

MR. R. F. SHOLL, referring to the vote generally, said the stench in William Street, Perth, from the channel drain and the filth that flowed there was a disgrace to the city. The City Council should give more attention to the sanitary condition of the city, instead of spending money in extending roads into the bush.

MR. A. FORREST asked why the hon. member (Mr. R. F. Sholl) did not offer himself for election to the City Council, which was the local health authority, so that the matters referred to might be improved with his assistance. Steps were being taken to abate the annoyance in William Street, but the remedy was difficult to apply, the sanitary powers being limited.

Vote put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10.53 o'clock p.m.

Legislative Assembly.

Monday, 15th October, 1894.

Elementary Education Act Amendment Bill: first reading—Leave of Absence to Mr. Hassell—Increase of Public Reserves on Swan River: Consideration of Legislative Council's Message—Explosive Substances Bill: third reading—Police Act Amendment Bill: third reading—Agricultural Bank Bill: third reading—Pharmacy Bill: second reading—Constitution Act Further Amendment Bill: in committee—Imported Labour Registry Act Amendment Bill: second reading—Hospitals Bill: further considered in committee—Estimates, 1894-5: further consideration of—Adjournment.

THE SPEAKER took the chair at 7.30 p.m.

PRAYERS.

ELEMENTARY EDUCATION ACT AMENDMENT BILL.

Introduced by Sir JOHN FORREST, and read a first time.

LEAVE OF ABSENCE.

On the motion of MR. A. FORREST, further leave of absence, for fourteen days, was granted to the hon. member for Plantagenet (Mr. Hassell).

INCREASE OF PUBLIC RESERVES ON SWAN RIVER: LEGISLATIVE COUNCIL'S MESSAGE.

THE PREMIER (Hon. Sir J. Forrest) moved the House into committee, for the consideration of the following message from the Legislative Council:—

"Mr. Speaker,

"The Legislative Council having this day passed the following Resolution:—
"That in the opinion of this House it is desirable that larger reserves of land for public use, on the frontage to the Swan River and Estuary, should be secured by the Government as soon as possible—presents the same to the Legislative Assembly for its concurrence.

"GEO. SHENTON,
"President.

"Legislative Council Chamber, Perth,
"26th September, 1894."

THE PREMIER (Hon. Sir J. Forrest) moved that the resolution contained in the above message be agreed to. He did so, in order that it might be considered, as he thought all messages coming from the other House were entitled to their consideration. He believed the usual rule was for the member who moved a resolution in the other Chamber to arrange with some member to move it in the Assembly; but it had not been done in this case, and therefore it had devolved upon him to submit the resolution for the consideration of the House. He could not say that he liked it very much, nor did he think the House would like it very much, as it was now worded. It gave the Government almost unlimited power to spend a lot of money in purchasing land for these reserves as soon as possible. He did not know that there was any necessity to stimulate the Government in this direction, because the Government, without this resolution, would not hesitate to add to its reserves if they saw a favourable opportunity for doing so and they thought it would meet with the approval of Parliament. There were some reserves already on the North

side of the river, though not so many as he would like, and he would be very glad to see the number added to, when an opportunity presented itself for their doing so. He did not think it was intended that they should rush into the market and secure additional reserves at any cost; therefore, he thought instead of saying "as soon as possible" (as this resolution did), it would be better to say "as soon as practicable." He thought all the other House or this House desired was that when an opportunity offered, the Government should take advantage of it; and, if the House agreed to the resolution, of course the Government would act upon it, in that way. If they saw a favourable chance of purchasing land suitable for a public reserve, at a reasonable price, of course they would be glad to buy it, and to add to their reserves. But he hoped the passing of this resolution would not have the effect of making everybody who had land near the river to rush to the Government, thinking they would be able to get any price for it. At present there was no vote for this purpose, and, if the Government purchased, they would have to ask the approval of the House afterwards, and quote this resolution as their authority. Perhaps it was as good a way as they could adopt, because it would never do to put a sum on the Estimates for this special purpose, as it would be an intimation to the owners of land that the Government proposed to buy, and they would probably be inundated with offers of land, at a very high price. Therefore, perhaps this would be the best way of dealing with the matter; let the Government, when an opportunity offered, make the best bargain they could, and trust to the House afterwards to confirm their action.

MR. R. F. SHOLL asked the Chairman whether the resolution did not involve the expenditure of public money, and, if so, ought it not to have been initiated in that House, instead of in another place?

THE CHAIRMAN said there was nothing in the present resolution about spending money. That was a mere incident, an accidental circumstance. It might lead to an expenditure of money hereafter, but he did not think the resolution was out of order.

MR. RANDELL thought it was desirable that this subject should engage the attention of the Government, with the view of securing some sites along the river banks, in different places, but he thought, with the Premier, that the wording of the resolution was somewhat objectionable, as it opened the door for the Government to spend as much money as they pleased in the purchase of these reserves. He did not think—however desirable it was to secure additional public reserves—he did not think the matter was so urgent that the Government should be pressed to purchase these lands "as soon as possible," which would probably have the effect of immediately increasing the price of land in this direction. No doubt it would be a good thing if the Government looked about them, and secured suitable places for reserves, as the opportunity offered, and at reasonable rates; and he was glad to hear the Premier saying that they intended doing so. As he had said, the wording of the resolution did not commend itself to him, and he would move, as an amendment: "That in the opinion of this House it is desirable that the Government should take into their consideration the desirability of securing, at an early date, frontages to the Swan river and estuary, wherever practicable, and at reasonable rates."

MR. RICHARDSON was of opinion, and had been for many years, that in the early days of this colony valuable sites for public recreation grounds, and a great deal of other land too, were alienated in too wholesale and indiscriminate a manner by the authorities of the day. If *Hansard* were examined, it would be found that a few years ago he asked the Government the question, whether they considered that sufficient reserves had been set apart for the requirements of the city, and the answer he then received was to the effect that the Government considered they had. He was not of that opinion himself, and he thought the Government should lose no opportunity of securing eligible sites for recreation, and sanitary and other purposes.

MR. ILLINGWORTH did not know who was responsible for it, but he had always thought a great mistake had been made in alienating the frontages to the river at all. If a chain or two along the water-side had been reserved, all along

between Perth and Fremantle, they would have had a most magnificent drive, and all the opportunities that people required for recreation. So far as the land that had been sold was concerned, it would have been just as useful for those who bought as it is now. Perhaps that House might not be prepared to entertain the idea, but he was perfectly satisfied that some future Parliament or Government would have to repurchase this strip of land alongside one bank of the river at any rate. Of course the reserves which the Government were now asked to secure would be so much gained in that direction. With regard to the resolution, he thought it was a mistake to reconstruct altogether, as proposed, a resolution coming to them from the other House. He thought everything required could be done by omitting the last few words in it.

MR. A. FORREST hoped, if the House accepted the resolution, the Government would be very careful in purchasing land. They were placing a tremendous power in the hands of any Ministry to buy all the land they liked with river frontages. He would rather see a Bill brought in, providing that any one subdividing their land along the river should be compelled to leave a frontage to the water, the same as the proprietors of the Peppermint Grove estate had done. If this resolution were carried, they might rest assured that every person who had any land between here and Fremantle would approach the Government with the object of getting a good price for it. He hoped that some discretion would be exercised by the Government in carrying out this resolution.

MR. LEAKE thought there was no great necessity for the resolution, because the Government, under the terms of the original Crown grants, had power to resume one-twentieth of the whole (where no improvements had been made) for public purposes. Therefore, if the Government thought fit, they could resume a strip of land at least three chains in width, right along the river side, on the Southern bank of the river at any rate. The greater part of this land was absolutely unimproved, and no one would be damaged if the Government were to resume a narrow strip of it for a roadway or other purpose. It would not prejudice the present land-owners to any appreciable extent.

MR. SOLOMON hoped the resolution would be carried out, and that the Government would secure as many reserves as they could between Fremantle and Perth. There were great complaints at Fremantle because the frontages to the river had been sold to private persons, and the public deprived of access to them. It was very necessary that the public should have more reserves for purposes of recreation, and there could be no more delightful sites for such purposes than along the river.

MR. WOOD thought the motion was a very sensible one, and he had much pleasure in supporting it. He could not go so far as the hon. member for Albany had suggested, and ask the Government to resume the land they required for this purpose without paying for it. If that kind of thing were done by a private individual it would be called robbery, for the people who owned the land had a perfect right to it; and the Government ought not to resume any portion of it without fair compensation to the owners.

MR. R. F. SHOLL thought the motion, if carried, would put up the value of land on the river side probably 200 or 300 per cent. He thought it was a pity the matter should have been brought publicly before Parliament in this way, and that it would have been better if the Government had acquired these reserves privately, if they could do so at a reasonable price. The Government had ample power to do so, and, as a rule, they were not afraid to accept the responsibility of purchasing land without Parliamentary authority.

MR. ILLINGWORTH suggested that the motion be withdrawn, and that the matter be left in the hands of the Government to negotiate for the purchase of such land as they could acquire. They were now in possession of the views of the House, and could act upon them. He was afraid that the result of passing the resolution would be to embarrass the Government, rather than to assist them, because no doubt it would have the effect of raising the price of land with river frontages, to a considerable extent. The Government, knowing the feeling of the House, might look about them between this and next session, and bring forward the result of their negotiations.

THE ATTORNEY GENERAL (Hon. S. Burt) wished to say one word only in reference to what had fallen from the hon. member for Albany. He could not agree with what the hon. member suggested as to the Government resuming one-twentieth of these river-side grants. No one would suppose for a moment that any Government would attempt to secure such places, for instance, as Point Walter or Point Roe, under that power of resumption. If it were for the purpose of making a road, there might, perhaps, be some reason for it, but he did not think it would be feasible to make a road along the river bank between Perth and Fremantle. These grants were purchased by the present owners in order to have a river frontage, and if you took their frontage away, you would take away the whole value of the grants. He did not think it was the sense of the House that the Government should resume possession of this land under the terms of the Crown grant. If they wanted the land, let it be secured in a legitimate way, so long as it could be secured at a reasonable price.

MR. JAMES said the resolution simply affirmed the desirability of the Government acquiring additional reserves on the banks of the river. It had been said that the mere fact of passing such a resolution would be to immediately send up the price of land to an exorbitant rate. On the other hand, it was said by the hon. member for West Perth that if the Government exercised their right of resumption, under the Crown grant, it would be nothing else but robbery. Was it not just as much robbery on the part of the owners to raise the price of their land 200 or 300 per cent., simply because there was a likelihood of the Government becoming a purchaser? There was no occasion for the hon. member to go into hysterics about the rights of these people, when the only principle that guided them was one of extortion.

Amendment, by leave, withdrawn, and the original resolution put.

MR. JAMES moved, as an amendment, that the words "as soon as possible," at the end of the resolution, be struck out, and that the words "whenever practicable" be inserted in lieu thereof.

MR. R. F. SHOLL thought the resolution, even as proposed to amend it, would be putting too much power in the hands of the Government. It authorised them

to purchase these reserves "whenever practicable." It would be practicable next day, and the excuse would be, "The House asked us to purchase, and we did so."

THE PREMIER (Hon. Sir J. Forrest) did not think the resolution would have much effect upon the action of the Government. They now knew what the feeling of the House was,—that if they could acquire these lands at a reasonable price, and an opportunity offered, they should do so. He did not think the House intended anything further than that.

Amendment put and passed.

Resolution, as amended, agreed to.

EXPLOSIVE SUBSTANCES BILL.

Read a third time, and transmitted to the Legislative Council.

POLICE ACT AMENDMENT BILL.

Read a third time, and forwarded to the Legislative Council.

AGRICULTURAL BANK BILL.

Read a third time, and transmitted to the Legislative Council.

PHARMACY AND POISONS BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt): This is a Bill to establish a Pharmaceutical Society in the colony, and to repeal the Poisons Sale Act of 1879, and to enact some other provisions. The Bill has been asked for, persistently, for some years past, by the chemists and druggists of our larger towns, and they have on more than one occasion prepared various provisions which they suggested to the Government should become law. The present Bill has been culled from Acts in force in other places, having similar objects, and I believe it has been submitted to all, or nearly all, our medical practitioners and others who are interested in it. It is proposed to establish what is called a Pharmaceutical Society, to be managed by a council. This council is to be appointed, in the first place, by the Governor, for a term of three years, and afterwards to be elected by the chemists themselves, or such as

are duly registered under the Bill. There is to be a register kept of the members of this Pharmaceutical Society, and those who are eligible for election, and their qualifications, are described in the Bill. Any person is entitled to be registered who for two years has carried on the business of a chemist or druggist in the colony, or who for two years has been continuously employed as dispensing assistant in a chemist's shop, or who for three years has been employed as a dispensing chemist in a hospital, or who has served a four years' apprenticeship in the business of a chemist and druggist and has passed the necessary examinations, or any person who holds a certificate or diploma of competency from any society, college, or board of pharmacy recognised by the regulations. It will be seen there are five classes of persons who may be registered as soon as the Act comes into force. With regard to other candidates for registration, the council of the society will hold periodical examinations, and, upon the result of these examinations, the council may grant or refuse all certificates of competency and qualification. The other part of the Bill, which deals with the sale of poisons, is simply the present Act recast. It deals with certain restrictions necessary for the protection of the public. Every person licensed to sell poisons is obliged to observe certain conditions, and to keep the poisons in a secure place, and, when a sale is made, particulars of the purchase have to be entered in a book kept for the purpose. Other precautions are provided, as in the existing Act, for the registration of persons purchasing poisons. Clause 39 deals with the penalties for contravention of the Act. It provides that any person other than a pharmaceutical chemist, or a duly qualified and registered chemist, carrying on the business or assuming the title of a chemist and druggist, may be fined and imprisoned. The rest of the Bill deals with matters of detail. As I said before, this Bill has been thrust upon the attention of the Government for some considerable time; in fact, before the present Government took office the chemists of the colony had been agitating for a Bill of this sort, which I believe obtains almost everywhere else, and which I think is now required in this country.

MR. SOLOMON: I am sure our chemists will thank the Government for having introduced this Bill, which supplies a long-felt want. I know the necessity for such a measure has been mooted for a long time past. I believe there is already a Pharmaceutical Society in the colony, but it has not the force of law which this Bill will give such a society. I think the public also are to be congratulated upon the introduction of the Bill, and it gives me very great pleasure to support the second reading.

Motion put and passed.

Bill read a second time.

CONSTITUTION ACT FURTHER AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 4 inclusive:

Put and passed.

Clause 5.—“(1.) None of the provisions of the twenty-fourth or twenty-fifth sections of the principal Act shall apply to any person who shall act, or agree to act, on any special mission, or as an arbitrator or umpire for or on account of the Government of the colony;

(2.) Nor to any person who, in the usual course of his business, and not in pursuance of any special contract, shall

(a.) Sell, furnish, or provide goods to be used or employed in the service of the public; or

(b.) Perform any work or labour for or on account of the Government of the colony.

(3.) A contract that is to be implied merely from the fact of selling, furnishing, or providing goods, or performing any work or labour as aforesaid, shall not be deemed to be a special contract.

(4.) A special contract shall include any contract which is expressed in writing, and which contains a penalty for non-fulfilment of the conditions of the contract:—”

MR. LEAKE asked whether the Attorney General had considered the objections which had been thrown out with regard to this clause on the second reading of the Bill, more particularly with regard to the definition of a special contract?

THE ATTORNEY GENERAL (Hon. S. Burt) said it was beyond him to define what was a special contract in every case, and all they could do was to be guided

by circumstances. The definition here given—that the contract must be in writing and contain a penalty for non-fulfilment of its conditions—was about the best definition he could think of, although it did not follow that a contract might not be a special contract, although not expressed in writing. He did not mean that the law was to be constructed upon this definition; it was a very difficult subject to deal with, and if the hon. member had any suggestion to offer, the Government would be open to receive it.

MR. RICHARDSON asked whether some restriction could not be placed in the way of limiting the amount of a contract, so as to provide that any contract exceeding that limit should come within the provisions of the Act. It was easy to see that abuses might creep in unless some restrictions were placed upon persons who entered into large contracts with the Government, while at the same time it was also necessary to provide that members of the Legislature should not be unnecessarily harassed.

MR. JAMES moved that the clause be struck out. He did not think it was necessary for him to urge any reason in support of his motion beyond this—that no such a section existed in any English-speaking part of the world. He believed an attempt was made in one colony to introduce some legislation of this kind, but it ignominiously failed, and the fact remained that in countries which had had a much longer parliamentary experience than this colony had, no such a law as this had ever been enacted. Surely they had a right to ask those who sought to introduce such novel, and dangerous, and startling measures as this to bring forward some good reasons for doing so. But in this case the Attorney General, in moving the second reading, had not been able to give them any such reasons. The hon. and learned gentleman quoted some instances that had arisen in Canada, where members of the Dominion Parliament had unwittingly brought themselves within the provisions of the disqualifying clauses of the Act in that country. But he believed he was right in saying that no amendment of the law in this direction was made in Canada. In that country the members who conceived themselves to have contravened the Act simply resigned their seats, and

he believed the statute law of Canada contained no such section as this, nor did the statute law of any other country possessing constitutional government. He thought that fact alone was sufficient to justify him in moving to strike out this clause. But he went further than that: why should they depart at all from the principle of those sections of the Constitution Act which dealt with this question of contracts, and which principle had been found sufficient in other English-speaking parts of the world? Why should they have exceptional legislation of this kind, which violated principles which had been acted upon so long in other countries, and without any good or sufficient reason being adduced for such a departure? This section gave a free hand to members of Parliament to enter into almost any kind of contract with the Government. The exemptions would apply in almost every case. It started by exempting any person who went on any "special mission." He did not know whether there was any necessity for that provision. He did not think that for a member to act on a special mission was regarded as bringing him within the meaning of the disqualifying clauses in any other part of the world. He did not think it could be so in Canada, for not long ago a prominent member of the Canadian Ministry visited these colonies on a special mission connected with his Government. He had never heard of any act of indemnity having been passed in that case. No such section was considered necessary in Victoria. They all knew that Mr. Deakin was deputed by the Government of that colony to visit India, in connection with irrigation works, and no such section as this was required to protect him. Why, then, should we have it here? The same argument applied to the whole clause. If the section was necessary at all, it was for the purpose of protecting the country, not against an honest, but a dishonest Government; and the whole section gave a free hand to any dishonest Government to commit almost any act of bribery and corruption with impunity. It commenced by empowering them to send members on special missions. There was no definition whatever of what a special mission meant; and there was nothing in this

section to prevent the Government sending every member in the House on special missions all over the world, without disqualifying them in any way from holding their seats. Then they exempted members who acted as arbitrators or umpires for the Government. Assuming that this was necessary; assuming that there were no persons in the colony except members of that House who were qualified and competent to act as arbitrators or umpires; why should they pass this most exceptional legislation in order to enable two or three members of the House to earn an occasional five guineas by acting as Government arbitrators? Then there was sub-section (2), which was full of dangers and pitfalls, and left the door open to the gravest abuses. It exempted all persons who had dealings with the Government, except in pursuance of a "special contract." He challenged the Attorney General to define that expression "special contract." There was no such phrase recognised in law, and it would have to be left to the Judges, in every case, to decide whether there had been a "special contract" or not. The House was legislating absolutely in the dark, and giving the force of law to a phrase as to the meaning of which they were in absolute ignorance, and of which the hon. and learned gentleman who had coined the phrase, for the first time in the history of Parliamentary government, could not tell them the meaning. Was that a safe or a proper thing to do? They knew what an arbitrator or an umpire was, and they had some idea, perhaps, of what a special mission meant, but no one—not even the Attorney General himself—had any idea of what a special contract meant. Yet this phrase controlled the whole of the remaining portions of the section, as to selling or furnishing goods, or as to performing any work or labour for or on account of the Government. It seemed to him the Government could obtain any goods they liked without a special contract. There was nothing to prevent them getting the whole of their supplies for the public service under sub-section (a) of this clause. He knew of nothing to prevent them. The contract might be in writing, but it would not be a special contract unless it provided a penalty. The Government need not necessarily

impose a penalty when calling for tenders. It was purely optional with the Government whether they should insist upon a contract being in writing even; it could all be done "in the usual course of business." They could obtain their hay from the farmer, their groceries from the grocer, their saddlery from the saddler, their ironmongery from the ironmonger—all in the course of business. Then what was the necessity for this special legislation? Another class of persons who were to be exempted were those who "performed any work or labour for or on account of the Government," so long as the work was performed in the usual course of business. A railway contractor who constructed a line of railway for the Government would do so in his usual course of business. He need not necessarily be bound under a penalty to complete it within a certain time. That could be easily provided for. Then what was the reason for introducing such exceptional legislation as this? Was it worth while to amend the Constitution Act for the sake of enabling one or two persons who might happen to have a seat in that House to sell half a pound of nails, or a pound of candles, or a bale of chaff to the Government, or to enable some other member to do a little printing for the Government? There were plenty of other ironmongers, and grocers, and farmers, and printers. The only case where the present law might possibly work some hardship was in connection with advertising contracts in a newspaper, the proprietors of which happened, perhaps, to be members of the Legislature. Was it worth while to adopt this exceptional and dangerous legislation simply to enable a few members to earn a few pounds? It was no good saying there was no fear that the present Government would abuse these powers. That was not the point at all. The sections in the principal Act were not designed to provide against the acts of an honest Government, but to prevent abuses being committed by a dishonest Government; and, in the case of a dishonest Government, this exceptional legislation would open the door in the widest manner possible to all sorts of possible frauds, and the House had a right to ask for very strong reasons indeed before it assented to such legislation. Perhaps the sym-

pathies of members might be worked upon to some extent by reason of a certain case that was then pending. But they had been assured by the Attorney General, and also by the Premier, that this Bill did not cover that particular case. If they wanted to pass a Bill to indemnify any member who had unwittingly offended against the provisions of the Act, they ought to pass a different Bill from this. He asked members to be very careful indeed how they voted upon this Bill, and not to open the door to abuses, or to carelessly set aside those barriers which had been erected and considered necessary, in this as in other countries, to protect the purity and independence of Parliament.

MR. A. FORREST said that since the hon. member who had just sat down had entered the House they had heard a great deal about the purity of Parliament. It certainly must be very gratifying to members who had occupied seats in the House for many years to hear the hon. member for East Perth (Mr. James) suggesting that there was no purity in the House until he entered it, and that he was the only honest man in the House. It was ridiculous to say this Bill was brought in to enable one or two members to earn a few pounds. This Bill affected 54 men, nearly all of whom were connected, directly or indirectly, with the principal industries of the country, and who were now, simply because they held seats in Parliament and gave their services to the country, debarred from having any transactions whatever with the Government to the extent of a few shillings, without running the risk of losing their seats and having to pay a penalty of £500. It was ridiculous to suppose that, because any hon. member happened to supply the Government with a few groceries or anything else, that hon. member had lost his independence. He did not think if His Honour the Speaker acted occasionally as an arbitrator for the Government it was likely to influence his vote, or to have any serious effect on the purity of Parliament. Ours was only a small community, and there was hardly an industry or trade in the country in which some member of the House was not directly or indirectly interested. Yet, under the present law, they held their seats at the risk of being made the victim

any day of having an action brought against them to recover £500 from them. He was very glad indeed the Government had brought in the Bill; and, if their object was to do a good turn to any particular member, he thought that was quite right too. He could not understand that anyone—except, perhaps, the hon. member for East Perth, who suggested that he was the only honest man in the House, and that all the rest wanted purifying—should object to such a measure as this, to protect members from being harassed and victimised by any enterprising individual who thought there was a chance of making £500 out of them.

THE ATTORNEY GENERAL (Hon. S. Burt) said the hon. member for the De Grey had suggested that they might limit the value of contracts to a certain amount, and provide that any contract beyond that amount should disqualify a member. There was an obvious difficulty in that. It would be no protection at all, because you might split up a contract into small amounts, in order to defeat the section. The hon. member for East Perth wanted to know what a special contract meant. You could not specify within an Act of Parliament what it meant; it must depend upon the circumstances of each case. These explanatory words in the section were to be read with other most material words, which gave them a special meaning. In the first place, a contract, to be a special contract, must not be a contract in the usual course of business; in the next place, it must be a contract expressed in writing, and it also must contain a penalty for non-fulfilment of its conditions. He did not know how they could define it more specifically. Take, for instance, the case of a person supplying the Government with 50,000 or 100,000 sleepers. That would hardly be regarded as a transaction in the usual course of a man's business, and therefore it became a special contract at once. As to the Bill applying to any particular case, he said again he knew nothing about that particular case—he did not know the circumstances of that case—when this Bill was framed. He thought they were quite different circumstances until two days before he spoke on the Bill in that House, and after this Bill was in print. Notwithstanding any

statement to the contrary, he said again he thought that case was altogether a different one when this Bill was framed, therefore it was not right to say that the Bill was intended to cover that particular case. He thought he had explained all this on the second reading. He did not believe this clause applied to that case, because he believed it was one that would come within the definition of a special contract. If it was in the ordinary course of business, and was not a special contract, then it would be within this clause. If it was not in the ordinary course of business, but in pursuance of a special contract, then it would come within the meaning of the disqualifying sections in the principal Act, notwithstanding this clause. But he said again, the Government distinctly refused to have anything to do with any present case at all; if that case came within the purview of the section it was without the knowledge of the Government, and the hon. member connected with it had been informed that the Government could not in this Bill introduce any section to cover his particular case, because they really knew nothing about the merits of the case. He had heard it laughed at; but it was not for him, in his position, to express any opinion about it. The hon. member for East Perth was not right when he said that he (the Attorney General) had not pointed out any reasons for introducing this Bill. On the second reading he instanced several cases in which members might unwittingly come within the provisions of the principal Act any day in the week; in fact it was most difficult to keep out of danger, and the question was, whether that danger should be allowed to exist, without affording members any protection from being harassed by actions to recover £500 from them in order to purify Parliament (as it was called). Purify his grandmother! They all knew these actions were prompted by pique or spite, or some personal feeling. They never yet knew of a case in this world where such actions were brought for the sake of purifying the *morale* of Parliament. Those who brought them cared a great deal more for the chance of getting the £500 fine, and at the same time persecuting some member with whom they had had a quarrel. The object of this Bill was simply to minimise

the severity of the two sections, which now worked in such a way that the Government themselves were embarrassed and inconvenienced in a way they ought not to be in carrying on their every-day business, as he pointed out on the second reading of the Bill.

MR. LEAKE said if it was the intention of the Government to press this clause through committee in its present form.—

THE ATTORNEY GENERAL (Hon. S. Burt): We don't want to press it.

MR. LEAKE said if they did not want to press it let them withdraw it. He felt bound to support the hon. member in his proposal to strike out the clause, because it seemed to him there were serious objections to it. If it were passed in its present form there would be no check whatever upon contracts being entered into by the Government with members of the House. Particularly did he refer to sub-sections (a) and (b). Sub-section (a), taken in conjunction with sub-section (4) of the same clause, would enable the Government to enter into contracts to any extent with members occupying seats in Parliament for supplying the public service with all kinds of goods; and under sub-section (b) men who were receiving daily wages from the Government would be able to hold a seat in that House. Was it right or proper that such a state of things as that should exist? How would the Commissioner of Railways like to have three or four of his engine-drivers having shots at him from the Opposition benches? A nice lot of legislation they would get through with, every member in the House supplying the Government with all sorts of goods, or performing all kinds of work for the Government. It was said you could not do so if done in pursuance of a special contract. But what was a special contract? According to this clause a contract in writing, with a penalty attached, was a special contract. That part of the clause could be rendered void by simply not putting in a penalty. The whole clause, if passed in its present form, would nullify the object which the Legislature had in view when it dealt with the question of contracting as between the Government and members of the House.

MR. MORAN said he intended to go the whole length proposed by the hon. member for East Perth, and vote for

striking out the clause. On the second reading he spoke pretty strongly against the clause, and he saw no reason to alter his opinion of it in any way. It was an attempt, in a very quiet way, to introduce legislation of a most dangerous character. Under the guise of doing things "in the ordinary course of business," members might carry on contracts of gigantic proportions with the Government, without any necessity of reducing these contracts into writing. The hon. member for West Kimberley, or any other member, might own a saw-mill or a foundry, and, finding that the Government required large supplies in that line, could easily get the contract by simply quoting a price a little below the market rate. In this way he might get 50,000 orders, and he could not be touched by this clause. Or the Government might want a lot of lighterage work done, involving the lightering of hundreds of thousands of tons, and, in the ordinary course of business, the hon. member for Perth (Mr. Randell) might get a hint round the corner just to lower the usual rates for a day or two and he would get the contract.

MR. RANDELL: How would that affect the hon. member for Perth?

MR. MORAN could not see into the hon. member's mind. He only mentioned the instance by way of illustration. He did not believe the hon. member, himself, could be bought over in that way, but there might be others in the same line of business who could be bought over. The same might apply to members in every other line of business. A great authority had said that every man had his price; and this contracting business was liable to all kinds of abuses. The Attorney General himself admitted it was a most difficult thing to deal with. The clause, in fact, left the door open to every kind of bribery and corruption. The best thing the Government could do would be to cast the Bill aside, and endeavour to bring in some other legislation, next session, to protect members from being unnecessarily harassed, if there was any necessity for such exceptional legislation.

THE PREMIER (Hon. Sir J. Forrest) said the Government were well aware that this was a very important clause, and one that required a great deal of consideration. They had hoped that members

would have been able to have thrown some light upon it, and that, if they did not approve of it, they would have been able to show how it could be improved upon, so as to meet the circumstances. There could be no doubt that there were members who had unwittingly offended against the very stringent provisions of the present Act, and rendered themselves liable to be proceeded against; and he thought none of them desired to see them mulcted to the extent of £500. But how to go about it was another matter. He noticed that while the legal talent of the House had adversely criticised the clause, they had not thrown any light upon the difficulty which surrounded it, or pointed a way out of the difficulty. He might say, for himself and for the Government, that they saw the dangers of the clause as well as other members did, and that it might, perhaps, open the door too wide, which was not their intention. Their object was simply to protect those who might have unwittingly, and in the ordinary course of trade, subjected themselves to the penalties of the Act, which he did not think was ever intended to apply to such cases. The subject was, no doubt, a very troublesome one to deal with. He was not very much satisfied, himself, with the clause as it stood, and he would suggest that they should report progress in order that they might reconsider the matter. He felt sure that all members were in accord with them as to the desirability of not acting unjustly towards those who had unwittingly contravened the provisions of the principal Act, while at the same time they did not want to have that House full of contractors. He thought that would be a very undesirable state of affairs, and he had no desire himself to see contractors pure and simple entitled to occupy seats in Parliament. He could speak without any personal feeling in this matter, because he believed he was altogether outside the provisions of the Act in this respect. His only desire was that they should endeavour to carry out the object of the Act in the spirit in which it was intended to be carried out, and not with the view of harassing and persecuting members who unwittingly offended against the letter of the Act. He moved that progress be reported, and leave asked to sit again.

MR. RANDELL said the matter now before them was admittedly a difficult matter to deal with, and he felt the difficulty, in common with other members. The difficulty was emphasised by the fact that the legal talent of the House appeared to be at loggerheads about it. Like the Premier, he was not aware that he was personally interested in the matter; and the instance cited by the hon. member for Yilgarn would not apply to him individually. No doubt the object of the principal Act was to exclude from the House persons who were interested in railway and other large contracts, who might exercise considerable influence upon members in connection with important public works; and also to exclude those who contracted for the annual supplies for the public service. When they excluded those two classes of contractors, he thought they reached the limits which should fairly be set to the disqualifying clauses. The clause at present under consideration was, he admitted, liable to open the door too widely to possible abuses; but, that some relief was necessary he thought was admitted by almost every member in the House. It seemed to him monstrous that a member of the House could not act as an arbitrator on behalf of the Government, or that an hon. member who happened to be a lawyer could not accept a brief on the part of the Crown, or a member who happened to be a merchant or a storekeeper could not sell an article over his counter if required by any department of the public service, without rendering himself liable to be unseated and to pay a penalty of £500. He was very much in sympathy with the object sought to be attained; at the same time, he was very anxious they should not so tamper with the Constitution as to admit into the House the objectionable element he had referred to.

Progress reported, and leave given to sit again next day.

IMPORTED LABOUR REGISTRY ACT AMENDMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt): This Bill has been re-introduced by the Government at the request of members. A similar Bill was passed

through this House last year, but was not so favourably received in another place. It provides that persons who import a certain class of labourers under the Act of 1884 shall deposit with the Government a certain sum of money, to be regulated according to the expense which has to be incurred in sending these labourers back to the country they came from. No labourer, under this Act, is to be allowed to be landed in the colony until this sum is deposited by his employer, and a certificate to that effect obtained by the master of the vessel at the port of landing. Otherwise the labourer will be sent back, and the master of the ship will be liable to a penalty. The Bill provides that, at the end of the contract, the employer shall return the labourer to the place he came from, if the labourer wishes to return; and, if one of the imported labourers is found in the colony, without a contract with some employer, he is liable to be arrested and sent back to his own country. But at the end of his agreement with one employer, he can enter into another agreement with another employer. In case a labourer is sent into prison during the currency of his contract, if the term of imprisonment expires before the term of his contract expires, he is to be sent back to the service of his employer; but if the imprisonment lasts beyond the contract time, then he is to be sent back to his own country by the Government, and the deposit money lodged by the employer on his arrival in the colony is utilised towards the expense of his passage. Section 10 of the Bill contains a new provision that was not in the Bill of last year. It provides for the compulsory vaccination of these imported labourers, immediately before or after their landing in the colony, by a Government medical officer. The Bill has a further provision which was not in the measure introduced last year, to the effect that, with the exception of the vaccination clauses, none of the provisions of the Bill shall apply to labourers employed on the pearl-shell fisheries. But if any of these men who are imported for the pearl-shell fisheries come ashore and get away from their contract, or go anywhere else, they become liable under the Bill; and their employers will also be held responsible if they have been a party to it. Thus the

Bill will not harass those who are engaged in the pearly industry, while at the same time it will prevent these coloured races from getting a foothold in the colony and becoming absorbed in the population. These are the only two provisions in the present Bill that are different from the Bill passed by this House last year. I beg to move its second reading.

On the motion of Mr. R. F. SHOLL, the debate was adjourned.

HOSPITALS BILL.

This Bill was further considered in committee.

Clause 4.—Appointment of members of Board of Management to hospitals maintained by Government funds:

Debate had been adjourned (p. 1011 *ante*) upon the amendment to strike out all the words from the word "towards," in the second line, to the word "years," in the eighth line, both words inclusive.

Amendment put and passed.

Clause, as amended, agreed to.

MR. SIMPSON called attention to the want of a quorum.

THE CHAIRMAN reported the fact to the SPEAKER, who resumed the chair. The required number of members having been found, the SPEAKER left the chair, and the committee resumed.

Clauses 5 to 15, inclusive:

Put and passed.

Clause 16.—Penalty for breach of hospital regulations:

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the following words be added to the end of the clause: "and all informations and proceedings in respect of such offences shall be heard and determined, and the penalties in respect of the same shall be enforced and appropriated according to the provisions of an Ordinance passed in the fourteenth year of the reign of Her present Majesty, numbered 5."

Question put and passed.

Clause, as amended, agreed to.

Clauses 17 to 21, inclusive:

Put and passed.

Preamble and title:

Agreed to.

Bill reported with amendments.

ESTIMATES, 1894-5.

The House went into committee for the further consideration of the Estimates.

Vote—Crown Law Officers, £2,285:

MR. SIMPSON said he noticed some very considerable increases in this department, and he should like some information as to the causes of these increases.

MR. R. F. SHOLL said he observed that the Crown Solicitor was down for £650—an increase of £150. He did not particularly object to the increase, but he should like to know whether this officer was also to receive any fees connected with his office, in addition to his salary; if so, whether it would not be advisable to further increase the salary and do away with the fees.

THE ATTORNEY GENERAL (Hon. S. Burt) said the Crown Solicitor received a small fee sometimes in connection with the preparation of Savings Bank mortgages, which he believed had been the case ever since the establishment of that institution.

MR. R. F. SHOLL said that in those days the Crown Solicitor did not receive a salary of more than £250, and the transactions of the Savings Bank were proportionately small; but these fees must amount to a considerable sum now. There would probably be a considerable increase of work in connection with mortgages under the Agricultural Bank Bill, and the Crown Solicitor's fees would likewise increase. He also believed this officer received other fees, in actions between the Government and private individuals; if the Crown gained the case, this officer pocketed the costs. He thought all these fees should go to the public Treasury, even if it should be necessary to increase the Crown Solicitor's salary; and unless he got some assurance that in future all fees connected with this office should be paid into the Treasury he would move that the salary be reduced.

MR. A. FORREST thought it was distinctly understood by the House that should the salary of the Crown Solicitor be increased he was not to be allowed to engage in any private practice; but this had not been carried out. He did not think this officer, with the increasing work, could attend to his public duties and to his private practice as well. They knew the Crown Solicitor now did some private practice, which, with his fees, must bring up his income to about £1,000 a year.

THE ATTORNEY GENERAL (Hon. S. Burt) thought the hon. member must

have been misinformed. The arrangement made with the present Crown Solicitor, when he assumed office a few months ago, was that he should be allowed to wind up his private practice, but not to take any new cases; and that was what he was at present doing. He could not believe for a moment that this gentleman was engaged in any new private practice, except as a barrister, which he was allowed to do, but not as a solicitor. You could not get a Crown Solicitor or an Attorney General either, unless you allowed them to practise at the bar. Professional men were not likely to give up their profession altogether for the sake of the salary attached to these offices. The arrangement made with the present Crown Solicitor was that he should give up his private practice as a solicitor altogether (after winding up his present practice), but that he should be at liberty to act as a barrister, and also to retain such fees as were attached to his office, which he did not suppose would amount to more than about £10 a year. In England the same privilege was allowed, and a man's private practice there would probably be worth some thousands a year. The same concession was allowed in every other colony.

MR. A. FORREST thought the Attorney General was only quibbling with the question. In this colony the profession of a barrister was not separated from that of a solicitor; a barrister could act in either capacity. Not only that, it was distinctly understood that if they raised the salary of the Crown Solicitor he was to give up his whole time to Crown practice, and not to practise privately at all, either as a barrister or a solicitor. If a man was engaged as a barrister, in private cases, at the Supreme Court, a week at a time, he could not also attend to his public duties properly; and, unless the Attorney General was prepared to give the House an assurance that the Crown Solicitor should not engage in any private practice, as a barrister or a solicitor, he would move that this item be reduced from £650 to £500, as it was before.

THE ATTORNEY GENERAL (Hon. S. Burt) said he could not give the hon. member any such assurance, and, if the House did not wish to increase

the salary, and to allow the present agreement to be carried out, of course he must tell this gentleman, who had recently accepted this office, that he was free from his engagement with the Government, and he must endeavour to get some other gentleman to do the work for £500. He did not think they would get a better man in the colony than the gentleman who now held the office. He worked most arduously and assiduously, remaining in his office after hours almost every day, and he (the Attorney General) was very pleased with the way he discharged his duties. Of course if the House cut down the salary to £500, the agreement made with this officer would be broken, and the Government must try to get somebody else who would do the work for that salary.

MR. JAMES said no one desired to question the professional ability of this gentleman, or his assiduity; but he certainly was under the impression that when the salary was increased, the extra £150 was to be given in consideration of the officer in question giving up his private practice. He did not see why he should be asked to give up his practice as a solicitor but not as a barrister, as both branches of the profession in this colony were merged. He said unhesitatingly that good men could be found—if not in the colony, elsewhere—to do the work of this office for £650 a year, without the right of private practice. He believed the gentleman who now held the office would do so too, provided he were allowed to retain the fees attached to the office.

MR. LEAKE hoped the committee would not interfere with this item. He certainly thought the Crown Solicitor would be by no means overpaid at £650 a year, even with the privilege of practising as counsel. He (Mr. Leake) had held the billet for something like twelve or thirteen years, and ought to be in a position to speak with some little authority; and his experience had been that counsel's work attached to the billet was very, very small. He would ask members to remember this: if they deprived the Crown Solicitor from practising as an advocate they deprived him from keeping his hand in, in that branch of the profession which was all-important he should keep his hand in, namely, that of advocacy. The Crown Solicitor, as the perman-

ent head of the law department was bound, in the event of the Government having any heavy and important cases, to take charge of those cases. The Attorney General was the ministerial head, but not the permanent head of the department, and although in the present ministerial head they had a gentleman who was an ornament to his profession, and the leader of the bar, they could not always have him occupying this position. Perhaps his successor might not be so capable an officer; the whole of the responsibility would then devolve upon the Crown Solicitor, and if they deprived this officer of his practice as counsel they deprived him of an opportunity of practising a particular branch of the profession which was all-essential to him, and which kept him in touch with the law. If they did that, the Crown would simply have to start to give retainers, and they would have to start with pretty big fees. With regard to the fees which the Crown Solicitor drew in connection with his own office, they were very small, and the hon. member for West Kimberley had been misinformed if he thought they brought up the emoluments to anything like £1,000 a year. If they did so now, it was very different when he held the appointment. The work in the Crown Solicitor's office was increasing very much, and must continue to increase.

THE ATTORNEY GENERAL (Hon. S. Burt) said that with regard to fees in reference to the Post Office Savings Bank, he had not been aware until a week or two ago that there were such fees. The contract with the present Crown Solicitor was that he should be at liberty to practise as a barrister, but not as a solicitor. The £150 added to the salary was by way of purchase of private business, and his own opinion was that the bargain was a cheap one for the Government. The time during which the Crown Solicitor might be occupied in doing barrister's work, when he ought to be doing Crown work, would be only a few hours in the course of twelve months.

MR. A. FORREST asked whether the Crown Solicitor would draw pay when engaged in a long case of private practice. The Crown Solicitor's time should be devoted to the country; and his own opinion was that it was possible to get a practitioner of the same ability as the

present one for £650 a year, and to give full time to the duties. He was surprised to hear the Attorney General contending that the Crown Solicitor should be allowed to continue private practice as a barrister. If the salary was not enough, make it more, and require this officer to give his whole time to the duties. That was what had been understood when the Estimates were under discussion last year.

THE ATTORNEY GENERAL (Hon. S. Burt) said it was himself who had suggested that it was desirable the Crown Solicitor should give his whole time to the service of the Government, and under this arrangement that would be the effect of it. Had there been the slightest chance of the Crown Solicitor being engaged in court even for a week upon private practice, away from the service of the Government, he (the Attorney General) would not have consented to this arrangement. But the holder of the office should be in touch with the practice of a barrister. He could assure hon. members that Mr. Burnside was a most hard-working officer, and had done an immense amount of work already in assisting him (the Attorney General). He did not think Mr. Burnside had lost a single hour of Government time since taking this office, and was sure Mr. Burnside had put in many hours that did not belong to the Government.

MR. JAMES said that was not the question. The understanding was clear that the whole of the Crown Solicitor's time, under the new arrangement, was to be given to the country.

THE PREMIER (Hon. Sir J. Forrest): You were not here.

MR. JAMES said that if the Crown Solicitor should be allowed to keep in touch with private practice as a barrister, the same reason would apply to solicitor's practice. If the new officer was going to have only two or three weeks in a year, how could that keep him in private practice? As, however, the agreement had been made, there was an end of it. He hoped that, instead of withdrawing any fees, the new Crown Solicitor would be allowed to keep the fees and be asked to give up his barrister's work.

MR. R. F. SHOLL objected to any fees attaching to the Crown Solicitor's office. He would rather see the salary increased. The salary and fees would probably

exceed the salary of the Judges, who got £900 a year. He objected also to private practice being allowed.

THE PREMIER (Hon. Sir J. Forrest) said that, in reference to fees, he believed there was no understanding with the Crown Solicitor. He thought the fees should, as a rule, go into the Treasury; but he could understand that in a civil case in which the Crown Solicitor gained a victory, the fee sweetened the labour, and the exertion induced thereby would certainly not be less. The fee, in that case, did not hurt the State, but benefited the pleader. A person going to law against the Crown generally had a bad case, and there was no reason why, if that person lost his case, he should not pay the costs. He (the Premier) remembered that Mr. Attorney General Warton used to say that a fee, however small, sweetened labour. The Government had made the best arrangement they could, in this case, and he thought they had been fortunate in securing an energetic man, who was willing and eager to do all he could. As to practising as a barrister, while the privilege of doing so would be a satisfaction to the new Crown Solicitor, he did not think that officer would get many briefs in private cases, and the fact of being connected with the Government was not a recommendation to the public, who preferred to go to an independent practitioner. Seeing that this arrangement had been made by the Government, and that to break the contract now would be somewhat unfair to the individual, after having broken up his private practice, he (the Premier) hoped the committee would not interfere with the arrangement. Looking at it altogether, it was a good arrangement, and they might congratulate themselves on it.

MR. A. FORREST said the Premier's remarks about the new Crown Solicitor must be very pleasing to that officer. His own opinion was that the Government should advertise, and see whether they could not get a man of ability to take the duties and give all his time to them. The late Crown Solicitor received £250 a year, until two or three years ago; the salary was then increased to £350, and afterwards to £500, the officer then giving up his share in a large business to attend to these duties. If this item

went to a division, he would vote against the new arrangement.

THE ATTORNEY GENERAL (Hon. S. Burt) asked what on earth the hon. member for West Kimberley knew about the work of the Crown Solicitor. The hon. member said the salary was plenty for the work, when he knew nothing about the work.

MR. ILLINGWORTH said it struck him as an extraordinary thing that, in a colony of 85,000 people, the Crown Solicitor should get £650 a year and private practice, when a gentleman who did the same work in Victoria got £500 a year and no private practice. There was a tendency, all through these Estimates, to advance, and it was an unwise tendency which would have to be followed by a retrograde movement, he was afraid.

MR. RANDELL said public servants should give their whole time to the service, and be paid accordingly. This was an important principle on which the Assembly should express a decided opinion. He thought the Crown Solicitor should retain the fees, and that £650 a year, together with the fees, would be a sufficient salary, in view of the work and the circumstances of the colony. He had no doubt the salary and emoluments would amount to as much as Ministers of the Crown received, and more than the salary of a puisne judge.

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

ADJOURNMENT.

The House adjourned at 11.5 o'clock p.m.