tion only the night before no trouble could ensue, for if a mine was in a bad state it could not be put right in a single night. But if the inspector of machinery had to inspect the mine also, notice of sometimes a week would have to be given so that the boilers would be ready for inspection when the inspector arrived. In that case if the two duties were combined the manager would know when the inspector would arrive and would have plenty of time to get ready for his visit. It was simply a matter of expenditure, and it was found that the Public Service Commissioner spoke strongly with regard to the large expense for inspection. Hon. members would see on account of the great distance of this country the impossibility of having that supervison which took place in districts like Bendigo, Ballarat, Broken Hill, and Newcastle. There it was possible to have cheaper and more complete inspection. He would see whether it was possible to get more inspectors; an inquiry was taking place to see whether it would be possible to secure the services of the machinery inspectors, more with a view of helping with the mining work.

Mr. Scaddan: Who do you propose to appoint on that board of inquiry?

The MINISTER FOR MINES: It would consist of two engineers, one from the Works Department and one from the Railways Department.

Progress reported.

House adjourned at 11.3 p.m.

Legislative Assembly,

Wednesday, 20th January, 1909.

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

QUESTION—STATE BATTERY, YOUANME.

Mr. TROY asked the Minister for Mines: 1, Has all the material for the Youanme battery been forwarded to that locality? 2, Who has been entrusted with the work of erecting the same? 3, Is it a fact that a start has not yet been made with the erection of the battery? 4, What is the reason for the delay? 5, When does the Minister anticipate the battery being available for crushing the prospectors' ore?

The MINISTER FOR MINES replied: 1, No. 2, Mr. D. Missingham is superintending the removal at present. 3, Yes. 4, There is no delay. The Youanme battery is portion of the old Black Range battery, and this could not be dismantled until the new Black Range battery was completed. Tenders had been called for a new battery frame, other parts renovated, and the work of removal to Youanme is now almost completed. When the various parts are on the ground the work of erection will proceed. 5, About the end of March.

QUESTION—RAILWAY SIDINGS, WIDGEMOOLTHA LINE

Mr. TAYLOR (for Mr. Horan) asked the Minister for Railways: Will he delay the granting of permission to Thomas Connoly for the construction of a siding on the Coolgardie-Widgemooltha Railway until receipt of a further report from Forest Ranger Kelso?

The MINISTER FOR RAILWAYS replied: The Railway Department has approved of the application.

PAPERS PRESENTED.

By the Premier: 1, Papers relating to the appointment and dismissal of Ex-constable E. O'Loughlin, asked for by Mr. Horan. 2, Additional papers relating to the decentralisation of the Lands Department.

By the Minister for Works: Additional by-laws passed by the Yilgarn Roads Board.

BILL—VERMIN BOARDS.

Council's Message.

Amendment requested by the Legislative Council now considered.

In Committee.

Mr. Taylor in the Chair; *the Premier* in charge of the Bill.

Clause 47: Add at the end of the first proviso:—"Nor on any holding which is already, in the opinion of the Minister, enclosed with a proper vermin-proof fence erected at the cost of the owner or his predecessor in title."

The PREMIER: Hon. members would see that there was already inserted at the end of Clause 47, which had for its object the creating of a fund for carrying out the provisions of the Act by the making and levying of a vermin rate on every holding within the district, the following proviso:—

> "Provided that such rate shall not in any year exceed 2s. for every 100 acres of a holding: provided also that no rate shall be made or levied on any holding of less than 100 acres."

To this the Legislative Council now proposed to add the proviso contained in their Message. The Bill provided for the Government's advancing against the right to rate up to 2s. to meet interest and sinking fund, this being the only security the Government had. The novel idea of giving to any person the right to fence out the tax collector, as it were, would not to his mind, bear investigation. If this were adopted it would be possible for any individual to fence off 1,000 or 2,000 acres of his best land, and so evade contributing in any way towards the tax. In considering this matter it would be necessary to draw up certain reasons why it would be advisable to decline to make the suggested amendment submitted by the Council. One particular case had been pointed out to him, namely, that of a property on which two rivers junctioned. By putting up a fence across some two or three miles of land below the junction, the holder of that property would be exempt from the payment of the tax, while the holders of the adjacent country would still be liable for contributions towards the cost of keeping the country free from pests. He would like the Committee, when considering the question, to bear in mind that the right to levy the rate was the only security the Government had.

Mr. Underwood: Security for what?

The PREMIER: It was the only security the Government would have against any loan that might be advanced. If a ring fence were to be erected by a board around a district, and if some particular property within that district were already fenced,, that property, while benefitting to a large extent by the outer fence, which would serve to lessen the risks of pests entering through the inner fence, would not, under the proposed amendment, be liable to taxation, nor could any proper inspection be made by the board's inspectors with the view to satisfying themselves that the private fence met all the requirements of the Bill. He did not know that there were many holdings already fenced; nor did he think that any great hardship would be imposed by adhering to the clause as it had left this Chamber. To distinguish between the holders of properties already fenced and those whose properties were to be fenced hereafter would be unjust, as the former would be relieved of all liability while the latter would have to pay the whole of the charges. And even if a property were fenced at the present time there was nothing to show that the fence would not be permitted to fall into disrepair, notwithstanding which the holder of the property would not be called upon to pay any contribution to the tax, which would have to be borne by other holders for the protection of themselves and of the holder whose property was already fenced. In these circumstances he moved—

That the amendment be not made.

Mr. WALKER: It was advisable to endeavour to conceive the reasons why the Council had sent down this message. He took it that the Council had considered that some time would elapse before the Bill got into operation. It was manifest that ultimately every person possessing a holding would have to surround it by a vermin-proof fence. Provision had not been made as yet to supply fences or to grant loans to settlers. The Act would not come into force directly. The machinery had yet to be provided, and the country divided into districts, and there were regulatons to be provided for supplying settlers with loans. In the meantime those who had taken up land and commenced fencing in anticipation of what must come about later on would receive no assistance. Thus there was a possibility of unfairness to them that, in order to enable all other owners of land to fence by borrowing money at a cheap rate from the Government, they should be compelled to pay a tax after having completed their own work and fulfilled their duty to the State in the erection of vermin-proof fencing. They could readily claim that the remainder of the holders should look after themselves as they had been compelled to do. No doubt everybody would benefit by the fencing carried out by the vermin board, and no doubt all should contribute in fair proportion, but we should start with everybody on the same footing. Thise who paid the cost of fencing out of their own pockets were certainly not on the same footing as those who would get their fencing done on long terms of repayment.

Mr. HUDSON: The Government should have accepted this equitable amendment. Many people had already at considerable expense, erected fences to keep out vermin, and it would be a great hardship on them if they were called upon to contribute towards the cost of fencing or other improvements to keep out the vermin from any vermin district that might be created around them. In regard to the instances quoted by the Premier, the amendment left it to the Minister to say whether any property was enclosed with a proper vermin-proof fence, and the illustration given by the Premier of two rivers forming the boundary of a holding would not come within the definition of a proper vermin-proof fence. It would not be a ring fence around the holding, and certainly a river was not always vermin-proof. It was admitted that a ring fence erected all round a district would benefit all holdings within the district, and also, to a limited extent, those already enclosed by vermin-proof fences, but the security on the remaining unfenced holdings should surely be sufficient to guarantee the expense of erecting a ring fence around the whole district. Again, it would not be fair to rate people in isolated places, such as pastoralists beyond the No. 1 rabbit-proof fence, many of whom had gone to considerable expense to put up their own fences, and who had already to fight the rabbits without any assistance from the Government, and now paid for the upkeep of the existing rabbit-proof fences that were of no service to them. Again, in other parts of the State infested with dogs, people should not be called upon to pay the cost of a dog-proof fence around their district if they had already put up dog-proof fences enclosing their holdings. There was not much likelihood when once a ring fence was put around a district that the settlers would erect their own vermin-proof fencing. The only holdings enclosed in this way would be those on which the work had already been done. Therefore, in this respect the Council's suggested amendment was not prospective, but was rather retrospective.

Mr. ANGWIN: The amendment dealt only with the rating clause. Those who had already fenced would not need to fence again, and consequently would only have to subscribe to the cost of the general administration of the vermin board in whose district they were situated, and that would only be a very small payment indeed. If the principle contained in the suggested amendment applied in in other instances, it would be most serious. Many persons paying rates to road boards received no benefit from the boards' expenditure. Many persons in municipalities received no benefit from the municipal expenditure, but yet had to pay their rates. In this case it was very clear

that those who were in the fortunate financial position of being able to put up fences round their holdings should not seek to avoid their share of the administration charges of their district. It had nothing to do with the erection of fences. That work was additional, and was either compulsory by the board, or on loans granted on the guarantee of the board. The Council's amendment, if adopted, would hamper the Bill. In fact, in some districts it would be impossible for any board to carry on, because sufficient funds for administrative purposes would not be secured. Every holder in a vermin board district should subscribe to the cost of administration.

Mr. UNDERWOOD: The amendment requested by the Council was an improvement to the Bill. The Premier could not have grasped its meaning in saying that a person could fence in the best portions of his area and so escape payment of rates. The whole holding would need to be enclosed by a proper fence to come within the meaning of the amendment. Those who had already fenced in their land were deserving of more consideration than those who had not fenced, and when the Bill proposed to rate them equally with the others it seemed unfair. There would be no delay in bringing the Act into operation. The Government could, by *Gazette* notice, declare road boards vermin boards, and that could be done in ten minutes.

The PREMIER: There seemed to be some slight element of unfairness in the clause as it passed the Assembly, but if the amendment were adopted those holders who had already enclosed their land would be exempt from rating in perpetuity. The same argument might be applied to the man in a municipality who constructed a footpath in front of his property, yet under the municipal laws that man had to pay his rates just the same. While admitting there was a good deal in the contentions raised, it seemed that the amendment would considerably limit the area that could be rated. There was a limited life to the rabbit-proof fences. There might then be this position, that if success followed the operations of fencing-in a large area and no rabbits got through it would not entail much cost on the holder in the matter of upkeep. Perhaps the best course to adopt would be to insert an amendment providing that the exemption should not extend over four or five years. He had not an opportunity to confer with the Honorary Minister on the matter to any great extent, but his colleagues seemed to think it would interfere with the Bill considerably if the amendment were accepted.

Mr. WALKER: The principal difficulty was that if it were known that the Government by-and-by would supply money for the erection of fences, those people on the land to-day who were thinking about fencing in the neighbourhood of the vermin would be likely to delay that work and would not spend the money, thinking that when the Act came into operation they would be likely to receive Government assistance. It was not so easy to put the measure into operation as appeared at first sight. There were officers and inspectors to be appointed and there was the fact that all roads boards would not be suitable for vermin districts, while above all money had to be provided by Parliament and then allocated. In the meantime what was to be done by those who required fencing to be erected immediately? If those operations were begun now by private individuals, the owners would be handicapped for they would receive no help from the Government.

The Premier: It would meet the case if an amendment providing for exemption for a certain number of years were inserted.

Mr. WALKER: There were people now employed in putting up vermin-proof fences round their holdings, but they did not know whether to finish the work or not, as if they did they might be penalised. All those who had completed operations before the Bill was really in force should be exempt.

The Premier: How would you fix the time when the Bill came really into operation?

Mr. WALKER: Provision could be made that persons should be exempt who had concluded their fencing before the Government were ready either to lend

money for fencing or to supply wire. Those persons should not be penalised. He would agree to an amendment that in cases of this kind the Bill should not take operation until say two or three years.

Hon. F. H. Piesse: Better make it 10 years, for these people should be encouraged.

Mr. WALKER: The period of 10 years was too great but there was no doubt that those who had done work in regard to fencing should not be penalised.

Mr. BUTCHER: The erection of a rabbit-proof fence did not render the holding absolutely immune from rabbits. The object of the measure was not only to have fences erected but also to protect the holdings for all time. Certainly there were some few persons who had done something towards protecting their holdings by the erection of rabbit-proof fences.

Mr. Hudson: Thousands of pounds have been spent on that work.

Mr. BUTCHER: And those who had spent the money had protected their holdings; but that did not render them immune for all time. It was sought to exempt those persons for all time and enable them to shirk their responsibility. He had in his mind's eye two or three cases were land holders had put up four or five miles of rabbit-proof fencing. Their holdings were situated on a peninsula with the greater portion surrounded by water. By putting up a fence for four, seven, or perhaps 10 miles they had absolutely protected themselves against the attack of the rabbits; but by so doing possibly they might have cut off portions of their holdings which they were prepared to sacrifice. These portions cut off remained as a breeding ground and a great menace to the holdings in other parts. Then there was the case of an island. Was a man to be exempt because nature provided him with a natural fence?

Mr. Underwood: Such persons are exempt from road board taxation.

Mr. BUTCHER: That was not so, for the owner was subject to such taxation the same as if he lived on the main land. Supposing some malicious person put rabbits over those fences. This was not at all unlikely, for it had occurred in other parts of the Commonwealth, and would be done again. Was the owner still to be exempt from the operations of the Act or would he be compelled to destroy the rabbits inside his fence? He did not advocate that those persons should pay the full amount, but it would not be fair to other holders if they were exempted altogether.

Mr. Walker: Will you agree to a few years' exemption for those who have done work?

The Premier: Make a five years' exemption.

Mr. BUTCHER: This should not be done unless the holders had enclosed the whole of their area. He wanted to avoid this position that because it might suit a man to put up a few miles of fencing and thereby protect a particular part of his holding, he could throw the balance on to the hands of the Government, allowing it to become a breeding-ground for rabbits and placing on the shoulders of the rest of the community the responsibility of banishing the rabbits from that area. Such a position as that had already arisen. While trying to do justice to one person we must not do a greater injustice to others.

Mr. HUDSON: Under Clauses 42 to 46 the board might destroy vermin on a man's holding even if he had a rabbit-proof fence around it, provided he allowed the vermin to increase there and did not take proper steps to destroy it. In such an event the board could go on the holding, destroy the vermin, and under Clause 45 compel the owner to pay all costs, charges, and expenses. Consequently all the hon. member's arguments went by the board. Persons who had put up fences had spent their money on the work, had to pay interest on what they had borrowed, and had been compelled in their pioneering stages to destroy all vermin in the area. If they were compelled to pay it would be in many cases for a general provision from which they would get no real benefit. These people should not be made to suffer because it suited others in a different part of the State to have the Bill passed according to their own sweet will.

Hon. F. H. PIESSE: With regard to the claims of those persons who had erected fences, such as the Dempster Brothers, in the district represented by the member for Dundas, he agreed with the remarks of the previous speaker. Some of the settlers had gone to considerable expense in the districts the member for Dundas had mentioned, and it would be a hardship on them to compel them to pay this tax, at any rate until a period of exemption, to which they were entitled, had elapsed. The instance cited by the member for Gascoyne as to the position a peninsula would be in, was not at all analogous to the cases mentioned by the member for Dundas. The special claims of the people in the district of the latter deserved to be considered by the Committee; they should be exempted not for periods of two or three years or even five years, but for a period of 10 years, and that would give them an opportunity to recoup themselves for the expenditure they had incurred, and it would also give encouragement to others who had already fenced their land to keep the rabbits out.

Mr. TROY: Something should be done with the view of meeting those people who had already fenced in their properties. These people who had fenced their areas must have done so within the last five or six years. The life of a rabbit-proof fence was about 10 years, and members should take into account the fact that in many of the areas, particularly in his (Mr. Troy's) electorate, there were dangers of washaways, etcetera. He had drafted an amendment which, in his opinion, would meet the circumstances. It was an amendment on the amendment of the Legislative Council and read—

> "Nor for a term of five years after the passing of this Act, on any holding which is already, in the opinon of the Minister, enclosed with a proper vermin-proof fence, erected at the cost of the owner or his predecessor in title."

Mr. ANGWIN: The suggested amendment would establish a precedent the end of which members would never hear of, and he hoped it would not be agreed to. It would apply to every part of the State when it was developed to such an extent that it would require roads boards, municipalities, and other bodies to control it. This rate was to relieve the man who had in the past expended a large amount of money for his own protection. The board, under the Bill, could make those who had not paid contribute in the same manner as those who had done so, but the amendment would have the effect of making a section of the residents only to pay administrative expenses for the protection of the whole area. What he objected to most, however, was the exempting of certain parts from the system of taxation. Taking the Mount Margaret district, there were several roads boards, and there were some of the areas within the boundaries of those roads boards that would receive no benefit, or scarcely any, from the administration of the board which would have control of the district, but they would be exempted from paying rates, and if it were necessary at any time for anything to be done in that district the board was there to take the desired steps. In this amendment it was asked that a person who had been in a district for a considerable time and who had fenced in his land should, for a term of years, be relieved of the administrative expense. Yet this expense would not be reduced because this person was relieved. On the contrary, so far as the other holders were concerned it would be very much increased by that very fact. Because 2s. was the amount mentioned in the Bill it did not follow that the rate struck would be as high as that. He hoped that the amendment would be negatived.

Mr. UNDERWOOD: The member for East Fremantle seemed to be afraid of establishing a precedent; yet it was to be supposed that before following any such precedent the various boards would give it every consideration. If they found reason to conclude that the precedent was a good one, there was no reason why they should not follow it. The part of the State to which this amendment would more particularly apply would be the North, where the men who would stand for exemption had been for many years past contributing not only to the administrative expenses but to the interest and sinking fund on the construction of the

rabbit-proof fence, from which they received no benefit, but rather some injury.

Hon. F. H. Piesse: That applies to all.

Mr. UNDERWOOD: It applied a good deal more to those outside the fence than it did to those within it. Why, he might ask, should the people of Esperance be required to contribute to the cost and up-keep of that fence, seeing that but for the presence of that fence the rabbits would, in all probability, have scurried across their country. The only effect the fence had had upon the holdings at Esperance was to keep the rabbits in the district. The member for Gascoyne had urged that people having holdings on peninsulas might fence off their run across the neck of the peninsula and so escape very cheaply. Seeing, however, that there was so small an aggregate area of sheep-raising land in the form of peninsulas, he (Mr. Underwood) thought that the Committee might safely allow those who held that land to stand out. Those people had drawn a prize in getting such land, and they ought to be allowed to keep it.

The ATTORNEY GENERAL: The amendment suggested by another place practically stopped at a point where, apparently, there was no logical reason for its stopping. If it were right to say that those who had already fenced should be exempt from liability under the Bill, surely it would be equally right to, from time to time, grant exemptions to those who would erect their own fences after the passing of the measure. Those who already had their holdings fenced had in the past enjoyed every facility which the Government could afford them for fencing; and now they were to take all the advantages existing and proposed, of those fences. It was well known that for the mere purpose of carrying on the pastoral industry it was necessary that the holdings should be subdivided and ultimately fenced. If then it were incumbent upon the holders in the interests of their returns from the industry to fence their properties, why say that because this one and another had a fence of a special quality he should be exempt from the operation of this Bill? The intention of the Bill was to create boards to carry out certain works for the good of the State. If these boards did not come into existence private owners would have to face a large expenditure, the necessity for which, however, would disappear immediately upon the creation of the boards. The expense private owners would have to face if these boards were not created would probably be quite equivalent to the entire tax which would be raised by the respective boards. These were considerations why the amendment should not be made, apart altogether from the general principle urged by the member for East Fremantle. He hoped that the motion made by the Premier would be accepted, and that the Committee would not put the Bill in a form which would make it difficult for the Government of the day to finance these boards. If the amendment suggested by the Council were made it would be necessary in respect to each loan to cause inquiry to be made as to what portion of the board's territory was exempt from taxation; and it might easily be that a board would be called upon to incur large expense in an area in which they might look for but little taxation.

Mr. HUDSON: Would the Chairman tell the Committee what question was before the Chair—whether it was the motion moved by the Premier, or the amendment moved by the member for Mount Magnet?

The CHAIRMAN: The motion made by the Premier was that the suggested amendment of the Legislative Council be not made. The member for Mount Magnet had subsequently moved an amendment, which could not be put in the ordinary way. The Committee must first dispose of the motion moved by the Premier before dealing with the amendment moved by the member for Mount Magnet: because the Premier's motion was dealing directly with the amendment suggested by the Legislative Council, while the amendment of the hon. member was to amend the suggested amendment.

Mr. HUDSON: It would be well if the Committee were directly instructed as to whether, if they negatived the Premier's motion, they would be in a position to move another amendment. He was in-

to think that a further amendment could be framed which the Premier would accept. Speaking generally to the question he could not withhold his admiration of the tenacity with which the member for East Fremantle stuck to his principles. He (Mr. Hudson) would like to see the member for East Fremantle carry his principles to an extent which would include the making of a district comprising Perth, Fremantle, and the country intervening between these centres and the rabbit-proof fence, a vermin district, when the people of Perth and Fremantle would be compelled to pay the tax levied for the purpose of destroying vermin.

Mr. Butcher: In a general way they are doing it now; they are contributing to the upkeep of the rabbit-proof fence.

Mr. HUDSON: It would be consistent in the member for East Fremantle if he would support the theory that everybody in the State should be called upon to contribute to this tax, whether they stood to derive a benefit under the Bill or not. Why, for instance, should not the holder of less than 100 acres contribute to this tax if the principle propounded by the member for East Fremantle were a good one? Did not the people in the towns benefit by the increased production through the destruction of vermin? The Bill was for a particular purpose, and it was desired it should not work hardship. The Attorney General had not explained why those outside the rabbit-proof fence who had in the past, according to the Attorney General's argument, been contributing unfairly, should not be exempted from the tax brought about by this Bill. In Victoria when rabbits were such a nuisance, the onus of carrying out the provisions of the Vermin Destruction Act was cast upon the shire councils, but it was found that the best way to deal with rabbits was to advance money to settlers for fencing their own blocks. Nobody took much interest in the outside fences and in Victoria the question was not so much the upkeep of the outside fences as destroying the vermin inside the fences. Here it would be the same. Though a ring fence might be put around a large district, once the vermin got in the only way to deal with them would be to supply netting to the various holders and compel them to keep down the vermin on their holdings. The Premier should not insist on his motion, but withdraw it and accept the suggestion that the Council's amendment should read—

> "Nor for a period of five years after the commencement of this Act on any holding which, within six months of the proclamation of the district in which such holding is situated, is in the opinion of the Minister enclosed with a proper vermin-proof fence."

The people outside the fence should not be made to suffer an injustice, and assistance should be given to the fencing of small holdings. And as small holders were compelled to keep down the rabbits within their boundary fences, we should grant the exemption another place suggested.

Mr. BUTCHER: The hon. member's argument was based upon the experience of areas already outside the rabbit-proof fence. If we had any guarantee that by allowing an amendment of this nature to pass it would only be used outside the rabbit-proof fence, and if we had some power to compel those outside the rabbit-proof fence, exempted from the operation of the Bill, to expend money in protecting their holdings, one could agree with the hon. member; but that was not the position; there were large areas outside the rabbit-proof fence that were still the property of the State, and by this legislation we sought to protect those areas in the interests of the State as well as in the interests of those areas inside the fence. It would be dangerous to allow the amendment to pass in these circumstances. The Attorney General rightly asked in reference to the principle of exempting those who had spent their money in fencing their areas before the passing of this measure: What were we going to do with those areas that in future would be fenced by private means? It did not follow that a fence round an area controlled by a vermin board secured the inside areas for all time; and no doubt all the individual holdings would in time be enclosed by rabbit-proof fences. What would happen then? Were we to do away with all administrative expenses,

were we to exempt all of those holders, or were we to look to the State or general taxpayer to contribute the funds for the administration of these costly vermin boards and for the payment of the interest on the money spent on the construction of the original outside fences? The principle put forward by the member for East Fremantle was perfectly correct. One could not see how it was possible to exempt those who built a fence inside the ring fence. There were dozens of pastoral stations that did not use a single road in Western Australia; the produce being taken down the coast in boats, and no hon. member would suggest that because the holders of those stations pursued this course they should be exempt from roads board taxation. An argument like that would not hold for five minutes. Why then should we seek to exempt from the vermin board rating any man who happened to be more favourably situated than others?

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

Ayes	16
Noes	10
Majority for ..	6

AYES.

Mr. Angwin	Mr. Male
Mr. Barnett	Mr. Monger
Mr. Butcher	Mr. N. J. Moore
Mr. Gregory	Mr. S. F. Moore
Mr. Hayward	Mr. Osborn
Mr. Heitmann	Mr. Piesse
Mr. Jacoby	Mr. Price
Mr. Keenan	Mr. Gordon (*Teller*).

NOES.

Mr. Bolton	Mr. Swan
Mr. Collier	Mr. Underwood
Mr. Gill	Mr. Walker
Mr. Hardwick	Mr. A. A. Wilson
Mr. Hudson	Mr. Troy (*Teller*).

Question thus passed.

Resolution reported; the report adopted.

Reasons for not making the Council's requested amendment adopted, and a Message accordingly transmitted to the Legislative Council.

BILL—WINES, BEER, AND SPIRIT SALE AMENDMENT.

Council's Message.

Amendment requested by the Legislative Council now considered.

In Committee.

Mr. Taylor in the Chair; the *Attorney General* in charge of the Bill.

New clause to stand as Clause 4, as follows:—Packet Licence. (1.) Every packet licence granted before or after the passing of this Act shall authorise the master of the vessel therein mentioned, being a vessel licensed to carry passengers within the State of Western Australia, to sell and dispose of any liquor to any passenger on board of such vessel while such vessel is on her passage. Provided that the provisions of Section sixty-one of the principal Act shall not apply to a packet licence. Provided also that no licence shall be necessary to authorise the granting of allowances of liquor to the crew of any vessel. (2.) Section six of the principal Act is hereby repealed.

The ATTORNEY GENERAL: It was his intention to move later on that the amendment be agreed to. Under Section 6 of the existing law it was provided—

> "A packet licence shall authorise the master of the vessel therein mentioned being a vessel by which passengers shall be conveyed from any place within the said colony or its dependencies to any other place within or without the said Colony and exercising such licence on his passage between any such places, to sell and dispose of liquor to any passenger on board of such vessel. Provided that no licence shall be necessary to authorise the granting of allowances of liquor to the crew of such packet or vessel."

Under that form of licence the "Zephyr" and "Westralian," although registered at Fremantle, had enjoyed the right to sell liquor to persons who went out for river trips and beyond the river on those boats. An application was made for the renewal of the licences at the December sittings of the Fremantle Licensing Bench, and the argument was submitted to the bench that in fact there was no port except Fremantle, and that the two vessels in

question had not been running within the terms of the section, and had not been exercising their licences legally. The bench accepted the contention and refused to renew the licences which authorised the boats to sell liquor when running in the river from the wharf at Perth to Freshwater Bay or elsewhere and to Fremantle and even beyond Fremantle. It was not desirable that we should have one rule applying in Fremantle and another in Perth. No appeal was taken against the decision of the bench, as might have been done, probably because it was not deemed advisable. At the very same December sittings a licence was issued in the old form by the Perth Licensing Bench to the "Decoy," another steamer competing for the trade.

(*Sitting suspended from 6.15 to 7.30 p.m.*)

[*Mr. Daglish took the Chair.*]

The ATTORNEY GENERAL: When the Committee rose he was explaining that the amendment had been drafted for the purpose of meeting a special case arising out of the decision given in connection with the packet licences for the steamers "Zephyr" and "Westralian." No matter what our views might be about temperance if the public wished to go out on river excursions on Sundays, and indeed on other days whenever they were held, we should not deprive them of the right to enjoy ordinary comforts, and for his part, although he was quite willing to acknowledge a great deal in the temperance programme, he refused to be bound by it to the extent of spoiling a holiday which he might choose to take on the water. Perhaps some hon. members held different views, but in order that the views he held might be given effect to it was necessary to alter our licensing law by inserting a clause such as the one submitted. Before that clause was passed by the Legislative Council it was submitted to him and therefore in a measure, although it was proposed not by a member of the Government, he was responsible for it. It was provided also in this clause that Section 61 of the principle Act should not apply. Section 61 of the principal Act provided that no liquor could be sold or consumed on Sunday except by bona fide travellers, and because passengers on steamers were regarded as bona fide travellers it was thought that it was legal to serve them. Such, however, was not the case. With regard to these river excursions they took place mostly on Sundays and holidays; on working days the masses could not avail themselves of the excursions, and if we imposed conditions that the licence would not allow the holder to sell on Sundays we might as well entirely abolish them. He asked the Committee to accept the new clause, believing, as he did, that it would be in the interests of the great majority.

Mr. ANGWIN: It was not surprising to hear the Attorney General say that he would agree to the request of the Legislative Council. In fact before the Government had taken the matter in hand he (Mr. Angwin) passed a remark to some hon. members that if he were a betting man he would be prepared to bet that the Government would accept the amendment.

The Attorney General: And you would have won.

Mr. ANGWIN: When the Bill was under the consideration of the Committee previously he expressed a desire to move a new clause, but the Attorney General pointed out that it would be unwise at that juncture to introduce any new matter, which could be provided for at a later date when the House was dealing with the comprehensive Bill. In fact the opposition the Attorney General gave to the proposal was chiefly based on the fact that that particular Bill had been brought down for a specific purpose and that only. Other amendments could be dealt with at a later stage in the comprehensive measure. Now we found the hon. gentleman agreeing with those who wished to make a very decided amendment to the Licensing Act at present in force. That was not the first occasion in which a certain gentleman who followed the profession of solicitor, after having been defeated in the courts, had come to Parliament for the express purpose of

having his ideas made the laws of the State. It was time that members said that they were not going to allow any one gentleman to have the privilege over others following the profession of the law merely because he was a member of Parliament. The Attorney General pointed out in the first place that this amendment provided that those packets trading between Perth and Fremantle and Rottnest should have the privilege of selling liquor when steaming from one place to another, but while members knew that Mr. Roe in Perth gave a decision different from that of the magistrates at Fremantle, the Act laid it down clearly that the licence must be granted from place to place, and when the decision of the magistrates was given in Fremantle, it was stated then that any person who carried a case to any of our courts for the express purpose of penalising those who sold liquor in places between Perth and Fremantle, such an action would be laughed out of court. The Attorney General knew well that there was no person who would take action against the packets for selling liquor, say at Freshwater Bay, where they stopped. The amendment of the Legislative Council had gone beyond the requirements of a packet licence. He realised that we had in this State a large company commonly called a combine; a company which had such philanthropic intentions that they did not wish to bleed the people, they merely wished to run their steamers at a loss, and no person could make him believe that that combine was not unlike the meat ring, which ran its business for many years at a loss and at the same time was rolling in wealth. If any person tried to make him believe that they would have a very difficult job indeed. The combine had been running their steamers on the river for the express purpose of benefiting the people of Perth and Fremantle, and not for their own interests; they had been doing that as a philanthropic action and for that reason only. As far as he could gather from the discussion which had taken place in the Legislative Council it was found that such sympathy had been awakened that members there could not allow the combine to be philanthropic any longer. He moved as an amendment—

That the following words be added to the motion:—"Subject to the dele- of the words 'Provided that the provisions of Section 61 of the principal Act shall not apply to a packet licence.'"

Members knew well that those who held packet licences in our State were not allowed to sell on Sunday, excepting on certain conditions. Why should we give special privileges to those who ran such small steamers which left our shores for an hour or an hour and a-half, called at Fremantle, stayed there for a short space of time, and then proceeded to the islands, stayed there, and then returned to Fremantle and Perth in the afternoon. It appeared to him there was no necessity whatever for those persons holding packet licenses to have special privileges with regard to Sunday trading. The Attorney General pointed out that these excursions were conducted on Sundays. Members knew, however, that they were conducted on every day of the week, or at least every night, and sometimes two or three times a day. He was not going to agree to this philanthropic company getting special privileges, and for that reason he moved the deletion of the words he had read. He was sorry that the Attorney General had seen fit to approve of the new clause. It would have been far better to have allowed the question to stand over until the comprehensive measure was being dealt with. He objected to having that question brought in on a side issue as a lever to be used at a future date. He hoped hon. members would agree to his amendment.

Mr. FOULKES: It was to be hoped the Committee would not agree to the amendment moved by the member for East Fremantle. If that amendment were to be agreed to it might mean the dropping of the Bill. That being so, he hoped the amendment requested by the Council would be made. At the outside it would only be for a period of some eight months: because next session a comprehensive measure dealing with all the matters contained in the present measure would be brought down, if not by

the Government at least by the Leader of the Opposition.

Mr. BOLTON: If the Committee decided not to accept the amendment requested by the Council the position would probably be left as it was to-day, and the Perth Licensing Bench would go on granting packet licences while the Fremantle Licensing Bench would continue to refuse to grant such licences. Apparently the two Benches viewed the question in different lights. Another thing which lessened his opposition to the motion made by the Attorney General was that the suggested amendment would be embodied in a Bill which must lapse next year, when, in consequence, the Government would have to provide for packet licences in the greater measure, and so the question would come before the Chamber once more. Although the member for East Fremantle was perhaps the last who could be charged with entertaining any sympathy with the hotelkeepers, yet his amendment would assist them very largely. Everybody knew that a great deal of Sunday trading was being carried on in the hotels. If those who wanted drink could not obtain it on the steamers they would assuredly go to the hotels for it. Perhaps the great majority of the passengers who travelled on these steamers did not partake of intoxicating liquors at all; still, in his opinion, those who wished for such refreshment while on an excursion should be allowed to procure it.

Mr. WALKER: It would be interesting to know what the Attorney General had meant when he said that his motion was in the interests of the vast majority of the people.

The Attorney General: The majority of those who used the steamers.

Mr. WALKER: That was a qualification, indeed. However, what right had the Committee to specially cater for those who used the steamers? If there were any justification at all for the granting of this privilege it should be extended to those who used the railways on Sundays.

The Attorney General: You can get alcoholic liquor on the Kalgoorlie express on Sunday.

Mr. WALKER: It had been said that sometimes one could not get it on the Kalgoorlie express even on a week day. Another class to whom the privilege ought to be extended were those who had to travel on foot. Supposing the Attorney General had been unable to get refreshments at his own house or at his club on Sunday last, what would he have done?

The Attorney General: Probably have dropped in my tracks.

Mr. WALKER: The legislation proposed by the Council and supported by the Attorney General was of the most special kind. It proposed to grant not only a monopoly but a privilege to those owning certain steamers. If these people could not make a profit out of their legitimate traffic why not grant them a bonus, which would be preferable to enabling them to make special profits out of keeping floating public houses. He regarded the proposed legislation as objectionable, if on that score alone.

Mr. Angwin: It is the first inroad on Sunday opening.

Mr. WALKER: If that were so he might be with it, for he could not see the consistency in allowing people to drink on six days in the week and preventing them from drinking on the seventh; nor, by the way, could he see the consistency in allowing the steamers to sell on Sunday while the hotels were forced to close. It was putting a monopoly into the hands of the owners of the steamers. Those who, patronising the steamers, did not indulge in intoxicants took their own refreshment with them; what then was there to prevent those who wanted alcoholic stimulants taking them with them when they went on river excursions? The Attorney General would admit it was not catering to pleasure to facilitate drunkenness on these steamers.

The Attorney General: There is no drunkenness.

Mr. WALKER: As one having made many of those trips himself he was prepared to say he had seen but little drunkenness on the boats. Still he had seen some. It was there, and it was possible: and if it had not yet reached a stage

when everybody was making objections to it, this was the way to bring it up to that stage—this granting of a monopoly to the steamship owners. By granting this special privilege the Committee would be encouraging drunkenness and its concomitant evils. He wanted to know the sound reasons why this monopoly should be granted. He felt safe in saying that there would be no public complaint if no drink were sold on these steamers.

Mr. UNDERWOOD supported the motion. There was no great harm in granting the licence even from a teetotaller's point of view. The member for East Fremantle had pointed out that it would give a concession to the boats to sell liquor on Sundays while licensees on land could only sell under certain conditions, but the hon. member forgot that there were conditions laid down in reference to boats selling on Sundays. They could only sell while they were travelling; hotels could only sell to travellers and boarders; and even if it were quite possible for these boats to sell liquor while not on the passage, it was also possible that the hotels might break the law and sell to other than travellers and boarders. It was absurd to argue that men would go on the river boats simply to get drink; because even if the licenses were taken away from the boats, people could go across the river to Applecross and get as much drink as they wanted. The member for Kanowna claimed that granting these licences would not provide pleasure to anyone, but on a hot night a nice, cool drink on a river boat was a pleasure he (Mr. Underwood) had experienced. He had never seen any drunkenness on the steamers. That charge could not be levelled against the boats.

Mr. Walker: It is very rare I admit.

Mr. UNDERWOOD: The more laws we could pass to prevent sinning the better. On general principles he was opposed to sin, and he held misrepresentation to be a sin. No doubt the licensing law caused a great many untruths to be told, and he would rather pay a shilling to go down the river and get the trip in than tell a lie on land to get a drink, because any man who wanted a drink on Sunday could get it in Perth or anywhere else.

Mr. SCADDAN: We should strike out the proposal to allow the liquor to be sold on the Sundays, not that there was any harm in it, but because it meant granting a monopoly to the owners of these boats, though no doubt it would be inconsistent to strike it out, because a man could go to Applecross and obtain as much liquor as he required. On the goldfields there had been considerable argument as to whether sports should be allowed on Sundays, and it was urged against Sunday sports that if permission was granted to have sports on Sundays permission would also have to be granted to the hotels to sell liquor on Sundays. To his knowledge the Police Department had on Sundays sent the police to some of the hotels near the goldfields recreation grounds to instruct the licensees not to sell liquor even to bona fide travellers, though there was not the slightest sign of drunkenness about the place. It was contended by those opposed to Sunday sports that people would not play football on Sundays if they could not get drink. If that was so, people would not go down the river on these steamers unless they could get drink. Of course, that was an absurd argument; because the people would go down the river just the same as ever, seeing it was such a great pleasure. However, he could not see why the people running the boats should be allowed to sell liquor on Sundays, while persons who might choose to spend the Sunday with their families in some park in Perth could only obtain liquor by telling a lie, and running the risk of being brought before a magistrate. Therefore, until the time arrived when the Government would bring down a Bill permitting the selling of liquor on Sundays during limited hours, he would oppose the granting of this privilege of trading on Sundays to these particular people.

Mr. GILL supported the amendment of the member for East Fremantle, not because he thought there was a great deal of drinking on the river boats at present, but because if the Council's suggestion were adopted, the time would not be far

distant when there would be a lot of drinking. Those who now took a considerable risk in order to get drink on Sunday, would realise there was no longer any need for that risk, and that all they need do would be to go to the steamer and get as much drink as they wished. But while supporting the amendment of the member for East Fremantle, he supported the other portion of the Council's suggestion, because it was only right that the Fremantle people should be treated the same as Perth people. It seemed possible that the boats could trade while at a wharf.

The Attorney General: It says, "while on the passage."

Mr. GILL: It would be sufficient merely to cut the painter. The member for Pilbara should support the member for East Fremantle in order that sinning might be made more difficult.

The ATTORNEY GENERAL: The Council's suggestion would only make legal the practice in the past. Why should the member for East Fremantle, if the circumstances he outlined had not obtained in the past, think they would obtain in the future?

Mr. Hudson: This amendment is merely to remove a doubt, is it not?

The ATTORNEY GENERAL: Yes; it was to make legal the practice of the past. Police Inspector McKenna of Fremantle gave evidence at the hearing of the application before the licensing court as a man who had travelled on these boats. That officer stated that the manner in which the public on these boats conducted themselves was exemplary. There were no scenes he could take exception to and a constable travelled on every steamer to observe if any disorderliness or breaches of the Act occurred. In reply to a question by the gentleman who appeared before the Licensing Bench for the Fremantle publicans as to whether the police tolerated the consumption of liquor by the public on Sundays, he said that in his opinion such a procedure was not a breach of the packet licence. If a person went on board a packet, having taken a ticket for the trip, would he not become a traveller immediately the boat left the jetty? It was possible to argue that in law. The very same practice applied with regard to the railways, for as soon as the Kalgoorlie train started a traveller was able to procure a drink at the bar. The officials did not wait for three miles to be traversed before the bar was opened.

Mr. Scaddan: One cannot get a drink until after the train leaves Coolgardie.

The ATTORNEY GENERAL: That was not so. To put the strongest construction on Section 61 of the existing law a man became a bona fide traveller so soon as the steamer had gone a distance of three miles. It was only to remove the existing doubt that the amendment was sanctioned. None appreciated more than he did the absurd attempt to make people observe on Sundays a line of conduct they were not asked to observe on other days of the week. When the new Licensing Bill was before the House he would ask the assistance of the member for Kanowna (Mr. Walker) to alter such an absurd state of affairs as that. The principle of insisting upon such a provision was to attempt to dictate to the people a line of conduct which all knew they would not adopt. The amendment would only produce a slight degree of chaos and would have no real effect.

Mr. TROY: The proposed alteration to the Bill embodied in the Legislative Council's Message really provided for class legislation, as it meant giving packet companies a monopoly of Sunday trading. Why was not the same privilege given to the holders of refreshment room licences in Perth? He would support the amendment of the member for East Fremantle.

Mr. ANGWIN: It would be better for the Bill to be lost than to have the proposed new clause embodied in it. It was strange that the Attorney General, in reading the evidence given before the Licensing Bench, gave that of the inspector of police, who was very rarely on the boats, and whose evidence no doubt was based upon a statement made by an officer of the police force stationed in Perth. The manager of the shipping company pointed out in his evidence that on all trips which the steamer took, a police officer was present at the expense of the

company. It was used as an argument in another place that the company provided for the safety of the public by the presence of a police officer, and that they had paid him, or the Government, the sum of £70 in two years for his services on the boat. When it was known that this officer was present on all trips made by the boat when carrying passengers, members must realise that the policeman must spend all his time on the boat. If he were kept there at the sole expense of the company he was working at a sweating rate of wages, and if he were paid a fair wage then it meant that the State were paying for that officer being on the vessel. If that were so it was no wonder the Government were supporting an application made by the company to obtain extra privileges. The packet should be placed on the same terms regarding the licensing laws of the State as others dealing in the liquor traffic.

Amendment put and negatived.

Mr. ANGWIN: It appeared from the vote just given that the Committee were not agreeable to wiping out one portion of the proposed new clause; but perhaps they would strike out the whole of it. He would probably move in that direction later on.

The Attorney General: On a point of order, would the hon. member be in order in moving that the clause be struck out?

The CHAIRMAN: The hon. member was in order in discussing the amendment requested by the Legislative Council.

Mr. ANGWIN: The second portion of the new clause provided that Section 6 of the original Act should be repealed. The intention of that section was clearly defined in the third schedule of the Act which gave the form of the packet licence. It could be seen from that form that the licence must include the places between which the packet travelled. There was no doubt in his mind that that had a great deal to do with the decision which was arrived at by the Fremantle bench. In Perth where there was one boat only with a packet licence it was pointed out to the bench that it was a matter of impossibility for that steamer to go to Fremantle.

The Attorney General: What was the steamer?

Mr. ANGWIN: The "Decoy." That steamer applied for a licence, and an objection was lodged that the vessel belonged to the port of Fremantle, when, as a matter of fact, the vessel never visited Fremantle; it was unable to go under the bridges. Mr. Roe granted a certificate on the grounds that the boat was always in Perth, and he had jurisdiction. The position was clear, that the existing law provided that the boat must have a licence from place to place. An amendment was brought in for the purpose of leaving the matter open. He hoped the Committee would agree to strike out the whole of the clause, and thus permit the existing law to remain as it was. It was clear and had worked well for some years, and the question that the Attorney General now sought to pass through Parliament could remain in abeyance until the comprehensive measure was presented.

Question—that the amendment requested by the Legislative Council be made—put, and a division taken with the following result:—

Ayes	21
Noes	10
Majority for ..	11

Ayes.	
Mr. Brown	Mr. Monger
Mr. Butcher	Mr. N. J. Moore
Mr. Foulkes	Mr. S. F. Moore
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. Piesse
Mr. Hayward	Mr. Price
Mr. Hopkins	Mr. Swan
Mr. Hudson	Mr. Taylor
Mr. Jacoby	Mr. Underwood
Mr. Keenan	Mr. Gordon
Mr. Male	(*Teller*).

Noes.	
Mr. Angwin	Mr. Scaddan
Mr. Barnett	Mr. Walker
Mr. Bolton	Mr. Ware
Mr. Collier	Mr. A. A. Wilson
Mr. Gill	Mr. Troy
	(*Teller*).

Question thus passed.

BILL—YORK RESERVE.

Second Reading.

The PREMIER (Hon. N. J. Moore) in moving the second reading said: It is not necessary to detain the House at any great length in connection with this measure which was fully discussed in the short session in August last. Some exception was taken to the rededication on account of it being asserted by some members —the member for Mt. Margaret and others—who were interested in running and other sports, that there were not sufficient recreation grounds in York. I communicated with the authorities in York, and asked the member for York for his views, as to whether it would be advisable to grant this rededication. The third reading was eventually passed. If hon. members will turn up vol. 33 of *Hansard* of last session they will find that as a result of the message which was received from the member for York, the Bill was read a third time without debate. A wire was received from York to the effect that there were ample reserves for recreation purposes, and that it was essential that the alterations provided for in the Bill should be effected. I would like to point out for the information of members who were not present then, that this lot is, at present, held by the municipality; it was vested in them for recreation purposes solely. The council point out that York is exceptionally well provided for as far as recreation reserves are concerned, there being no fewer than 343 acres devoted to recreation purposes in that town. The only question we had then to consider was whether the council was justified in asking for an alteration of the purposes for which the reserve was originally vested. The burgesses were consulted at a public meeting assembled, and they were agreeable to the alteration desired by the municipal council of York. The Solicitor-General advised that an Act of Parliament should be passed. The idea of the council is to erect municipal sale yards on this particular portion of the town site.

Mr. Bolton: To sell York?

The PREMIER: To sell the products of the district of York.

Mr. Scaddan: Is there no other site available?

The PREMIER: There is no other land situated within easy access of the railway station. It is essential that these sale yards should be in close proximity to the railway station. This measure was sent to the Council last session, but it was not possible for that Chamber to deal with it just prior to the prorogation. Now it has been passed by the Legislative Council, and has been sent down to this Chamber for its acceptance. I hope hon. members will agree to the passage of the measure. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Daglish in the Chair; the *Premier* in charge of the Bill.

Clause 1—Change of purpose of reserve York Town Lot 211:

Mr. TAYLOR: The Bill had had rather a stormy passage in this Chamber last session. There had been some discontent in respect to it in York, and the passage of the Bill had been deferred in order to permit of finding out whether the people of York were really in favour of it. He (Mr. Taylor) would like to know whether this information had yet come to hand.

The PREMIER: As the hon. member was out of the Chamber when the second reading was moved, he (the Premier) might be permitted to repeat that in deference to the wishes of the hon. member a telegram had been despatched to the member for York, asking whether any injury would be done to the sporting community if the reserve were to be devoted to the purposes of a sale yard. The member for York had telegraphed a reply to the effect that there were already in York ample reserves for recreation purposes, and that it was essential that the proposed alteration in the purpose of the reserve should be effected.

Mr. SCADDAN: It would have been better if the Committee had been informed as to the opinions of the people of York rather than those of the member for York. The question was what did the people of York think of the proposed

change? Until it could be shown that there was already within the town and district of York ample provision for recreation purposes, he for one would not support the clause.

Mr. TAYLOR: The member for York might at least advise the Committee as to how York was situated in respect to recreation grounds, and as to whether this particular reserve could be handed over to the municipal council without jeopardising the interests of the athletic community of York. There was abroad a feeling that if the Committee were to accept this clause they would be imposing an injustice on the people of York.

Mr. MONGER: It was encouraging to learn that the members for Ivanhoe and Mount Margaret took such a deep interest in the town of York. At a meeting called by the mayor and councillors of York for the purpose of considering the proposed alteration, it had been agreed by a very large majority that the proposed alteration was in every sense advisable. He might inform the committee that in the town of York there were recreation reserves aggregating something like 360 acres. They had in York what, with the exception of the association ground, might be termed the finest recreation reserve in Western Australia. This little block of four acres under discussion had proved too small for football and scarcely big enough for a cricket ground. It was of little use for recreation purposes at all.

Clause put and passed.

Title—agreed to.

Bill reported without amendment; the report adopted.

BILL—HEALTH AMENDMENT (No. 3).

Second Reading.

The ATTORNEY GENERAL (Hon. N. Keenan) in moving the second reading said: This Bill has been passed before by this House and was sent to another place where, owing to the crush of measures at the end of the session, it was unfortunately rejected. During the present session it has been again brought in in another place, where it was passed and sent here for our consideration. But it appeared to me that it was somewhat of an invasion of the privileges of this House that such a Bill should originate in another place. It affirms an impost upon the people of certain road districts and, therefore, in my opinion should have originated in this House. Consequently, although there is a measure on the file word for word with the measure now submitted to this House, I have brought this in as an original measure in this House, and now move the second reading in order that we should not compromise the rights and privileges of this House. The measure before the House is for the purpose of amending an error which occurred in the striking of the health rate, principally by the Kalgoorlie Roads Board District Board of Health. When that roads board was constituted a district board of health, it was not borne in mind that the financial year of the health board begins on the 1st November, whereas the financial year under the Roads Act begins on the 1st July. The consequence was they made the health rate as from the 1st July and not from the 1st November. That error was found by people who were called upon to pay the rate, and they set up the error to avoid paying the rate, so that the whole burden of carrying on the health board has fallen on those people who have not taken advantage of this error, and have generously paid their rates for the services rendered by the board—generously because they were not legally bound to do so. I do not think any sympathy from any quarter of this House will be extended to those who, to evade their legal liabilities, took advantage of what was after all a very natural slip on the part of a roads board; and members will see that in Subclause 1 of Clause 2 of the Bill it is provided that all health rates heretofore made and levied or hereafter to be made and levied by the local board of health shall be deemed to have been lawfully made and levied, notwithstanding that such rates were made and levied under the provisions of the Roads Act, 1902.

Mr. Taylor: It is the same with municipalities, is it not?

The ATTORNEY GENERAL: It is much more difficult for roads boards to do as municipalities that are also local boards of health do, to issue notices for the health rate and for the municipal rate at the same time; but the object of this subclause is to enable roads boards to do that; that is, where the boundaries of a health district are coterminus with the boundaries of a road district, where they are practically the same bodies, where they sit for an hour as a roads board, and for the rest of the evening as a health board.

Mr. Bolton: That is not so in every case. It is what the Government have refused to do. If they constitute a roads board a health board, as they promised to do, let us make a start.

The ATTORNEY GENERAL: The hon. member has not read the clause. We only provide that this shall be the law where the boundaries of a health district are coterminus with the boundaries of a road district. When that is the case the boards are exactly the same bodies.

Mr. Bolton: No; one is a nominee board and the other is an elective board. That is the case at Buckland Hill.

The ATTORNEY-GENERAL: In the great majority of cases—and I am not the administrator of the Roads Act—I believe roads boards are constituted local boards of health, and it is to meet those cases this small piece of legislation has been brought in. I was pointing out, when interrupted, that municipal councils are not in the same position; they have the advantage that the municipal year begins on the 1st November also, so that there is no discrepancy in the municipal year and in the year under the Health Act. I must call the attention of members to the fact that this Bill goes further; because it actually validates what has been done in the past and enables the rate which was improperly struck to be collected by the validation that is now given effect to if this measure becomes law. I consider that the validation is fully justified. It was taking a very fine and plausible point for these ratepayers to dodge their liabilities and force others to carry them on their shoulders. A new matter is dealt with in Clause 3, a matter not dealt with when this Bill was before the House last August; and it has arisen only from the fact that the Central Board of Health had trouble in regard to branding cattle. They were desirous of not taking the extreme step of ordering the slaughter of cattle that their medical experts reported were diseased, and of only branding them in order to identify them in some manner and prevent their spreading through the community and being lost sight of, but a case having been brought before the courts the police magistrate decided that the board had no power to order cattle to be branded and that their power simply went to the extent of ordering the slaughter of the cattle that in the opinion of the board's officers were diseased. So the board put the matter before the Colonial Secretary, and requested that they might have this most useful power to avoid the destruction of the cattle while enabling them to be kept under observation at any time.

Mr. Gill: Have they not transferred these cattle to the Stock Department?

The ATTORNEY GENERAL: Only for certain purposes. The Central Board of Health still retain the power under Section 33 of the principal Act to order the destruction of cattle that may supply impure food, either in the form of meat or milk. The only other amendment is to Section 54 of the principal Act, an amendment giving the Central Board power to make regulations for the inspection of articles of food, and prescribe marks which may be applied to articles of food deemed by the board to be wholesome, and the fees to be paid, and the persons by whom the fees shall be payable, and enabling the fees to be recovered in default of payment as penalties under the Act are recoverable. This is also a clause the Central Board of Health have asked for in order to enable them to carry out their duties efficiently. One of their principal duties is to protect the public in regard to pure foods; and in order that they may fully and properly discharge these duties, it is necessary to give the board power to inspect foods, and to prescribe marks by which they may identify articles inspected by the officers; and of course there is

the consequential right to collect some fees for the work done. In short, that is the full scope of the measure which, as I have pointed out, to a large degree was dealt with previously by this House and, as regards the two minor clauses, covers only a narrow issue, one which members will agree fully justifies legislation for the purpose. I move—

That the Bill be now read a second time.

Mr. TAYLOR (Mt. Margaret): While I think the principal Act should be wiped off the statute-book, and a comprehensive measure brought down dealing with public health, I know that Ministers do not care about undertaking a task of that character, as it is a very large order indeed dealing with the public health of the people of this State; and though this is only an amending Bill, its safe passage through this House is necessary if for no other reason than to validate actions of roads boards in the past. But the Bill goes farther. There is a clause giving power to the Central Board of Health to place marks upon stock which in their opinion should be made known to the public as being to a certain degree a danger to the health of the community. From what I can gather, a cow in milk may be supposed to be suffering from tuberculosis, and the experts may be of opinion that the germ is only in some of the milk glands, still it is necessary for her to be thrown out of milk so as not to distribute the disease through the milk among the community. But the board desire not to take the drastic step of ordering the destruction of the beast. They simply wish to throw her out of milk and to put a brand on her so that she will not be able to go back into the dairy herds again as a milch cow. In all probability she may be diseased in some of the milk glands only and the carcase may be perfectly free from germs. Yet she bears the brand though in the opinion of experts she may be safe and sound and fit to be put for human consumption on the markets. If we place the brand on the cow, mark her as being a beast diseased with tuberculosis and as such thrown out of the dairy herd, we place the owner of the beast at great disadvantage if she is a healthy beast and gets fat. Getting fat is a certain amount of proof as to her health; and I would recommend the Attorney General, in order to make it absolutely certain the cow will never go back again into the dairy herds, that she should be spayed. There would be little risk in that, and we could rest secure that the beast would never go back to the dairy herds, but if afterwards she became fat she would be just prime for the butcher. Anyone knowing anything about stock must know that on a pastoral station when it is not desired to breed any more stock from certain cows, when the station has already sufficient of the blood of these cows, the beasts are thrown out of the stud and, if it be desired to fatten them, spayed and turned out. After this they top-up and anyone knows that the spayed cows top-up better than others. This is the power that should be given to the Central Board; and if the cow be spayed instead of branded, it will be no eyesore; and the butcher will not be able to detect when the cow comes into market fat and in good health and condition that she had tuberculosis in some of her milk glands a few months previously, and was thrown out of the dairy herds on that account. But if the brand put on by the Central Board is showing, the butcher will be in a position of saying to the owner of the cow, "This cow has been branded by the Central Board of Health as being the means of disseminating disease among the people of the State as a milch cow;" and naturally he will cut down the price. The public will get no advantage from that, because the meat from that cow when sold will fetch just as high a price as meat from any other beast. So I say, it would be far better to remove the power to brand the cows and have them spayed. We would be sufficiently safeguarded, there would be no fear, once the cows are thrown out of milk and spayed, of their going back to the dairy herds again. Anyone knowing anything about stock will realise that it would be the correct and proper thing to do, not to put a brand on the cows which would be an eyesore, one the butcher would take advantage of, and for which the owner would suffer

loss. So, I think, the Attorney General will recognise what I say to be the fairest and most proper thing to do. If the cow were spayed she would not go back into the milking herd any more. If after the operation were performed the animal topped up well that would prove there was not very much wrong with her so far as the lungs were concerned. The measure is only a short one and I do not think it is necessary to adjourn its further consideration now. The last clause gives power to the Central Board to regulate the inspection of articles of food. I believe the Attorney General will not oppose an amendment I shall make to apply the inspection to drugs as well. It is very necessary that this should be inserted as it is most injurious to people suffering from ailments to be served with inferior drugs, for the result is that the drugs will not have the effect anticipated by the patient's medical adviser from the properties they contain. I brought down a Health Bill some four years ago. It was a very comprehensive measure, but unfortunately it was near the end of the session and the Opposition desired a select committee to be appointed to make inquiries. By the time the select committee had gone into the Bill and reported to the House the session had practically closed and the measure went no further. It is necessary that we should have a Health Bill dealing with the question comprehensively. The only reason why I will support the Bill is the expediency of the measure in validating something done by a roads board who believed they were perfectly right in taking a certain course. However, some persons who were wiser than they on the legal aspect found it was possible to evade paying certain moneys levied by the board. Advantage was taken of the law and the money was not paid. Those persons did not recognise their moral obligation to the roads board but took advantage of the wording of the Act. It was well to validate the action of the board.

Mr. Scaddan: For what period will the measure be retrospective?

The Attorney General: From the year 1905-6.

Mr. TAYLOR: The action of the board which has resulted in the introduction of the measure was taken about two years ago. When the Bill is in Committee I will endeavour to remove the portion relating to branding and insert spaying in lieu thereof. I will also move to add drugs to Clause 4.

Mr. JACOBY (Swan): I hesitate to extend the powers of the Central Board as at present constituted, for I have come to the conclusion that the powers exercised by them would be more efficiently fulfilled by a department of the State. I fail to understand why provision has been made in the Bill for the branding of dairy cows, for it has been decided by the Government that the control of these cows shall be passed over to the Stock Department. That has already been done in effect and the department are acting as agents, I think, for the Central Board, pending the framing and passing of legislation dealing with the question. Why, therefore, has the measure now been brought down to legalise the branding of cows by the Central Board? Later on probably, when the work has been properly taken over by the Stock Department, we shall have a request for legislation necessary in order to give that department full power. If we get that legislation we shall probably have placed before us the reasons which make the passing of such legislation necessary. Apparently these reasons are not now in the possession of the Government in connection with this particular measure. I would point out that the passing of this Bill in the form in which it is framed will lead to the destruction of a good deal of valuable property, as the branding of cows by the Central Board of Health will practically destroy for ever the selling value of the cows so branded. At the present time an arrangement has been made between the Stock Department and the dairymen whereby a secret brand has been decided upon. This cannot be recognised generally but only by the owners of the cattle and the Stock Department. In view of the recent publication in this State of a valuable paper contributed by Professor McConnell, which was read before the Royal

Society of Arts in London, dealing with the question of disease in dairy herds, we should hesitate before accepting the opinion of the Central Board as to the danger that exists in connection with cows infected with tuberculosis. That paper was read in London for the purpose of contradicting the conclusions arrived at by a Royal Commission that had been sitting in England for some years. Our Central Board of Health have acted on the conclusions come to by that Royal Commission; but recent scientific discoveries have demonstrated that a good many of those conclusions have been founded on false premises. I presume that members interested in this subject have read the paper published in two issues of the *West Australian* and none can deny that it deals exhaustively with the subject. I am not prepared to say that I will accept everything set out in that paper, but none who have read it can come to any other conclusion than that the evidence acted upon previously by inspectors in this State has been to a large extent evidence that has not borne the brunt of subsequent investigation. In addition, we find that Professor Koch, known as the greatest expert in the world in connection with tuberculosis, has made further discoveries to the effect that it is highly improbable that human beings can be infected with tuberculosis from tuberculous cows. The conclusions he has arrived at show that we have been entirely on the wrong tack in the measures we have taken to combat the disease. Even if the bacillus of bovine tuberculosis got into the human frame it would in a great majority of cases result in infection in a localised form only. We should therefore hesitate before passing legislation based upon representations made by the Central Board of Health on information subsequently proved to be entirely wrong. If the Government intend to insist on the maintenance of the clause, we should refer the matter to a select committee to make full investigation before we agree to the Bill in its present form. In connection with this matter I would like to point out what extreme measures have been taken by a body which is to some extent controlled by men whom I can describe hardly otherwise than as faddists. Some time ago an instance came under my notice where an officer of a board of health condemned a quantity of fruit which had been put into one of the cold stores for experimental purposes. Owing to an accident through the temperature in the stores getting too low, the skin of the fruit became discoloured. The fruit was condemned as unfit for human consumption. When I inspected the fruit I saw that it was only injured on the surface and that otherwise it was perfectly sound, and quite fit for consumption, with the exception of one or two fruits which had been bruised. These cases of fruit were condemned and burnt. During the same season one orchardist had 300 cases of a particular variety of fruit in store and owing to a mistake in the refrigerating chambers a very large quantity became damaged in appearance and had to be sold for a very small sum. If the board of health had heard of this and acted the same as they had done in regard to the small number of cases to which I have referred, a quantity of fruit which ultimately realised something like £130 would have been destroyed absolutely. Though its appearance was bad the fruit was quite fit for consumption. If the Board follow out the same principle nearly the whole of the potatoes now coming into the markets of Perth would be condemned owing to the vegetables having been bruised when being carried on the railways. We have to be careful not to give extreme powers to a body who have not shown decent judgment in the past in carrying out the powers they possess. If the Government insist on carrying this Bill through I shall oppose it strongly, but I would prefer to see it referred to a select committee, so that evidence can be obtained from all sources as to whether it is wise at this juncture to give the powers provided in the Bill. There are not only powers in connection with dairy herds—which are to be transferred to another department—but there are extensive powers under another clause which permits the board to brand a certain class of food. If that

power were exercised with reason I would not object, but I certainly do object to great powers being given to a body who up to the present have shown they cannot be trusted with powers of that nature. I shall oppose the Bill unless I am assured by the Attorney General that he is prepared in the circumstances to delete the clause dealing with the dairy herds and will bring down an amending measure to vest the control of dairy herds in the Stock Department.

Mr. WALKER (Kanowna): The objectionable feature of this measure is that it does more than is necessary. Admittedly it is a reproduction of the Bill which was practically passed through this Chamber on another occasion, yet, when it is brought up again there are additions to it, changes which were not expected. In this way we get piecemeal legislation. These new clauses, 3 and 4, dealing with the branding of cattle, are afterthoughts: they were not in contemplation when the general Bill was drafted. Some new phase comes up, something that the local board or the Central Board of Health wants authority to do, and it is stuck down in any Bill which happens to be in the hands of a Minister and it is made to carry the burden with it. This is the kind of thing which gets our statute books into a most confused state. We have to read a dozen Acts with the principal Act before we can understand where we are. I am sure the Attorney General must see it becomes a farce to have these piecemeal dodger sort of Acts of Parliament. I am inclined to think that this is one of those Bills which has been prepared and when after the objects sought for have been drafted and put into shape and made ready for us to consider, an afterthought, or something else comes in, something which is ill-prepared, something which is almost incongruous, and it is pinned on to the patched Bill, and thus it comes in when some time has elapsed after the first introduction of the Bill. Before it can be properly considered the necessity for the addendum has passed, and so it will be found in connection with Clause 3 of this Bill. It deals with a matter that came in at a time when there was a great deal of alarm in connection with disease in cattle, and when, if I may use the expression, people were at fever heat with regard to it, and when the Central Board of Health itself lost its head. It wanted to do something, and to do it spasmodically, and heroically, and posingly. Now steps have been taken which seem to render this measure unnecessary, especially as far as cattle around Perth and Fremantle are concerned.

The Attorney General: Branding is being done now secretly.

Mr. WALKER: Possibly, but in the branding we are at an immature stage, and it was in that state of immaturity that this clause, which had no connection with the original intention of the measure, was stuck in, and before we have time to consider it there is another change in the branding methods, and in the purpose of branding, and possibly ultimately in the necessity for branding. In the meantime we have this legislation on the statute books. No wonder the people laugh at our laws when we make them without any consistency. It is like plastering over a magnificent picture with all kinds of daubs and trying to make one work of art out of it. It is an impossibility. We should be chary as to how we introduce this class of legislation. We are confusing those who are supposed to govern by our laws and we are creating a sort of uncertainty amongst the public. We are never sure how the law stands. One little sentence gets into a Bill dealing with matters entirely incongruous with it, but it becomes law the next day, and thus our laws are rendered extremely complicated, difficult to follow, and difficult to understand. As I have said, you have to take the principal Act in one hand and wander through four or five years in order to understand what the law is upon any given subject. I have an objection to this measure on this score, besides which I am compelled to follow the reasoning adduced by the member for Swan. I am inclined to think that even science itself has not come to a final decision upon this question of disease in cattle and its effects upon the human constitution. For us to legislate on that is extremely injudicious; it not only

makes our legislation ridiculous, but it is capable of doing immense harm, for if by our hurried legislation we destroy valuable stock and we depreciate the value of stock, and if we impoverish those who hold stock, we are doing harm and are discouraging an industry in the State in proportion. Therefore, I shall have to join with those who object to the introduction of these clauses, which are addenda to the Bill, and moreover it is possible that I may have occasion to find fault with even the main portion of the measure which deals with the validation of rates. I think we have gone too far back in this Bill. I was not aware until to-night that we had gone back three or four years, validating rates since 1905.

The Attorney General: I have made it 1906 now.

Mr. WALKER: Well, that is practically going back three years. I say it is unwise. This is not the only measure in charge of the Attorney General, and which has been presented to this House, which has had for its object the going back and covering up faults committed two or three years ago, and perhaps longer than that. It only shows the folly of bringing unconsidered measures before the House, making blunder after blunder. Thus half the time of a session is taken up with plastering over disasters resulting from the foolish and hasty legislation of the session or two previous. I hope when the measure gets into Committee some hon. member particularly concerned will move an amendment. I believe the member for Ivanhoe has given notice of his intention to do so. The object of the Bill is wrong in principle; retrospective legislation is wrong in principle; it is a reflection against the manner in which business is done in this House. How is it this has been allowed to go on for so long? Surely it was within the knowledge of the Government long before this. There is a Minister who has charge of the administration of the Roads Board Act and he must have known, and yet all this time this wrong has been going on and accumulating, and now in this hot weather we have suddenly thrust upon us this measure to put the local boards right. It is not the way that legislation should proceed. We should deal with such matters the moment the evil arises. I am saying this in anticipation of other possible measures to which the principle may be applied. Mistake after mistake is made and then we have a patchy Bill, a little bit of a leaflet brought in. It is not worthy of the position that the members of the Ministry hold that they should every now and again pop up with these little dodgers, and ask the House to hide the sins and faults of the past, and make the wrongs right by a mere vote of the Chamber.

Mr. ANGWIN (East Fremantle): I think myself it is about time hon. members took some stand against this system of legislating. In 1904 there was a comprehensive Health Act brought forward, and from then to the present time we have had promises that this measure would be introduced for the express purpose of remodelling the Act, and dealing entirely with health matters. Various boards of health have been clamouring for some time for some knowledge as to when the amendments requested with regard to health matters would be laid before Parliament.

The Minister for Mines: A comprehensive Bill was brought down in 1906.

Mr. ANGWIN: There was a comprehensive Bill brought down in 1906, but that measure, when submitted to the municipal conference, was opposed by something like 80 votes to 8. The Minister then thought it wise to let the matter drop, because he knew well that the Bill, which was not approved of by those people who had given a great deal of time to the administration of health matters in the State, would not be very acceptable to Parliament. Since then inquiries have been repeatedly made as to when this measure would be brought forward. What do we find? Small measures, such as this one, are brought down and very important clauses are attached to these measures, the original intention in connection with which was that they should apply to some special object. The Bill before the House was brought in for the express purpose of enabling certain districts around Kalgoorlie to get rates which had

not been paid; and afterwards we find added to it two other important clauses. In 1904, when there was a Health Bill laid before Parliament, there was a provision in that Bill dealing with pure foods and drugs. I notice the Minister has agreed to insert "drugs" after the word "food" in this Bill. At that time the argument of a gentleman, who holds a position as Minister to-day, was that it was unwise to bring in a Bill dealing with food or drugs unless those persons who were in possession of such food or drugs, which were not wholesome, were not given time to dispose of the stocks they had on hand. The Minister has here introduced a Bill which is not a legal enactment. No members present know whether the regulations which will be made will meet the requirements of the question. We are asked to empower a body of men, a nominee board, to frame what regulations they think fit in dealing with this question. I do not think it would be wise under such conditions, where there is so great a question at stake, to give the power to the Government to enable the board to make regulations on so important a matter.

The Minister for Mines: The regulations will have to be approved by the Executive Council.

Mr. ANGWIN: It is a great pity that some of the regulations approved by the Executive Council have not been wiped out many a long day ago. Some of the regulations framed in the Executive Council have operated very unjustly on a large section of the people of this State. The pity is that once the Governor-in-Council pass any regulations both Houses of Parliament must disagree with them before such regulations are set aside. In this case we are asked blindfold to give full powers to a nominee board. For my part I would rather trust the Ministers to frame regulations than I would trust this board, if only for the reason that the Ministers are responsible to their electors while, so far as I can see, this board is responsible to nobody. I am going to vote against the second reading of this Bill. I do not believe in legislation such as this. I think the time has arrived when the Government should carry out their promises in regard to the bringing down of a measure dealing with the question as a whole.

Mr. GILL (Balkatta): I wish to say a word or two, particularly in reference to Clause 3 and 4: I am not conversant with the facts of the case dealt with in Clause 2, but in regard to Clause 3 I have something to say in reference to cattle. I am not conversant with what has been done during the past few weeks; but when I put a question to the Premier some time ago in reference to this matter, asking him if he intended transferring the dairy herds from the Health Department to the Stock Department, he, in reply, said that this had been already done. I do not know what the exact position is, but it appears to me that there is divided authority somewhere, as evidenced by the introduction of this clause, from which it appears that Ministers still desire to allow the health authorities to adopt the pernicious principle of branding cattle. I have no great faith in the Central Board of Health myself. They are not a board of experts in regard to cattle; in fact, there is not one of them who knows anything about cattle. There is a medical practitioner on the board; I presume he does not profess to understand animals. Then we have an architect and a lawyer, and one or two others there, none of whom have had any experience whatever in this respect. Consequently I have no faith in them as being a competent board to deal with the herds of the State. I realise the great importance of a pure milk supply, but at the same time I am afraid that our board of health has rushed into this question—that through some little circumstance arising they have lost their heads and rushed in in a desire to convey the impression that they are doing their duty. That, to my mind, is the reason of the scare we have had in regard to the milk supply of Perth. The member for Swan referred to some articles which appeared in the *West Australian* a few days ago. Both of these articles are well worth reading. One appeared on the 15th by Professor McConnell, while the criticisms appeared in the next day's issue. If hon. members will read these articles they will see that there is a good deal more in this question than the Cen-

tral Board of Health have been able to grasp. Professor McConnell is an expert in this matter, and those who criticised his paper before the Society of Arts were all experts. The peculiar part of it is that Professor McConnell, in replying to the criticisms, expressed regret that there had not been more adverse criticism directed at his paper. Those who had criticised the paper, or practically all of them, agreed with him that there was not the amount of risk that the medical profession in England tried to make the people believe. Here is one illustration the professor brought forward in support of his contention. He had gone very fully into the question, and he averred that the two diseases, tuberculosis and diarrhoea, in particular were very injurious to infant life. We all realise that infant life is very frail, and that should there be any disease whatever in the milk it would be very injurious to infants. Professor McConnell said that the peculiar thing in connection with this was that notwithstanding the great outcry in London about the danger arising from the consumption of fresh milk, in the East End of London where a heavy percentage of children died from these two complaints scarcely any of the children knew the taste of fresh milk; whereas in the West End of London, where the children had as much fresh milk as their parents thought fit to give them, the disease was not one-tenth as prevalent as in the East End. The professor mentioned this as one of several illustrations he could bring forward to show that there was but little occasion for the attitude adopted by the medical profession in regard to disease in milk. In reading these and other articles in reference to this very important matter there is a great amount of information to be obtained; and I think it would be wise on the part of the Government, seeing the importance of this not only to the producer but also to the consumer—because it is a very serious matter to the producer if we are going to condemn his cattle, as we will do by this branding—it would be wise if the Government will not persist in trying to put Clause 3 through Committee. With regard to Clause 4, I am of opinion that the Central Board of Health as at present constituted are not the right body to have such important and extensive powers placed in their hands. I will certainly vote against both these clauses.

Mr. WARE (Hannans): It is my intention to support the second reading of this Bill. But I regret that this new matter has been introduced in Clauses 3 and 4. I would like to have seen Clauses 1 and 2, dealing with the collecting of rates by the health boards, introduced as formerly. I have some knowledge of the difficulties under which the Kalgoorlie Roads Board have laboured for a number of years owing to the fact that through a technicality, or fault in the Act, they have been unable to collect their rates. My regret is that the Government have not moved earlier in the matter—that they did not bring this measure before the House sufficiently early in the last session to enable the Bill to go through and not be sacrificed at the end. However, I trust that on this occasion we will have an opportunity of passing this Bill through all its stages. I am not wedded to Clauses 3 and 4. I do not claim to be an expert in stock, and I feel sure that if the Attorney General intends to adhere rigidly to Clauses 3 and 4 the Bill will meet with the same fate as befell it on a previous occasion, namely, it will fail to pass through all its stages before the close of the session. I trust the members of the Committee will assist the goldfields members in passing this Bill through all its stages, or at all events so far as Clauses 1 and 2 are concerned. For the other clauses I feel that more time and more consideration should be given to them. I listened with some interest to the member for Mount Margaret when he was speaking about the spaying of cows. It appealed to me, because I feel that if we find cows diseased and brand them accordingly we will have to maintain an army of inspectors to see that the dairymen are not using these cows any further as milk producers. If the cows are spayed there will be no necessity whatever for inspection. Another matter I desire to touch upon is the fact that according to the Press cows are arriving in this State at the present time.

Although not a dealer in stock, I find occasionally that number of cows are reported as coming from the Eastern States. I have wondered whether those cows are quarantined for a certain time and properly tested in order to discover whether they are free from disease. If such is not the case I feel the Stock Department have been very lax. At present we have inspectors going through the State testing the cows that are already here, and possibly reared in the State, and I hope those cows that arrive at the ports from the Eastern States will be tested before they are allowed to be sold and sent broadcast to the various dairy herds of the State.

Mr. Taylor: What about those cows the Government imported?

Mr. WARE: The same remark would apply to those cows as to those imported by private people, but I certainly think the idea of spaying the cows is the most sensible proposal I have heard in connection with this matter. It will not necessitate the employment of inspectors to travel throughout the State to see that the cows branded as diseased are not being used by the different dairymen. As to the value of a cow after a brand has been placed on it, I differ from several members, because if the correspondence that has appeared in the Press is to be relied on, I understand that one or two cows have already been killed and inspected by experts and proved to be very slightly affected, and that only in certain portions that really would not affect the milk, or would not affect the animal after killing. Right throughout the slaughter of the various herds, not only of cattle, but of sheep and pork as well, inspectors often find it necessary to condemn certain portions of a carcase, and I feel sure some of these cows condemned as unfit for dairy herds would not be worse, in fact in many instances would be better than some bullocks killed in our slaughter yards. So after the favourable reports given by experts in connection with the slaughter of these cows for inspection, I feel sure some of them would fetch just as high a price as other cows if they were fattened. Competition would enter into it. Of course, if there is only one buyer, and the owner of the cow has to accept this man's price, we would naturally expect that he would not get the same price as would be obtained from an absolutely clean beast, but competition enters into the matter, and if the cow looks healthy and weighty, I am sure the owner would not lose considerably on the price the animal would bring in the market. Though I am not an expert on stock matters, there is one thing I will do while I am a member of the House, and that is to protect the health of the people. On every occasion I will assist the Government in this respect, and if there is any doubt I intend to give the health of the people the benefit of the doubt.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Daglish in the Chair; the *Attorney General* in charge of the Bill.

Clause 1—agreed to.

Clause 2; Application of Roads Act, 1902, to health rates levied in road districts:

Mr. SCADDAN: The clause went back too far. It allowed rates to be collected since November, 1906. This was retrospective legislation to which we should not agree. The Government had plenty of opportunity of bringing down this measure since the matter was first brought under their notice, because the Kalgoorlie Roads Board had, immediately the trouble arose, brought the matter under the notice of the Attorney General and asked for a short amending Bill to validate their action. That request had been repeatedly made, and promises were repeatedly made, but generally the Bill was left until too late in the session; and now we had it brought down with other matters attached endangering its passage that might well have been left until the comprehensive Health Bill was brought down. Some of the people in these roads boards might not have had the knowledge that these rates would be levied three years later.

Mr. Taylor: Have they had the advantage of the service?

Mr. SCADDAN: The service on the leases at Kalgoorlie was not very great in

1906, though the board was now doing considerably more.

The Attorney General: They have gone bung.

Mr. SCADDAN: Simply because the Government had not legalised the collection of the rates. He objected to legislation of this retrospective nature, and moved as an amendment—

That the following words be added at the end of Subclause 1:—"Provided that any rates levied and not recovered prior to the 30th June, 1907, shall not be recoverable under this Act."

The ATTORNEY GENERAL: The rates this Bill validated were from the 1st November, 1906, to the 30th June, 1907 (that was six months) and for the following two years from the 1st July, 1907. The effect of the amendment would simply be to take away the power of collecting the rates for the first half-year ending the 30th June, 1907.

Mr. Taylor: Why should they escape?

The ATTORNEY GENERAL: If it be right to validate two whole years was there anything in saying that we should knock off half a year?

Mr. Scaddan: I do not believe in the principle of it.

The ATTORNEY GENERAL: The claims made by the roads board were honoured by many people who knew that the claims could not be legally enforced. But in consequence of others taking advantage of the error of the board, the body became absolutely bankrupt in funds, and found themselves in considerable difficulties as the hon. member should know. The file of information supplied by the secretary of the board showed that the board was unable to carry out contracts, and that a judgment had been given against it in the Local Court. If the board could recover the rates outstanding these debts could be financed. If it were a matter of principle the hon. member should move to strike out the other two years, and not merely half a year, but if it were not a matter of principle the amendment should be withdrawn.

Mr. SCADDAN: If assured that his amendment would only affect half a year's rates, he would be prepared to withdraw it. He desired to ask, however, what the position would be if a property had changed hands during the time the rates should have been paid. Would the new owner have to pay the rates due on the property from the time the measure took effect? If that were done he would be wrongfully treated. At the time the sale was made the previous owner could truthfully say that no rates were then due. Certainly no legal rates were due then, but under this measure rates struck at that time would be validated, and surely the new owner should not be compelled to pay the arrears.

Mr. TAYLOR: The member for Ivanhoe (Mr. Scaddan) was quite right in raising the contention in regard to new owners of land upon which the rates should have been paid during the past three years. Some provision should be made whereby the vendor of the land was made liable for the rates struck when he was the owner of the property, for it would be most unfair to make this charge upon the new owner. The Bill was to validate an illegal act of the board and it would be very hard if a man, who had perhaps purchased the property three months ago believing it to be free of all rates and liabilities so far as the health board was concerned, found he was liable to pay rates dating back nearly three years. It had been said that there had been a request by the local body during the last two sessions of Parliament for this measure to be brought forward, and therefore it might be contended that the purchaser of any property in that locality should have known that there was a liability of the rates then due on the property being levied in the future. On the other hand, however, the purchaser might not have heard of this as perhaps he was a new arrival in the district. Also it would be to the advantage of the vendor not to let him know he might be liable to pay rates. Innocent people should not be made responsible. It was but rarely he approved of a measure having a retrospective effect, but he would always agree that people should pay for services rendered to them and should not be permitted to get out of

paying their due and moral liabilities owing to some legal informality. A new purchaser should only be liable for the rates due since the time of his ownership.

The ATTORNEY GENERAL: The liability to pay rates to a health board under the Act of 1898 was in the first instance personal, but if an occupier failed to pay the rate and the distress was not sufficient to cover the amount due, then the additional amount could be recovered by the sale of the land upon which the rate was levied. Under this Bill it was proposed to substitute for the original process the one followed in the Roads Act 1902. In that the liability to pay was in the first instance personal. If any party bought land he could obtain all information as to the payment of rates by making a search at the roads board office, and it was customary for all persons who exercised any prudence to do so.

Mr. Scaddan: You are a prudent man, but I will guarantee you never did that in your life.

The ATTORNEY GENERAL: That was a rash statement to make. What was the effect of this Bill? It meant that these rates were struck in accordance with the law and therefore became due as from the date they were struck and due from the parties in occupation of the ground rated at that time. Any subsequent purchaser, if he had not protected himself, could recover the payment required from him from the person who had sold the land to him. If the land were sold to him with a clear title he could demand that the person selling it should indemnify him against claims made in respect of the land.

Mr. Scaddan: What about the case of an occupier who is not the owner?

The ATTORNEY GENERAL: That was provided for under the Roads Act and did not affect the present case at all. The only case in question was that which had been submitted in regard to successive owners. Under the Roads Act provision was made that when an owner ceased to be the owner of land in respect of which the rate was made and a subsequent owner came into possession, there should be a proportion struck between the two for the rateable period. In the present case the rates in arrears extended back beyond the ordinary period rates were struck for, but he had no doubt the courts would hold that the intention of the section was that, where a rate was levied on land and where there were successive owners it should be apportioned between the owners according to the time each had occupied the land. The purchaser having received a clear title could always recover from the vendor.

Mr. Scaddan: Would it be likely for the purchaser to try and bring the vendor back from a South American State?

The ATTORNEY GENERAL: The member's imagination ran riot with him. He trusted the Committee would understand that the matter did not come under his department but that he was in charge of the Bill on behalf of another Minister. He hoped the information he had afforded the Committee would influence them to pass the clause as it stood.

Mr. WARE: The Attorney General was desirous of throwing on a recent purchaser the responsibility of recovering the rates in arrears. The Committee on the other hand were desirous of throwing that responsibility on the roads board owing to the fact that it was really that body that had been at fault in connection with the matter. The Attorney General said some time ago that in actions taken under the Roads Board and Municipal Acts the local bodies were not charged court fees. Was it not reasonable therefore to throw on the roads board the responsibility of tracing the previous owners of properties and compelling them to pay the rates in arrears, instead of throwing the responsibility on the shoulders of an innocent man who perhaps had recently arrived at Kalgoorlie and had bought the property without any knowledge of the existing circumstances? The Attorney General had said a man could call at the roads board office and ascertain whether any rates were due on the property before he purchased it, but if the secretary of the board had informed the puchaser that rates were due at that time he would have given wrong information and possibly would have rendered himself liable to a

legal action, as without doubt at that time rates were not legally due. This was a matter in connection with which he was once bitten. He was a little bit green at the time, and it was that probably which made him think of the incident on the present occasion. He had to make up a considerable portion of arrears owing to the fact that the board had not collected the rates, and he of course, being the purchaser and being a good mark, had to pay the arrears when the other individual, from whom he had purchased, disappeared. He certainly thought that the roads board, being the responsible body, should be compelled to take action; that was in cases where there had been recent purchases.

Mr. SCADDAN was prepared to withdraw the amendment if the Attorney General gave an undertaking to the effect that the person from whom the rates were levied in the first instance would be the person who would be made responsible for the rate.

Mr. Brown: There are thousands of those people in this State and you cannot find them.

Mr. SCADDAN: The position in the present case was that the rates were not legal rates, they were not legally levied; and a person would be justified when he disposed of his property, in saying that there were no rates liable. Then the purchaser would buy in all good faith. As soon as the measure before the Committee came into force the buyer would be made liable for rates owing for two and a half years past. That was unfair. Why should we throw upon him, an innocent person, the duty of recovering from the previous owner. The trouble would be to find that former owner. The rate should not be levied from anyone but the person upon whom the rate notice was served.

The ATTORNEY GENERAL: The hon. member must know that he was not in the position to adopt the suggestion. The roads board would not take any action because they would find they could not succeed. Which party was more innocent then; the roads board who made the blunder and who was advised by the solicitor that such a blunder stood in the way of recovering the rate, or the purchaser who neglected to make any search and thereby fell into the position of being in possession of the land, without having any allowance made for outstanding rates? He would be inclined to say that the roads board were the more innocent party.

Mr. Hudson: They were the originators of the blunder.

The ATTORNEY GENERAL: When it was well known that a number of people were evading payment of rates, owing to a technicality, and some person went in and bought land in that particular health board district and did not take the trouble to find out whether claims had been made or repudiated, were we going to mulct the board of that sum, or mulct the purchaser?

Mr. Scaddan: How could he recover from the previous owner when it was not due?

The ATTORNEY GENERAL: He could have said, "Very well, I will buy as it stands; if the claim is a good one I will meet it." The case appealed to him on those lines. If we had to inflict a loss on one or another we should inflict it on the least innocent of the two parties. Admittedly, the puchaser might have been an innocent party, but of the two was it not perfectly clear that the board was the more innocent. The purchaser must have known that the claim was outstanding.

Mr. Walker: There is no legal claim. This Bill will give the legal claim.

The ATTORNEY GENERAL: The purchaser would know that there was a claim made which, on account of an informality, was resisted. That was common knowledge, and it was also common knowledge that the board since 1907 had asked for and had been promised a validating Bill. It was owing to a series of unfortunate accidents that the Bill had not become law. It passed the Legislative Assembly and then went on to the Legislative Council and was talked out; that was why it was before members again that evening. It was no new legislation; members had deliberated on this Bill and had passed it.

Mr. Scaddan: You made no reference to it during the elections.

The ATTORNEY GENERAL: He relied on the hon. member filling up the gap. It was his hope that the Committee would see that they were dealing with a public body which had suffered much in consequence of a blunder made by them.

Mr. SCADDAN: The attitude adopted by the Attorney General in the matter was incomprehensible. Two years ago the roads board had applied to have the Bill brought down; consequently the Government had been in full knowledge of the fact that the rate had been illegally struck. Yet that information was not generally known to-day, and would not be known until such time as the roads board added to their rate notices the intimation that the rates were legally recoverable. He hoped the Attorney General would take a reasonable view of the matter. He (Mr. Scaddan) had no desire to relieve anybody of their just obligations, but it seemed to him unjust that they should make an innocent person pay. He would repeat that the roads board had not been blameless in the matter, because they could easily have obtained legal advice as to whether or not they were acting within their rights in recovering the rights. Although he represented a portion of the roads board district he was not going to support the roads board in their present attitude. However, the amendment was not quite as he could have wished it, and so with the view of moving another he would ask leave to withdraw it.

Amendment by leave withdrawn.

Mr. WALKER: The roads board should be satisfied with something less than was proposed in the clause. Every hon. member, he thought, would recognise that it would be unwise to make the debt retrospective by law. The board should be satisfied with starting square, with all clear ahead, and should not desire the power to hark back.

Mr. SCADDAN: The amendment he now desired to move would be to the following effect:—"Providing that such rates recovered under this section may only be recovered from the person upon whom the rate notice was served."

The ATTORNEY GENERAL: Such an amendment if moved and agreed to would seriously affect the provision which enabled the boards to recover their rates, not from the occupier but from the owner. Indeed this provision would be set aside, and the boards would be entitled only to recover the rates from the person upon whom they served the rate notice. Such an amendment would cripple every board in the country. He knew what the hon. member wanted to do, and he was prepared to assist him in drafting the required amendment, although he (the Attorney General) could not agree to take any responsibility for it. What the hon. member wanted to do was to deprive the board of the right of recovering any rates except from the persons in actual possession of the land at the time the rate was struck, or during the period covered by the rate. He (the Attorney General) would assist the hon. member to draft the amendment, but at the same time he could not accept it. The amendment would simply crown the efforts of those who evaded the liability. Were we to assist those people in taking advantage of an innocent error or were we to assist the board? He had no sympathy for those who evaded the liabilities on a technical ground that possessed no merits and placed on others the cost of maintaining the health service in the district. Owing to a recent outbreak of diphtheria the board had to incur a large expenditure.

Mr. Scaddan: Let those who have the advantage of it pay and not those who come in to-day.

The ATTORNEY GENERAL: That could only be done in the ordinary way, by calling upon the present owner to make good the rates, and letting him obtain payment from the man who really owed the rates. That was no new law. It was the present law in the Roads Act.

Mr. Hudson: That is when rates are made regularly.

The ATTORNEY GENERAL: When this Bill passed, the rates would be made regularly.

Mr. Walker: But let us start squarely.

The ATTORNEY GENERAL: If the amendment passed, the roads board would have to bring forward as witnesses those persons the member for Ivanhoe sought

to protect. On the other hand the private individual in seeking payment from the former occupier would have at his fingers' ends the knowledge of the movements in regard to the property. The roads boards only had on record the fact that at a certain portion of the year a certain person occupied a certain property.

Mr. SCADDAN: The difficulties in the way of the roads board recovering, were the same difficulties that would be in the way of those perfectly innocent persons now in occupation of the property who would be compelled to pay the arrears of rates and proceed against the former occupiers who had evaded the payment of the rates. However, he would not press the amendment.

Clause put and passed.

Clause 3—Amendment of 62 Vict., No. 24, Sec. 33:

Mr. WALKER: The Attorney General should be satisfied now what the Bill really aimed at was passed, and should not insist on Clauses 3 and 4 being retained.

Mr. JACOBY: Later on there would be an opportunity to go into the whole question. That was when the time arrived for the transfer of the work to the Stock Department. That transfer had actually taken place, pending legislative authority, and the Government might therefore well wait until then before bringing in such legislation as was embodied in the clause.

The ATTORNEY GENERAL: Acting on the advice given him by his colleague, the Premier, he would not ask the Committee to go further with the clause. It was the intention of the Premier to bring in an amendment of the Stock Act so as to enable inspectors of the department to carry out inspection work which hitherto had been done by the officers of the Central Board of Health. The work apparently did not fit in with the ordinary duty of health officers. This did not refer to dairies but merely to the inspection of herds in order to determine whether the cattle were diseased, and if so what remedy should be effected. The position then would be that the Stock Department instead of acting as agents for the Health Department in such matters would act on authority given direct by this House.

Clause put and negatived.

Clause 4—Amendment of Section 54:

Mr. ANGWIN: It was to be hoped the Attorney General would decide similarly with regard to this clause as in the preceding one. Really the clause had no object unless it were to enable the Government to collect fees for the inspection of wholesome food. Section 54 of the original Act gave all the power necessary in dealing with unwholesome food and drugs. Power was given to destroy unwholesome food, and surely there was no necessity to inspect wholesome food. The Government intended to bring down a comprehensive measure and the question could be gone into thoroughly then. If the clause were carried, further power would be given to the Central Board and goodness knows what that body would do.

The ATTORNEY GENERAL: The hon. member was under a misapprehension. True, under the original Act power was given to the Central Board or a local board to inspect premises and anything on those premises which was for human consumption, and to destroy it if unwholesome. All that, however, was negative, and there were no means by which the public could be assured that the food they were buying, especially such articles of food as carcases, was wholesome, and that it was safe for them to purchase it. He had been informed that those who were engaged in the trade would welcome a provision of this character; it would enable them to assure their customers that they had submitted their articles to officers, who had no possible reason to give them a certificate except that the article deserved it. Of course those who dealt in what was known to some as cagmag, would not care for anything of this character becoming law, as they would not be able to show that they possessed a certificate of wholesomeness and purity, and the result would be that they would lose public custom. This clause, he had been told, would be a great safeguard to public health, and, as the member for Hannans had said, that should be the first consideration. It was

easy to pick a hole in the clause, and it was easy for members to say, why not introduce it in a consolidating measure, but a matter of that kind demanded attention at once. Members were aware that a large number of people had suffered from eating food which was not pure. When it was not inspected, and it was exposed for sale, it was then that the danger arose.

Mr. WALKER: Notwithstanding the speech of the Attorney General, which seemed to him a special pleading for the Health Department, he submitted to the Committee that Clause 54 of the Act of 1898 did all that was wanted for the protection of the public with regard to unwholesome food or drugs, if the work was done. It provided that—

> "Any officer of the Central Board of Health, or of any local board, or any member of the police force may at all reasonable times in the day-time, and with respect to those shops, places, or premises where articles of food or drugs are usually manufactured, prepared or sold during the night, at any hour of the day or night, enter into and inspect any abattoir or slaughter house or any butcher's, poulterer's or fishmonger's shop, store, bakery, dairies, warehouse, bonded or free store, auction room, custom house, shed, or any place or premises or any part thereof which he may have reasonable ground for believing is kept or used for the slaughter or for the sale or storage . . . . . or any articles used or intended to be used as food or drugs . . . . . may inspect . . . . . and may examine and may remove such articles for examination . . . . . and may seize such articles . . . . . and may destroy . . . . . ."

And so it went on. Was it not there provided that an article of any description, could be inspected and if necessary destroyed? If the authorities did their duty what would there be left? Wholesome food.

The Attorney General: How much of that which is offered for sale is inspected?

Mr. WALKER: Whose fault was that? Why were not the officers doing their duty? What was the Act at the present time? It was absolutely a dead letter. We should deal with the matter properly instead of tacking this little clause to the end of a Bill, the purport of which was to deal with an entirely foreign matter, the validating of certain rates in Kalgoorlie. This procedure was absurd; it was making our legislation ridiculous, and it was to that that he strongly objected. Moreover, if the Attorney General did not agree to withdraw the clause he would have to ask whether the Bill was in order. This clause should have originated in Committee, and should have been covered by a Message, because it imposed a burden on the people. He objected to this method of sneaking in reforms. It would be commonsense to drop the clause now and to include it in the measure which would deal comprehensively with health matters. By passing this clause we would be only giving the authorities extra work, and what had been allotted to them at the present time they seemed unable to carry out. If they were not able to carry out the provisions of Clause 54, they would certainly not be likely to carry out provisions of Clause 4 of the Bill which was before the Committee.

Mr. WARE: If Clause 4 were to be accepted as evidence of the fact that the Central Board of Health were awakening to their duties he would welcome it. He intended to support the clause. Manifestly it would be impossible for the officers of the board to visit every place where articles of food were manfactured, at the time those articles were being manufactured, and to follow them into the retail stores. That being so, it seemed logical and reasonable that the inspectors should be empowered to place a mark upon the articles inspected at the time of manufacture, in order that it might subsequently be known that the articles had been duly inspected. The practice was followed in New Zealand, and it seemed that the Central Board of Health in this State were now desirous of adopting it. It did not know that all food commodities would be so marked, but in his opinion the necessary power should be given to the board not only to affix the

marks but also to impose a reasonable charge for the marks so affixed. For the mark would ensure the article being sought after by the public as against imported goods carrying no such warrant. The Committee ought to give full power to the inspectors to go and inspect, and attach to the food any brands that they might consider necessary for the safety of the public.

Mr. TAYLOR: The member for Kanowna appeared to have lost sight of the value of the clause under discussion. This value would be found to lie in its giving power to the health inspectors to place a mark upon the wholesome food exposed for sale. To his mind this was perfectly justifiable, and he would be prepared to support the clause if the Government would accept the words "or drugs" after the words "articles of food." He moved as an amendment—

That the words "or drugs" be inserted after "food" in the fourth line.

Mr. SCADDAN moved—

That progress be reported.

Motion put and negatived.

Mr. WALKER: Notwithstanding what had been said by the members for Hannans and for Mount Margaret, it seemed to him perfectly ridiculous——

Mr. Scaddan: They have an arrangement with the Attorney General; they have arranged to move this amendment.

The CHAIRMAN: Order!

Mr. WALKER: Reluctantly he would be compelled to take the point that this was a clause which dealt with the raising of money, and so the Bill should originate in Committee by Message from his Excellency. Were the Government in earnest in their expressed intention to bring down a comprehensive Bill? If so, they would have no objection to withdrawing this particular clause just now. It was attached to a Bill with which it had no relation. He would again ask that the clause be eliminated.

The Attorney General: I shall certainly not withdraw it.

Mr. WALKER: That being so he would raise the point that the Bill should have originated in Committee. He was not at all desirous of losing the Bill. Clearly the clause was out of order, as it gave power to the Central Board of Health to tax people in the shape of fees to be paid for inspection. He submitted that as such it was an imposition, and came under the classification of such legislation as under the Constitution Act should originate in Committee by Message from the Governor. He submitted that the clause was out of order.

The CHAIRMAN: The hon. member could not raise that point in Committee at all. It was impossible for him (the Chairman) to deal with the question in any way whatever. The Committee had been instructed by the House to consider this Bill, and he could only assume that any necessary legal procedure had been taken prior to the Bill reaching the Committee. The member could of course raise the point when the Bill was again before the House, but certainly the point could not be dealt with now.

Mr. WALKER: Could not a point of order be referred to Mr. Speaker?

The CHAIRMAN could only make a report on the order of the Committee. On that report being made to the House it was competent for the hon. member to raise the point if he so desired.

Mr. WALKER: Was it not competent for the Chairman on the point being raised to report it for Mr. Speaker's consideration? This was vital to this particular clause, and if it were decided at once it would save the time of the Committee.

The CHAIRMAN: There was no desire to refer to Mr. Speaker. The point of order in regard to a Message affected the whole Bill, if it be a good point, and must be raised at some stage of the Bill when it was before the House.

Mr. WALKER: In order that there might be a decision by Mr. Speaker on this specific point at once, he moved—

That progress be reported.

The Attorney General: That motion could not be made so soon after a similar motion.

The CHAIRMAN: In view of the fact that there was no division taken on the last motion of progress, and as the motion was now moved for a specific purpose, it could be accepted.

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

Ayes	.. .. ..	8
Noes	.. .. ..	12
Majority against	..	4

AYES.

Mr. Angwin	Mr. Swan
Mr. Collier	Mr. Troy
Mr. Gill	Mr. Walker
Mr. Scaddan	Mr. Hudson *(Teller).*

NOES.

Mr. Barnett	Mr. N. J. Moore
Mr. Cowcher	Mr. Piesse
Mr. Gregory	Mr. Price
Mr. Jacoby	Mr. Taylor
Mr. Keenan	Mr. Ware
Mr. Monger	Mr. Gordon *(Teller).*

Motion thus negatived.

Mr. ANGWIN: There was nothing to be gained by the tactics adopted, but this was playing at legislation. Lawyers complained that it was impossible to put their hands on the various sections of Acts to give their clients advice. One was surprised that the Attorney General should place this clause in a Bill having no bearing on the subject. With proper inspection all food in the State would be wholesome: so there was no need to mark it. The attempt to include the previous clause in the Bill was quite sufficient to impress on members there was no need to agree to the wishes of the Central Board of Health to include this clause in a validating Bill.

Mr. Walker called attention to the state of the House; bells rung and a quorum formed.

Mr. ANGWIN: The Health Act provisions were sufficient to deal with all matters proposed to be dealt with under the Bill. The sections of the Act were very wide, providing amply for inspection by the Central Board of Health and local board inspectors, and by the police. All foods and drugs were open to inspection at any time of the day or night. It was clear that in the past the Central Board of Health had not administered the Act properly.

The CHAIRMAN: The hon. member is not discussing what is relative to the amendment.

Mr. ANGWIN: He only wished to point out that there were sufficient provisions in the existing legislation for the purposes of inspection.

The CHAIRMAN: The present question under discussion is that the words "or drugs" be inserted in the clause.

Mr. ANGWIN: These words could be dealt with now, and he would discuss the clause later on.

An Incident.

Mr. TAYLOR: In supporting the amendment I desire to say that the statement of the member for Ivanhoe that there was a secret understanding between the Attorney General, the member for Hannans, and myself with reference to the acceptance of this amendment, was absolutely incorrect.

Mr. Scaddan: I never made such a statement.

Mr. TAYLOR: On the second reading of the Bill, the hon. member indicated that it was his intention to move the amendment.

Mr. SCADDAN: On a point of order Mr. Chairman, not that I mind what the hon. member for Mt. Margaret says, but I want him to withdraw the statement that I said there was a secret agreement.

Mr. TAYLOR: The hon. member made use of the statement I have atributed to him, and I desire to inform the Committee that there was no secret understanding whatever.

Mr. SCADDAN: I insist on denying that I made use of those words, and the hon. member should withdraw when asked to do so, and not repeat the statement. What I said was that there was an arrangement between the member for Mt. Margaret and the Attorney General. I said nothing about a secret arrangement.

The CHAIRMAN: I cannot see that there is any impropriety in the remark of the member for Mt. Margaret.

Mr. SCADDAN: That is all right then as long as I am allowed the same latitude.

Mr. TAYLOR: Of course, if the hon. member denies the statement, I have no desire to force it on to the Committee, but I do say that the hon. member remarked, "notwithstanding the secret arrangement we are not going to pass this clause."

The CHAIRMAN: The hon. member must accept the denial of the member for Ivanhoe.

Mr. TAYLOR: I withdraw the word "secret" which he objects to. The only understanding that existed was that which was made in an open manner across the floor of the House. I indicated then that I would move that the word "drugs" be inserted, and the Attorney General said he would accept that. These innuendos from the member for Ivanhoe are only in keeping with his innuendos and general attitude in the House when anyone does not agree with him.

Mr. SCADDAN: I object to the hon. member repeating what I denied having said, and I object to the language that he is using. I repeat that I did not mention the name of the member for Hannans. The member for Mt. Margaret seems to be very thin-skinned to-night.

Mr. TAYLOR: I am not thin-skinned. If the hon. member did not actually say what I have attributed to him he meant it by innuendo, which is just as bad as his dirty actions in other directions.

Mr. Scaddan: Is the hon. member to be allowed to address such remarks to the House?

The CHAIRMAN: The member for Mt. Margaret is required to observe the same rules as other hon. members in this House.

Mr. Scaddan: And is he to be allowed to talk about dirty actions on my part?

The CHAIRMAN: This has all arisen from an improper interjection made by the member for Ivanhoe. I did not hear the member for Mt. Margaret say anything about dirty actions.

Mr. Scaddan: I am not looking for protection against the member for Mt. Margaret. I shall leave the House to say whether my actions are dirty or not.

The CHAIRMAN: The hon. member must not pursue that line of action.

Mr. SCADDAN: The hon. member has occupied 10 minutes in abusing me and I am not to be permitted to defend myself against the conduct of the hon. member. What I have already stated I will repeat, and it is that an arrangement was made between the member for Mt. Margaret and the Attorney General that he should move the amendment. What I objected to was, that we should be compelled to remain here in order to carry an amendment whether I agreed with it or not. I understand that a compact was made between this side and the Government that we should maintain a quorum for to-night to permit some members to proceed to Busselton. Could anyone stretch that to mean that we entered into a compact to sit here until after midnight? If this is the way compacts are to be kept the sooner we understand each other the better. I will not be a party to such a proceeding. I told the Attorney General before midnight that there was no chance of this Bill passing.

The Attorney General: You are in favour of it.

Mr. SCADDAN: Yes; I am, but we can get on with it at a future sitting. It is an unreasonable attitude that is being adopted by the Attorney General to-night.

12 o'clock midnight.

Resumed.

The ATTORNEY GENERAL: It was perfectly clear that the sense of the Committee was that the clause should stand as printed. It was of no use for any member on the opposite side of the House to delude himself into the belief that if a division were to be taken on the clause those who opposed it would be in anything but a miserable minority. Yet they continued in an opposition hopelessly futile, possibly for the mere purpose of repeating——

Mr. Walker: The Attorney General is imputing motives. He declares we have the knowledge that we should be defeated, and by mere talking are obstructing. It is a charge of obstruction.

The CHAIRMAN: The Attorney General was not in order in imputing obstruction to any member.

The ATTORNEY GENERAL: In accordance with the ruling of the Chairman he would withdraw the charge of obstruction. Still he thought he was entitled to point out that the feelings of the Committee was clear in regard to the clause. The member for Ivanhoe himself had stated that he favoured the clause.

Mr. Scaddan: I favour getting home at a reasonable hour.

The ATTORNEY GENERAL: Like others on that side of the House he had done nothing to prevent the hon. member from getting home at a reasonable hour. The clause had come before the Committee prior to 11 o'clock, and no progress had been made for over an hour. It was an illustration of how far Parliament could use time to no effect. He was not unreasonable in the matter. Would it not rather be unreasonable if he were to permit himself to be made a catspaw of by those who merely wished to spin out time.

Mr. Walker: The hon. member says we are using him as a catspaw to spin out time. Is that in order?

The CHAIRMAN: The Minister was apparently repeating in another form words which he had already withdrawn.

The ATTORNEY GENERAL: If the words were out of order he would readily withdraw. Still he wished to emphasise the fact that he had not taken up the time of the Committee.

Mr. WALKER: The hon. member was entirely misrepresenting those who opposed the clause if he imagined that it was done out of a wish to oppose him himself, or out of a belief that the clause was of no importance. The clause embraced a grave principle, and involved an entire change in the existing methods of dealing with foods. To think that such a clause could be dealt with in a few minutes was foolish. Again, such legislation should be introduced in its proper place and not hidden away in a Bill of this character.

The Attorney General: You would sacrifice the public good for a matter of form.

Mr. WALKER: For his part he would have the laws in their proper place. Because they were distributed without any regard to classification nobody knew today how the existing laws stood. It was wrong to impute any dishonourable motives in those who protested against this style of legislation—against the sneaking in of innovations and changes. This was a measure that concerned the public in more ways than one. It would be revolutionising the methods of the Health Department, and to say that because hon. members approved of it in sentiment they were to pass it without consideration was the very height of absurdity. Even at this late hour he would ask the Attorney General to take a reasonable view of the matter and report progress.

The Attorney General: Why?

Mr. WALKER: In order that the clause might be considered in a full House. There were not sufficient members present to make a quorum if the Opposition were to go out. It had been the custom to adjourn at 11 o'clock. There had been no obstruction in respect to this measure; but because the Attorney General wanted his way hon. members had to remain until after midnight, notwithstanding that a compact had been made that nothing but formal business should be taken, and that no measures were to be taken beyond their second reading.

The Premier: No; excuse me.

Mr. WALKER: Nothing of a controversial character was to have been taken beyond the second reading.

The Premier: The measures on the Notice Paper were selected by the Leader of the Opposition.

Mr. WALKER: At all events it had been understood that the House was to adjourn at the usual hour. He respectfully suggested that progress be reported because there were several phases of this clause which he might raise.

The Attorney General: You can do that on the third reading.

Mr. WALKER: That would not do. The subject should be fully dealt with in Committee. He was stronger in his opposition upon this matter for the reason that he agreed with the proposal to deal with the foods. But the provision should be made in its proper place. He desired to make certain inquiries as to the effect of this clause before he agreed to it as printed. At a glance it was evident that

there was more in this clause than its simple language would seem to imply. It was a change which required a Bill to itself. It was delegating the power of Parliament —to whom? To an irresponsible board with no safeguards. It was a matter of the utmost importance. The Central Board was to be empowered to make regulations not specified, except that they would deal with the gratest necessity of life—pure food. There were embodied in this one clause matters of the greatest controversial moment, and to lightly pass them over would be a reflection on hon. members. Even if the Attorney General had a majority to carry the clause that did not deprive him (Mr. Walker) of his right to do all he possibly could to expose the folly of it. During his second reading speech he had expressed the hope that these two clauses would be eliminated, but as they had not been withdrawn, it was necessary to discuss them fully, though he was not anxious to do so at this late hour.

The ATTORNEY GENERAL: The hon. member atempted to persuade himself this was a matter of great importance. Under existing law there was full power of inspection and of destruction of that which was unwholesome, but there was no power to affix on the article inspected any mark to show it had been inspected. Proof of inspection might be described as trivial, but it was of gravest importance to the consuming public. The hon. member persisted in saying he had some great principle at stake. If there was any great principle at stake, one might meet the wishes even of one member of the Committee, although all other members thought differently to the hon. member; but, in this case, the hon. member was making a mountain out of a miserable mole-hill. Was it reasonable that we should report progress after such a long discussion, simply because one hon. member had a mistaken view of the matter? If it were a reasonable request one might meet it.

Mr. WALKER: Had the department the staff to stamp the different articles of food? Here was a revolution in the department. A new staff would need to be employed.

The PREMIER: Every member who had spoken had protested strongly his desire not to prolong the debate: but, unfortunately, these protestations made with such earnestness had not resulted in much curtailment of the debate. The primary object of the clause was to secure the inspection of meat. The Central Board of Health were anxious that the carcases slaughtered at the abattoirs should be inspected and branded; and when instructions were given to the Parliamentary Draftsman on the matter, Mr. Sayer inserted "articles of food." The member for Kanowna maintained that there was provision in existing legislation for all that was necessary, and the Attorney General had said that in some instances meat had already been stamped, probably referring to some of the frozen lambs exported; but if those who were exporting lambs thought fit to object to the Government branding the carcases, they could have done so, and the carcases would have gone away without Government inspection. The desire of the department was to have this meat inspected. It would probably meet the wishes of the Central Board of Health, and possibly to some extent the views of the member for Kanowna, if the clause were amended by striking out the words "articles of food" and inserting the words "meat" in lieu. Meat would include carcases of beef, pork, mutton and lamb, he took it, and surely it was essential to take steps to have these articles of food properly inspected and branded? The amendment would not interfere with the other articles of food referred to by the member for Kanowna. The Attorney General would be prepared to accept an amendment in that direction, so there would be no need to prolong the debate. In reference to the arrangement between the Leader of the Opposition and himself, it was the Leader of the Opposition who had selected these Bills as being non-controversial. If this was a non-controversial measure, one could not realise what a controversial measure would be.

Mr. ANGWIN: The urgent need for this provision had not been pointed out by the Attorney General. The Minister

dealt entirely with the foods consumed within the State, and members had naturally urged that if the officers of the Central Board of Health did their duty there would be no need for the clause, seeing that the Act declared that all unwholesome food must be destroyed. However, had we been told of the urgency of the clause, and that power should be given to mark these carcases, the matter would have been finished with long before. If there was unnecessary heat brought into the debate, the Attorney General was responsible for it. His (Mr. Angwin's) principal objection to the clause was that we should not have matters dealing with one particular subject in various Acts of Parliament. We were playing with legislation.

Mr. SCADDAN: That we were playing with Acts of Parliament was clearly shown. In the first place, the Attorney General agreed to accept an amendment by the member for Mount Margaret to include drugs; and now we were told by the Premier that the clause was only for the purpose of enabling carcases of meat to be stamped.

The Premier: In the Act there is no definition of "meat," but there is a definition of "articles of food."

Mr. SCADDAN: All articles of food should certainly be stamped with the Government stamp. After all it now appeared we were not altering the Act but were merely giving the inspector power to put the word "approved" on the food. The whole thing seemed to be merely an effort to gain another means of trying to build up the revenue by charging fees for inspecting good meat. He had promised to support the clause as it stood but now it was being cut to pieces and he would look to the Attorney General to pull him out of the hole he was in.

The ATTORNEY GENERAL: The Premier had taken the view that the matter could be adjusted in accordance with the views of the Committee and, having discovered what would meet the wishes of members, suggested that such should be adopted. He was prepared to accept that suggestion instead of the clause as proposed to be amended.

Mr. JACOBY: The clause should be passed as printed. All meat for export was in the hands of the Federal authorities, but it was necessary that meat which was to be sent to the sales here and to the country should receive the brand of the departmental inspector. It was injudicious at the outset to include this clause in the Bill but as that course had been adopted it should be passed as printed.

The CHAIRMAN: Before the suggestion made by the Attorney General could be dealt with the amendment now before the Committee would have to be disposed of.

Mr. COLLIER moved—

That progress be reported.

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

Ayes	5
Noes	13
Majority against ..	8

AYES.

Mr. Angwin	Mr. Walker
Mr. Collier	Mr. Troy
Mr. Scaddan	*(Teller).*

NOES.

Mr. Barnett	Mr. N. J. Moore
Mr. Cowcher	Mr. Piesse
Mr. Gregory	Mr. Price
Mr. Horan	Mr. Taylor
Mr. Jacoby	Mr. Ware
Mr. Keenan	Mr. Gordon
Mr. Monger	*(Teller).*

Motion thus negatived.

Mr. WALKER: There was a great incongruity between the clause and the purpose for which it was intended to be drafted. Was it not a fact that the whole thing was a mis-print?

The Attorney General: No.

Mr. WALKER: The Premier said it was.

The Attorney General: No.

Mr. WALKER: The Premier had said the Colonial Secretary desired the draftsman to make provision for the marking of carcases but he was misunderstood with the result that there was a draftsman's mistake. That was what the Attorney General had been fighting for.

Mr. TAYLOR: If it were the desire of the Committee that his amendment should be withdrawn with the object of inserting the Premier's suggestion as an amendment, he would ask for leave to withdraw.

Members: No.

Mr. WALKER: The Attorney General should agree to report progress. The draftsman had made a mistake, so had the Attorney General, and now there was another mistake in the endeavour to insert the word "drugs" in the clause. Another reason for adjournment was that the Attorney General had said that he was watching the measure for another; he was the vicarious representative of the Minister who had charge of the measure. The Attorney General had told the Committee that he did not care much about the measure and that he did not know what the person who designed the Bill wanted.

The PREMIER: If the amendment which he had suggested were agreed to there would not be any need to add the words "and drugs." The member for Mt. Margaret recognised that but he was not allowed to withdraw the amendment. Apparently the hon. member for Ivanhoe was in accord with the suggested amendment to substitute "meat" for "articles of food."

Mr. Scaddan: I said I would agree to the clause as it stood.

The PREMIER: Then the hon. member had a most extraordinary way of expressing himself. It was about time however that members got to business. The amendment he had suggested would meet the wishes of those responsible for having the clause drafted.

Mr. Taylor: I have already been refused permission to withdraw my amendment.

The CHAIRMAN: An hon. member could withdraw his objection.

Mr. Taylor: I desire then to withdraw my own amendment.

Mr. Scaddan: No.

The CHAIRMAN: The hon. member could not withdraw the amendment.

Amendment put and negatived.

The PREMIER moved an amendment—

That in line 4 of Clause 4 the words "articles of food" be struck out and the word "meat" inserted in lieu.

The CHAIRMAN: could not accept an amendment in that line.

Mr. Walker: I think we should now report progress.

The PREMIER would move the amendment in the subsequent line.

Mr. SCADDAN: The Committee should not accept this amendment because the words "articles of food" surely covered meat. What was meat but an article of food?

Mr. Taylor: It is not in the definition in the Principal Act.

Mr. SCADDAN: The clause offered no protection to the general public and that was what the clause was intended for. He believed there was on the market a considerable amount and variety of food stuffs which should never be allowed to go into consumption. There was vinegar for instance. Yet now the Premier was going to amend the clause to provide that only meat should be certified to as being wholesome, while other foods notoriously adulterated were to be allowed to escape. Again, these foods which were to be permitted to go unscathed could be effectively stamped, while meat could not.

1 *o'clock a.m.*

[*Mr. Taylor took the Chair.*]

The PREMIER: I made that suggestion merely to meet you people.

Mr. SCADDAN: Nobody had asked for it. He had told the Attorney General he would not oppose this clause.

The Premier: What do you do when you oppose a clause?

Mr. SCADDAN: Shortly after 11 o'clock he had assured the Attorney General that it would not be possible to get the clause passed before the last train went; and had asked him to defer the consideration of it.

The Premier: You have been of great assistance to this clause.

Mr. SCADDAN: Seeing that he had been kept there he might just as well express his opinion on the clause. He was

going to oppose the striking out of the words "articles of food" because it was absolutely necessary that something should be done with such food as pickles, sauces, vinegars and the rest; and except these words "articles of food" were to remain in the clause the Board would have no power to deal with these particular food stuffs.

The PREMIER: It seemed that the amendment did not suit hon. members after all; that being so he would ask leave to withdraw it.

Amendment, by leave, withdrawn.

Mr. WALKER: Would not the Premier report progress and have the clause dealt with in a full House?

The Premier: The clause meets with the approval of everybody.

Mr. WALKER: Not where it was. He could not support it where it was, neither could he accept it in its present form. There were in the parent Act penalties provided for the deleterious adulteration of food. Ample provision was made in the parent Act for the keeping of our food wholesome. Provision was made for the inspection of carcases right up to the time of their going into the hands of the customer. Under that Act he himself had known cases in which the customer had been followed up by an inspector and requested to give the name of the shop at which he had obtained certain unsatisfactory meat; and successful prosecutions had ensued. Were we carrying out existing legislation? There were many sections (read) dealing with the subject. But was it not out of sheer stubbornness that we were asked to adopt this clause, though it added nothing to the purity of our food supplies. It was mere folly; it was disgraceful. Even now the Premier might adopt the reasonable course and report progress, so that the clause might be brought down in another form on the lines already suggested by the Government.

The PREMIER: All members of the Committee were in accord in regard to the clause, with the exception of the hon. member, whose two arguments were that the clause should not be attached to a measure validating rates struck by a board, and that it was unnecessary. That was not sufficient to keep members further discussing the Bill, though no doubt one was indebted to the hon. member for much legal advice on the principal Act. But the hon. member must recognise the Committee generally were in accord with the wishes of the Government that the clause should be passed. We had already debated it at great length, and the hon. member should see fit to allow it to be put.

Question of Quorum.

Mr. WALKER called attention to the state of the House; bells rung.

The House resumed.

Mr. SPEAKER: I am quite satisfied there is a quorum within the precincts of the House.

Mr. Walker: Are they in the Chamber?

Mr. SPEAKER: It is not necessary.

Committee resumed.

Mr. ANGWIN: The only argument that could be advanced for attaching a clause like this to the Bill was that it was a matter of urgency.

Clause put and passed.

Title—agreed to.

The Speaker resumed the Chair and the Bill was reported.

The ATTORNEY GENERAL moved—

That the consideration of the report be made an order of the day for the next sitting of the House.

Point of Order.

Mr. WALKER: Clause 4 of the measure provided that fees were to be paid for the inspection of articles of food. It was clear therefore that the measure came under the head of those Bills which must be introduced in Committee by Message from the Governor. No Message had been received, therefore the clause and the Bill were out of order. He did not know whether there was any possibility of dealing with the Bill apart from that clause for, if so that course might be adopted. The Speaker had already given his ruling to the effect that unless Messages were received, Bills dealing with public moneys were out of order. The point he made was purely with reference to Clause 4.

Mr. SPEAKER: As it was preferable that he should give a decision on this point at the next sitting he would ask the House to agree to the motion. The question had been raised unexpectedly and he had not noticed the point when previously looking at the Bill.

Question put and passed.

House adjourned at 1.34 a.m. (Thursday).

Legislative Assembly,

Thursday, 21st January, 1909.

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

QUESTION—CANNING EXPEDITION INQUIRY.

Mr. BATH asked the Premer: 1, Was any portion of the expenses of Mr. Blake in connection with the inquiry of the Royal Commission on his charges against the Canning expedition recouped to him? 2. Are the Government prepared to pay his expenses in connection with that inquiry?

The PREMIER replied: 1, Mr. Blake was paid for 21 days' attendance at the rate of 13s. 4d. per diem, amounting to £14 7s. 2. Not in addition to the sum already mentioned.

QUESTION—IMMIGRATION, MR. LANE'S WORK.

Mr. BATH asked the Premier: In view of the Premier's statement that the Government has repudiated responsibility for immigrants brought out by Mr. Lane, will the Government take steps to prevent Mr. Lane from inducing other immigrants to come as the result of flagrant misrepresentations.

The PREMIER replied: The Agent General has been informed that the Government do not approve of the employment of Mr. Lane.

QUESTION—RAILWAY CONSTRUCTION, BLACK RANGE.

Mr. TROY asked the Minister for Works: 1, Have any steps been taken in regard to beginning the construction of the Black Range Railway? 2, When is it intended to definitely make a start on the work of construction?

The MINISTER FOR WORKS replied: 1, Yes. Mr. Ripper will take charge of construction. Arrangements are now being made for the storage of rails at Mt. Magnet, the purchase of sleepers, and the provision of plant. 2, During February.

QUESTIONS (3)—STATE BATTERIES.

Lennonville.

Mr. TROY asked the Minister for Mines: 1, What was the cost of the railway freight and cartage of the oil engine recently forwarded to the Lennonville battery? 2, Does the Minister consider the oil engine will suffice to keep the battery running full time if necessary?

The MINISTER FOR MINES replied: 1, £25 16s. 10d. 2, Yes.

Linden and Devon Consols.

Mr. TAYLOR asked two questions referring to the two-head mill at Linden and the Devon Consols mill at Linden.

The MINISTER FOR MINES replied: It would be impossible for me to reply to these questions until about Wednesday