his appeal would most assuredly be upheld. But in order that he shall have no right to appeal on this occasion, we are about to make what I think a very dangerous precedent by suspending the Standing Orders so that the resolution indicated by the Premier may be passed. I opposed the previous motion; but I oppose this on entirely different grounds. I think the procedure is anything but creditable to the House; and do what we will, we cannot cover up the inglorious muddle in which we find ourselves to-day.

MR. C. J. MORAN (West Perth): I am all sympathy with the leader of the House, because he is simply the mouthpiece of the legal organisations which guide this House and nothing more. Farther than that, he is no more than a private member in this matter. I think that what he did he did in perfect accord with the leader of the Opposition. The member for Boulder (Mr. Hopkins) places himself in a most extraordinary position by his opposition to this motion. What reason does he give for his opposition? In order that we may do an illegal action, so that the man proceeded against may have good cause to proceed against us afterwards. That is what the hon. member has just said.

MR. HOPKINS: I deny that.

MR. MORAN: The hon. member is taking the wrong basis in saying that, after inflicting a penalty, to avoid the consequences of an appeal we move round and remove the ground of appeal. No action has been taken. There is not the slightest action until execution takes place. The gentleman under discussion is unaware officially that the House has taken any action. I presume that if any gentleman sees he has been fined or is liable to be dealt with by a court, he does not thereupon walk up and pay the money or give himself into custody. Surely this person is unaware officially that anything has been done; and the proof of the pudding is that nothing will be done.

MR. HOPKINS: Is it true that Mr. Drayton left for Singapore this morning?

MR. MORAN: As the gentleman in question seems to be in the confidence of the member for Boulder, perhaps the hon. member knows best.

MR. J. C. G. FOULKES (Claremont): I sympathise with the leader of the Government in the position in which we find affairs. It is to be borne in mind that the Government have not the advantage of an Attorney General amongst their ranks, nor did they on this occasion or on the other occasion find it necessary to consult me about the question. When this motion was tabled and brought forward without notice to members, and sprung on us so suddenly, I had no time to look into the matter. I do not blame the Government at all. No doubt they took the advice of their legal advisers and acted practically under that advice. There should be no party feeling in this matter. The decision arrived at the other day was arrived at almost unanimously. A mistake has been made, but I do not think it will prejudice our case at all. I do not look at it from the legal point of view; but I do not think it will prejudice our case if we show that, even though we do make mistakes in regard to procedure, we are still resolute in our sentence and in carrying the thing to a just conclusion. It will teach people who are guilty of offences that judgment will still follow on them.

MR. HOPKINS: If the penalty is not big enough we will double it.

MR. FOULKES: Not at all. I dare say the Crown law authorities have had time to look more fully into the matter. It is to be borne in mind that the Crown law authorities have an enormous amount of work to do. No one, except those who have been members of a Ministry, has any idea of the enormous quantity of work the Crown Law Department has to go through; and I dare say, owing to pressure of work, this point had escaped them. No doubt the matter was brought suddenly upon them, as it was brought suddenly upon the House. I hope that now the point has been looked up and that we are on safe ground. There is no reason why we should not stick to the conclusion we came to

and show people who are guilty of offences against the House that the House will in the long run, if we do fail in some technical point, still continue resolute to carry out the judgment already passed.

MR. T. H. BATH (Brown Hill): I believe that every member will regret the error that has been made, but will absolve the leader of the Government from any blame in the matter. We can rely on this fact, that the Premier has received the advice of the Crown law authorities. However, I think there is one point that should be cleared up before this matter is dealt with; and that is in regard to the notice of motion relating to the insertion of a new Standing Order.

THE SPEAKER: The question before the Chair is the suspension of Standing Orders to move for the rescinding of a certain resolution. The notice of motion in regard to the Standing Orders is a different matter altogether.

MR. BATH: I bow to your ruling, sir, but what I wished to say was intended to place a different complexion on this case. However, I cannot pursue that line of argument, and I shall merely say that I believe it is the duty of the House to carry the motion for the suspension of the Standing Orders in order that the House, having regrettably made a mistake, will be able to repair the error and to proceed on the line of procedure laid down in the Standing Orders.

THE PREMIER (in reply): Before you put the question, sir, I wish the House to clearly understand that this is not a question of Government *versus* Opposition at all.

MR. MORAN: Only in some quarters.

THE PREMIER: The member for Boulder undoubtedly failed to suggest it, but he deliberately stated it.

MR. FOULKES: But there are other members on this (Opposition) side.

THE PREMIER: Yes; but I surely have a perfect right to deal with an attack that has been made on me in connection with this motion The member for Boulder attacked the Government on account of the motion which I have introduced.

MR. HOPKINS: I blamed the Government for giving bad advice to the House.

THE PREMIER: I wish it to be understood that the Government are not responsible for what I do in any matter affecting the privileges of the House. It is usual in dealing with such subjects that there shall be a consultation between the leaders on both sides of the House, and any action taken is usually the result of such consultation. If one side of the House differs from another, that of course is clearly shown in debate. The usual course was followed in regard to this resolution. I say this, not wishing to push off my own shoulders any responsibility there may be in having proposed the motion carried last Tuesday, though I still think the motion was right and was a proper one. A case of the sort had not previously occurred, and there was some little difference between the Privileges Act and the Standing Orders. The Privileges Act gave power to fine, but no Standing Order had been made to enable that power to be exercised to the extent proposed in the resolution. That is the position in regard to what was done last Tuesday. I consulted the Privileges Act and took an action that was perfectly warranted, so far as I could judge, by the wording of the section of that Act. I have found since that there was a need for a Standing Order to give the necessary authority, that is to fine up to £100.

MR. HOPKINS: But you had power to fine up to £50.

THE PREMIER: I am therefore taking the only method that can be taken to deal with this matter.

MR. HOPKINS: What do you purpose doing?

THE PREMIER: I am coming to that, if the hon. member will allow me to state it in my own way. A resolution carried during this session can be rescinded only by the suspension of the Standing Orders. Therefore I had no alternative but to move for the suspension of the Standing Orders in order that this resolution might be rescinded. The alternative was to leave the resolution on the records of the House, but to leave it inoperative.

MR. HOPKINS: There was no reason for that, I suppose; but what is your alternative? What do you intend to insert in lieu of the resolution?

THE PREMIER: A motion for the suspension of the Standing Orders, in order to rescind the resolution, is the first step. I intend to put in lieu of the

resolution the same motion with the substitution of £50 for £100.

MR. HOPKINS: That is not going outside the Standing Orders, and I have no objection to it.

THE PREMIER: I am sorry any member should imagine there was a connection between the motion before the House and the motion of which I have given notice.

MR. HOPKINS: It was a natural inference.

THE PREMIER: There was no connection, except that in my own opinion the motion carried last Tuesday was a proper motion—[MR. GREGORY: Hear, hear]—and that the Standing Orders did not give us adequate powers, so far as my judgment goes, to deal with such a case; but no one will contend that the proposed Standing Order should be made operative now and have a retrospective effect. I would not do so. Therefore there is entire divorce between the present proceedings and the motion of which I have given notice.

Question put and passed.

Standing Orders suspended.

THE PREMIER moved that the following resolution of the House, passed on the 1st November, be now read and rescinded, namely:—

That the witness, John Drayton, who was summoned and refused to give evidence before the select committee on the Empress of Coolgardie Gold Mining Lease, is guilty of contempt of this House, and that he be fined in accordance with the terms of Section 8 of the Parliamentary Privileges Act 1891, in the sum of £100, for refusing to be examined before the said select committee.

Question put and passed.

Resolution read accordingly, and now formally rescinded.

THE PREMIER farther moved:

That the witness John Drayton, who was summoned and refused to give evidence before the select committee on the Empress of Coolgardie Gold-mining Lease, is guilty of contempt of this House, and that he be fined in accordance with the terms of Section 8 of the Parliamentary Privileges Act 1891, in the sum of £50, for refusing to be examined before the said select committee.

Question put and passed.

[The House proceeded to ordinary business.]

STANDING ORDERS AMENDMENT.

HOUSE COMMITTEE (JOINT PURPOSES).

THE PREMIER moved:

That the Standing Orders be amended by striking out the whole of Order No. 414, and inserting instead thereof "A House Committee to consist of Mr. Speaker and four other members, to be chosen as the House may direct, shall be appointed at the commencement of each session, with power to act during recess, and to confer with the House Committee of the Legislative Council."

The object of the motion was simply to alter the designation of the present Refreshment Committee and change it to a House Committee, because the latter title represented the larger scope of the duties that now fell on this committee.

MR. MORAN: It was not so suggestive, was it?

THE PREMIER: The second object was to strengthen the numbers of the committee, which was a joint committee now that the two Houses met in the one building, and to have a fairly proportionate representation of the Assembly on the committee.

Question put and passed.

FREMANTLE MUNICIPAL LOANS VALIDATION BILL.

SECOND READING.

MR. E. NEEDHAM (Fremantle): I desire to move the second reading of a Bill for an Act to render valid certain loans raised by the Municipality of Fremantle. It is not my intention to unnecessarily take up the time of the House. This is simply a Bill to render valid certain informalities as to debentures on account of the Fremantle municipality not having a common seal at that time. I do not think it is necessary to add anything farther, but to formally move the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

PRIVATE BILL—KALGOORLIE RACECOURSE TRAMWAY EXTENSION.

Message read from the Governor, consenting that the House might deal as it thought fit with the interest of His

Majesty or the Government, in regard to the land over which the proposed tramway is to run.

BILL IN COMMITTEE.

MR. BATH in the Chair; Mr. W. NELSON in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to construct Tramways:

MR. MORAN: Was this the same company that the member for Boulder so strongly opposed in days gone by, in the interests of democracy, so that big monopolies should not be handed over? The hon. member was backed up by the Labour party then.

MR. GREGORY: This company built a tramway alongside the railway.

MR. HOPKINS: And robbed the State of £9,000 a year. The member for West Perth was a member of the party who did it.

MR. MORAN: On that occasion the principal supporter was the head of the Government of which the member for Boulder had the honour of being a member. It was principally on the recommendation of the present leader of Opposition that the question was carried through the Assembly.

MR. HOPKINS: The member for East Perth and the member for Boulder are the only two members recorded in *Hansard* as having voted against it.

MR. MORAN was not referring to the member for East Perth.

MR. HOPKINS said he was not a member of the Government at the time.

MR. MORAN: Was it intended to extend the monopolistic rights of this capitalistic company?

MR. W. NELSON: Oh, no; this was clearly a case of extending the line. The monopoly remained exactly where it was before. The object of the Bill was simply to enable the company to run a line to the racecourse. The company already had power, without coming to Parliament, to extend the line along the road, but they had no right, except by Act of Parliament, to extend the line on to the racecourse.

Clause 2—Power to construct tramway:

MR. NELSON moved an amendment:

After the word "Act," in line 1, insert the words "and subject to and in accordance with, an agreement made the ninth day of September, 1903, between Robert Gibson, Patrick Whelan, and John Albert O'Meehan, Trustees of the Kolgoorlie Racing Club of the first part, the Kalgoorlie Racing Club of the second part, and the Company of the third part, which said agreement is set forth in the second schedule of this Act."

MR. MORAN: There was a very close discussion in connection with this business in the old Parliament. It was referred to a select committee, and evidence was given by the heads of the Railway Department in Western Australia at that time, and the Minister. He (Mr. Moran) personally cross-examined every one of them, and they assured the House, and the Government and leader of the Opposition did so, that there would be no cost to the Railway Department by this tram to the course. We passed this measure without the slightest consideration, and the result had been to rob the railway revenue of that place to the extent of nine-tenths on behalf of the corporation.

MR. GREGORY did not know whether the member for West Perth was trying to make political capital.

MR. MORAN: No.

MR. GREGORY: When the hon. member talked about the leader of the Opposition, matters should be explained.

MR. MORAN did not think the member for Menzies belonged to the Opposition then. It was before the hon. member's recantation.

MR. GREGORY: The hon. member spoke with his usual veracity. He (Mr. Gregory) was sitting in Opposition. He did not think the hon. member supported Mr. Kingsmill and himself when they brought forward a motion asking that the Bill should be referred to a *plebiscite* of those districts. The hon. member spoke of the leader of the Opposition taking a certain part in this matter, but it was the attorney of the company who acted for those people. He might then have been the leader of the Opposition, but he was acting in his legal capacity. If blame was due to any person, it was the Minister who brought forward that Bill, and those who sat behind that Minister and gave him support, one of whom was the hon. member.

MR. MORAN: Never in his life had he sat behind a Minister.

MR. GREGORY: It was hardly worth bringing in this old history. As far as this Bill was concerned it was only a little one. The member for Hannans (Mr. Nelson), who had democratic and socialistic tendencies, saw the advantage of having this extension to the racecourse, and even the fact of bringing in a Bill of this sort could never be urged against him as an instance of giving assistance to a monopolistic institution.

Amendment passed, and the clause as amended agreed to.

Clauses 3 to 6—agreed to.

Clause 7—Tolls and charges:

MR. NELSON moved an amendment:

That all the words after "to" in line 3 be struck out, and the following inserted in lieu, "the said agreement of the ninth day of September, 1903."

THE MINISTER FOR WORKS was sorry he would have to oppose this clause. The company might during the continuance of this agreement charge each person travelling on its cars over the land coloured red a sum of 3d. for each single journey. He would not allow this company the right to run the tram a few yards on to the racecourse, and charge the people using that tramway for the matter of a few yards the same as they charged for a mile up to the boundary.

MR. SCADDAN: An assurance was given that nothing of the kind was intended.

THE MINISTER was going to make sure of this. At present the tramway ran to the boundary of the course, and the Bill would take the tramway on the course, and save people walking about 200 yards. According to his reading of the agreement, the company proposed to charge 3d. for the 200 yards.

MR. DIAMOND: If people did not want to pay it they need not ride.

THE MINISTER: That was how the hon. member might look at it. He (the Minister) would propose that progress be reported and leave asked to sit again, in order that this point might be considered, and an opportunity given to draft an amendment, unless the member in charge of the Bill could explain exactly why he allowed this to pass without explaining it to the House, or how we were going to protect the people.

MR. NELSON: The matter came up before the select committee, and it was explained clearly that whilst a person could take a car right up to the racecourse at the ordinary fare, if he used that particular part within the racecourse and no other there should be the right to charge for that part just as they would for any other part. If a person only went 200 yards up Hannan Street on a tram, he would have to pay 3d., just as he would if he went a greater distance.

MR. MORAN: The danger was that they might charge two fares.

MR. SCADDAN: They did that already.

MR. NELSON: At the present time, those who rode paid 6d. If this Bill passed, for the same 6d. they would get right on to the racecourse.

MR. SCADDAN: Ninepence.

MR. MORAN: It was not clear.

MR. NELSON: This matter was entered into very carefully by the select committee, and the witnesses explained that this provision was inserted in the Bill in order that they could charge 3d. to anyone riding on that particular section by itself. If this was not required, he was willing to omit it.

THE MINISTER FOR MINES: They could divide the whole trip into two sections, and any person who went on any part of one section must pay at least 3d.

MR. NELSON: It was clearly pointed out in the evidence that there should be no increase of fare. A witness said:

We are not allowed to charge them anything extra on the extension. We take passengers for exactly the same fare as we charge when we drop them outside the enclosure.

MR. J. SCADDAN: If the clause were struck out, could the company charge a fare for a journey confined to the extension? According to the company there was no intention to charge an extra fare. However, when the existing line was opened it was understood that the company could not charge more than 3d.; yet now on race days they charged 6d., and would not issue transfers. Of this the public complained bitterly. To travel from Boulder to the Kalgoorlie racecourse on race days or other special days cost 1s. Owing to the distance from the railway, the trams had a monopoly of the racecourse traffic. If the existing loop railway had been taken past the Kalgoorlie and the Boulder racecourses, it would have been a revenue-producing line. It seemed necessary to

empower the company to charge any person boarding the tram on the new extension.

THE MINISTER FOR MINES (Hon. R. Hastie): Apparently the company needed power to charge on the extension; but we should not be led away by any promise of the company's attorney that an additional fare would not be charged after passing the present terminus. Such a promise was not binding.

MR. MORAN: Better report progress.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): The Bill would empower the company to charge 9d. From the centre of Kalgoorlie to the boundary of the Boulder racecourse they should not have power to charge more than 3d., though they at present charged 6d. There was no reason why, because for their own convenience and that of the racing club they sought power to make this extension, they should be allowed to charge an extra 3d. on race days. To give opportunity for drafting an amendment, he moved that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

PRIVATE BILL—KALGOORLIE AND BOULDER RACING CLUBS.

SECOND READING.

MR. J. M. HOPKINS (Boulder): The very brief report of the select committee appointed to consider this Bill sets out that, after carefully examining the Bill intituled "An Act to enable the members of the Kalgoorlie Racing Club and of the Boulder Racing Club to sue and be sued in the name of the chairman for the time being, and for other purposes," and calling four witnesses, and after an interview with the Crown Solicitor, the committee passed a resolution approving the preamble of the Bill, and recommended certain amendments to be made in Committee of the whole. Most of the Bill is more or less technical. The Crown Solicitor, who in company with the member for Brown Hill (Mr. Bath), and me went through the Bill, has given close attention to the points raised, and is satisfied with the measure. I may perhaps be pardoned for directing some attention to the racing clubs. The Bill is almost a *fac simile* of the Act passed years ago to control the W.A. Turf Club. Saving a few alterations to which attention has been directed by the select committee, there are no departures to which members will feel disposed to take exception. Large sums of money have been expended by the clubs, which have become very important institutions. They are not, nor can they become, proprietary clubs; but as the result of their expenditure, they have been able to establish for the people of Kalgoorlie and Boulder practically permanent parks, which I think I am safe in saying could not have been established in any other circumstances. The whole community has free access to the grounds on ordinary days; and for some years past the policy of the clubs has been as far as possible to liberalise the conditions of entry on race days. I think it is the irony of fate, or shall I say the fortune of war, that I am not Minister for Lands to-day, while the present Minister for Works (Hon. W. D. Johnston) introduces this Bill. The racing clubs, in order to cater for all sections of the community, even on race days, have I think shown a commendable spirit by throwing open their grounds—that is to say the flats—free of charge to all persons who choose to use them. I think I am safe in saying that concession is not made by any other racing clubs in this State. It is an indication of the desire that has always been a dominant feature of these racing clubs, to foster a kindly feeling between themselves and the residents or the patrons of sport on the Eastern Goldfields. It is true that additional powers are asked for in the Bill; but the Bill at the same time defines those powers, which are in many instances almost identical with the powers previously granted to the W.A. Turf Club. However, the question of title arose. I think a communication was directed to the Minister of Works, who brought it under the notice of the select committee through the member for Brown Hill. In consequence the committee recommend an amendment of one of the clauses, to remove the objections raised to the granting of the fee simple. It had been thought that a lease would meet the requirements of the clubs. The Minister may, under the present Act, grant the clubs the free-

hold if he chooses. The Bill will take that power from the Minister, and he will have power to grant only a lease of the land for the purposes of a racecourse. The freehold was at one time asked for; and that led to a deputation to Dr. Jameson, then Minister for Lands. Later on, a conference was held between the ex-Attorney General (Mr. James) and the legal representatives of the race clubs; but nothing was done until ultimately this Bill was evolved to meet requirements. The clubs have power now to exclude people on racing days. But take the case of a person who has offended against the racing laws of Brisbane or of Sydney. He would not be an offender against the West Aus-Australian Police Act; and though it is desirable that a person warned off the course in Queensland should be excluded from our racecourses, a constable, if asked by a club officer to remove such person, would naturally ask what was the charge; and if answered that the person had six months ago offended against the laws of racing in Queensland, the constable would do nothing. Then the club officer must eject the person, and this might lead to an action for assault. Both parties might be in deadly earnest, and a Supreme Court case would result. Again, in existing circumstances anyone suing the club must sue the 259 members. That is not desirable, and serious trouble and expense may arise unless the law is altered. The Bill proposes that the club may sue or be sued in the name of the chairman, enabling all proceedings to be taken in his name, the trustees being seldom available, as they are frequently travelling about the country.

THE MINISTER FOR JUSTICE: Why was the scope of the Bill confined to these two clubs?

MR. HOPKINS: When the W.A. Turf Club Act was passed, that was the only club that had reached the stage of development at which it was deemed wise to give the club certain powers and to limit their powers in other directions, as was done in the Turf Club Act. And to-day it would be hard to find any other club similar in position to the Kalgoorlie or the Boulder racing club; and consequently their operations have grown to such an extent and become such huge trading concerns to-day that some control is found necessary. Certainly every year, sometimes frequently during the year, contracts are entered into of from £5 to £5,000; that is a large sum of money, and as litigation may arise from any of these contracts it is desirable that powers should be defined by Act of Parliament, as was done by the governing body. The chairman's name will be registered by memorial in the Supreme Court. We have by-laws at present, but they are only good in the racing world; we desire to have by-laws that will be good before a justice, as is the case with the W.A.T C. The penalty that may be imposed has been fixed at £10. I come to another aspect of the Bill, the borrowing powers conferred in the measure. The borrowing powers stipulated for by the Bill are precisely the same as those enjoyed by mechanics' institutes, miners' institutes, trades' halls or workers' associations. They have the power to borrow money subject to certain restrictions under the Public Institutions Improvement Act, and I think I am safe in saying that the borrowing powers as stated in the Bill are precisely the same as those enjoyed by other institutions. It is laid down that the Governor-in-Council has the authority over any proposed loan, and the sum fixed in the matter of borrowing does not exceed £10,000; the same amount was fixed in the Act controlling the W.A.T.C. It has been found that racing clubs, whilst they enjoy a large business and have a big turnover, when race day comes round practically have no funds at their disposal, inasmuch as any profit accruing is spent during the year in making improvements or wiping off liabilities that may have accrued in previous years. That being so, there is no money for tote change, and at a big meeting it may happen that £7,000 is wanted on one day for tote change. Several persons have to put their names to a joint and several guarantee; that is the most temporary loan there can be, and it is the only loan provided under the Bill without the consent of the Governor-in-Council. We could not call a meeting of the members of the club to have this matter arranged. There may be racing on three days of the week, and the sum of money that is wanted is between £5,000 and £7,000 on each day. After the first

meeting there may be enough money to meet requirements. The Bill takes from the committee the necessity of having to put up a joint and several guarantee for tote change. The clubs only race for about seven or eight days in the year. The Bill provides for a State audit, and the Minister has power to inspect the books. As far as the title to the ground is concerned, to my mind under the recommendations of the select committee it will be considerably less than that enjoyed to-day. At present the land may, if the Minister determines, be turned into a freehold without a moment's consideration, but under the Bill the land must be held under lease.

THE MINISTER FOR MINES: For what period?

MR. HOPKINS: The present lease is for 99 years. There is no period defined in the Bill as it stands now, and it is not likely, if the ground is used for racing purposes, that at that period anyone will dispute a renewal of the lease. I am not aware that these privileges have been refused to other clubs, or that any other club has asked for the privileges. It has taken a considerable amount of money to advertise this Bill and put up the necessary fees in accordance with the Standing Orders, and I take it that a small club like the Kanowna Club could not have contemplated that. The object of the Bill has been well published in the Press, and for two years the actions of the club have been known, but other clubs have felt that their operations are not sufficiently extensive to warrant them in asking for the powers stipulated in the Bill, nor do they want the safeguards established against themselves. I have always exercised a deal of interest in racing apart from betting. I can go to race meetings year in and year out and never make a wager on a racecourse, yet I have always taken a lively interest in all racing clubs operating in the State. If I thought the country clubs having their own courses could be brought within the operation of the Bill with advantage to themselves, I should be only too pleased to support that, but I do not think there are any clubs which have reached that position. I am not clear on the question. I know that some of the clubs of the State are proprietary courses, and I would not contemplate putting a proprietary course on the same level as the Kalgoorlie or Boulder or W.A.T. clubs. These clubs pay no dividends to members, they secure no powers or advantages to any person connected with the club. On race days these clubs employ up to as many as two hundred and fifty men in one day; all the proceeds are expended in improvements and generally doing what can be done in procuring horses from the Eastern States and encouraging people in Western Australia to breed a better type of horse, and in consequence we have a better type of horse to-day than we had ten years ago. These people have watched the development of racing in the East, and we know by the marvellous development of the courses at Kalgoorlie and Boulder that even the clubs in the vicinity of the metropolis have extended and grown. They began to fear that their prestige was at stake and they had to bring out a bolder policy. [MEMBER: What?] A more forward policy. It is most appropriate that my constituency should have such a name. I have little farther to add. If members like to go into the Bill more fully in Committee, I shall be pleased to give them all the information I have at my command with regard to any proposal that the Bill contains.

MR. T. H. BATH (Brown Hill): In supporting the second reading of the Bill I may say, in reply to the question of the Minister for Justice, that the reason this Bill is confined to two clubs is that they applied for certain powers that would only apply to these two clubs and could only apply to them. If it were necessary in the interests of racing generally that a Bill should be introduced and apply to racing clubs throughout the State, that could be done without detriment to the provisions of the measure. What the clubs desire is a measure to enable them to work more advantageously. The chairman of the club for the time being should be able to sue or be suable, rather than that the trustees or the individual members of the club should be sued. At present the clubs are in this position: they have absolute control over the racing, and if they so desire there is nothing to prevent those who are members of the clubs absolutely dividing amongst themselves the proceeds from any race meeting. There is nothing from a legal standpoint

to prevent them from doing that. I suppose the public would not be so willing to support them if the proceeds of the races were divided amongst the members of the clubs. What the clubs desire to secure is that the chairman of the club for the time being shall be the central authority in the eye of the law, instead of the trustees who were originally mentioned in the Crown grant; they also desire certain powers for borrowing money. At present the individual members of the racing clubs have to hold themselves responsible for a considerable sum merely for the sake of having the racing under the auspices of the club. I think that position undesirable, and the Bill expressly stipulates that they shall not be in a position to borrow money only for the purposes of the club—that is to improve racecourses, improve the buildings, and to provide a large sum on race days for tote change. In return for the conditions secured under the Bill the clubs have to a certain extent given up advantages which they now possess, and which they will no longer possess if the Bill becomes law. The first of these is, as I have said, the disposal of the money that accrues from the profits gained by the racing clubs. These profits under the Bill have to be used for the purpose of the clubs in increased stakes or on the buildings or appurtenances of the club. In going through the Bill there were two matters I was desirous of devoting careful attention to: one was in regard to the title which the clubs hold to the ground. It was thought that when the measure was first mooted, and when the two clubs first held a conference on the matter, they were desirous of acquiring the fee simple of the land. Under the present circumstances, although the clubs have a Crown grant under the Land Act of 1898, if they were desirous of securing the fee simple they could do so by a grant from the Minister for Lands. That fact is set forth in the preamble of the Bill, which is merely a recital of that fact. When the evidence was brought before the select committee, we found everything advanced in the preamble absolutely correct, and we had to find it proven as a recital of fact; but in the Bill the clause that expressly deals with the title was one it was desirable to amend. We therefore took care that it was expressly provided in the clause that the clubs could only secure a lease of the Crown land which they at present hold. The other matter to which I devoted attention, and it was a matter brought under my notice by the municipal council of Kalgoorlie, was in relation to the right of people to go on the racecourse. Under existing conditions the racing clubs both at Kalgoorlie and Boulder have always given permission to the public to go on the racecourses and use them as public parks, and we must recognise in that connection that these racecourses, which before they were taken up were merely waste tracts of ground, have been beautified by the clubs until they are *par excellence* the public parks of Kalgoorlie. Up to date the public have always had free access to the racecourses as pleasure grounds, and it was thought that if we granted limited powers under the Bill, having secured their possessions they would be desirous of excluding people from the use of the grounds. It was urged on me, and through me on the committee, that we should embody in the Bill a provision by which people should be guaranteed access to the grounds. I brought the matter before the select committee; the witnesses from the two racing clubs were examined on the question; and they stated they had no desire to depart from the practice they had followed all along of giving the public access to the ground, but they did not think they could embody in the Bill a clause which would directly give the public access, because by so doing they thought they would absolutely take away from the clubs their control of the ground. Of course members of this House will understand that in connection with the improvements of a racecourse, the turf has to be rolled, and certain portions have to be excluded so that the public shall not have access to them, whenever the club committees desire to grow flowers or improve the turf or plant trees; for if the public were given the right to go on all portions of the course, irrespective of the rights of the clubs, the public could go there at any time, and perhaps injure the turf or destroy the flowers or trees. Therefore I was reluctantly compelled to come to the conclusion that the select committee could not recommend the House to include in the Bill a provision

for admitting the public to the ground at all times, because it would seriously interfere with the control exercised by the race clubs. The clubs have stated that there is no intention to depart from the practice they have followed of permitting the public to have access; and if the clubs do depart from it in future, this Bill when it becomes an Act can be so amended as absolutely to take away the right of the clubs in that respect. Parliament could pass an amending Act stipulating that the public should have free access to the ground now controlled by these race clubs, if it became necessary to take that course in consequence of the action of those clubs. Under the circumstances, I felt sure, and the other members of the committee were also confident, that there would be no attempt to deny the public access to the ground, and that there was no necessity at the present time for such a clause to be put in the Bill. The clauses in the Bill which provided for the moneys accruing from racing profits being devoted exclusively to the purpose of the race clubs, I think are good clauses, and are a step in advance of the present condition of affairs. There is also a provision which enables the Government to appoint an auditor to audit the accounts of the clubs; and the Minister for Works has also the right to inspect their buildings and appurtenances at any time, and to call on the clubs to make any repairs that he thinks desirable. On the whole, I think the Bill is a good one, and with the amendments outlined by select committee we can well pass it without any fear that we are giving to these clubs any indefinite power.

THE MINISTER FOR MINES AND JUSTICE (Hon. R. Hastie): I do not think any member will oppose the second reading; but I am not quite satisfied as regards the answers to several questions I have asked. For instance, the member for Boulder (Mr. Hopkins) and the member for Brown Hill (Mr. Bath) assure us this is a good Bill, and will to a large extent assist these two racing clubs; but at the same time it is well that if we are to benefit individual clubs, the same benefit should be made available to other racing clubs. The member for Boulder says that other clubs have not asked for it. I do not know that his statement is altogether accurate; for the hon. member will recollect that at one time some other racing clubs on the goldfields asked for certain privileges, though I do not know whether they are such privileges as this Bill grants to these two clubs. One privilege is provided in the Bill which other clubs would be glad to get if they could, and would very readily ask for, that is the privilege to borrow money. If it is inconvenient for people at Kalgoorlie or Boulder to get credit at the banks when they want it, it must be equally inconvenient for people on other parts of the goldfields to get credit in that way.

MR. HOPKINS: Would you suggest to extend the borrowing power to them, without their invitation? If so, I have no objection.

THE MINISTER: This is a private Bill, certainly. I would rather have seen a Bill of a public nature, so that all clubs which conformed to its conditions could come under it and enjoy its privileges.

MR. BATH: There are certain powers provided in the Bill; but other clubs could not come in under this Bill.

THE. MINISTER: The particular clause I refer to is the clause empowering a club to borrow money; and as I have said, that power is equally needed elsewhere. I can inform the member for Boulder that there are people outside of that district who sometimes find a difficulty in getting all the money they want.

MR. BATH: Then introduce a Bill of a general kind.

THE MINISTER: The two members here who represent the Golden Mile should recognise that people outside of that district are entitled to some consideration.

MR. SCADDAN: You said just now that other clubs desired these privileges, some time ago.

THE MINISTER: One particular thing these clubs wanted was to define the exact powers of a club, and the rights of the public as to having access to a racecourse. The member for Brown Hill has assured us that the public at present have no right to enter the racecourses without consent of the clubs; that their going on the racecourses depends on the goodwill of the club. I understand the secretary of one of these clubs came along and assured the member for Brown Hill that his club

had no intention of making any alteration, even in future, in regard to the public having access to the racecourse; and the hon. member accepted that assurance.

MR. BATH: No; it was the difficulty I found in drafting clauses to deal with that question.

MR. HOPKINS: We had legal opinions on it.

THE MINISTER: A plausible gentleman might come along and say, "We have no intention of keeping the public out of our ground"; and the member for Brown Hill might think he was safe in accepting that assurance at once; but to me that assurance seems to be nothing at all.

MR. BATH (in explanation): I wish to point out that if the select committee had been able to do it, we would certainly have provided in the Bill that the public should have the right of access to these racecourses. It was our desire to do it, but we could not see how to do it.

THE MINISTER: I do not wish to pursue the subject. I quite appreciate the difficulty, but I do not think the members of the select committee should accept the assurance of anyone in the way the member for Brown Hill has stated. The gentleman who gave that information was only a paid servant of one of the clubs, and it is almost a certainty that some reasons will occur to that club in future which will cause its members to change their mind and exclude the public. The member for Brown Hill tells us that if any such thing be done in future, it will be in the power of Parliament to pass an amending Act to take away from these clubs their exclusive right over the ground, and providing that the public shall have a right of access. That is where the difficulty will come in; for Parliament will find there will be great difficulty then in dealing with that state of affairs.

MR. HOPKINS: The public have no rights now; therefore the Bill gives no concession in that regard.

THE MINISTER: By waiting to see whether these clubs do exclude the public, that will not strengthen the hands of Parliament in taking away accrued rights from these clubs. I have no opposition to the Bill. I can only express my regret that it does not provide extended powers applicable to other clubs, which unfortunately are not within the area of the Golden Mile.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): I do not desire to cover the ground already taken by the member for Boulder and the member for Brown Hill. It is true that if the people of this State had not desired that there should be a change in the electoral areas represented by the member for Boulder and the member for Kalgoorlie—[MR. RASON: Some portion of the people]—I would have been in charge of this Bill as representing that district; consequently, I have nothing to object to in the Bill. There was some little objection to it, but I found that the select committee removed the objection I had, and consequently the Bill now receives my support. The one question I desire to speak on is that of keeping these courses exactly what they are—an area of ground something like a public park, to which the public can have access when the ground is not required for racing purposes. I thought, when the matter was brought under my notice, that there would be some difficulty in framing clauses to deal with it, because I recognise it is undesirable that people should always have free access to a ground formed specially for racing purposes, but that they should have access to it on days other than those on which racing takes place, and then the club should have power to close the course. I think now that we cannot do better than trust the clubs for the present; and if we find as time goes on that they close up the course and prevent people from having access to it on days when it is not required for racing purposes, as is the case now and for some time past, we can introduce an amending Bill of a drastic nature compelling the clubs to keep the ground open to the public. I desire, in conclusion, to say a word of praise for the enthusiastic and splendid way in which these two racing clubs have conducted their business on the goldfields; for there is no question that both the Kalgoorlie Club committee and the Boulder Club committee deserve praise for the way they have expended their money in effecting improvements. It is true they have made large profits, and it is true there is a little too much racing on the goldfields; but the fact remains that the profits made out of a

number of race-meetings held during the year are judiciously expended by the committees, and as far as the improvements to the grounds are concerned they are a credit to those committees. I think that, seeing they have done such good work in connection with these courses under very adverse circumstances, and the fact that they absolutely have no title to the ground, those clubs deserve every consideration, and I think they will receive it by the passing of this Bill. They will receive consideration; and on the other hand the State and the people of Kalgoorlie and Boulder will also be protected. I have much pleasure in supporting the second reading.

MR. J. SCADDAN (Ivanhoe): I desire to make one or two remarks, by way of expressing my approval of the second reading. One or two difficulties that at first appeared to me to be in the Bill have been removed by the select committee. Strong exception was taken by the public on the goldfields generally to the fee simple of the ground being granted to the race clubs. There seems, however, to be no great desire on the part of the clubs to have the fee simple, and the select committee has now brought down an amendment by which we do away with granting the fee simple. One question touched upon to-day seems to be rather a serious matter, that is allowing the clubs to exclude the public whenever they feel inclined to do so.

MR. HOPKINS: They can do that now.

MR. SCADDAN: I understand that; but the public now have the opportunity of preventing it if occasion arises. Being forewarned, there is no harm in being forearmed; but I do not see how the public can prevent it according to this Bill. We should cause the clubs to allow their grounds to be open on holidays and Sundays. It will not occasion any expense to the clubs to provide attendants on those days. We might provide that the grand stand and the St. Leger reserves be left open on Sundays and holidays, which would in some respects meet the difficulty raised on the goldfields. Probably the race clubs will raise no objection. There can be no question as to the amount of good work done by these race clubs. What was apparently waste ground has been made into two of the best parks in Western Australia outside the metropolis. We find that the Boulder Racing Club are trying experiments with certain seeds on their flat, and I believe the experiments will be a success. I believe also that the improvements the clubs have made on their grounds have cost considerable sums of money. Certain individuals have had to stand as sponsors for the money to bring these improvements about, yet the fact remains that the public by attending the race meetings and spending money on the totalisator have given the club the money with which to make these improvements.

MR. HOPKINS: Quite so.

MR. SCADDAN: Therefore the public should receive some consideration from the clubs. No hardship would be caused to the clubs in opening the grand stand and St. Leger reserves on holidays and Sundays, and there can be no objection to doing so. The clubs have their flowers well protected, and would have attendants on the ground. These are the only days the public can go to the grounds; and if no provision be made in the Bill such as I suggest, there will be no means of preventing the club closing the grounds and stopping the people from using them as recreation grounds.

MR. J. M. HOPKINS (in reply): So far as the race clubs are concerned their desire has been from the beginning to extend to the public every consideration, knowing full well that their chance of making a success of racing expires the moment they incur the hostility of the public. It is only with the good-will of the public that they can possibly keep racing going.

MR. SCADDAN: The public want racing, and they will have it.

MR. HOPKINS: The racing clubs went into this question of divided control as well as the select committee, and they are as anxious as the member for Ivanhoe to try and arrive at a solution of the difficulty. It costs, I may say, a ton of money to make a racing track and a training track and to maintain them as such, and for that reason the control must lie with the people who find the money.

MR. SCADDAN: That would not apply to the grandstand or St. Leger reserves.

MR. HOPKINS: It is a hard thing, and it would be a good thing, to keep

people out of harm's way. People who have no knowledge of what a horse is capable of doing while being schooled over hurdles or along the track should be kept out of harm's way. Dual control is impracticable, and the racing committees have gone into the matter fully.

MR. SCADDAN: They allow it now.

MR. HOPKINS: Yes; but they retain the right to prevent the people from going to dangerous places. The clubs only exist by virtue of their own integrity, and by virtue of the good will extended to them by the community. If a club took advantage of the community the community would very soon resent it. Racing is a matter that cannot be learned by inexperienced people at a moment's notice. It is only when the clubs are run by people who are enthusiastic that they can live. I took a great deal of interest in the Boulder Club, and was one of those who helped to clear the first track through the bush. I was mayor of Boulder for over three years, and have lived there ever since I have been on the goldfields; and I know that the people of Boulder enjoy highly the privilege of going on to the race clubs' grounds. Caretakers are kept for the purpose of keeping these grounds in perfect order, and every shilling earned can be spent in no better way than in improving the grounds. The control of the grounds, however, must rest with the people who are running the racing institutions. The question raised by members has been gone into; and if it had been possible to make a concession, it would have willingly been made. The clubs have gone to considerable expense, and they have spent a lot of time over the matter. If they could have met the wish of the hon. member they would have done so. I am president of the Boulder Club to-day, and by this Bill I become practically *non est*. The trustees give way to the chairmen, and I am not chairman of the Boulder Club. I am perhaps loth to part with the institution with which I have been associated for so many years; but I recognise that the chairmen are the proper persons to assume responsibility. The Bill vests the responsibility in the chairmen, and I am willing to surrender it. There is nothing stipulated in the Crown grants that the clubs should do so and so. All they are called upon to maintain is a fair racing track. They have not been satisfied with that, and have expended every shilling earned upon the ground, and have made it a credit to the district as well as to themselves. There is nothing farther for me to say. If it had been practicable, the suggestion of the member for Ivanhoe would have been carried out, but after full consideration of the matter it was not found possible to do so.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Interpretation:

On motions by MR. HOPKINS, the interpretation of "Governor" was struck out; and in the interpretation of "justice" the words after "the" in line 19 were struck out, and "matter requiring the cognisance of such justice shall arise" inserted in lieu.

Clause as amended agreed to.

Clauses 3 to 8—agreed to.

Clause 9—Racecourses vested in chairman:

On motion by MR. HOPKINS, the word "lease" altered to "leases."

Clause as amended agreed to.

Clause 10—agreed to.

Clause 11—Crown may grant or demise lands to chairman:

MR. HOPKINS moved amendments that the words "grant or," and "in fee simple or," in line 33, page 7, be struck out; that "for," in line 34, page 7, be struck out and "of" inserted in lieu; and that "in fee simple or," in lines 35 and 36, be struck out.

Amendments passed, and the clause as amended agreed to.

Clause 12—Lands and other property to be vested in chairman:

MR. HOPKINS moved an amendment that "real and personal," in line 41, page 7, also in lines 3 and 4, page 8, be struck out.

Amendment passed, and the clause as amended agreed to.

Clause 13—Lands vested in chairman to be held for racecourse only:

MR. HOPKINS moved an amendment that the words "a public racecourse," in line 15, page 8, be struck out, and "the purposes of the club" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 14—agreed to.

Clause 15—Buildings may be maintained and erected:

MR. HOPKINS moved an amendment that the words "as a public racecourse," in line 34, be struck out, and "for the purposes of the club" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 16—Committees may make by-laws:

MR. HOPKINS moved an amendment that all the words in paragraph (*e*) after "meetings" be struck out.

Amendment passed.

MR. HOPKINS moved a farther amendment that the following be inserted as paragraph (*i*):—

Providing for the expenditure and distribution by the committee of the funds and revenue of the club.

Amendment passed, and the clause as amended agreed to.

Clauses 17 to 24—agreed to.

Clause 25—Chairman may let lands, buildings, or tolls:

MR. HOPKINS moved an amendment:

That the following words be added to the clause:—"And the chairman, on the direction of the committee, may transfer, sell, or assign any lands vested in him under this Act, or which may be hereafter acquired by the club other than the lands forming the racecourses of the clubs, being Hampton Location No. 2 and Boulder Town Lots 660 and 1551, vested in him under this Act."

Amendment passed, and the clause as amended agreed to.

Clause 26—Power to borrow money:

MR. HOPKINS moved an amendment that after "that," in line 16, the following be inserted, "except for providing money change for conducting the operation and working of the club's totalisator as aforesaid."

Amendment passed.

MR. HOPKINS moved farther amendments that the words "except with," in line 17, be struck out and "without" inserted in lieu, and the words "also with," in line 20, be struck out, and "in no case without" inserted in lieu.

Amendments passed, and the clause as amended agreed to.

Clause 27—Power to mortgage:

MR. FOULKES: This appeared to be a most comprehensive clause, and it gave tremendous powers to the mortgagee, which to his mind were excessive. For instance, the latter part of the clause meant that a mortgagee had power to sell, and he could do it free from any conditions and actually free from the provisions of this measure. One would like some explanation.

MR. HOPKINS: The W.A.T.C. was the governing body of racing in Western Australia, and therefore could borrow money on its tolls and charges, inasmuch as they were an income in perpetuity. The councils of the Kalgoorlie and Boulder clubs could only race conditionally on the W.A.T.C. approving, and if such approval was not given those clubs could not have races, and there could be no income, tolls, or charges. Under these circumstances something more than tolls and charges had to be provided for. The select committee were guided by the procedure in the Public Institutions Improvement Act; and the powers sought by the clause were identical with those given to trades halls, workers' institutes, friendly societies, and so forth. No mortgagee would lend on the tolls and charges of these racing clubs.

MR. FOULKES: Still, the power was dangerous, and that other institutions had it was regrettable. Their trustees might not realise that a harsh mortgagee might seize their property free from all conditions and trusts.

MR. HOPKINS: Would anyone lend on it otherwise?

MR. FOULKES: The clause might tempt one to lend money with a view to securing the property. Let the clause be recommitted to give time for consideration. Would the lands have been granted to these clubs save for the fact that the applicants undertook to receive them subject to certain trusts? Now the same applicants asked power to hand over the lands to other people free from such trusts.

MR. HOPKINS: By the existing law, three-fourths of the members of a friendly society or similar body, if present at a meeting, could by a majority vote decide to borrow money, subject to the approval of the Governor-in-Council. This was the proposal of the clause. The West Australian Bank would not lend money on a trades hall, if in the event of foreclosure

the building must continue to be used as a trades hall. It was obvious that the mortgagee must have power to seize free from all trusts and obligations.

MR. SCADDAN: What would prevent the club from mortgaging land in order to make the title a fee simple?

MR. HOPKINS: Would three-fourths of 259 members, present at a properly constituted meeting, authorise a loan with that object; or would the Governor-in-Coucil approve of such loan?

MR. SCADDAN: How could the Governor know of the object?

MR. HOPKINS: Members asked why the power was sought. Business people on the committee of the racing clubs had in years past been obliged to make good deficiencies from their private banking accounts; and at other times security was given by joint and several guarantees. In such circumstances some of the leading business people in the town might be ruined. Assuming that the club became insolvent, better sacrifice the club than a few leading townspeople.

MR. FOULKES: Clause 28 would protect the committee, if the Bill passed.

MR. HOPKINS: But to-day they had no protection. The joint and several guarantee for moneys borrowed was otherwise objectionable. The members, in electing a committee, were under a certain obligation to vote for a man who had signed such guarantee, though he might not be so good a racing man as other members whose signatures to it would be worthless. It was true that the properties of any of the institutions enumerated might be sacrificed to a mortgagee; but this was unavoidable, as the mortgagee would not take them over to run them as trades halls, libraries, etcetera.

MR. KEYSER: The Act would lapse immediately the racecourse was seized by the mortgagee, who might not continue it as a racecourse.

MR. HOPKINS: Precisely. A bank as mortgagee of a library building would hardly, after foreclosure, run the building as a library.

MR. SCADDAN: Then the Government who provided the land were practically guaranteeing any loan raised.

MR. HOPKINS: Better that than let a few leading citizens assume so serious an obligation. Not long since a friendly society borrowed over £2,000 from the Government on the security of the society's property, and had previously borrowed a larger sum from the Commercial Bank. Had the bank foreclosed, it would have had the society's hall and appurtenances free from all trusts. No security other than the land in fee simple would avail. If the principle were bad, bring in a special Bill to alter it, such Bill being made of general application to such societies; but do not penalise these two racing clubs. After all the trouble taken with the Bill, this important clause should not be sacrificed. The member for Ivanhoe (Mr. Scaddan) did not really think that the members of the racing clubs would act unfairly. The clubs were easy to join, and joining was profitable to any racing man; for the two-guineas-a-year subscription was much cheaper than repeated half-guinea entrance fees.

MR. A. J. WILSON: Might not the clubs increase the member's subscription.

MR. HOPKINS: No. They required a large membership; and the higher the fee the less the prospect of new members joining.

MR. F. F. WILSON: The V.R.C. in Melbourne was a close corporation.

MR. HOPKINS: Probably it was a conservative institution; unlike the goldfields clubs.

MR. FOULKES: The next clause provided that the club members should not be personally responsible for loans. The analogy between racing clubs and the other institutions mentioned was not obvious; for racing clubs were far more speculative than trades halls and literary institutes. Members of sporting clubs might incur larger debts in the shape of mortgages than members of literary societies, and the Bill allowed the clubs to borrow up to the full limit.

MR. HOPKINS: The Bill provided that the clubs could only borrow up to £10,000, and their properties were worth £50,000.

MR. FOULKES: If the properties were worth such a large amount, there was no necessity to allow the clubs to borrow such a large sum. If wide powers were not given to the clubs they would find it more difficult to borrow, and that might be an unmixed blessing. If clubs borrowed a large amount they

might lose the whole of their trust, and we might find that a harsh mortgagee might run the property as a private racecourse, which was not intended.

THE PREMIER could not agree to the deletion of the clause. A body constituted like race clubs who existed for racing purpose solely was likely to safeguard their interest in the property, and there was not any danger of the property passing out of their hands by the nonfulfilment of the mortgagee's conditions unless the district in which the property was situated lost a considerable population. If the district lost in population the property would rapidly depreciate in value, but he did not anticipate any such contingency. He thought the proviso in Clause 26, that the approval of the Executive should be obtained before borrowing, was as good a protection as we could desire. If the clause was excised, Clause 28 would become valueless, because we had already given to the club power to borrow money on real or personal security, and if the power to borrow on real or personal security went, the protection to the officers of the club became valueless because the only way of borrowing was that which at present existed. He could not imagine that any club of this description were seriously going to allow themselves to take such a step in the way of borrowing as to lose possession of the property. While he would be strongly averse to passing the clause if he thought there was danger of such a thing occurring, he did not think there was the slightest shadow of a possibility that a racing club would seriously embarrass themselves, and he did not think any Executive Council likely to exist in the State would allow the club to do so, and on the Executive Council was thrown the approval of the borrowing. The matter would be investigated, and when the evidence was supplied the Executive would be in a position to give a reasonable decision. If the clause went out, Clause 28 would likewise have to disappear; in fact the Bill would be largely nullified.

MR. FOULKES: Having given farther consideration to the matter, he found that by Clause 26 the club could borrow with the consent of the Governor, acting with the advice of the Executive Council. Clause 27 gave power to the chairman to mortgage the property. He had the widest power possible to mortgage. If the consent of the Governor, acting with the advice of the Executive Council, was obtained as to mortgaging, there would be no objection to the clause standing. He moved:

That in line 2, after "power," the words "with the consent, in writing, of the Governor for the time being of the said State, acting with the advice of the Executive Council," be inserted.

MR. KEYSER: There was great danger if the clause was carried. The spirit of the Bill was to retain for ever the property for the general public. It was true the consent of the Executive had to be obtained before a large loan could be negotiated, but after the consent was obtained and a loan floated and the club not being able to meet their liability, the land would be sacrificed and perhaps become the property of a private person. We should provide against that. Was the club unable to float a loan without the power to mortgage the racecourse?

MR. SCADDAN: As it was desirable that members should farther consider the question, he moved that progress be reported.

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

Ayes	...	...	...	10
Noes	...	...	...	16
Majority against			...	6

AYES.	NOES.
Mr. Bolton	Mr. Burges
Mr. Ellis	Mr. Daglish
Mr. Horan	Mr. Diamond
Mr. Keyser	Mr. Foulkes
Mr. Needham	Mr. Gordon
Mr. Scaddan	Mr. Gregory
Mr. Watts	Mr. Harper
Mr. A. J. Wilson	Mr. Hastie
Mr. F. F. Wilson	Mr. Hicks
Mr. Troy (*Teller*).	Mr. Holman
	Mr. Hopkins
	Mr. Layman
	Mr. McLarty
	Mr. Rason
	Mr. Taylor
	Mr. Nelson (*Teller*).

Motion thus negatived.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

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

Clauses 28, 29—agreed to.

Clause 30—Power to reborrow:

THE PREMIER: There should, in his opinion, be reference to the Governor-in-Council before money could be reborrowed. £10,000 might be borrowed and £5,000 repaid. Years afterwards there might again be a desire to raise that loan to £10,000. He moved an amendment:

That after "chairman" the following be inserted: "with the consent, in writing, of the Governor for the time being of the said State, acting on the advice of the Executive Council."

Amendment passed, and the clause as amended agreed to.

Clauses 31 to 35—agreed to.

Clause 36—Accounts to be kept:

MR. HOPKINS moved an amendment that after the word "shall" the following be inserted:

have the sole control of, and regulate the expenditure of, the funds and revenue of the club, and shall—

Amendment passed, and the clause as amended agreed to.

Clauses 37 to 40—agreed to.

Clause 41—If racecourse not maintained and used, land to revert to the Crown:

MR. HOPKINS moved an amendment: That the words "as and for a public racecourse," in line 41, be struck out, and "for the purposes of the club" be inserted in lieu.

Amendment passed.

MR. HOPKINS moved a farther amendment:

That the words "that of a public racecourse" be struck out, and "for the purposes of the club" inserted in lieu.

This was purely a matter of drafting, and was suggested by the solicitor entrusted with the drafting of the Bill. He thought it was that solicitor who suggested that this was a broader interpretation. For instance, the Boulder Traders Gala sports were held on the ground, and that would be contrary to the trust created by the deed unless we said "for the purposes of the club." The Eight Hours Day sports had been held on the Boulder racecourse; the local gun club always shot its matches there, and the polo club conducted all its annual meetings there.

MR. GREGORY: Clause 16 defined the purposes of the club very clearly.

MR. HOPKINS: Yes.

Amendment passed, and the clause as amended agreed to.

Clause 42—Buildings to be paid for if possession resumed:

MR. HOPKINS moved an amendment:

That the words "Railways Act 1878 and the other Acts amending the same" be struck out, and "Public Works Act 1902," be inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 43—agreed to.

Schedule:

MR. A. J. WILSON: Would the member in charge of the Bill agree to a provision that when the ground was not used for sports meetings it should be open to the public as a park?

MR. HOPKINS: The select committee and the committees of the racing clubs would have been pleased to make that provision if practicable. But from the time those waste lands were handed over to the clubs improvements had been continuous; hence the necessity for the power to exclude the public. The clubs already had that power; but the policy had been to make the racecourses public parks, and even to offer inducements to use them as such.

MR. A. J. WILSON: The flat was not open to the Kalgoorlie public at the last race meeting.

MR. HOPKINS: Because it was then in use for experimental wheat-growing. The responsibility of allowing the public free access at all times would be too great.

MR. GREGORY: There must be power to exclude the public from the track when horses were training.

Schedule put and passed.

Preamble—amended by striking out the figures "1331" and inserting in lieu "1551"—agreed to.

Bill reported with amendments.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

COUNCIL'S AMENDMENTS.

Schedule of two amendments insisted on by the Legislative Council now considered in Committee.

No. 1—Clause 2, Subclause 2, line 4, strike out "twenty-five" and insert "one hundred:"

THE MINISTER FOR LABOUR (Hon. J. B. Holman): With regret, and rather than lose the Bill, he moved that the amendment be agreed to. Possibly

by regulation the interests of the societies might be safeguarded.

MR. RASON: The Minister was wise in accepting the amendment. He had had a chance to fix the limit at £50 instead of £100, but refused that compromise; and now £100 was insisted on. Why seek to limit the amount payable in case of death of a member? It was said some societies were unable to pay so much. They could not be compelled to pay more than they were able to pay.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): They might attempt to pay more.

MR. RASON: A society could not pay more until it satisfied the registrar of its ability to pay. To refuse the right to some societies to pay £100 because others could not pay so much was a dog-in-the-manger policy.

Question passed, and the amendment agreed to.

No. 2—agreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

MINES REGULATION ACT AMENDMENT BILL.

COUNCIL'S AMENDMENT.

The Legislative Council having amended the Bill by striking out Clause 3, the Council's reasons were now considered in Committee.

THE MINISTER FOR MINES moved:

That the Council's amendment be not agreed to.

This was the only clause in the Bill which the Council had not passed. It provided that the Governor-in-Council might have power to declare that wages on particular mines should be paid bi-monthly. Members of another place did not seem to have looked at the matter from the standpoint from which it was argued in this House, and seemed to think it was a mistake to put the clause in this Bill, and that it should be in the Industrial Conciliation and Arbitration Act Amendment Bill. The Arbitration Court on one or two occasions had this matter of payment of wages on the goldfields before it, and saw that a hard-and-fast rule that wages must be paid bi-monthly would probably have a tendency to cripple small mines; so the court hesitated in giving an award which must be accepted by every mine in a district. Those who thought the matter should be left to the Arbitration Court thought that all mines should be under the same rule, or that we should not interfere in the matter at all. It was customary amongst mines around Kalgoorlie to pay bi-monthly, but it was customary in big mines in outside districts to pay monthly, the result being that traders were handicapped, while a large number of miners could not afford to wait a month for wages. The clause was brought forward by the member for Menzies. He (the Minister) doubted whether we should have put it in this Bill or left it until a consolidating Bill was brought down; but once having put it in this Bill, if it were struck out the clause could not be brought forward again this session. On that account members should not accept the amendment of another place in the hope that when the clause was again considered in another place it might be agreed to. The clause simply gave power to the Minister to say what mines should be asked to pay wages bi-monthly.

MR. E. E. HEITMANN was pleased the Minister saw fit not to agree to the amendment. If the Arbitration Court had the power to make it compulsory for mines to pay fortnightly, no doubt it would force small mines to pay fortnightly also; but the trouble was not with the small mines, which in nearly every instance paid fortnightly. It was only on the large mines that there was any trouble. Great inconvenience was caused to the people on the goldfields by the system of monthly pays. Companies had no more right to ask workers to wait a month for pay than the workers had to ask for payment in advance. The time had arrived when the voice of the people should be heard, and when those who represented the people should have the right to say what laws should be made. The representatives of the people had been put out time after time by the representatives of a small portion of the State; and he for one would welcome the time when this House would stand on its dignity and say that the voice of the people must be heard.

MR. GREGORY regretted that another place should see fit to strike out the

clause, which had been carefully worded so as to give discretionary power to the Minister to exempt small mines if he thought fit. Members of another place though the matter of pays could better be settled by the Arbitration Court, and were amending the Arbitration Act Amendment Bill to give the Arbitration Court fuller powers in this respect, though it was understood the court had the powers at present. If it had not been that the clause could not again appear in a consolidating Bill which might be brought down this session, the amendment of the Council could have been accepted and the clause given fuller consideration before the next Bill was brought down; but as it was impossible, once the clause was struck out, to bring it down again this session, it would be unwise on our part not to make a farther effort to have it inserted in the Bill. It was necessary to have wages paid oftener on the goldfields, and on that account he had deemed it wise to have the clause inserted in the Bill. That was the proper place for it. He was satisfied the Minister would have acted with discretion, and the provision would not have seriously affected any of our companies. There was no reason why men should give three weeks credit for their wages. They should always be paid at least twice a month. Understanding it was impossible to deal with this question later in the session, it was wise to make a farther effort to get the Council to agree to the inclusion of the clause.

Question passed, and the Council's amendment disagreed to.

Resolution reported, and the report adopted.

A committee consisting of Mr. Hastie, Mr. Foulkes, and Mr. Gregory drew up reasons for disagreeing to the Council's amendment.

Reasons adopted, and a Message accordingly returned to the Council with the Bill.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

THE PREMIER, in moving that this Order of the Day be postponed, said it was intended to place this Bill high in the list for next Tuesday. Members would understand that it would come on for discussion then, so that those interested should be present.

Motion passed, and the order postponed.

PUBLIC HEALTH BILL.

SECOND READING.

Debate resumed from the 27th October.

MR. T. H. BATH (Brown Hill): In discussing the question of the amendment of our health legislation, no one can gainsay the importance of the subject, because there is no clearer index of the state of civilisation to which any community has reached, than the way in which they attend to the sanitation and health of the community. In regard to this measure we have had members on the Opposition side of the House tilting at the Minister who has introduced this Bill, and accusing him of lack of knowledge of the question; but to use the facetious phrase of the leader of the Opposition, these members were just as guilty of "tobogganning down the marginal notes," or more guilty, than they allege he was. Also in the remarks of the member for Coolgardie we have a statement that this Health Bill is merely a conglomeration of clauses without any continuity whatever. I have no hesitation in saying that the Bill exhibits good draftsmanship, because we find it is divided into divisions and parts dealing with specific questions, and instead of provisions dealing with the central administration or the powers of the Central Board of Health, and of the local authorities being placed in one division, they are placed in these divisions dealing with such matters as sanitation, infectious diseases, and other things to which the duties of the local authorities particularly apply. I believe it is an infinitely better way of drafting such Bills, and more likely to simplify them for amending in Committee in the way we desire, than if these powers were all placed in one division or part of the Bill. Of course the great debate in regard to this measure will be as to its opportuneness. It has been thought by some who have discussed the Bill that the time is not ripe for the introduction of such a measure, and that existing legislation is sufficient. I say either the existing legislation is inadequate to deal with the subject, or else the legislation we have is not administered. Possibly both aspects may have something to do with regard to sanitation and health matters. But I believe the complaint that the local authorities have not sufficient power

under the Bill is certainly justified, and if we needed evidence as to the necessity either for better administration or for more adequate legislation in regard to this question, we have no need to go farther than the metropolitan cities, both Perth and Fremantle, and what may be called the metropolis of the goldfields. I consider the present measure is a great improvement on the existing health legislation, because it is not only the consolidation of health legislation, bringing the Acts all within the limits of one measure, but it is also much more explicit in its terms, and also a measure which gives infinitely greater power to the local authorities to deal with health matters. I presume from the remarks which have been offered by members on both sides of the House that the greatest amount of discussion will range round the powers of the central authority, and in this respect those who advocate the granting of large powers to the central authority in the way of supervision will be charged, I presume by some members, with favouring the centralising policy. In New South Wales and Queensland in the case of great emergency in regard to the health of those communities this question was brought up, and members of Parliament in both those States who under other circumstances would be more in favour of decentralisation were, in this instance, in favour of an amendment of the health legislation which would give greater power to the central authority in the State. I have looked up the debates in regard to the Queensland measure of 1900, and the New South Wales measure of 1901. I believe that in Queensland those who came from the central division, and who have been the greatest opponents of centralisation, and in fact have been great advocates of separation, were those in favour of granting more stringent powers to the central authority than had previously existed. I discussed this question with representatives of local authorities on the goldfields, and there has been a considerable difference of opinion as to whether such a central authority should be constituted. In fact I have a letter from the secretary of a conference of the Kalgoorlie and Boulder municipal councils and the roads boards, in which they advocate that instead of what they term an autocratic chief medical officer of health as constituted under this Bill, we should have a central authority constituted of representatives from the various health districts throughout the State. I pointed out that under this Bill, while we certainly have a central authority with very extensive powers, we give greater powers to the local authorities to deal with health matters, and I was immediately informed that in spite of the fact of giving these increased powers to the local authorities, they were not likely to avail themselves of them. They had not availed themselves of the powers granted to them in the past, and would not be likely to avail themselves of any increased powers; yet these people who say the local authorities have not exercised powers vested in them want a central authority which will have supervision to be constituted of representatives of those very local authorities. That is absolutely absurd and contradictory in itself. It would mean that we would have a central board endorsing the local authorities with an utter disregard of health legislation and the sanitation and healthiness of their respective communities. It is undoubtedly true that under the measure introduced by the Colonial Secretary very considerable powers are vested in the chief medical officer of health. We must also remember that he is the chief officer of the department of health constituted under the control of the Colonial Secretary, and that therefore while he has those powers he is responsible to his Minister, who is responsible to Parliament, and if at any time he chooses to exert arbitrary or unwarrantable powers, what is there to prevent the local authorities throughout the State from having the matter brought forward in Parliament and ventilated, and seeing whether the chief medical officer is exceeding his powers or not? The member for Boulder (Mr. Hopkins) desires as an alternative to the proposal in the Bill that a commissioner shall be appointed. He says, "You have appointed a commissioner to administer the railways; you purpose appointing a commissioner under the Public Service Bill to administer the public service; why then should you not have a commissioner to administer the health matters of the State?" I want to point out that the matters are not on all-

fours. As far as the railways are concerned we have a very large body of employees in the State who are also electors; and in order to prevent them from exercising undue influence through the legislative bodies to extort unreasonable terms for their employment we appoint a Commissioner as a matter between the State and the railway servants. But this case is not analogous. If the hon. member wishes to appoint a Commissioner to administer the Public Health, why does he not go on and have a Commissioner to administer every department in the State? It would mean then that we should have an army of commissioners administering the various departments, and there would be an autocratic commissioner controlling the minor commissioners. This would be only one step towards the abolition of Parliament. The hon. member may be in favour of that course, but I think we shall not be in favour of Russianising the affairs of this State in such a manner as he desires. I am glad to find the Minister took the opportunity of including South Australian and Queensland authorities regarding the powers of local authorities as to houses unfit for habitation; because I believe that in the metropolis this is a matter which has given the health authorities the greatest amount of trouble. Whilst I believe the Bill is a big step in advance, and that it is a great improvement on existing health legislation, I think there are several points where amendments could be inserted which would be of advantage to the measure. In regard to local authorities we are providing in one clause that municipal councils shall, by virtue of their being municipal councils, be the health authorities in the area over which they exercise local authority. There is a provision that roads boards may be constituted health authorities by order of the Governor in Executive Council. I fail to see why there should be a difference between the two. I think that if we allow local authorities to be health authorities by virtue of their being local authorities, we should extend the same powers to roads boards. Then I fail to see where the necessity would arise for a nominee board under the measure, because outside municipal councils and roads boards we shall certainly have districts to control; but whatever money is required for health authorities in those districts will have to be found by the Government, and if the Government have to find the money they can best control health matters in those districts to see that the money is wisely expended by constituting a medical officer of health in each district, subject to the control of the central medical officer of health. There is also a provision in the Bill in regard to allowing the amalgamation of several contiguous local authorities as to health matters. We have it provided that local authorities may combine for certain specific purposes. They may combine to construct sewers and carry out general sanitation work. They may combine for the appointment of inspectors of health, medical officers of health, and other officers who will be required under this measure, and they also have power to combine for the erection of incinerators or other means of dealing with nightsoil. But there is no specific provision in the Bill by which two or more local authorities can combine and constitute an amalgamated local authority with all the powers of this measure. I think such power desirable, because I have a specific instance to point out, and that is the administration by the Kalgoorlie and Boulder Board of Health. I do not agree with the member for Boulder (Mr. Hopkins) when he says the result of their work is unsatisfactory. I have here some information with regard to the result of that amalgamation, which shows it to be anything but unsatisfactory, but which on the other hand shows it to be of a highly satisfactory nature:—

> Up till May, 1901, the Health Act was administered by local boards of health. The service was not satisfactory, and the greater portion of roads board territory was absolutely without sanitary supervision. It was alleged by the Boulder council that they had lost over £1000 in one year in administering the Health Act immediately outside the precincts of their municipality, but despite everything that was done complaints were loudest as to the filthy condition of the outside centres of population, and it was feared that an epidemic of disease might take place. . . . . . The Government seeing the necessity for such administration passed a measure granting such a board, which came into existence in May, 1901. The work of sanitation was carried out by the local boards from May 5th to August 19th, a period of 3½ months, for which the Kalgoorlie Council claimed from the district board £399 and Boulder Council

£396, a total of £795. At this time the Kalgoorlie local board had a medical officer, analyst, two sanitary inspectors, one tipman, and two labourers. Boulder Board of Health employed a secretary, medical officer, analyst, two sanitary inspectors, three labourers, one tipman; making a total of 15 persons employed by the two local health boards.

The Kalgoorlie and Boulder District Board of Health now employ a secretary, medical officer, analyst, two inspectors, two collectors, and two tipmen—nine persons in all—at a total cost in wages of £1,646 per annum. Their work extends not only to the two municipalities, but throughout the very extensive roads board area, which was hardly touched under the previous arrangement. The letter continues:—

Since the present board was formed 83 licenses have been granted for year ending September, 1903, in regard to noxious trades; 45 samples of food were analysed, and 1,169 orders to abate nuisances were issued. For breaches of the Health Act and by-laws 32 prosecutions were initiated, of which 30 were won by the board. The sanitary work for the whole district was let in one contract at 6d. per pan removal, or 2d. less than under the local board, a saving of 25 per cent. to the people. Amongst a host of innovations, latrines were erected by the board at different points throughout the district. The double-pan system has been initiated all over the board's district wherever possible. The pans are steamed, and every precaution is taken to insure cleanliness. The slaughteryards, piggeries, dairies, etc., are being efficiently supervised, and the whole of the arrangements governing health matters brought to a higher state of efficiency.

I believe the Bill should provide for a continuance of that good work; and where there are populous districts close together now controlled by several local authorities, there should be one board constituted by those local authorities within the district. I do not say that for health purposes we should constitute an altogether separate board elected apart from the local councils or the local roads boards. I believe, if we invest the local bodies with health administration in addition to their other work, we shall be likely to attract a better class of men to these bodies, and will, moreover, effect economy in administration. In the clauses dealing with the inspection of dairies and the prevention of the adulteration of milk, I find no provision for cleansing milk carts. If we want a clean milk supply, we must insist that the carts in which the milk is carried round be clean, as well as the dairies. I think all the utensils and vehicles used in preparing and retailing milk should be clean. Under the clause relating to the filling in of land, which empowers the local authority to compel either the owner or the occupier to fill in, I believe injustice may be done. If the local body cannot get at the owner, they can compel the occupier to fill in; and in the clauses dealing with the respective responsibilities of owner and occupier, I do not see any way out of the difficulty. I believe that under the Bill a man who rents a house for three or six months or for any other term may, by virtue of his tenancy, be compelled to fill in the allotment on which the house stands, if the local authority think the filling-in necessary.

MEMBER: He can leave the house.

MR. BATH: No. I believe the owner can shift the responsibility to the occupier; and although the occupier may take a new house, the local body can nevertheless compel him to carry out the work and pay the expense before he can get a new house. These provisions should be carefully examined to prevent such injustice. We have very stringent clauses dealing with the adulteration of food, drugs, and liquor; but I do not see how we are to get at the manufacturers of these articles. The importer, or the person who disposes of them, cannot shelve the responsibility by saying that he is not the manufacturer and did not know what was in them. He is liable to conviction; and after he is fined or imprisoned, he has the right of suing the person whom he considers responsible. But with the manufacturer outside the State, it will be impossible for either the authorities or the person convicted to reach him. The only method of penalising the outside manufacturer is, if it be found on more than one occasion that his products are adulterated, absolutely to prohibit their importation until the adulteration has ceased. Injustice will possibly be done under this clause to our own people, while the chief offenders will absolutely escape any punishment or any responsibility. It has often been stated that to find adulterated food we must go to the local manufacturer; but I have a lively recollection of a British commission appointed a considerable time ago, which

found that some of the most reputable firms in the old country, manufacturers of pickles, jams, meat extracts and similar articles, were guilty of the worst forms of adulteration; and I say there is as much need for exercising care as to imported articles as with those of local manufacture. Exception has been taken, I think by the member for Perth (Mr. H. Brown), to the stringency of some of the Bill's provisions; but I think it is only by stringent provisions effectively administered that we can possibly prevent the evils affecting the public health. This is a department of administrative activity where the greatest care and vigilance must be exercised. In a report in the London *Times* for the last week in September I find it stated that in many parts of London the percentage of cases of adulteration detected after examinations and analyses of foods was about eleven times greater in many other parts of London than in the Marylebone district; and the Marylebone authorities were asked for some explanation, the impression being that they were lax in administering the Health Acts. But they replied that at the inception of those measures they had been particularly careful to take numbers of samples, and had been very active in analysing them, with the result that they were now feeling the good effects of their zeal, and that the small number of cases of adulteration in their districts was not due to any laxity on their part, but to their activity at an earlier stage.

MR. H. BROWN: It is refreshing to hear you quote with approval from the London *Times*, after what it has published about municipal socialism.

MR. BATH: Even the *Times* can sometimes be correct. I think it was the member for Boulder (Mr. Hopkins) who took exception to the provision that local authorities may build hospitals for infectious diseases, and that they must build them on the requisition of the Minister. The hon. member said it was altogether wrong to compel the local authority to equip a hospital for infectious diseases; and then he said that if they did so the subsidy should be increased in proportion to the rates. I think the hon. member could not have read the clause making this provision, because the last subclause provides that if the Minister does requisition the local authority to erect a hospital for infectious diseases, the Government shall bear half the cost of that hospital. I notice the member for Perth took exception to the rating provisions, and said it was altogether wrong to compel the local authority to raise the necessary funds, and that the Government should in many instances provide the funds for health purposes.

MR. H. BROWN: I said it was absurd to rate for health purposes at 10s. per allotment, when the local rate was 2s. 6d. per allotment.

MR. BATH: I was not referring to that statement of the hon. member, but to his general statement that for many of these health requisites the Government should provide the funds. One would imagine that members thought the Government were able to get funds from some mysterious quarter, possibly from the moon or some planetary sphere. I would impress on members that the Government, in order to raise loans, must apply to precisely the same people as local authorities would apply to. I think it is advantageous for the local authorities to strike the necessary rates; because I find that when the people directly provide the funds, there is always a greater sense of responsibility. Greater interest is displayed by those who raise the money, and work is often carried out more economically than if the cost were defrayed by a Government grant. I believe the lack of interest in health administration is due to the fact that the boards of health go to the Government for the funds, and have not the direct responsibility for raising them; hence the local people think there is no need to take an interest in the expenditure, and the result is lax health administration. As to infectious diseases, it may be considered well to provide all these preventive measures after the disease has broken out. But I would impress on members that the best way of dealing with infectious diseases is to take such precautions from the start as will prevent their becoming epidemic. Where it will cost £1 at an early stage of settlement in a district to take proper measures for sanitation, when an epidemic breaks out it will cost £10 to repair the damage. I have no doubt there is need for the clauses dealing with infant life protection;

and I should like to urge on the Colonial Secretary that this is one of the first matters to which the Chief Medical Officer if appointed as proposed should direct his attention. I am not so much concerned about a big increase in the birth rate as about the manner in which the infants born are cared for. In New Zealand, not only has it been found necessary to appoint a Commission to inquire exhaustively into this question, but as a result of its investigations a separate Bill has been introduced for the protection of infant life. I had the pleasure of reading an abstract of that report, and it showed that the matter had been given great attention. I believe that if the proposed Bill is drawn up in accordance with the recommendations in the report of that select committee, New Zealand will have a comprehensive measure dealing exclusively with this matter. While it may be desirable to have these clauses inserted in this Bill, I recommend to the Minister that the general question of infant life-protection is one well worthy of consideration and of being embodied in a separate Bill, altogether apart from the health measure we are now considering. Proposals have been made that a select committee should be appointed to consider this Health Bill and to make recommendations to the House. While I have no great objection to raise to that course being taken, I do think that the Bill as presented before us is a good measure, to which careful attention has been given in drafting, and which, if administered in anything like a proper fashion, will be eminently satisfactory throughout the whole State. I believe that the question of public health is one of paramount consideration; and as I said before, the status of a community in the ranks of civilisation can be more clearly indicated by the manner in which people attend to the question of health than in any other way. I hope members, whether a select committee be appointed or not, will give most earnest attention to this Bill, so that we may have one that will be ample for all requirements, or one that will confer proper powers on the central authority, and on the local authorities in the districts.

DR. HICKS (Roebourne): I have listened with pleasure to the remarks of the member for Brown Hill. He certainly has given this measure more consideration than any other member in the House. I shall endeavour to be as brief as possible in my remarks, and shall go more fully into detail when the Bill is in Committee. Public health is the most important subject that can enter into our consideration. I regret to have to refer to the Central Board of Health. It has been spoken of by every member of this House; but one matter certainly struck me after reading a report by the secretary of the Central Board of Health, in which he protested against the board being wiped out by the Royal Commission on the Public Service. As members are aware, the central board came into existence by the Act of 1898. Last year the president of this board was appointed one of the Commissioners of the Royal Commission on the Public Service, and was away, I think, fifteen or sixteen months on this Commission; while a short time afterwards he was again appointed to the Royal Commission on the Sanitation and Ventilation of Mines. It struck me as very peculiar that the board was in Perth all the time, while the medical officer was away on a Commission; yet the Government suggested doing away with the board, and keeping on the medical officer.

MR. KEYSER: Dr. Blackburne was acting for him.

DR. HICKS: The chief medical officer should always be in Perth. Another matter in the protest of the secretary of the Central Board of Health was that the Royal Commission never investigated the board at all, but simply advised its abolition without any evidence. Personally, I think the health of this State should as far as possible be placed out of political control. We have already had it mentioned by several speakers that the public service and the railway service should be placed out of political control. If it is thought that a small section of the service in this State should be placed out of political control, it is far more important that public health should be placed out of political control. One can imagine all sorts of things. If a vote of confidence were brought forward, we can suppose the amount of influence that might be brought to bear by a person of property on the Minister in control of health. I do not say that

of the present Minister; but we may not always have the present Government in power. We should place public health as far as possible out of political control. I would suggest that a board be appointed composed of men who know something about health, and not a board composed like the last Central Board of Health, several members of which, I believe, had no idea at all of health matters. It would be a good idea if the Government saw their way fit to appoint some of their chief medical officers on the board, and there should be a bacteriologist or biologist of the highest type on the board. Such a man might easily be obtained from England at a moderate salary. I can assure the Minister that we have not got a bacteriologist or biologist of any repute in the State—one whose work would be accepted in any company of biologists. There is plenty of work a biologist could do in this State. He could investigate the different *fungi* that destroy fruit. The Pasteur Institute in France has saved millions of money to fruit-growers by the investigation of *fungi*. A biologist could investigate the rabbit question, which to my mind is the most important we have to deal with at present. He could investigate on the spot and probably find out some system for the total destruction of rabbits. With regard to the nomination of district boards, I cannot say that I altogether agree with that. To my mind it is inconsistent with the suggestion of the Bill that it should be under political control. With regard to health proper, the Bill might be divided into two heads, the first being the prevention of disease, by having efficient drainage and by dealing with adulteration of food and milk supply, and adequate ventilation in housing. There is no doubt there is one axiom in prevention: the incidence of epidemic disease is directly in proportion to the faultiness of sanitation. To have efficient sanitation to enable all effete material to be removed from the environment of the individual as soon as possible, it is necessary that we should have some form of drainage. I am not prepared to enter into all the question, as it is such a broad subject; but one can see the effect of drainage. In our earlier days the incidence of typhoid was great. As drainage improved so typhoid, although it has not been wiped out altogether, was considerably lessened. The same remark will apply to other diseases and epidemics. With regard to food, I am pleased indeed to see that the central authority has to deal with the importation of food. The member for Brown Hill mentioned with regard to food that, under our present Act, we are not able to have any direct effect on exporters of our food to this country. I think, perhaps, the regulations laid down in this respect in this Bill are a bit too drastic, and may affect the commerce of the country. At the same time I, for one, do not wish anything to come into the State that would deleteriously affect public health. With regard to milk supply, I think the provisions made here are very liberal. The percentages allowed are rather below the average. It would be a good idea if the Government could induce local people to go in for the pasteurising of milk. I believe one firm has started doing this; but I think it would pay the Government to give a bonus to induce people to start it. When the thing is properly afloat the public will realise, by having less sickness among the users of this milk, the benefits of the process, and they would continue to use it. The next thing is coping with infectious diseases by notification and by isolation. All these infectious diseases are caused by some specific virus, some specific germ, and if at the earliest stage of an epidemic it is possible to bring the attention of the authorities to it, we can by notification and isolation limit the contact. In my opinion there should be considerable differences in the regulations with reference to the different diseases, because some are only contractible by contact, while others are contracted at bigger distances, and the time that elapses between the time that a patient gets a disease and the incubation is very much. I think we should do well in making separate regulations in regard to them. There are several anomalies in our treatment of infectious diseases. I believe the member for Pilbarra the other night mentioned a case of a leper at Broome. I do not know why it is that Anglo-Saxons in particular seem to be very cranky over certain things. If there were a case of a leper within 10,000 miles we would simply go mad. As a matter

of fact, I do not think there is any risk whatever. I remember some years ago one of the leprosy commissioners (Mr. John Hutchinson) speaking on the subject, and one very interesting thing he said was that it was a well-known fact that a number of lepers left Norway and went to America, and were never heard of afterwards. Had they died it would have been known. The inference was that they recovered; and taking again the instance of Father Damien at Molokai, I think he was there for over 10 years before he contracted leprosy. There is no reason why a large amount of money should be spent to cope with that disease. Then again when we hear plague spoken of, people go wild over it; but plague is not infectious to any extent. I think the Colonial Secretary did well indeed and saved the country a large sum of money by allowing the contacts, after certain precautions had been taken, to go free. There was no occasion whatever for keeping them in quarantine for the seven days period. Again people seem to take little heed of diphtheria, yet during the last six months ten times more deaths have been caused in this neighbourhood from diphtheria than plague has caused altogether; still, people take no heed of diphtheria. Sufficient precautions are not taken with regard to this disease. When a case occurs in a house, no precautions are taken to see where the father or the mother go. The father goes to his work and carries the disease probably with him. As members know, when a germ gets into the body it grows, and in its growth it produces certain toxin, certain poisonous matters that cause the symptoms of disease. As a matter of fact, in time these matters kill the germ, and the patient recovers. If a minute portion of the poison be injected into an animal, the time arrives when that animal cannot contract the disease for which it has been treated, and if the blood of the animal be taken—the serum—you can get out of it anti-toxin. It is proved that if anti-toxin be injected into individuals it will prevent their taking disease, and cuts short the disease when started. Particularly in diphtheria anti-toxin is a very valuable agent in our hands, and under its use the mortality from diphtheria has been reduced from 30 per cent. to five or six per cent. I think if the various medical officers were compelled to have anti-toxin, and if the contacts agreed to submit themselves to the treatment, it would save a number of lives. With reference to the control by local bodies over certain matters, I think they have too much power now. For instance, it is impossible at all times to get a local body to carry out certain works. There may be a nuisance, that nuisance existing not far from the principal place in a town. That nuisance is never remedied; but had it been caused by a private individual, I am sure the local authority would not let the individual rest for 24 hours. But the authorities themselves seem to let the matter go on year after year. Inasmuch as the local authorities deal with the people, they cannot be judges in their own case, and the central authority should have the administration. I believe more satisfactory work could be done if every medical officer of a local authority was a medical officer under the central board as well, so that when he sends a report to the local body, he should also send one to the central body, and if the local body does not carry out the suggestions made, the central body can see that they are carried out. With regard to hospitals for infectious diseases, as the member for Brown Hill says, the State pays half the expense and the municipality the other half. I think in the case of ports the State should at all events provide all the expense, because it is not the fault of a port that the infection is brought there. Private hospitals are liable under the Bill, and are to be registered. I think it would be a very good thing indeed if nurses were also registered. There are certain diseases that are highly infectious. These diseases are conveyed by means of the nurses from one patient to another, and it seems an anomaly that medical men should be registered, whereas nurses, treating perhaps the same cases, are not registered. With regard to infant mortality, the same provisions are found in the Bill as in the old Act, but I have never known the sections to be carried out. Although baby farming is responsible for a number of deaths, the most important thing is inefficient drainage. Everyone who comes in contact with children knows, especially in summer, that there are attacks of stomach trouble which come

on and kill children rapidly. That and diphtheria are due to bad sanitation. Another great cause of mortality amongst children is the ignorance of the parents, who simply do not know how to treat their children, and it would be a wise provision if each medical officer of a local authority at stated periods gave lectures to the public free of cost. Another thing that causes a number of deaths among children is that mothers will give their children certain patent medicines which, in many cases, contain remedies of high potency. I think the Government would do well indeed, and not only save many a life, but save the pockets of the people generally, to make it compulsory that all patent medicines should contain on the packets the contents of the drug. Personally I should have no objection to write out my prescriptions in English. I have a poor idea of medicine. One can count on the fingers of one hand all the medicines that have a real specific effect on disease. Others assist in many ways, but not to the extent the public think. There is much gullibility about medicines, and there are as many quacks inside as there are outside. The public should be educated. I think, with the exception of the machinery clauses, the provisions of the Bill are good. In conclusion, I would just draw attention to the schedule in which there are two Acts repealed, the Factories Act and portions of the Municipal Institutions Act. I think it would be better to repeal these separately. I have much pleasure in supporting the second reading.

MR. C. C. KEYSER (Albany): There is no need to discuss the general provisions of the Health Bill, because they are similar, almost in every particular, to the Act at present in existence; so that if there is any fault or complaint at all that the health of this State at present is not what it ought to be, it is purely from the lack of administration. The difference between the Bill and the present Act is in administration. Under the old Act we had the local boards of health responsible in the different districts, and the central board controlling the various local boards of health. The central board consists of a principal medical officer of health, a civil engineer, a practical builder, and various inspectors. Now we find the central board is to be superseded by a chief medical officer of health and the Minister. It means that instead of experts controlling the health of the State outside political control at the present time, we are going to put the control of the health of the State in the hands of the Minister, practically under political control. Which is the better, to have a body with full powers, a body of experts fully acquainted with their work who are given a free hand and are practically responsible to nobody, or to place it in the hands of a Minister responsible to Parliament, who may be moved, as the member for Roebourne put it, when a general election is on by some disturbance in his own constituency? But not only may the Minister be moved as regards some complaint or organisation in his own constituency, but he may be moved by the fact that whilst he owes his position to the support of various members of the House, the members of the House owe their position to being thoroughly in touch with the majority of their constituents, and we know—this is the chief complaint at the present time—whilst local boards have ample powers, they are not doing their duty. I found, as inspector of health for many years in Albany, that when I advised the local boards of health to adopt the double pan system, to have a rubbish removal system and provide water for flushing drains, they absolutely refused to adopt one of the suggestions. And why? Because it taxed their pockets. That was the only reason. To-day Albany has not the double pan system; there is no system for the removal of rubbish; there is no system of flushing drains, because the majority of the councillors are property owners; and whilst the medical officer of health and myself on many occasions reported in vigorous language and asked them to adopt modern improvements, they refrained from doing so. It shows that the suggestion thrown out by the member for Roebourne (Dr. Hicks) is the solution of the difficulty, that the medical officer of health should be subject only to the Central Board of Health, that he should be given full power to report upon any subject, that when a local board of health refuses to adopt any health suggestion the Central Board of Health should have power to step in and compel it in its own interest to adopt modern sanitary

improvements. Local boards of health are not willing to adopt proper means of sanitation, because it means extra taxation. It seems strange, in view of the trend of political thought. We have removed the railway service from the control of the Minister and appointed a Commissioner, we are about to adopt the same course in regard to the public service, and the member for Beverley (Mr. C. Harper) last night moved a motion that even the choice of agricultural railways should be taken out of the hands of Parliament because undue influence was used by some members who have great influence with Ministers. He said we should remove this undue influence and appoint a body outside of Parliament, to choose where agricultural railways should be constructed. So we find that now almost every power is being taken out of the hands of Parliament and conferred upon commissioners. That being the case, why this retrogressive step, power being taken from a nonpolitical body such as the Central Board of Health, and the whole of it conferred on the Minister? I am totally against this.

THE PREMIER: This is increasing the power of Parliament.

MR. KEYSER: I am against that when it means inefficiency. Why is an attempt being made to supersede the the Central Board of Health? One member has given a reason why the Central Board of Health should be abolished. I will tell members the reason. It is this, that the Central Board of Health has tried to compel local authorities to do their duty, and local authorities have actually resented any interference on the part of the Central Board of Health.

MR. DIAMOND: And defied them sometimes.

MR. KEYSER: Practically defied them. The member for South Fremantle (Mr. Diamond) knows that this is no argument why we should abolish the Central Board of Health, but an argument that the powers of the Central Board of Health ought to be increased. The fact that there has been an outcry on the part of various local boards of health in this State against the Central Board of Health surely must prove that the Central Board of Health is doing its duty. Else why this outcry? We must have some central authority which can overrule local authority. The local boards of health are elected by the people and are responsible to the people, who, even though it would be for their own good as far as health is concerned, absolutely refuse to be taxed, and their representatives, wishing to retain their seats on the various municipal councils and local boards of health, of course have to comply with public opinion. Under the new Bill power is given to increase the rates to be struck. Some exception has been taken to that, but under the old Act power was given to strike a rate up to 6d. in the pound, and in most instances throughout the whole of the State the rate has not, I think, reached twopence. So exception need not be taken here, because even though they have the power, no council or roads board will unduly tax the people they represent. There is one grave defect, in my opinion, and it is this, that the local board of health or the Minister may authorise certain sanitary work to be done. It may prove a hardship upon an individual or some firm or company, but there is no power of appeal.

MR. F. F. WILSON: They have done that in Perth recently.

MR. KEYSER: That is so. That proves there is a defect in the Act. Why should absolute power be given either to a local authority or to a Minister? When once an order has been served upon an individual or company or firm, involving the expenditure of a great amount of money, why should there not be the right of appeal? If the case is a good one, the Minister or local board will have nothing to fear in taking it into court; but if it is a bad one and they are not justified in serving this notice, why should an individual have to put up with it? I hope that in this respect power will be given to appeal against any order of the local board of health or of the Minister. I am glad to see power is given to the chief medical officer to compel local boards of health to adopt schemes for the removal of rubbish. They will compel local authorities who have no scheme to adopt one. They will compel them to adopt a double-pan system, if necessary, and to provide water for flushing purposes. Power will also be given to compel boarding-houses to provide water for all necessary purposes.

We find that a great drawback in many boarding-houses was the absence of sufficient water. Provision is now given in the new Bill to compel boarding-houses where there is no water scheme to provide sufficient tankage, and I think that is a step in the right direction. One of the chief drawbacks in the Bill in my opinion is that power is given to the Minister and to the medical officer of health in connection with various things in the district; dual power is given. The local medical officer of health may come into collision with the Minister, and no provision is made as to whose opinion shall prevail. [Interjection by COLONIAL SECRETARY.] The Minister may be correct, but according to my reading of the measure the Minister may give certain directions to the local officer of health and the chief medical officer of health. I may be wrong. We will discuss that in Committee. So a great difficulty will arise here, that there may be a conflict between the local board of health and this chief medical officer, and between the chief medical officer and the Minister. Another most unwise thing in my opinion is that the Minister, who is not an expert and may have no knowledge whatever of sanitation, will take it upon himself sometimes to dictate to the chief medical officer of health. What a ridiculous position! The Colonial Secretary, who is in charge of this Bill, laughs and shakes his head. He may not be prepared to take exception to the opinion of the chief medical officer of health, but we may have a Colonial Secretary who thinks he knows something about sanitation, who may have strong views, and if he opposes the chief medical officer of health, who is to prevail? The Minister has the power to oppose the chief medical officer of health and, more than that, he has the power to dismiss him.

MR. F. F. WILSON: He is responsible to Parliament.

MR. KEYSER: But the fact remains that before he faces Parliament he will have dismissed the chief medical officer of health, and if anybody ought to have an impregnable position it is the chief medical officer of this State, whom I would put on the same footing as a Judge, so that he may not be subject to outside control. Get the best man possible and give him an entirely free hand. One of the most flagrant drawbacks in the new Bill is the attempt to restrict the powers of an inspector as a local health officer. Under the old measure if an officer saw a filthy drain or any accumulation of filth, he had power immediately to serve an order on the person responsible for this filth and have it removed, and if it were not removed within 24 hours he could take out a summons and summarily deal with the offender; but under the new Bill, however bad a drain may be or offensive accumulations may be, he will not have power to do anything until he reports to the local authority. Just fancy a case where the local authority meets once a month! Before anything can be done he has to report to the local authority. I will read from the clause to prove to hon. members that what I say is perfectly correct:—

> Whenever on the report of an inspector or other person it appears that any house, or premises, or any drain, sanitary convenience, or other appurtenance belonging to the house or premises is in such a filthy, unwholesome, or dilapidated condition as to be a nuisance or injurious to health, the local authority may, by requisition to the owner and occupier of the house or premises, require them to cleanse and repair the same in the manner and within the time specified in the requisition.

Here is a filthy drain, a filthy accumulation, an offensive smell likely to cause disease, yet an inspector has no power whatever given him to immediately serve an order to have this removed, but he must first report to the local authority, who will then instruct him to serve a notice. Surely that does not appeal to members as an improvement on the existing Act. One thing I am pleased to notice—perhaps the only feature of the Bill which pleases me—that while under the existing Act we have to submit to the Central Board of Health plans for public buildings, the Bill provides that they be submitted to the local authority, the building surveyor, and not to the central board. In my opinion we should not allow a Minister to have anything whatever to do with matters concerning public health. I am certainly in favour of a Central Board of Health consisting of experts. Let the local authority be responsible to the central board. Have inspectors and a local officer of health; and if these report to the local board suggesting improvements which the local

board refuse to adopt, give the officers power to send on their reports to the central board, who, if they approve of the suggestions, should have power to compel the local authority to carry them out. If an officer is doing his duty and the Minister is not satisfied, he can absolutely dismiss the officer. I think too much power is given the Minister. In Committee I shall have an opportunity of opposing many of the clauses; but I hope, as has been suggested, that the Bill will be referred to a select committee; and their report, if framed by men who have an intimate knowledge of health matters, will show that some at all events of the new proposals in the Bill are utterly unworkable.

On motion by Mr. CONNOR, debate adjourned.

ADJOURNMENT.

The House adjourned at thirteen minutes to 10 o'clock, until the next Tuesday afternoon.

Legislative Council,

Tuesday, 8th November, 1904.

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

PRAYERS.

INSPECTION OF MACHINERY BILL.

IN COMMITTEE.

Resumed from the previous Thursday.

Clause 53—Drivers in charge of engines:

[HON. Z. LANE had moved an amendment to insert the words "or air compressor" after "pump," in Subclause 2, paragraph (*b*).]

HON. Z. LANE: It was understood there would be no sitting of the House this week, as many members had made arrangements to visit country shows; and as he would like his amendment submitted to a full Committee, only 16 members being now present he would withdraw his amendment.

Amendment withdrawn.

HON. C. E. DEMPSTER moved an amendment:

That the words "or to any engine used for domestic purposes" be added as paragraph (*c*).

THE MINISTER FOR LANDS: The amendment was not necessary. The previous paragraph exempted pumps erected on premises not capable of pumping more than 6,000 gallons per hour. Any steam pump required for domestic purposes would come under that exemption, but if not, it should come under the operation of the Bill.

HON. G. RANDELL: The previous paragraph contained useful exemptions; but many engines were used for domestic purposes, such as chaff-cutting and wood-cutting, and more specific words were required.

Amendment passed, and the clause as amended agreed to.

Clauses 54 to 63—agreed to.

Clause 64: Boiler attendant's certificate

HON. Z. LANE suggested that the clause be struck out. There had never been a place in the world where a boiler attendant had to have a certificate. This was only another injustice, not only to the mining community but to the community at large. We had been going on for years without boiler explosions, or with very few in this country, probably through the thorough inspection of boilers or through people taking care of boilers for their own safety. Now there was a desire to force upon people a certificated person, who would require about three times the wages at present paid.

THE MINISTER: In Victoria and Queensland certificates were compulsory, but under this clause they were not compulsory, but purely optional.

HON. R. F. SHOLL did not see the object of the clause, if the certificates would be optional.