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

Ayes	...	...	14
Noes	...	...	27
Majority against	...		13

AYES.	NOES.
Mr. Bath	Mr. Barnett
Mr. Collier	Mr. Brebber
Mr. Daglish	Mr. Brown
Mr. Foulkes	Mr. Carson
Mr. Heitmann	Mr. Cowcher
Mr. Holman	Mr. Davies
Mr. Horan	Mr. Eddy
Mr. Johnson	Mr. Ewing
Mr. Scaddan	Mr. Gordon
Mr. Taylor	Mr. Gregory
Mr. Underwood	Mr. Gull
Mr. Walker	Mr. Hardwick
Mr. Ware	Mr. Hayward
Mr. Troy (*Teller*).	Mr. Illingworth
	Mr. McLarty
	Mr. Male
	Mr. Mitchell
	Mr. Monger
	Mr. N. J. Moore
	Mr. Piesse
	Mr. Price
	Mr. Smith
	Mr. Stone
	Mr. Veryard
	Mr. A. J. Wilson
	Mr. F. Wilson
	Mr. Layman (*Teller*).

Question thus negatived.

ASSENT TO BILLS (2).

Message from the Governor received and read, assenting to the Stamp Act Amendment Bill and the Public Works Act Amendment Bill.

ADJOURNMENT.

On motion by the PREMIER, resolved that the House at its rising do adjourn until 7·30 p.m. on Wednesday; the object being to give members an opportunity of attending the Police Tournament held in aid of charitable institutions.

The House adjourned accordingly at 12·48 o'clock, midnight.

Legislative Assembly,

Wednesday, 19th September, 1906.

THE SPEAKER took the Chair at 7·30 o'clock p.m.

PRAYERS.

QUESTIONS (2)—HOSPITAL COOKS IMPORTED.

MR. DAGLISH asked the Premier: 1, Has his attention been called to the fact that the Perth Hospital Board propose to introduce two immigrants from England to act as cooks at that Inititution? 2, Will the Government allow the funds voted by Parliament for the upkeep of this Hospital to be used for the purpose of paying the passages of immigrants to the State 3, Were the arrangements for the engagement of these cooks for the Hospital made through any Minister, and if so, whom? 4, Did the Board obtain any Ministerial approval at any time to this use of public money? 5, Did any of the members of the present hospital board sanction the engagement of these cooks, and if so, who? 6, What action does the Government propose to take in the matter?

THE PREMIER replied: 1, Yes. 2, Under Section 12 of the Hospital Act, all expenditure is under the control of the Board. 3, No; the arrangements were made by the Board, as is usual. 4, No expenditure has yet been incurred. 5, Yes; Dr. Lovegrove, Mr. James Rendall, and Dr. O'Connor. 6, The Government does not propose to interfere.

MR. BATH asked the Premier: 1, What wages are being paid to the women cooks brought out by the Perth Hospital authorities under the agreement which has been entered into? 2, Were any endeavours made to secure suitable per-

sons from within the State? 3, If any, with what result?

THE PREMIER replied: 1, The women cooks have not yet arrived in Western Australia. The salaries proposed are:—For the first cook—£70 for the first year, £80 for the second year, and £90 for the third year. For the second cook—£60 for the first year, £65 for the second year, and £75 for the third year. 2, Yes. 3, Most unsatisfactory, *vide* accompanying minute to the Board of Management from the Matron of the Hospital, dated October, 1905.

COPY OF MATRON'S MINUTE.

The best cooks seem invariably to drink, and any moment they go off and leave us without any help. On Wednesday, the first cook's half-day, the second cook, who does the first cook's work on that day, got drunk, attacked the scullery man, and cleared out. When I went down there was no dinner cooked, and the ranges were almost out. I myself, with the assistance of a housemaid, had to attend to the work, and this is the third time this year that men have absconded from their post; a serious problem in an institution like this.

QUESTION—IMMIGRANT NORWEGIANS, SAWMILLING.

MR. BATH asked the Premier: 1, Is it a fact that a number of Norwegian sawmill hands arrived by the s.s. "Ormuz" last week, and were sent by the Government Labour Bureau to the Millar's Karri and Jarrah Timber Company's Sawmills? 2, Who paid the railway fares of these new arrivals to the mills? 3, Is this the first of such parties imported in this manner? 4, Has the Premier taken into consideration the menace to the lives and persons of British workers involved in the employment of these men, unacquainted with the English language, in such a dangerous occupation as sawmilling? 5, At whose instigation were these men induced to emigrate from Norway to Western Australia? 6, Did Mr. Teesdale Smith ask for these men to be sent to the Millar's Company's Mills? 7, In view of the present stage of the industrial dispute in the sawmilling industry, and the ample supply of labour for sawmilling available, will the Government take steps to prevent similar importations of labour in the future?

THE PREMIER replied: 1, Eleven Norwegians arrived by the "Ormuz," and work was found for them by the Labour Bureau at Millar's Karri and Jarrah Company's Sawmills. 2, The railway fares were advanced by the Labour Bureau, to be refunded out of wages as received. 3, The Norwegians were not imported, but paid their own fares, and came on their own responsibility. 4, No. The question asked by the hon. member is the first intimation I had of the arrival of the men referred to. These men, I understand, were not entirely unacquainted with the English language, and there is no law making a perfect knowledge of the English language compulsory. 5, As far as the Government are aware, they came out on their own initiative. 6, No. 7, The Government has been discouraging the immigration of labourers as far as possible, but is unable to prevent persons paying their own passage to come to Western Australia.

REPORT—LAND SELECTIONS, MR. SCOTT.

MR. DAGLISH brought up the report of the Select Committee on Mr. Scott's land selections, South-West.

Report received, and ordered to be printed.

PAPERS—HOSPITAL COOKS IMPORTED.

MR. H. DAGLISH (Subiaco) moved—

That there be laid upon the table a copy of the minutes of the Perth Hospital Board relating to the engagement of two cooks in England, and all papers touching the same subject.

He said: This is a novel proceeding by a Government department; and after all the Perth Hospital, though under the control of a board, is a Government department, for it may be said to be maintained almost entirely by Government funds; and when the importation of a certain class of labour at the public expense is proposed we are entitled to know the circumstances in which that step became necessary. Until I see the papers I do not intend to judge the case. At the same time, if I am asked to believe that in Western Australia there were no two persons, either male or female, competent both in character and

capacity to act as cooks to the Perth Hospital, I must regretfully express my inability to comply with the request. It is impossible for me to believe that two persons fully able and completely suitable to discharge these duties could not have been obtained for a reasonable remuneration. Even if that were so, then surely in the Commonwealth itself people could be found willing to undertake the work. This House has on former occasions repeatedly expressed opinions adverse to the importation at State expense of persons who may assist to flood our labour market. Years ago there was a system of importing domestic servants; and it was discontinued by the Leake Ministry, at the express will of the House, when the member for West Perth (Mr. Illingworth) was Treasurer, and the resolution then passed has never been varied. I think that members are entitled to see these papers and to know the circumstances in which this new departure is being taken. I intend to make no farther comment on the matter till I have had an opportunity of perusing the documents.

MR. G. TAYLOR (Mt. Margaret): I second the motion.

THE PREMIER (Hon. N. J. Moore): I have no objection to the motion. At the same time, I am practically as much in the dark as is the mover as to the reasons for the engagement or proposed engagement of these two servants in England.

MR. T. H. BATH (Brown Hill): The Premier says that as to the engagement of these women cooks in the old country he is as much in the dark as the mover.

THE PREMIER: Except that I know the reply furnished to the question just asked.

MR. BATH: In reply to that query the Premier advanced a reason which I can but characterise as one of the most extraordinary I have ever heard advanced in favour of such a step. It is extraordinary that any member should say that it was necessary to go to England for these cooks because there were none in Western Australia sufficiently competent and reliable to take the positions.

THE PREMIER: You know perfectly well that the answer I read was merely the board's reply to a question which I asked. That was the only reply I could give you.

MR. BATH: But surely the Premier takes sufficient interest in the administration of the hospital to make some inquiries for himself as to the accuracy of such a reply. Surely he does not wish to shelter himself behind the reply of some member or representative of the board, and tell the House that he knows nothing of the matter save the board's reply. This question, although it only affects the engagement of two persons for the hospitals, is a reflection on a considerable portion of the community of Western Australia. The very ridiculousness of the question should have been sufficient to induce the Premier to make some farther inquiries before coming to the House to advance this as the only justification and reply he can give to questions in regard to this subject. I have no desire to say anything farther. Probably another occasion will arise later on after members have had an opportunity of perusing these papers; but it seems to me that the Premier should, if he has not done so, make some inquiries into the matter, and from his own knowledge, after making those inquiries, give to the House his own opinion and not that of the Hospital Board.

Question put and passed.

SCHOOL FEES REGULATIONS.

QUESTION OF ORDER AS TO MOVING AGAIN.

MR. H. DAGLISH (Subiaco): On a point of order, I gave notice of a motion to be moved to-day, but I observe that the motion is not on the Notice Paper. Am I at liberty to proceed with this motion, as I presume that its omission is due to some clerical error?

MR. SPEAKER: I may say for the information of the hon. member and for the information of the House generally that I take full responsibility for the omission of this motion from to-day's agenda, for the following reasons. Under Standing Order No. 176 it is provided that no question shall be proposed

which is the same in substance as any question which during the same session has been resolved in the affirmative or negative. In furtherance of that I desire to quote also for the opinion of members a few brief words from *May's Parliamentary Practice*, which says—

> The mere alteration in the words of a motion without any substantial change in its object will not be sufficient to evade this rule.

It is open, of course, to the hon. member to raise a question as to my ruling, but I venture to say that members of this House, I am sure, are satisfied that I have no object other than complying with what I believe are the rights and province of my powers as Speaker.

MR. DAGLISH: I desire to protest against your ruling, sir, but at the same time I wish to be thoroughly understood by yourself and the House. In according you what every member of this House will accord, every credit for having acted fully without other consideration than the duty of carrying out the Standing Orders of this House, yet I claim that in this instance the ruling is somewhat unfair to me, although unintentionally so, and that my motion does not come within either the Standing Order you have quoted or the rule referred to in *May* as read by you. The provision of our Standing Order is that no question shall be proposed which is the same in substance as any question which during the same session has been resolved in the affirmative or negative. I respectfully submit that the question of which I gave notice is one which has not during this session been resolved either in the affirmative or negative; nay, more, I contend that it is one that has not yet been considered in any way by this House. I can only take it that the basis of this ruling is that the motion submitted by the member for Brown Hill last night is identical in substance with my notice of motion; but a perusal of the two questions, I contend, will show this is not the case. I contend that the speeches of the Premier and other members of the Government side of the House last night will show it is not the case. The substance of the motion moved by the member for Brown Hill was an expression of want of confidence in the Government, and the ground of the discussion to a large extent was covered by the fact that this motion was an appeal to His Excellency the Governor to set aside the advice his constitutional advisers had given him. There is no proposal of that sort in the motion I gave notice of, and that is the important element of difference between the two questions. Any question may be made, if so couched, a motion of no confidence in the Government, and the member for Brown Hill submitted a motion that undoubtedly was received by the Government as a motion of no-confidence. In consequence of that the member for Balkatta, the member for Collie, and I think other members on the Government side stated their inability to vote on the merits of the motion so far as its substance apart from its effect on the Government was concerned. They contended that the main feature of that motion was that it was a motion of no-confidence. The Premier himself urged the members on the Government side of the House to vote on the question as a no-confidence motion, and assured hon. members on the Government side that if the motion were carried his Government must necessarily go out of office. The dominating feature therefore in that motion was the fact that it appealed to his Excellency the Governor to disallow something his responsible advisers had recommended him to do, something he had done on their advice; and I contend that no question, no matter what its subject may be, which is entirely distinct from a no-confidence motion, can be identical in substance with any motion so couched as to be an expression of want of confidence in the Government if carried. Apart from that, the member for Brown Hill proposed a specific motion relating to certain regulations recently made under the Elementary Education Act. Here again there is a marked difference between the motion submitted by the hon. member which has been negatived by the House and the motion of which I gave notice. Mine did not touch any particular regulations that have been made, or any particular amendments of regulations that have been agreed to by His Excellency the Governor-in-Council. It laid down a general principle for the guidance of the Government, not only in regard to what may have been done in the past, but also in

regard to what shall be done in the future; and instead of being a specific motion governing certain amendments which have already been made in the Education Act, it was a general motion giving a clear instruction to this or any other Government not only as to what should be done at present, but as to what should be done in the future. Here again the divergence between its terms and the terms of the motion negatived last night is most pronounced. The member for Brown Hill proposed "That an Address be presented to His Excellency the Governor praying that the amendments of Regulations 98 and 227, made under the Elementary Education Act 1871 Amendment Act 1893, appearing in the *Government Gazette* for 7th September 1906, be disallowed." This was a specific motion relating only to certain amendments of regulations which had already been effected and existed. My motion, on the other hand, was—"That this House disapproves of any alteration in the regulations of the Education Department which will require parents to pay fees for the attendance of their children at the State schools." It could have been proposed if necessary as an amendment on the motion, and therefore necessarily could not be the same in substance as the motion. My motion could be supported without the Government, or the position of the Government, being in any way affected, and without the Premier getting up, if it were carried, and contending that the Government had lost the confidence of the House; because it relates to no specific act that this or any other Government has done. It contains a general instruction; and I contend that it is monstrous if our Standing Orders and our parliamentary procedure should state that it will be beyond the power of this House during the whole course of this session to give the Government instruction in regard to matters affecting the regulations under the Education Act; for that, I take it, will be the effect of your ruling, Mr. Speaker. I am perfectly aware that it is not for you to consider the effect of your rulings from a policy point of view; but I contend that it would be a serious menace to the powers of Parliament if, because certain specific regulations amended under the Education Act had once been discussed on a no-confidence motion, therefore no discussion on the education question could be undertaken by this House in the same session, and no principle could be laid down for the guidance of the Government on such a question. I take the liberty of quoting some of the words of *May* which, in my humble opinion, show clearly that a motion that may have a certain resemblance to one that has been either assented to or negatived may be discussed in the same session. On page 287 *May's Parliamentary Practice* says:—

> The House may not be prepared to rescind a resolution, but may be willing to modify its judgment by considering and agreeing to another resolution relating to the same subject. Thus, a resolution having been agreed to which condemned an official appointment, the House by a subsequent resolution withdrew the censure which the previous resolution had conveyed.

In other words, in the case cited the exact contrary of the resolution formerly carried was afterwards assented to by the House of Commons in the same session. I quote this to show that even where the substance is to a large extent identical, a motion can be considered, although one resembling it has already been dealt with; but the main point on which I base my argument is that there can be no substantial resemblance in the merits of a motion which is one of no-confidence and the merits of a motion which is not one of no-confidence. That of itself is amply sufficient to justify the House having the opportunity of reconsideration. In other words, the House has not yet considered the education regulations as now existent at all. The House has considered and voted on a proposal to approach His Excellency the Governor; the House has considered a motion which the Premier announced as one of no-confidence, but the House has not yet considered, apart from party influence, apart from its effect on the Government, the effect of these education regulations at all. In these circumstances I respectfully submit that this House has a right, without infringing the Standing Orders, to consider the motion of which I gave notice.

MR. T. WALKER (Kanowna): I submit that the contention of the member for Subiaco, with all due deference to the

Speaker's ruling, is correct. It is the usual practice on a motion which is taken as one of no-confidence or a motion of censure to allow very wide latitude indeed. In a discussion on a motion of censure, almost anything can be discussed. But the motion of the member for Subiaco is not one of censure; it is entirely distinct; and he is perfectly correct therefore in arguing that on a vote of censure motion such as that debated last night, the real question was not even considered, much less decided. We had nearly half-a-dozen members on the Government side of the House saying distinctly that if they were at liberty to vote on the issue as a non-party question, they would vote differently from what they did. That is to say they distinctly understood that they were voting on the question of the Government's existence in office and not deciding the question of education. That was clearly laid down by more than one speaker.

MR. HORAN: At the Premier's invitation.

MR. WALKER: At the Premier's invitation. The Premier distinctly stated that was a motion of no-confidence; and therefore what the House voted on last night was the continuance or otherwise of the Government in office. That was plainly shown; it was a distinct party vote.

MR. FOULKES: Some members did not recognise that; I for instance ignored it.

MR. WALKER: The member for Claremont says that he ignored that.

MR. FOULKES: I said that it should not be treated as a party question.

MR. WALKER: I agree with the hon. member that it should not have been treated as a party question, but it was so treated, and at the invitation of the Government. Whoever ignored that it matters not. The hon. member took a course of his own. He practically voted a censure on the Government; other members, having in view that they were partisans or members of the party, distinctly, more than once, declared that the Government had done wrong and they hoped it would retract; that a mistake had been made, but they were not going to allow the Opposition side to pass over to the other side, and that they were voting to keep this side where it is and to keep the other side where it is. That was the idea in the minds of the members, and I therefore submit that this question has not really been decided. Farthermore, it may happen, and often does happen, that questions are very nearly related in wording, and yet they are distinct in substance. There may be distinctive questions that have very much in common and yet can each be debated on its merits. There was an element in the question debated last night that entirely differentiated it from the motion of the member for Subiaco. That has already been pointed out, and I wish to insist upon it. That which differentiated it was this: it took the course of approaching his Excellency the Governor and advising him to take a course over the heads of Ministers. That was the salient feature of it. The object of that motion was to squelch a certain action taken already by the Government—that was the distinctive feature of the motion. And that is why the Ministry took the motion as one of censure—[MINISTERIAL MEMBER: That is so]—because it went over their heads in asking his Excellency to disallow a step already taken. That being so, was not that the vital element of the motion; was not that its chief feature? That feature having been made prominent and given the conspicuous place it was given, could any member on the Government side of the House vote freely on the issue of education? No one could. Therefore the matter of education has not been voted upon. We have only voted on the question whether or not his Excellency should be approached to annul a certain course taken by the Government. It has been decided that we shall not go behind or over the heads of the Ministry in approaching his Excellency. But we have not voted as to whether it is wise or not to charge for the education of children over a certain age. I submit that though there may be arguments common to both these questions, this question is entirely distinct from the one we have decided. We have debated and decided one; the other has not been decided, and should be debated. We should be annulling our own privileges, and taking away our own rights, if we prevented discussion on the

issue submitted by the member for Subiaco.

THE PREMIER: I presume there is no question before the House.

MR. SPEAKER: I understood the hon. member (Mr. Daglish) to move that my ruling be disagreed to.

THE PREMIER: I do not think he has done so.

MR. SPEAKER: Under the Standing Orders, it is within the right of any member to move that the ruling of the Chair be disagreed to. The question had only just been raised, and I thought it advisable to allow the hon. member to discuss it, though strictly speaking he should have given notice. According to Peel's decisions—

> Any question affecting the conduct of the Chair, or any ruling given by Mr. Speaker, should come before the House in such way that the whole House should be able to decide upon it. The proper course is to give notice and put the motion in specific form before the House, so that the whole House at large may be able to pronounce an opinion on it.

I am quite prepared to give farther proof in support of my contention, if the House desires me to do so at this stage. Or I shall be glad, if the hon. member chooses to give notice in the ordinary way. I still hold to the opinion I expressed; nothing has convinced me to the contrary. I am quite prepared to abide by my ruling, or to submit it to any authority in Australia, as a question of common sense. Farther than that I will give, at this stage if the House desires it, some cases which support my view.

MR. DAGLISH: I submitted no definite motion, neither do I feel disposed to go to the length of moving that the Speaker's ruling be disagreed to. But I understand that members have a right to discuss a point of order; and I have raised the point of order.

MR. SPEAKER: I have stated that the hon. member has the right to discuss a point of order. I have merely quoted Mr. Speaker Peel's decision; but there is nothing in our Standing Orders. The question having only just arisen, there is nothing to prevent the member speaking to the point of order, if no other hon. member is desirous of speaking. I am in the hands of the House, and I recognise the kindly manner in which both the mover and the seconder referred to my ruling.

THE PREMIER: I would like to mention that the member for Subiaco and myself discussed this question last evening, and I say this so that the hon. member may know I was unaware until I came here to-night that his motion had been struck off the Notice Paper. When discussing the question with me last night the hon. member used the same line of argument as he has used to-night. The hon. member then stated that he would be prepared to postpone his motion for some two weeks, in order that it might be discussed at a later date. I took up a somewhat similar attitude to that taken by Mr. Speaker this evening, namely that the two questions were practically the same. I should like to assure the hon. member that I was not aware until I came here to-night that his motion had been struck off the Notice Paper.

NOTICE, INTENTION TO MOVE.

MR. DAGLISH: On reconsideration, I desire to give notice that I will move to-morrow that the Speaker's ruling be disagreed to in regard to the disallowance of my motion; and I will also farther move that the ruling be disagreed to in regard to the excision from the Notice Paper of my motion. I take it that these are two distinct points. At the same time, I do this in order to enable the House to discuss these points, so that there may be no misunderstanding on the question. I do not desire to pursue these points unduly, but to satisfy the House in regard to their exact merits.

MR. SPEAKER: The hon. member must give notice, of course, to disagree to my ruling. That is the point at issue. I am prepared to substantiate the ruling I have given.

MR. DAGLISH: I give notice on those two points.

MR. SPEAKER: There is no other point.

MR. DAGLISH: The question of the deletion of the notice of motion from the Notice Paper, I claim, is a separate point. Even if my motion were out of order, I might have fairly expected it would remain on the Notice Paper until we had

reached it and it had been ruled out of order.

MR. SPEAKER: I shall be only too glad to give every facility to the hon. member, or to any hon. member, to have the question fully debated. I feel stronger on the question every time I rise.

STANDING ORDERS AMENDMENT, URGENCY MOTIONS.

THE PREMIER (Hon. N. J. Moore): In supporting the report of the Standing Orders Committee on the proposed amendments to procedure with regard to motions of urgency, I beg to move that the following be adopted as a Standing Order No. 47A:—

> A member wishing to move "That the House do now adjourn," under No. 47, shall first submit a written statement of the subject proposed to be discussed, to the Speaker, who, if he thinks it in order, shall read it to the House; whereupon if seven members rise in their places to support it, the motion shall be proceeded with.

This question has been considered by the committee, and I feel sure the House will support the recommendation they have made in regard to this new Standing Order.

MR. T. H. BATH (Brown Hill): I am glad to be able to support the motion moved by the Premier. I think that the Standing Order drafted by the Standing Orders Committee will fit the case, and is one that should meet the hearty support of members. I am glad to see that the number of members is fixed at seven, because I think that, taking into consideration the proportion in the House of Commons, and that in force in the other State Parliaments of the Commonwealth and elsewhere throughout the British dominions, it is a fair proportion of the members of the House, to rise in support of such a motion. I have nothing farther to add except to express my approval of the new Standing Order.

MR. T. WALKER (Kanowna): Of course it is satisfactory to see an improvement in this direction; but I venture respectfully to differ somewhat as to the number that should be necessary to rise on a motion of this kind. Just look at the history of this motion. Originally any member at any time could rise in his place to move the adjournment of the House. [Interjection by the PREMIER.] I am speaking of olden times. The modifications as to numbers have been matters dealt with in the local Parliaments. The numbers differ in different places. The rule originally gave every man the right when any matter of urgency cropped up to move the adjournment at any stage of the proceedings; and that privilege was abused. Adjournment of the House could originally be moved time after time; as soon as one motion for adjournment had been disposed of another could be moved; and so the system was used and could be used as a means of obstruction. To limit that, regulations were made. The House of Commons regulation is a sample of that sort, and this is another of the kind. In New South Wales—where I may say it was considered somewhat drastic and severe—the number was four, and I submit that four would be quite enough here. Remember what the original rights were. They appertained to every individual member of the Assembly. Every man had a right at one time. If in future four members can be got to testify that a motion is a matter of urgency, and one that should be discussed, and if farthermore we limit motions of that kind to one in any particular sitting, there can be no danger coming from it. But imagine a House something similar to this, constituted of a very large majority upon that side, and only a fraction on the other.

MR. CARSON: You are not going to get down to seven?

MR. WALKER: No. But would the hon. member make it compulsory for the whole of the Opposition to rise before any member of it could move a motion for the adjournment of the House? What will be the process that has to be taken, if this course be ultimately followed? The member who desires to move the adjournment has to explain to members, so that they may thoroughly understand the point, all the features of the motion he desires to move. Otherwise how can they judge whether it be a matter of urgency warranting the setting aside of the ordinary business of the House? If a man makes an explanation of that kind to four people so that they

can understand him, he has I think pretty well done his duty to the House; but this makes it compulsory that a man shall talk to seven, arguing with them, debating with them perhaps in some instances, to convince them that he is right in his view that this motion should be moved. I consider that the number is too great. In my opinion the House would be sufficiently safeguarded by having four in stead of seven, and four is a pretty fair proportion of the whole House. We still have a limitation of the original right granted under which every man had a right to call attention to a matter. I would therefore like, if in order at this stage, to move an amendment—

That the word "seven" be omitted, with a view to inserting the word "four."

I think that number is a perfect safeguard, and at the same time gives the liberty which should exist for the ventilation of a great subject when occasion requires.

MR. F. ILLINGWORTH (West Perth): When this question was before the Standing Orders Committee, there was a suggestion that the number should be ten. . I discussed the matter on that occasion, and suggested that the number should be seven, for the reasons that have been already named by the member for Kanowna. I think that after appointing a committee to consider the question, we should do well to accept its decision, which was to recommend that seven should be the number. If a matter were sufficiently urgent, I think it would be easy for a member to get the support of seven to bring the question before the House. All that is necessary is to convince a certain number of members, seven at any rate, that the matter is sufficiently urgent to warrant the time of the House being occupied. In my opinion, we shall do well to support the recommendation of the committee.

MR. TAYLOR: I second the amendment.

THE PREMIER: I would like to remind the hon. member that the number necessary in the House of Commons is I understand 40, which at the same time is a quorum of the House; whereas in our House a quorum consists of 17, so that practically 40 per cent. is a quorum.

MR. WALKER: The motion in the House of Commons was passed under terrible excitement, at the time of the Irish obstructionists.

THE PREMIER: I think the hon. member will realise that if a man has a reasonable case, seven members will be only too glad to give the opportunity to bring the matter before the House.

MR. BATH: They were not very willing in the case of the motion which brought up this discussion.

THE PREMIER: We authorised the Standing Orders Committee to make a report and recommendation in connection with this matter, and I therefore feel bound to support their recommendation.

MR. A. A. HORAN (Yilgarn): I am bound to support the amendment of the member for Kanowna (Mr. Walker) in this case, because it seems to me that when this House decides whether a certain question is of sufficient importance to warrant a member in moving the adjournment of the House, members really only require, as in a court of law, to have made out a *primâ facie* case, as it were; and if four members can stand up in the House and say that sufficient evidence can be brought before the House to warrant the adjournment under the circumstances, that should be sufficient to secure the adjournment.

MR. G. TAYLOR (Mt. Margaret): I desire likewise to support the amendment. When in the old Parliament three years ago I desired to move the adjournment of the House on a question of great urgency, in my opinion. At that time there was a strong Government in power, and I was one of a very weak party which could not at that time fill the requirements of such a motion as that moved by the Premier. The whole strength of the party of which I was a member supported me in my desire to move the adjournment of the House to bring before Parliament and the people of this country a matter of great urgency. I would, however, have failed in my endeavour under the conditions specified in the motion now moved. That makes me feel with the member for Kanowna and the member for Yilgarn

that four members should be sufficient in a House numbering 50 to decide whether a matter of urgency should be heard.

MR. WALKER: It worked well in New South Wales.

MR. TAYLOR: In New South Wales in a House of 125 members, four members were sufficient; and as the member for Kanowna has pointed out, the system worked well. There is no reason or just cause why we should have seven in this House, and taking into consideration that such a motion can only be moved once in one sitting, and that it can only be moved at a specified moment during that sitting, I say that four should be sufficient. I know the difficulty I had. In fact, members on the Government side at the time I moved the adjournment of the House over a matter affecting the Government—which I will not deal with now—pointed out to me that I had no possible chance. I then went to the Speaker, the late Sir James Lee Steere, and handed up my motion in writing, and after conversation he said that in his opinion it was a matter of great urgency, but he would test the feeling of the House on the point. That was done, and I was allowed to move my motion. I only desired to bring before Parliament and the people of Western Australia certain actions of the Minister which I thought were degrading at the time, and the House was so with me, members on the Government side supporting me, that had I not withdrawn my motion it would have been carried, and the Government, notwithstanding its strength, would have been defeated. I only desired to bring that forward, and I am pleased to say that a case of such a character has not cropped up since. If a member by any chance happens to discover something, and in the opinion of four members it is of sufficient importance and urgency to warrant a motion for the adjournment of the House with the object of discussing the question and bringing it before Parliament and the people of the State, that should be enough for the motion to be moved; and for that reason I support the amendment.

MR. H. DAGLISH (Subiaco): As a member of the Standing Orders Committee, I desire to support the motion of the Premier, and in doing so to state that in my opinion the privilege of free speech for all members of this House will be amply conserved by the adoption of that proposition. [MR. WALKER: Not always.] I cannot remember any case in this House, since I have been a member of it, when there were not far more than seven members willing to support any member who had a good reason for moving the adjournment.

MR. WALKER: Until the mover makes his speech, others do not know whether or not he has a good reason.

MR. DAGLISH: I do not remember a case where a member has not had more than seven members to support him every time the motion for leave has been put to the House. By our existing Standing Order such a motion needs an absolute majority of the House; and it is now proposed to reduce the number from an absolute majority to seven—a very substantial reduction. A large number of members when this question was discussed suggested ten; and the House seemed fairly agreeable to accept ten as the number that should have the right to secure the discussion of a motion for adjournment; yet the Standing Orders Committee now suggest a reduction of the number to seven, a little more than one third of the quorum of the House; and that will be a very sweeping alteration. I think we may well give a trial to the amendment suggested by the committee; and if there be a single case in which it works hardship by preventing any member from securing the fullest freedom of speech, I shall, if still on the Standing Orders Committee, be quite prepared to support a farther amendment to reduce the number.

MR. WALKER: Why not adopt the best method, while you are about it?

MR. DAGLISH: The hon. member's contention that we should get the best is quite right; and I am supporting "seven," because I think it is quite as good as five or four.

MR. TAYLOR: I suppose it is the best you could get from the committee.

MR. DAGLISH: I am not saying anything of the sort. I am supporting the motion because I believe in the recommendation of the committee. I have no doubt the committee would be just as willing, if the reasons seemed

sufficient, to support the reduction as the member who moved or seconded the motion for making it; and after all, as we have not had any practical experience of the operation of the new proposal, and as its advisableness is merely a matter of individual opinion, we ought to give it a trial. In my opinion the proposal that seven be the required number will work satisfactorily to any member who desires to bring before the House a matter of urgency.

THE TREASURER (Hon. F. Wilson): It appears to me that the House having asked the Standing Orders Committee to consider this matter, and the committee having duly considered every aspect of the question, we should accept their report and not throw it aside.

MR. WALKER: No one suggests throwing it aside. The committee are not infallible.

THE TREASURER: The hon. member might keep quiet till I have finished. The appeal of the member for Subiaco appears to be reasonable, that the suggestion of the committee should have a fair trial. The member for Kanowna stated quite truly that the object of restricting motions for the adjournment of the House was to prevent obstruction. But there is still a danger of obstruction. If the number of members required to support the motion for leave be too small, it is reasonable to suppose that anyone wishing to obstruct will be able to induce that small number to join him in his efforts; and notwithstanding that only one motion of that sort can be moved at one sitting, yet if the mover secured the support of three or four members with a gift of speech like that possessed by the member for Kanowna and other members in Opposition, they could practically monopolise the whole evening with a motion for the adjournment of the House. I think that in the circumstances the committee have done their work well; they have made a suggestion which will do much to liberalise the Standing Order relating to motions for adjournment; and the number seven seems reasonable to me. I think that the House will do well to adopt the motion; and if the new rule does not work well it can be altered in the future.

MR. J. C. G. FOULKES (Claremont): I am a member of the Standing Orders Committee appointed to consider this question; and I was impressed by the House of Commons practice laid down in *May*, as follows:—

> According to past usage, it was in the power of two members to move and second a motion for the adjournment of the House.

MR. TAYLOR: A House of 600.

MR. FOULKES: Of over 600. But *May* proceeds:—

> Experience impressed upon the House the necessity of placing upon that power some restrictions.

And it was only after the bitter experience the House gained by giving such power to two members, that the Commons saw the necessity for raising the number to 40.

MR. WALKER: It went to the opposite extreme.

MR. FOULKES: No. I do not say that was an extreme. Anyhow, that farther change was made. I think it has now been the rule for over 15 years, and it has not been altered. I certainly think the new Standing Order before us should have every opportunity of being tested.

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

Ayes	...	...	9
Noes	...	...	29
Majority against	...		20

AYES.	NOES.
Mr. Bolton	Mr. Bath
Mr. Collier	Mr. Carson
Mr. Horan	Mr. Cowcher
Mr. Hudson	Mr. Daglish
Mr. Scaddan	Mr. Eddy
Mr. Taylor	Mr. Ewing
Mr. Underwood	Mr. Foulkes
Mr. Walker	Mr. Gordon
Mr. Holman (*Teller*).	Mr. Gregory
	Mr. Hayward
	Mr. Heitmann
	Mr. Hicks
	Mr. Illingworth
	Mr. Johnson
	Mr. Layman
	Mr. McLarty
	Mr. Male
	Mr. Mitchell
	Mr. Monger
	Mr. N. J. Moore
	Mr. S. F. Moore
	Mr. Piesse
	Mr. Price
	Mr. Smith
	Mr. Stone
	Mr. Veryard
	Mr. A. J. Wilson
	Mr. F. Wilson
	Mr. Hardwick (*Teller*).

Amendment thus negatived.

New Standing Order put and passed

THE PREMIER farther moved—

That leave be give to the Standing Orders Committee to sit during the recess, with power to confer with the Standing Orders Committee of the Legislative Council.

Question passed.

PAPERS PRESENTED.

By the MINISTER FOR MINES: Aid to Prospectors, particulars moved for by Mr. Holman.

MOTION—EMPRESS OF COOLGARDIE LEASE INQUIRY, THE RECOMMENDATIONS.

Debate resumed from the 15th August, on the motion by Mr. Horan "That the report of the select committee appointed in October 1904, to inquire into the forfeiture of the Empress of Coolgardie Lease, should be given immediate consideration by the Government so far as it affect the applicants for the lease in question."

MR. C. A. HUDSON (Dundas): I have no desire to enlarge on this subject, which has been clearly explained to the House by the mover. It seems to me it is the duty of members to urge on the Government the careful consideration of the motion. Owing to its having been left so long on the Notice Paper members may perhaps have forgotten the real circumstances, and the merits of the recommendations of the select committee. Shortly stated, I understand the facts to be that a company had a lease which it did not work. The lease was left for a long time unmanned, and in the ordinary course a prospector sought to have it forfeited. He adopted the proper procedure to obtain that forfeiture; and the lease was as a matter of fact forfeited. Whether it was forfeited under one section or another, owing to a difference of opinion between the Minister for Mines and the Crown Law Department, had nothing to do with the prospector who obtained the forfeiture. He, acting as most men who obtain the forfeiture of a lease, set to work to occupy it, to provide machinery and generally to equip the mine he had obtained by the forfeiture. It has been pointed out that he should not have undertaken any such work until he had obtained the lease in his own name; but as a matter of practice, though not perhaps strictly within the letter of the law, when a lease is forfeited the applicant for forfeiture having the first call upon the lease naturally supposes he is to get the lease subsequently. If it were otherwise when a lease is forfeited, if the applicant for the forfeiture had to wait until he got the lease actually granted to him, the ground would remain unoccupied for some considerable period; and to avoid that, the prospectors set to work on the shows and equip them to win ore from the ground. That appears to be what the applicant for forfeiture did in this case; and though he perhaps was not fully justified by the law, he was I think justified by the practice and procedure of the Mines Department. When we get beyond that stage it is rather extraordinary to my mind how farther action came to be taken. It seems to me that the Crown Law Department and the Mines Department got into "holts," got into conflict in some way, and that this man became the victim of that conflict in some way or other. The company made some discovery of some section in the Companies Act to protect them, and instead of the Crown Law Department and the Mines Department sticking to what they have done and to the opinions they had expressed, suggested to the company some means whereby they could compel the Government to cave in and grant the lease over the head of the man who had applied for and been granted the forfeiture of it. I think nothing more need be said. There was a conflict between the company, the Crown Law Department, and the Mines Department, and there was a bungle, and the victim of that bungle was the man referred to by the select committee. I sincerely hope the House will accept the recommendations of that select committee, and that in meting out justice to the prospector we will mete out substantial justice, and not merely offer him the small pittance as was suggested during this debate.

MR. W. T. EDDY (Coolgardie): I support the motion. I think with the member for Dundas that there is hardly any occasion for us to enlarge on the subject, as the case has been so ably put before members by the member for Yilgarn. When we review the facts, we know that the case has been in abeyance since before October two years ago, and in existence nearly three years, and that it was fully discussed during the last Parliament when the facts were clearly laid before the House. The Minister for Mines has made a statement that some compensation should be given to Mr. Browne because the lease was not given to him. Of course, technically it was proved that Browne had no right to the lease, but morally it has been proved beyond doubt that he should have been on that mine to-day.

MR. TAYLOR: He had no legal right.

MR. EDDY: But morally he should have had the mine. It is the practice of many miners when they apply for a mining lease to set to work when they see no hitch or obstruction in the road. Owing to technicalities of which Browne had no knowledge, after he set to work the matter was held back and left unsettled, but he and his men still worked on, putting labour and money into this mine, assisted by many others who have lost a considerable amount of money in the property, believing all the time while the mine was worked that all would be well. As we know, Browne's claim for forfeiture was successfully heard in the warden's court at Coolgardie, and they set to work, and worked for four or five months, spending money amounting to nearly £1,800. It is not fair, I submit, to Mr. Browne to allow this matter to be hung up any longer, and I hope that Cabinet will give immediate consideration to this very deserving case.

MR. G. TAYLOR (Mount Margaret): This matter was considered by a select committee two years ago, and I well remember the differences of opinion among the members of that committee on this particular point.

MR. HORAN: How do you know that?

MR. TAYLOR: The hon. member knows well that I could not possibly be without that knowledge. I have no desire to remind the member for Yilgarn how and why I know it, but I do know that members of that select committee held diametrically opposite opinions on the subject touched on in this motion; and that had the motion been discussed with all the members of that committee present in this Chamber to-night, we would have heard two sides of the question put forward by members of that committee. The member for Yilgarn knows well that what I am saying is true. Unfortunately I did not read the evidence upon which the select committee based their report, but I know that what I have said, that their opinion was far from being unanimous, is true. It may have been possible as has been the case with numerous select committees, that the report was carried by a majority of one, by three to two; and I am not aware there was any objection raised to the report by any members of the committee, as I have seen done in some cases, but I know there was considerable feeling. The present member for Coolgardie (Mr. Eddy) and the late member for Coolgardie (Dr. Ellis) differ in their opinions on the point. The present member for Coolgardie has pointed out that Mr. Browne claimed possession of this lease on the ground that the warden had recommended the forfeiture. That was subject to the approval of the Minister. I do not know why the Minister should not have either approved or disapproved of the recommendation of the warden.

MR. SCADDAN: The Minister did approve.

MR. TAYLOR: I am only dealing with what the present member for Coolgardie said.

MR. EDDY: I said that the application for forfeiture was successfully heard in the warden's court.

MR. TAYLOR: The hon. member said as plain as could be heard that Browne applied for forfeiture, that the case for forfeiture was heard in the warden's court, that the forfeiture was recommended by the warden and forwarded to the Minister, and that Browne worked the lease for six months—[MR. EDDY: Four months]—

without the recommendation of the warden being confirmed by the Minister.

THE MINISTER FOR MINES: The warden did not recommend the forfeiture

MR. SCADDAN: The file says that he did.

THE MINISTER FOR MINES: The warden said that if the lease could be forfeited he recommended that it should be forfeited.

MR. HORAN: That is clearly a case of splitting straws.

MR. TAYLOR: It only shows the absolute necessity of members, before approving of a motion of this character recommending the Government to grant a certain financial indemnity to somebody or other——

MR. HORAN: You do not know what you are talking about.

MR. TAYLOR: The mover of the motion puts forward one statement, the hon. member living practically on the spot puts forward another, the Minister puts forward a totally different statement, and the member for Ivanhoe interjects another statement contradicting the Minister. I am not putting forward a statement myself; I am merely dealing with the statements that have been made.

MR. EDDY: You are only championing Dr. Ellis.

MR. TAYLOR: The hon. member has no occasion to think I am championing anybody. It takes me all my time to champion myself, and no one in this Chamber feels as keenly as I do his incapacity to champion himself and those he represents.

MR. HORAN: Then why not stick to your last?

MR. TAYLOR: The mover of this motion, with his colossal brain, is able to champion anything from pushing a wheelbarrow to running a railway train. In dealing with a matter of this kind, I cannot help dealing with the statements put forward by members who are supposed to know the circumstances. The member for Yilgarn successfully moved for a select committee two years ago. The committee appointed considered all phases of the question or should have done, reported to the House; and the hon. member has brought forward certain reasons why the Government should accept their recommendations. The member for Coolgardie, who lives on the spot, puts forward another statement. The Minister who dealt with the matter puts forward another phase of the question.

THE MINISTER FOR MINES: Nothing of the sort. The report says that the warden recommended the forfeiture, if it was in the power of the Minister so to do.

MR. TAYLOR: Quite so. Your statement is absolutely correct according to the reading of that report. It appears to me there is no possible chance of pinning a member down to a statement unless one has it in black and white. I merely wish to point out to the Government the absolute necessity of care being taken in this particular. We know the Crown Law Department has been accused by the member for Yilgarn of not acting in a judicial manner. The hon. member criticised the legal knowledge of that department, and he criticised the Mines Department for the manner in which this case was dealt with. Various legal opinions have been given at various times as to the actual position of Browne and his title to this lease. The position as pointed out by the member for Coolgardie is that Browne had no legal right whatsoever to it; but he had a moral right. Browne's moral right came in this way. He applied for the forfeiture of the lease, which the warden recommended subject to the approval of the Minister. On one side I am told that approval was given, and on the other side I am told it was not given. The member for Ivanhoe states that it was granted by the Executive Council.

MR. HORAN: There is no question about it. The lease was gazetted forfeited.

MR. TAYLOR: I am only saying what the Minister interjected. And if that be so, Browne must have a legal right. It just shows how much the member for Coolgardie knows about it, when he says that Browne has no legal right but a moral right. Moral rights and legal rights differ materially. If Browne has a legal right I do not think the member for Yilgarn should be called on to confirm that right in this House. The member for Yilgarn knows that there was a necessity for a select committee to deal with the question and to gather all the

information possible. The Press reported the proceedings in connection with the application for forfeiture of the lease, and it was found out that the application was absolutely groundless, and the statements in the Press were found to be groundless when the committee inquired into the matter.

MR. HORAN: That was not the object for which the committee was appointed.

MR. TAYLOR: I am saying we knew these things before the committee was appointed. I only want to say in this case, whatever the Government may do they should be very careful how they compensate this man for his loss. No doubt he suffered some loss. Where the blunder comes in is hard for the House to say, but the country should not have to pay for the blunders of people. If there was a serious blunder on the part of the Crown Law Department or the Mines Department, someone should suffer for that blunder and the taxpayers of the country should not be called upon years afterwards to pay away a sum of money for the blunder of the Crown Law Department or the Mines Department. That is all I desire to say on the point. I am not going to support the motion.

MR. J. SCADDAN (Ivanhoe): I do not desire to detain the House at length on this matter. I merely wish to say that I was a member of the committee that inquired into this matter and should know a little about it. I also resided for some time on the lease. I want to inform the member for Mount Margaret that while he accuses the member for Coolgardie of knowing little or nothing about this matter, I might accuse the hon. member of something similar. The whole position, so far as I can gain from the files of the department, is this. Daniel Browne, finding the lease not being worked in accordance with the labour conditions under the Mining Act, made application for the forfeiture of the lease. During the hearing of the forfeiture, Griffiths, who was acting as attorney in Western Australia for the company, claimed that the company was in liquidation, and claimed protection under Section 114 of the Companies Act of 1893. However, the warden recommended to the Minister that the lease if possible should be forfeited, and he stated as follows:—

> Recommended that the lease be forfeited if in the power of the Minister; see 114 (pointed out by J. M. Finnerty). Adds: If this procedure is to be maintained, it simply means that companies when they have obtained all the exemption possible can then go into liquidation and obtain indefinite exemption. I would also point out that the liquidator here has simply been acting, not as a liquidator, but as a dummy for the liquidator in London.

The Minister recommended the Executive Council to forfeit the lease, and it was forfeited.

THE MINISTER FOR MINES: It was not forfeited under the plaint.

MR. SCADDAN: The whole position is this. The Minister must know that had it not been for the action of Browne in applying for the forfeiture, the Executive Council would not have forfeited the lease.

THE MINISTER FOR MINES: It was never forfeited under the plaint, which shows the warden had no power to forfeit.

MR. SCADDAN: The subsequent action of the Minister proves conclusively that he himself considered Browne had a right, though not a legal right, to preference by telling the Under Secretary for Mines to acquaint Browne of the fact "that the lease will be gazetted for forfeiture this week," so as to get his application in early. The Minister himself considered Browne had the first claim on the lease after forfeiture.

THE MINISTER FOR MINES: A moral claim.

MR. SCADDAN: The Minister gave him a legal claim by telling him to put in his application early. The peculiar position is that the Minister afterwards reinstated the lease. I can find no reason for doing that, unless there was something that does not appear on the file in the department. I suppose it was in consequence of some information from the Crown Law Department. However, the Minister recommended that the lease be reinstated, and that was done. The liquidator was fined £25. Then the whole trouble arose from commencing to work the lease by tribute, and the tribute agree-

ment as registered in the Mines Department showed that Trude was the owner of the lease. The whole position is that this matter was brought about by the action of Browne in the first instance applying for forfeiture; and seeing that he went to considerable expense, I contend with the member for Yilgarn that he should receive some consideration from the Mines Department, where apparently someone blundered. I blame the Mines Department for the blunder. Probably it was committed unintentionally; but the Minister I think is justified in taking the action he did. I do not think Browne should be made the scapegoat in the matter, but should receive fair consideration. Browne has been put off for a long time, which is not fair to him. I do not know Browne personally, but he is the person interested, and I hope the Minister will settle the matter as early as possible, once and for all.

MR. HORAN (in reply as mover): Replying to the criticisms passed in regard to the motion, I must take strong exception to the remarks of the member for Mount Margaret, than whom no one in the House should be more expected to champion the worker and battler outback. No man has blazed the track in days gone by better than the man for whom we ask reasonable compensation in this case. I do not know much about Browne. He was known better in the early days of Coolgardie. The member for Mount Margaret has made remarks that compels me to go into some details that are not exactly in the line of my natural tendency of thought, because he alluded to something that took place on the select committee. I challenge the member to state what he knows about what transpired on the select committee. I say absolutely that the report brought in by the committee was unanimous. But I will admit that somebody has been kindly attending to some failing of human nature that the member for Mount Margaret is suffering from lately, controlling not only his body but his mind. A proposition was made at one time by a member of the committee that the amount of money Trude had paid to the Phœnix Company, £200, should be handed to Browne, and that Browne should get the £200 and that Trude should hold the lease. One member of the committee made a speech on the public platform at Coolgardie and stated that he was prepared to pay Browne not £200, but that it should be £50,000 or £60,000 or £70,000. I have that in a written statement taken down by the member for Dundas, who listened to the statement made in the public hall at Coolgardie. Does the member for Mount Margaret try to bring this thing forward? [MR. TAYLOR: I am not listening]. No. The hon. member listens to the man in the street, not to what is said in the House. In respect to the member for Mount Margaret I am astounded to hear him bring forward such silly arguments, for the hon. member does not know what he is talking about. This is one of the most complex and complicated questions ever relegated to a select committee, and the hon. member does not know any more about it than the man in the moon.

MR. TAYLOR: What about the £90,000 you waxed so eloquent about?

MR. HORAN: The late member for Coolgardie, in the public hall at Coolgardie, when election time was approaching deviated slightly from his £200 and ventured to say that £60,000 or £70,000 or even £80,000 should be paid as compensation to the claimant for this lease. I have that in writing by the late member for Dundas (Mr. Thomas), who took the statement down when the late member for Coolgardie was making his speech. I think to some extent the member for Mount Margaret has forgotten himself to-night.

MR. TAYLOR: You know what I said is true.

MR. HORAN: I absolutely say that every member of the committee in this House and in the last Parliament will say, and I defy contradiction, that the report brought in was unanimously agreed to.

MR. TAYLOR: Will you say two reports were not written, one by you and one by another gentleman?

MR. SPEAKER: The hon. member must not keep interrupting.

MR. HORAN: I am bound to state something in regard to that. A report was submitted by the member for Coolgardie, acting I believe conscientiously, and not knowing the Standing Orders of the House that compel the chairman of a select committee to draw up the report. The late member for Coolgardie, with the best intentions, and he was anxious to assist everybody, thought his report would be acceptable; but he did not know the Standing Orders. And, of course, he had to be pulled up with a round turn. His report was torn into a thousand pieces; and subsequently, as members of the committee now sitting in this House know, a report was drafted by the Chairman which was accepted in every detail.

MR. TAYLOR: That was proof of the disagreement of the committee.

MR. HORAN: There was no disagreement. I am astounded at the illogical remark of the member for Mount Margaret. When members stand up and support unanimously the report put forward by the chairman, where does disagreement come in?

MR. TAYLOR: Why tear the other one to pieces?

MR. HORAN: Because it was irregular. The hon. member must know that a member of a select committee has not a right to bring in any report; the chairman has to submit the report clause by clause to the House. The hon. member has been carried away by the type of talk one hears around street corners.

MR. TAYLOR: You did the street corner business; what about the £90,000?

MR. HORAN: The hon. member stated—and some other people have stated it also—that Browne had no legal rights. I am sorry to find that the only person who could have put us right in this matter, the Attorney General, is not here. He was not here on the first occasion when I attacked the Crown Law Department. All the legal authorities in the State outside the Crown Law Department were utterly hostile to the action taken and the attitude adopted by the Crown Law Department. I am sorry that the Attorney General is not here to back up the attitude of the Crown Law Department. I take it that his absence indicates that he is not likely to champion a forlorn hope.

MR. TAYLOR: He is very ill.

MR. HORAN: I apologise; I did not know the Attorney General was ill.

MEMBER: What is the value of the lease now?

MR. HORAN: The value of the lease when Browne was entitled to it and prepared to float in into a company was estimated at £20,000.

MR. TAYLOR: What is it worth now?

MR. HORAN: I do not know. Twelve thousand pounds worth of gold has been taken out of it since then, and I do not know how many thousands of pounds worth in addition. But we are not entitled to look at the value of it now, but at its value at the time he was entitled to take possession of it. Mr. Zeb. Lane floated it for £145,000 at one time in connection with the Great Boulder. It was thought to be of very much greater value at that time than the Great Boulder. However, that is an aside. The essence of the business, so far as I am concerned, is that we brought in a recommendation in that select committee's report, and I want to know whether the recommendations of select committees are to be disregarded, after endless trouble, endless worry, and a great deal of research in every direction. I myself encountered no end of obloquy in consequence of certain action I took. Are these recommendations going to be cast aside by the House? If that be so, let select comittees be wiped off our Standing Orders. Let me say that so far as this lease is concerned, there is a legal right and a technical right; and the member for Mount Margaret has got them mixed up with the preferential right. There are three rights in the case, and it appears that the only person wronged is Browne. [MEMBER: He has no right.] Apparently he had no right whatever. There is a great difference between the legal right and the technical right and the preferential right. The section of the Act under which this lease should have been forfeited—I am speaking now from memory, and I think my mind has been pretty well soaked with it one way and

another during the last couple of years, and I should have been glad if I had never heard of it—gave a preferential right. It was on account of Browne's action that the lease was forfeited. That set the machinery of the law in motion, and the lease was forfeited, but it was forfeited under a different section.

MR. SCADDAN: He was notified to take possession.

MR. HORAN: The Minister for Mines for the time being, who is now again Minister for Mines, notified him in order that he might have the opportunity of taking possession of it before anybody else, that it would be gazetted forfeited on a certain date. He forthwith rode out from the post office at Coolgardie into another portion of my electorate in which the lease stands, and took possession of it; and that gave him a preferential right under Section 45. If two or three applicants apply for a forfeited lease, the man who first applies for the forfeiture of the lease has a right to get on the spot first. He got on, took possession of it, pegged it out and put men, money and machinery on it. And he was entitled to take possession of it. Then other applications arose, and we find that right through the Crown Law Department wrongly advised the Minister for Mines. The Minister knows better than any other member in this House that the Crown Law Department wrongly advised him. Therefore, are we to expect that Browne is to suffer on account of the blunder of the Crown Law Department? I agree with the member for Mount Margaret that the country anyhow should not suffer. On that score we will agree at once. But, nevertheless, is there any reason why Browne, who fulfilled all that was required of him according to the regulations in every way, so far as the mining laws are concerned, and who was deprived of the lease subsequently, should suffer? I will allow the matter of the assessment to rest with the Minister. But the House should see justice done. I want the House to understand a little more even than that, namely that the mining laws of this State now hang on tenter-hooks. I have been assured on the highest constitutional authority in Australia that the whole thing is illegal, and that every mining lease on the Golden Mile and elsewhere could be disputed before the High Court of Australia and that no single right of property could be given to any of those lessees. This is a most important matter. This Act should never have been assented to by the Governor, but should have been referred to the King for his assent. However, that is another aside. I want members to understand that this is an important matter; and I think they will agree that this man is entitled to whatever in their wisdom they may consider to be a reasonable compensation for the loss he has suffered. Here was a lease to which he was entitled from the commencement had it not been for the bungling of the Crown Law Department. They took two attitudes. First of all they urged that the reinstatement of the lease be secured by a spurious and false petition of right to the Governor. They tried to prosecute those people in England, and tried to find out sufficient material to enter a case against them. They spent hundreds of pounds in telegrams, cablegrams, and law costs here; and if these hundreds had been handed over to the man who applied for the lease here originally the whole thing would have been settled long ago. But the Crown Solicitors, Messrs. Pilkington & Co., did not agree to state a case to find out whether Section 114 of the Companies Act applied to this case. Every person whose opinion is worth listening to has said absolutely that the view taken by them did not bear on a case of this kind. Therefore, the Crown Law Department wrongly advised the Minister, and the Minister knows that he was wrongly advised. It rests with him, and it rests with this House and with the Government to give this man that reasonable compensation to which he is entitled in the absence of the lease.

Question put and passed.

THE MINISTER FOR MINES: Should any action be taken by the Government in connection with the motion which has just been carried, such action will not be taken except on the Estimates, and with the concurrence of the House.

BILL—VACCINATION ACT AMENDMENT.

SECOND READING.

Debate resumed from the 26th July: Mr. A. J. WILSON in charge of the Bill.

DR. J. S. HICKS (Roebourne): As no other member seems desirous of speaking on this subject, I will endeavour, in as few words as possible, to place the case from a medical standpoint. I should have liked hon. members to have spoken more fully—that is to say, those who are opposed to vaccination—in order that I might have been in a position to answer their objections. So far I have not been able to find any valid objection.

MR. BATH: We will answer your objections.

DR. HICKS: As members are aware, all fevers are protective against a second attack of those fevers for a variable time. The time of protection varies in the same fever, but of all fevers smallpox is more protective than any other fever against a second attack. A couple of centuries ago smallpox was so prevalent that people were dying of it at the rate of three or four thousand per million a year, and it behoved everybody if possible to find something that would reduce the mortality. I think it was at the end of the second half of the 18th century that Lady Mary Wortley Montague, who was then at Constantinople, consented to have one of her children inoculated. It was recognised that inoculated fever was less dangerous and less serious and that less mortality followed on it than on attacks of the actual fever itself. When she came to England later on she had a second child inoculated. Inoculation reduced the rate of mortality from smallpox very much. In smallpox the mortality ranged from 10 to 50 per cent. in those who had not been inoculated, but in inoculation the mortality was about two or three per cent.; and one doctor, I believe, perfected his process to such an extent that he never lost a single case. But the flaw in inoculation lay in the fact that the inoculated fever was contagious, as well as smallpox, and a person in a community with the inoculated disease was just as liable to start an epidemic of smallpox as was smallpox which arose naturally. But although inoculation gave great immunity to those inoculated, smallpox still increased in the country; and for that reason the practice of inoculation was prohibited by law. About this time, by accident, Dr. Jenner, when discussing a case of smallpox with a medical friend, chanced to overhear the conversation of a person who had had cowpox, who said, "I can never get smallpox, because I have had cowpox." That started Dr. Jenner on his investigations, and vaccination dates from that time. In 1838, vaccination was optional; in 1853, it was made compulsory. Whereas prior to 1838 people in England and Wales died of smallpox at the rate of 3 or 4 per thousand every year, the death rate fell, between 1838 and 1853, to 0·42 per thousand. In 1871 boards of guardians were by Act of Parliament compelled to appoint public vaccinators. Between 1853 and the present day the death rate has fallen to 0·2 per thousand; and from 1881 to 1890 the average death rate in England was only 0·05 per thousand. Of course it is urged by those who do not favour vaccination that improved sanitary conditions may account for the reduction in the death rate from smallpox. Undoubtedly sanitary improvements have helped very considerably; but I may thus state the facts. When there is in a given district a hospital containing smallpox cases, and when the cases increase to a certain number, about 20, people living in the vicinity of the hospital will be infected, in varying proportions, depending entirely on their distance from the hospital. It matters nothing what are the sanitary conditions; they may be most perfect. Smallpox, like several other fevers, is conveyed by currents of air, which take the scales containing the germs to distances which vary in different cases. Let us take *radii* of a quarter of a mile and a mile. The figures have been worked out as follow. Within a quarter of a mile the number of persons infected is as high as 25 per cent.; but at a distance of a mile, it is only 1·3 per cent. This shows that though sanitation be perfect, we cannot by sanitation completely abolish

smallpox. In 1838, the number of deaths for every one hundred thousand lives in England and Wales was 216. The proportion has gradually been reduced until in 1891 it was 0·2 per one hundred thousand living: in 1902, 1; in 1903, 5; and in 1904, 2 per hundred thousand living. Turning to the statistics of measles, a disease conveyed in much the same way as smallpox, we find that in 1838 there were in England and Wales 43 deaths per one hundred thousand living. The ratio is fairly consistent from 1838 till 1894, the last year for which we have statistics. In that year there is a slight improvement, the proportion being 39 only. Examining the figures for the whole period I think that members will find an improvement of no more than 20 per cent.; whereas the deaths from smallpox have been reduced from 216 per hundred thousand down to 0·2 per hundered thousand. Those two sets of figures, I think, sufficiently answer the sanitary argument of the anti-vaccinationists. Of course I say that sanitation should work hand-in-glove with vaccination. That is undoubted. If the first case of smallpox could be immediately isolated, there would be no risk to the community. But to do that is exceedingly difficult. In 1893, a case of smallpox was imported to this colony from Singapore. I believe that the disease was not at first recognised as smallpox; and it is extremely difficult for doctors to be on the *qui vive* for a disease so rare in the community. It is not even thought of until it has had an opportunity of infecting several people. In that outbreak there were no less than 50 cases, of which 14 died; and I believe that the 14 had never been vaccinated. Of the remaining cases I am assured by the medical officer in charge, all that gave him any anxiety were people who had not been vaccinated. To show the immunity which vaccination confers, I will not take the figures for small areas, but figures which should carry some weight, I will quote from the report of the Vaccination Commission which sat for eight years in the old country. One medical witness, Dr. Gayton, says that in his opinion primary vaccination is a very fleeting protection indeed, and that it is not absolutely protective up to any age whatever. He was medical officer of the Homerton hospital between 1873 and 1884. According to his figures, out of 10,403 smallpox patients of all ages, 8,234 had been vaccinated; and among these the deaths were 869, or 10·5 per cent. Of the unvaccinated 2,169 were attacked, and there were 938 deaths, or 43·4 per cent. This shows conclusively that some immunity is given by vaccination. It would be much better if I could quote statistics for patients under six years of age; but the figures are not available. I can, however, quote the statistics for patients under 10 years. I may mention that it is difficult to say exactly how long the protection of vaccination or the protection of any fever against its own recurrence lasts. Smallpox, though the most protective of all fevers, is not absolutely protective. Statistics show as high as 21 per cent. of deaths in a second attack of smallpox; but as a rule smallpox attacks people of fairly advanced years, and this may account for the high percentage of deaths. Amongst children under 10 years of age, there were in six towns 2,038 cases. Of the vaccinated there were 589, and of these 16 died, or 2·7 per cent.; whereas of the unvaccinated there were 1,449 cases and 523 deaths, or 36 per cent. The latest figures I can procure are those for the epidemic of 1891-2-3 in the old country. They are interesting because they include the figures for Leicester, the experience of which town, the anti-vaccinationists claim, proves their case up to the hilt. The places affected by the epidemic were Warrington, Sheffield, London, Dewsbury, Gloucester, and Leicester. I have not al the figures for London, but I think I have enough to prove my case. At Warrington, of vaccinated persons under 10 years of age there were 633 contacts. The number attacked was 28, or 4·4 per cent. Of these 28 two died, or ·31 per cent. of the 633; whereas in the unvaccinated under 10 years of age at Warrington, 21 per cent. of those attacked died. The incidence of the vaccinated is 4·4 per cent., and of the unvaccinated, 64·5 per cent. The incidence of the vaccinated

over 10 is 29 per cent. and of the unvaccinated over 10, 57 per cent. And the figures are practically the same for the other five places I have mentioned. I should like to speak of Leicester, which escaped far more easily than any other English town at that time.

MR. HORAN: The people of Leicester were unvaccinated.

DR. HICKS: Many of them were unvaccinated. At Leicester there had been some cases I believe following vaccination, and it gave rise not only to disease being spread among the people but even to deaths, and Leicester gradually became an unvaccinated community, the unvaccinated in 1892 being 70 to 80 per cent. of the community, Gloucester being 75 per cent. The number of cases of smallpox at Leicester was 320 out of 1,229 contacts. Of these 320 there were 78 vaccinated children under 10 years of age, of whom two contracted smallpox, but neither of whom died; of the unvaccinated children under 10 there were 283 contacts, and of them there were 100 cases of smallpox and 15 deaths. The incidence of the attack of smallpox on the vaccinated children under 10 amounted to 2·5 per cent., with no deaths, whereas the incidence of the attack of smallpox on unvaccinated children under 10 was 35·3 per cent., and the death rate was 5·3 per cent. The percentage of deaths compares favourably, but the comparison of 2·5 per cent. against 35.3 per cent. of attacks shows that vaccination is a very big protection. Of vaccinated persons over 10 years of age there were 754 contacts with 168 attacked, or 22·2 with two deaths, representing ·26 per cent., while among the unvaccinated over ten years of age there were 105 contacts with 50 cases of smallpox, or 47·6 per cent. with four deaths, representing 3·8 per cent. Leicester appears to have come off very well indeed with regard to smallpox, but I believe from what I can gather that Leicester had at that time a medical officer who was not allowed to engage in private practice, but attended entirely to his work as medical officer, and that immediately a case arose it was isolated, and consequently the disease did not spread. As members know, a fever does not get to the acme straight away, but gradually rises and gradually declines. So, in a community where smallpox has started, if you isolate the cases you not only prevent people getting the smallpox but you reduce the fatality of the disease. I have previously said that it is impossible for anyone to say the exact time that vaccination is protective for smallpox, but we believe it is somewhere between five and ten years. Now I would like to read two or three lines with regard to Leicester, especially with regard to nurses at the hospital there, to show the value of revaccination and to prove that immunity can be insured. This article says:—

> At Leicester, at the end of the year 1892, the staff at the hospital consisted of 28 persons. Fourteen of these had either previously had smallpox or had been revaccinated before the outbreak. Eight others were vaccinated at the time of the outbreak. The remaining six, although they had not previously been revaccinated, refused to submit to the operation. During the outbreak there was an addition of 12 to the staff dealing with smallpox cases. These were all revaccinated and none of them contracted smallpox. Out of the 28, six were attacked by the disease, of whom one died. Five of the persons thus attacked, including the one fatal case, were amongst the six persons who had refused to be revaccinated, though in the case of one of the five consent was afterwards given to the operation, but it was only performed on the day that she showed premonitory symptoms of smallpox. The sixth case, a mild one, was that of a nurse who had been revaccinated ten years before.

One could multiply a hundredfold these statistics. In the German army they claim that since they have had revaccination there has not been a death from smallpox in the army since 1874. We have heard a great deal of late with reference to the Japanese, showing how they are going beyond other nations, even the nations of Europe, in educational matters. It is strange about the Japanese that undoubtedly they have been able to send their ambassadors and students to all countries to apply that which is best for the nation. They chose Great Britain for the navy, and Germany for the army. The Japanese have seen the utility of vaccination, and they vaccinate at three months, six years, 12 years, and again on joining the army. Any nation that

does that must undoubtedly become free from smallpox in time. In Germany they vaccinate at six months, 12 years, and again on joining the army. The same applies to France. It is a remarkable fact that the German army was protected more by vaccination than the French army in the Franco-Prussian war. Statistics say that whereas Germany lost two or three hundred men from smallpox in that campaign, France lost over 20,000. I have a comparison between Prussia and Austria. In 1862 they were fairly on the same level, or Prussia was rather better. For instance, in 1862 the cases in Prussia were 21 out of the 100,000 of the population, as against 31·14 in Austria. In 1865 the figures were, Prussia 43 per cent., and Austria 45 per cent. The figures were practically the same until 1874, when compulsory vaccination came into force in Germany. Germany in 1874 had nine as against 178 in Austria, and in 1875 Germany had three as against 57 in Austria. There is a marked improvement.

MR. HORAN: Give us the figures where conditions are similar.

DR. HICKS: With reference to where conditions are similar, Germany is surrounded by two or three countries not so well protected by vaccination, and they have twenty times the mortality from smallpox that Germany has. Three-fourths of the German mortality occurred on the frontiers where Germany adjoins other countries. I see very little reason for a conscience clause in this Bill, because even under our present Act power is given for any child not to be vaccinated if there is reason for it on medical grounds. Not only I maintain is immunity conferred by vaccination, but I think members will agree that it is the trend of scientific thought at the present moment. Members know fortunately we have an anti-toxin for diphtheria, a remedy which has reduced the mortality from 30 per cent. to five per cent. The same applies somewhat in lockjaw, though it is not so pronounced. Professor Koch has tried to follow out the same line in consumption. Innoculation has been done amongst cattle for pleuro-pneumonia, and hon. members know that tick cattle are rendered immune. The trend of thought is that in time no doubt anti-toxin will be found for every communicable disease. With reference to the objections to vaccination, I have spoken about the sanitation. I think there is no doubt that sanitation, although it considerably reduces, will not protect entirely from smallpox. The next objection is the introduction of disease. The introduction of disease may arise in vaccination from three sources. We may have the vaccine contaminated, the operator may not use an antiseptic instrument and may convey disease, and after the child has been vaccinated it may be taken home to uncleanly surroundings and disease be caught in that way. With reference to vaccine being contaminated, at present we import all our vaccine from New Zealand, where it is prepared under a bacteriological expert, so there can be no source of danger in that direction. With reference to the operator I take it we will always get some man who is careless, who will not use an antiseptic needle or lancet for vaccinating. I should like something in the Act to penalise a man for carelessness of that nature, but out of a number of men, out of ten thousand operators, we are bound to find some poor workman; but that is no reason against vaccination, though it is certainly a grave reason against the method adopted. Also the disease may overtake the vaccinated person by going home to where there may be a case of erysipelas, and catch disease in that way. I have looked up statistics with regard to children that have not only caught the disease but have been actually killed. I find that in England between 1881 to 1890 no less than 279 deaths were attributed to vaccination—279 deaths out of 6,739,902 vaccinations, or one to every 14,000 odd persons; whereas in Scotland, 22 deaths occurred among 850,000 vaccinations, or one to every 38,000 persons. That shows again where you have vaccination carried out on more scientific lines the mortality is diminished. In Scotland, as against England, children are vaccinated in their own homes, and if certain persons object to be vaccinated and they do not comply

with the Vaccination Act in time, the public vaccinator is sent to the home of the person, which allows him to see the surroundings and thus prevent any disease. If erysipelas were about he would not vaccinate. Then there is the divergence of medical opinion. We have heard something about that. There are medical men, I have no doubt, who disbelieve in vaccination, but they are few and far between. I have met several hundreds of medical men, but I have never met a medical man who disbelieves in vaccination. I have spoken to medical men on the question and except on one occasion I have not spoken to a medical man who disbelieves in vaccination. If we took the vote of medical men I do not think we should find one in 10,000 who disbelieves in vaccination. I do not think anyone would say that medical men vaccinate from mercenary motives, but it has been said that medical men for mercenary reasons believe in vaccination. I believe medical men would make 20 times as much if there was no vaccination in force. One case of smallpox would be more remunerative to a medical man than I may say many vaccinations. Since the conscience clause was introduced in the old country in certain places we find the vaccination fees have gone up treble to what they were previously. In speaking against the conscience clause and against this Bill, I am working against the interests of the profession. I would rather see vaccination knocked off the statute-book altogether than have the conscience clause included, because it will bring vaccination into disrepute. As I said before, the trend of medical thought is towards vaccination. It would be very foolish on our part, situated where we are, right in the track of boats from India and Africa, two places where smallpox is endemic, not to have vaccination. We may get smallpox from India and Singapore on the North Coast, and from Africa at Fremantle. It would be extremely difficult for a medical man to diagnose a case of smallpox at the start. To show how difficult it is to be absolutely sure that the case is one of smallpox, a boat had left here and within two or three days of its arrival at Singapore a case of smallpox was developed on board. That case of smallpox must have been contracted in Western Australia, probably from the man's clothes; going from the hot climate in Western Australia he put on more clothes. He did not get smallpox until near Singapore. Suppose that man developed smallpox here, he may have come into contact with 50 or 100 people. It would have been difficult to diagnose what it was, and the death rate may have gone up. A case that comes up at the present moment fairly well fits in with what is trying to be engineered here. I do not think the public of Western Australia are against vaccination. They have not yet galvanised sufficient feeling for a public meeting. You will always find some people, I will not say what their motives are, but who set about proving this and that, and it may cause serious trouble in any country. A case on all-fours is quoted by Dr. Osler in his *Principles and Practice of Medicine*. In this case it followed the propagation of disease after vaccination. He says:—

> Nothing in recent times has been more instructive in this connection than the fatal statistics of Montreal. The epidemic which started in 1870-'71 was severe in Lower Canada, and persisted in Montreal until 1875. A great deal of feeling had been aroused among the French Canadians by the occurrence of several serious cases of ulceration, possibly of syphilitic disease, following vaccination; and several agitators, among them a French physician of some standing, aroused a popular and widespread prejudice against the practice. There were indeed vaccination riots. The introduction of animal lymph was distinctly beneficial in extending the practice among the lower classes, but compulsory vaccination could not be carried out. Between the years 1876 and 1884 a considerable unprotected population grew up, and the materials were ripe for an extensive epidemic. The soil had been prepared with the greatest care, and it only needed the introduction of the seed, which in due time came, as already stated, with the Pullman-car conductor from Chicago, on the 28th February, 1885. Within the next ten months thousands of persons were stricken with the disease, and 3,164 died.

There is a case pretty well on all-fours. I think the Government of this country should think twice before lending their weight to the passage of the conscience clause. It is probable that if we saw smallpox as it was two centuries ago, we

would think more seriously about it. I do not think there is a more loathsome disease than smallpox, and there is a high mortality, with deformities left. I should like members to look at a few picture illustrations, not of very pronounced cases, but they show what a case of smallpox is, contained in a volume I have here for members to see "International Clinics," lectures and special articles, vol. 2, 11th series). As I have said, I have not heard very many solid reasons adduced against vaccination; and in my opinion statistics bear out the contention that vaccination confers an immunity. I do not say the immunity is nearly as great as it was at first hoped it would be, but there is a certain degree of immunity against smallpox. I think members who are always supporting progress will do well not to support this Bill.

On motion by MR. HUDSON, debate adjourned.

ADJOURNMENT.

The House adjourned at eleven minutes past 10 o'clock, until the next day.

Legislative Council,

Thursday, 20th September, 1906.

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

PRAYERS.

PRIVILEGE—SELECT COMMITTEE'S POWERS.

HON. M. L. MOSS (West): I formally move the adoption of the report of the Standing Orders Committee on the power of a select committee to call for telegrams required as evidence. I do not know that I can usefully detain the House with any observations in addition to those made at the last sitting.

Question put and passed.

BILLS (2)—THIRD READING.

Stock Diseases Act Amendment, *passed.*

Municipal Institutions Act Amendment (width of a street), transmitted to the Legislative Assembly.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

ASSEMBLY'S MESSAGE.

The Council having made certain amendments in the Bill and the Assembly having disagreed to two, the reasons for the disagreement were now considered in Committee.

No. 2—New Clause (Qualification for Practitioners):

THE COLONIAL SECRETARY moved that the Council's amendment be not insisted on. This, as the Assembly pointed out, was somewhat outside the scope of the Bill. The measure did not pretend to amend the Legal Practitioners Act, but was brought in for a special purpose, to admit certain managing clerks as practitioners.

HON. M. L. MOSS: It was to be hoped the amendment would be insisted on. The Assembly had stated that the amendment was outside the scope of the Bill. He could not understand a reason like that being given. One might expect something tangible that justified the non-acceptance of an amendment, such as that the amendment was against the public interest or in any way interfered with the qualifications of a person who sought to become a practitioner. If such reasons were given there might be something to consider. If we were amending any particular statute, it must be competent for either branch of the Legislature to move any amendment relevant to