

Legislative Assembly,

Tuesday, 16th August, 1898.

Papers presented—Question: Official Receiver in Bankruptcy, fees or commission—Question: Tariff Bill and Intention of Government—Question: Foreign Consuls in the Colony—Question: Gold Escort and alleged Loss—Motion: Leave of Absence—Wines, Beer, and Spirit Sale Amendment Bill, first reading—Fire Brigades Bill, in Committee (reported)—Health Bill, second reading—Gold Mines Bill, second reading: Debate resumed and adjourned—Warrants for Goods Indorsement Bill, in Committee (reported)—Lodgers' Goods Protection Bill, in Committee (reported)—Bills of Sale Bill, second reading, further adjourned—Prevention of Crimes Bill, second reading (adjourned)—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Education Department, Report for 1897. Local Forces, Commandant's Report for 1897-8. Municipal By-laws (additional) of Geraldton and Perth.

Ordered to lie on the table.

QUESTION: OFFICIAL RECEIVER IN BANKRUPTCY, FEES OR COMMISSION.

MR. KENNY asked the Attorney General whether the Official Receiver in Bankruptcy, or any officer in his department, received for his own use any, and if so what commission, fees, or remuneration of any kind over and above his official salary.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) replied: All commissions, fees, and remuneration of any kind in matters connected with the Official Receiver's department are paid into the Treasury, except fees allowed on briefs in which the Official Receiver appears as counsel, and which have to be paid by the opposite party, and to which the Official Receiver is entitled under the bankruptcy rules, and which for the last twelve months amounted to £26 14s. I am not aware of any officer in the Official Receiver's department re-

ceiving anything over and above his official salary for services rendered as such officer.

QUESTION: TARIFF BILL AND INTENTION OF GOVERNMENT.

MR. KENNY asked the Premier the probable date of his bringing down, for the consideration of the House, the new Tariff Bill.

THE PREMIER (Right Hon. Sir J. Forrest) replied, that he regretted that he was at present unable to afford the information asked for by the hon. member.

QUESTION: FOREIGN CONSULS IN THE COLONY.

MR. KENNY asked the Premier,—1. The names of the gentlemen representing foreign Governments as consuls, vice-consuls and consular agents. 2. Whether their positions had been officially recognised by the Government. If so, whether the Government would take steps to secure the recognition of those gentlemen at State ceremonies and public functions.

THE PREMIER (Right Hon. Sir J. Forrest) replied:—1. The name of consul, vice-consul, or consular agent in Perth is—Traylen, W., consul for Denmark; Burt, Septimus, vice-consul for Denmark; Simpson, G. T., acting consul for Liberia. In Fremantle—Sandover, W., consular agent for the United States of America; Solomon, Elias, consular agent for Italy; Ferguson, J. M., vice-consul for Sweden and Norway; Samson, Wm. F., consular agent for France; Saurmann, G., consul for Germany; Mayhew, E. W., consular agent for United States of America; Strelitz, Richard, vice-consul for Denmark. In Albany—Dymes, F. R., consular agent for the United States of America. 2. Their positions have been officially recognised by notification in the *Government Gazette*, but not otherwise, there having been no representations made on the subject.

QUESTION: GOLD ESCORT AND ALLEGED LOSS.

MR. MONGER (for Mr. Rason) asked the Minister of Mines,—1. Whether he

was aware that on the 24th of April last, 97ozs. 5dwts. 20grs. of smelted gold were consigned to a certain bank in Perth by one H. E. Milton, of Lake Way, under Government escort? 2. Whether he was aware that the smelted gold in question had not, as yet, been delivered to the consignee? 3. Whether the Government, having received the gold and not having delivered the same to the consignee, had paid the consignor the value of the gold in question, namely, £389 3s. 4d.? 4. If not, why not?

THE MINISTER OF MINES (Hon. H. B. Lefroy) replied in the affirmative to the first three questions.

MOTION: LEAVE OF ABSENCE.

On the motion of Mr. KENNY, leave of absence for one fortnight was granted to the member for Geraldton (Mr. Simpson), on account of sickness.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

Introduced by Mr. LOCKE, and read a first time.

FIRE BRIGADES BILL. IN COMMITTEE.

The CHAIRMAN explained that the Bill contained the recommendations made by the Select Committee, adopted *pro forma* at a previous sitting of the House.

Clauses 1 to 42, inclusive—agreed to.

Clause 43—Contributions to expenditure of board:

MR. A. FORREST: It would be placing a great burden on the municipalities to ask them to contribute four-ninths of the expenditure. Bearing in mind the public buildings which belonged to the Government, he suggested that the contributions should be paid in equal proportions, a third being from the insurance companies, a third from the municipalities, and the remaining third from the Government.

THE PREMIER: The Government properties were all insured, and the insurance companies ought to pay.

MR. A. FORREST: The insurance companies asserted that they did not want the Bill. Why should municipal councils be taxed? The upkeep of the fire brigade in Perth was a serious item.

THE PREMIER: Relief would be granted by this Bill.

MR. A. FORREST: Of a portion of the expenditure.

MR. ILLINGWORTH: Who received the rates?

MR. A. FORREST: The municipal council received the rates, and why should they do not do so? They formed their estimates of what they expected to receive each year, and their expenditure was controlled accordingly. They were paying the whole cost of the fire brigade now, but certainly the Government ought to pay more than one-ninth of the cost. The Government could get money from everywhere, whereas the municipal council could obtain it from only one source. He repeated that the insurance companies, municipal councils, and the Government should pay in equal proportions.

THE PREMIER: Not at all.

MR. HIGHAM: The contention which the hon. member for West Kimberley had raised was worthy of support, the proportion to be paid by the Government being altogether inadequate to the buildings they possessed. The Government certainly should provide two-ninths of the cost, whilst the fire insurance companies should, considering their interest in the property, pay the proportion which was proposed in sub-clause 2, four-ninths, and the councils and the municipalities would then have to provide the remaining three-ninths.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): A message was brought down to appropriate a certain sum in relation to this Bill; and that being so, the suggestion made could not, so far as he could see, be carried out. Irrespective of that the Committee would see that the expenditure was fairly divided between the parties. The Government insured all their properties, the amount being nearly a million, on which they paid a very large sum annually by way of premiums; and now they would under this Bill pay one-ninth of the expenditure of the brigades in addition, whereas formerly the municipalities bore the whole of that expense. Now it was proposed to make insurance companies pay half the cost, the municipalities were not satisfied, and wanted the Government to relieve them

of the other half. He hoped that the House would not support the suggestion of the hon. member for West Kimberley.

Clause put and passed.

Clauses 44 to 55, inclusive—agreed to.

Clause 56—Interfering with Superintendent or members of brigade, etc.:

MR. GREGORY said the penalty under this clause appeared to be excessive in regard to the imprisonment, for while the money penalty was £20, the other penalty was imprisonment not exceeding two years. Could not the term be reduced to three months?

THE ATTORNEY GENERAL: The serious nature of the offence should be considered, for a man might, by maliciously doing damage or interfering with the brigade, cause a conflagration which might burn down one half of a town, and in such case a penalty not exceeding two years' imprisonment did not seem too much. He would be willing to increase the money penalty, if that would meet the hon. member's objection.

MR. A. FORREST: The fine should be heavier.

Clause put and passed.

Clause 57—agreed to.

Clause 58.—Use of pillar hydrants instead of fire-plugs:

MR. A. FORREST: If all the fire-plugs of the city of Perth had to be put on the stand-posts immediately this Bill was passed, that could not be done in a short time.

THE ATTORNEY GENERAL: This provision would apply only to new fire-plugs.

Put and passed.

Clauses 59 to 75, inclusive—agreed to.

Schedules and title—agreed to.

Bill reported without amendment, and report adopted.

HEALTH BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather), in moving the second reading, said: There is not perhaps in the whole of the subjects which from time to time are brought before this House one that I regard as of more importance than that of the health of the community. Although this Bill

looks large, its provisions are certainly not novel, for it is in fact a consolidation of the previous Acts passed in this colony on the subject, in addition to amendments which have been made in the latest legislation of the eastern colonies; and with the suggestions which have been made to me since the Bill was placed on the table, particularly those by the Premier, by the Commissioner of Crown Lands, and by the municipal council of Perth, as well as by other persons interested in the subject, I think that by the time the Bill has gone through Committee, and when the amendments suggested by the Select Committee will be more fully explained, the measure will be a full and adequate representation, not only of the existing legislation on the subject of public health in the colony, but also embracing, as it necessarily ought to do, the latest provisions in the most advanced Acts of Parliament which we have had recourse to while preparing the Bill. It appears there have been already passed in this colony seven Acts dealing with public health. The first was passed so far back as 1878, and from that time onward almost annual amending Bills have been passed. The object of the present Bill is, in the first place, to endeavour in as brief a way as possible to take out of all of those Acts the provisions that we deem essential, and leaving aside those portions which have been deemed unworkable or unsuitable to the community. The keynote of the Bill is in its constitution. It purports to place the whole of the administration on a responsible Minister; but the persons who will undertake the actual working will be a board, to be called the Central Board of Health. That board is already in existence under one of the late amending Acts; but there is a difference proposed in this Bill from that of the Act referred to, namely, that one of the members of the board shall be a medical gentleman, to hold the position of president of the board and a salaried officer; and provision is further made for the appointment of two other members of the board, a civil engineer and a practical builder, who are also to be salaried members. These three persons, who are to be

salaried officers, will represent, if I may call it so, the combined scientific intelligence which may be essential for the due administration of the Bill; and although provision is made for the appointment of these three salaried members, yet my right hon. colleague, the Premier, who has got an economical turn of mind just now, proposes not to pay the civil engineer or the practical builder, but to pay only the medical chairman. That is a point which can be discussed in Committee. However, I think that on this subject there will be a considerable difference of opinion as to whether it is wise to pay only one of these officers, and to leave unpaid the other two, whose duties, I take it, are not less onerous, though perhaps the president may be considered the figurehead of the board. It is therefore proposed that each of these three members of the Central Board shall be paid a salary, and that all the expenses of the board shall be paid by Parliament. The other members of the board are to be purely honorary. This board will have a controlling power over all the municipalities of the colony, when, by the provisions of the Bill, they become health boards. In order to deal with the public health, every municipality *ipso facto* becomes by this Bill a local board, and each local board must make by-laws regulating and providing for every condition that may be necessary for the public health; and every such by-law, when made, shall have no effect until it is confirmed by the central board. In other words, the local board frames a by-law and submits it for confirmation to the central board; then the central board, if it approves, passes it on to the Governor, and it ultimately becomes law. So that, under the system contemplated by this measure, hon. members will see that the central board is the chief executive body throughout the whole of the colony. It can supersede, at any moment, the power of a local board, if that board is not doing its work efficiently and properly; and even then there is another check. If the central board itself neglects to do its duty, then the Minister who administers the Act can supersede the central board; so that there is a gradation of authority from the local boards, which deal with local matters affecting health, to the higher body, the central board,

which deals with health matters throughout the whole colony; and then, over and above them all, is the Minister, who may supersede the central board, if dissatisfied with the way in which they are doing their duty. As regards local boards, there have been new provisions inserted in this Bill which do not exist in previous Acts; and the first is that enabling a municipality to embrace within its area districts which do not belong to it as a municipality. In other words, the boundaries of a municipality may be extended by the Governor so as to include an area outside the municipality altogether. The reason for that is obvious. In many cases nuisances are created by people who live just outside the boundary of the municipality, who are utterly regardless of what they do, as they are under no local authority, and can snap their fingers at anyone who may order them to keep their places in a cleanly condition. This proviso will give the local authorities the power, if they think fit to exercise it, to embrace within their jurisdiction any areas outside their boundaries. The effect of this will be that such people can be rated, just as if they lived in the municipality, and they can be compelled to keep their premises clean. This applies, of course, to areas which are contiguous to or touch the boundaries of the municipality; but, in regard to outlying localities, far away from any municipality, power is given to the Governor to appoint a local board from among the people themselves, having practically the same powers as a municipality, so far as the administration of the Public Health Act is concerned.

MR. VOSPER: Can they levy rates?

THE ATTORNEY GENERAL: They can levy rates, and they have practically the whole of the machinery of ordinary local boards, so that they will doubtless help, in a very considerable degree, to prevent nuisances arising and to promote public health.

MR. VOSPER: That is better than always coming to the Government for grants.

THE ATTORNEY GENERAL: They cannot do so under this Bill. I am glad the hon. member made that observation. Instead of offering inducements to such people to be always coming to the Govern-

ment for assistance to remedy a nuisance, or to do any public work for the public health sake, they, for the future, will have to do it for themselves. They have the power to raise the means to do such things, and they must make use of it. There is a provision made in clause 27, which, I may say, is the only financial provision of the Bill, that each municipality which, under this Bill, becomes a local board, has power to levy a special rate, to be called the public health rate. That rate has been increased. It was formerly only 3d in the £; it is now raised to 6d, because we have been informed that the rate of 3d is utterly inadequate to provide sufficient means for administering the Act. The rate so raised is to be used simply for the administration of the Act, and for no other purpose whatsoever. Clause 33, which is new, gives the central board general authority to make by-laws for the execution of the Act, and also to make by-laws of general application as distinguished from the by-laws of the local boards. It would appear that in many instances here—and I know of many in Victoria—it is found that these local boards in distant parts of the colony, unless they have some such power as this behind them, will not do that which the Act says it is their duty to do. They decline even to raise the rate; and when they have raised it they decline to spend it; so this Bill gives to the central board the necessary machinery to compel them to do it, and, if they will not to do it, then the central board can either do it themselves, or they can appoint somebody else to do it. Clause 34 gives power to make by-laws of a general nature affecting the circulation and distribution of milk. This is a very important subject. As hon. members know, medical men are agreed that there is no more prolific vehicle for the spread of disease than milk; and the by-laws passed under this clause will be very drastic, and so severe—if I may so express it—upon the dairymen and other milk distributors, that they will take very good care not to transgress them, either as regards the keeping of filthy premises or dirty utensils, or in any way interfering with the quality of the milk after it leaves the cow. A definition of milk has been framed, which will be added to the interpretation clause; and on this subject

I shall be glad of the assistance of the House, for if this definition is not adequate, it should be made so. The definition I propose to adopt is based on the definition in the Public Health Act of New South Wales, and reads:—"The natural lacteal fluid product of the cow, or any manufactured or manipulated article sold as milk, and intended for human consumption."

MR. ILLINGWORTH: In what sense is milk a manufactured article?

THE ATTORNEY GENERAL: That comes in under another portion of the Bill, dealing with imported or frozen milks; but the first part of the definition refers to fresh milk. In clause 34 there is a new provision introduced, making it compulsory that all plumbers and gas-fitters who intend to carry on their occupations after this Bill has become law, must be registered and licensed; and I think this will commend itself to the intelligence of the House as a wise provision, because it is not right that men should follow these occupations who, perhaps, know little or nothing about their trades, and who may be the innocent cause of the presence of fearful diseases in the district, or of gas explosions scarcely less disastrous. There is a general power given to the central board, not only to administer the by-laws where the local boards refuse to do so, but to make inquiry into the public health in any part of the colony they think fit. For instance, if it is rumoured, or if information reaches the central body, that there is an outbreak of some epidemic in a particular district, or any other occurrence affecting the public health, the central board can, on its own account, and independent of the local board, hold an inquiry and deal with the matter. On the subject of adulterated and unwholesome food, there are many new provisions in the Bill; that is, they are not new or novel in the sense that this is the first time they will find a place in an Act of Parliament, but they are new to the legislation of this colony. They have been adopted mainly from the Victorian Act of 1890. That was an Act which, like this present Bill, consolidated all the previous legislation on public health, and brought it into line with that which then existed in England. And so far as these new

provisions are concerned, we, and myself personally, are very much indebted to the Victorian Act for the many excellent provisions now brought before the House. We also know that this Act, since 1890, has worked remarkably well in Victoria. Dealing with the adulteration of food, provision is made for the adoption of a system of analysis by which milk and other foods that may be adulterated can be tested and the adulteration detected. By clause 67, which is taken from the Victorian Act of 1890, any person who suspects that the milk, or any other article he is purchasing, is adulterated, can, after having purchased his sample, offer to divide it into three parts, of which one is given to the vendor, another is retained by the purchaser, and the third is handed by the purchaser to the analyst. Then the analyst, on investigation, furnishes a certificate as to whether the article is or is not adulterated. On that certificate, the seller, if guilty of an offence, may be summoned to the court and punished. Part 5, which deals with the regulation of common lodging-houses, is the same as that in one of the last amending Acts now in force in the colony. Clauses 76 to 96 are new. They are based on the Health Act of Victoria. Part 6 relates to dwelling houses. The provisions in regard to houses and buildings which are unsafe or unfit for habitation, or over-crowded, are taken from the Health Act which has been in force here since 1886. The next subdivision, part 7, is entirely new legislation in this country; and I think, having regard to what we have lately read in the Press about the finding of the dead bodies of infant children in back yards, hon. members will agree that it does not come a day too soon. By this Bill, every person who undertakes the custody of more than one infant is bound to have himself or herself registered, and to furnish a certificate as to character; also to keep a register of the name and address of the person who leaves the infant with them, and when the infant is taken away a corresponding entry has to be made by the person by whom it is removed. Of course, the object of that is to enable the authorities, if they have any reason to think that these children are not properly treated, to make an inspection of those establishments, and

see that the unfortunate infants who have not their natural parents to protect them are being looked after in a careful and reasonable manner. The whole of these provisions relating to infant life protection are taken from the Victorian Act of 1890. The next part to which I will draw the attention of the House relates to infectious diseases and land quarantine. These are a consolidation of the Acts that have been previously in existence here, with the provisions of which hon. members are, I think, familiar. There is nothing new or novel in them, beyond the fact that prominence is given to the necessity of enforcing by fines and penalties the duty of communicating to the authorities within a certain time the fact that disease of a contagious character exists. Sections 109 and 110 are novel, because they place the local boards in such a position that it is their duty to keep themselves in touch with the central board on all matters connected with public health. They must periodically furnish reports as to what they have done, and these reports are to be registered in the office of the central board, by which means not only will the central board possess the knowledge, but the necessary information may at any time be forthcoming as regards the efficiency or non-efficiency of the administration of public health in the locality. The provisions dealing with hospitals generally in this colony are contained in the Act now existing, and the provisions affecting private hospitals are also the same as those at present in force. Part 9 relates to the subject of nuisances, and at times it has been very difficult to adequately express, in what may be termed mathematical language, what a nuisance really is, because the word is so vague that it has been almost an impossibility for any person to give a definition to it. We have gone as near it as we possibly can; but, in any case, there is this to fall back upon, that if there be no definition, and one cannot succeed in saying what a nuisance is, the matter shall be left to the determination of two medical men or to three householders, who may report whether it is or is not a nuisance. Part 9 also deals with the sanitary provisions as regards public buildings, and this is new, being taken from the Victorian Act of 1890. Divi-

sion 2, which deals with the formation of streets, yards, sewers, and drains, has been taken from the Health Act previously in existence here, with certain additions culled from the Victorian Act of 1890. In division 3 of part 10, we have power given to local boards to make sanitary regulations by order of a central board, and that is taken from the Victorian Act, its object being that where the local authority may be indifferent or reluctant to do so, the central board may force their hand and make them carry out the work. There is a provision here which is new, this being that local boards may provide incinerators or dessicators; or they may, if they like, combine with adjoining districts in providing and erecting machines of this character for the destruction of refuse. Then there is provision for dealing with a subject often mentioned in this House—that of abattoirs. The provision is new in this country, being now taken for the first time from the Victorian Act of 1890, and I suppose the reason why it was not taken previously was that no necessity existed for it, but evidently the time has now arrived for it to be adopted. There are a number of provisions in division 5 of part 10, dealing with the pollution of water. The penalty under this head is pretty drastic, and necessarily so, particularly with regard to offences by persons who may be guilty of the filthy practice of throwing nightsoil into, or placing it near, rivers or running streams. Offences of that kind will be dealt with very severely under this Bill. The last part of the Bill deals with legal proceedings. It is merely formal, but I purport, during the Committee stage, to make some alterations in the earlier portions of the Bill relating to the manner in which by-laws are made. I propose to make provision that a by-law, having first been submitted by the local authorities to the central board and received confirmation, shall then go from the central board to the law officer of the Crown to be certified as legal; and then that it shall be published, and within one month of publication in the *Government Gazette* any persons who may feel themselves aggrieved may appeal against that by-law, but after a month from publication in the *Government Gazette* has elapsed it shall be final,

and cannot be interfered with. Hon. members know that men spend money, and do not care how much they spend, in order not to be found guilty of an offence when once they have been charged with it, and they take every possible technical objection to upset the by-laws. I do not think it is good for the community that we should allow every litigious person to baffle an Act of Parliament and defeat its provisions, which are made for the general health of the people, by raising technicalities. The public cannot complain, for what is proposed is introduced in their interest. These are the salient provisions of this measure, and, as I say, they are not novel. The object of this Bill has been mainly to consolidate all those Acts which have been passed during the last ten years, and to endeavour to place them in a connected form. Whilst on this subject, I cannot help saying I hope that later on, when time is afforded, we shall make further attempts to consolidate most of our statute laws in this manner, because it is a wearisome and difficult thing to a man not constantly occupied in using the statute law of this country to find out what Act of Parliament is really required; whereas if we have the whole of the provisions bearing on one subject consolidated like this, it will be of advantage to the community, and will also reflect credit upon the Legislature. (SEVERAL MEMBERS: Hear, hear.)

Mr. KENNY (North Murchison): It affords me very great pleasure to welcome the Bill now introduced by the hon. the Attorney General. It is one which I think we have long looked for, and it appears to contain comprehensive means of dealing with the vexed questions that seem to have beset the colony for a long number of years. The hon. gentleman informed us of the fact that there are already seven Acts of Parliament dealing with this subject of public health. I can only hope that this one, the eighth, will be more effective in its operation than the seven alluded to. He also informed us that there are many provisions of this Bill entirely new to the House. I thoroughly welcome that utterance, and it must be patent to everyone present that it was nearly time some new departure was taken from the

state of things hitherto existing. I am pleased to note not only the sanitary arrangements of the towns taken into consideration, but also the means by which the cost of such sanitation shall be defrayed. We know full well that in the past there has been a sort of haphazard system in connection with the cost incurred in such instances, and invariably we find representatives of townships, and particularly country townships, applying to the Government for funds to carry out sanitary arrangements, the cost of which should in every instance, in the case of properly organised communities, come from the residents of the particular centres affected. I am also pleased to see that reference is made to food and drugs. There is no one in this House but will gladly avail himself of the opportunity to assist in some way in putting an end, once for all, to the present state of affairs in connection with our food supplies. It is simply nothing short of horrifying to find, from the report of the Bureau of Agriculture, what little good has been done in this respect. We know that of necessity our population has to exist very largely on tinned and preserved goods, and the discoveries made by the officers of the Agricultural Bureau, and exposed through the public press of Perth in regard to the poisonous matter contained in many of our every day articles of consumption, are almost enough to make one declare that he will never again touch anything of a preserved nature. Again with regard to drugs, it appears that nothing is free from adulteration. Possibly from past experience we are not astonished to find that when we buy our coffee it contains a very large amount of chicory and other roots, or that probably our sugar contains a certain amount of foreign matter, and that our tea is not exactly the pure article, but contains a large percentage of birch broom; but when we go into a drug store we at least expect to be treated fairly. I had it clearly demonstrated to me, however, that there is scarcely an article for which you would go into a chemist's shop and purchase to-day that is what it is represented to be; and I think it is high time that a stop was put to this. I

know of one instance which occurred not long ago, where a squatter purchased a quantity of strychnine for destroying native dogs, and he declared to me positively that it was so adulterated that it was perfectly harmless. I am sorry we cannot say some of the articles which we need to procure for our personal use and benefit are harmless. As the Bill progresses through Committee, no doubt we will see that it is necessary to make many alterations, but I am sure that they will only have the effect of improving the Bill. Taking the Bill as a whole I think it is about as comprehensive a measure as we could possibly expect, and I shall have very great pleasure in strongly supporting it.

MR. VOSPER (North-East Coolgardie): I fully endorse the remarks made by my hon. friend, the member for North Murchison (Mr. Kenny), in reference to the value and utility of the Bill which the hon. the Attorney General has presented to the House. I may say that I hail with peculiar satisfaction that portion of the Bill which refers to empowering local boards of health outside of municipalities to levy rates for payment of their own expenses. Up to the present time we have had on the goldfields very serious difficulties to contend with in the matter of dealing with health and sanitation of all new towns. Very often there is a rush to a given locality, and places which shortly before were uninhabited become cities with large populations, containing perhaps two or three thousand people, and for a month or two nothing is done with regard to cleanliness and sanitation. But then a progress committee is usually formed, and the Government communicates with them, this leading to the formation of a local board of health, after which the local board has to depend on the Government grant to carry out the work for which it was elected. It must be evident that as long as this colony was in a comparatively flourishing condition, the Government was very generous to these places, and very frequently too generous, a lot of money being spent injudiciously. It frequently happened that the man who was the best departmental plodder and got lots of money

was the most esteemed; but I think that was a very bad system on which to allow the health of the people to depend. Some men were obliged to come cap in hand to the Government or to the authorities for money which was necessary, and to which they were duly entitled. When this matter first came under my observation I proposed to give notice of my intention to advocate that some system should be adopted whereby help would be afforded to these boards. Seeing the amount of money paid to the Government by people living in such places, they may reasonably expect some return, and I shall look forward to an amendment in this Bill providing that rates obtained in any district may be augmented by Government subsidy. I notice one defect in the clause dealing with these local boards, clause 27, which gives the power to municipalities to raise a rate of 6d. in the £ on all rateable property. It seems to confer the same power—taking into consideration the subsequent clauses—upon local boards of health established outside municipalities. That is all very well in the settled districts, where dwellings have been erected, but there are places in which you find only canvas tents and stores, where you may have a large population, and a great amount will require to be done, a heavy expenditure being incurred, whilst at the same time you will have no rateable property in the strict sense of the term on which rates can be levied. Consequently, it will be well for the Government to provide some means by which occupants of tents and small buildings, of that kind may be called upon to pay a fair share.

THE PREMIER: There is a capitation grant, not exceeding £1 a year, provided in the Bill.

MR. VOSPER: As I did not observe that provision in the financial part of the Bill, I was not aware that it had been made, but I am glad to find it so. I see that in clause 29 it is provided that all expenses incurred by any local board of health shall be defrayed out of the health rate, together with such moneys as may, from time to time, be appropriated by Parliament in aid of any such local board. Instead of having to trouble a

Minister with the granting of sums for the use of these boards, it will be well to fix permanently in the Bill that boards should be entitled to a certain subsidy at so much for every pound contributed by them.

THE PREMIER: The municipal councils are supposed to be self-supporting.

MR. VOSPER: I am speaking more particularly on behalf of the local boards on the goldfields, many of them being of a temporary character, and I think it must be a nuisance to the Minister in charge of the Treasury, as it is a nuisance to members of Parliament, besides being degrading to the people who make the applications, to have these bodies applying for small grants in aid of health boards in many places.

THE PREMIER: It is proposed, I am told, to strike out that provision, and of course the municipalities, which look after matters of health, are supposed to be self-supporting.

MR. VOSPER: They cannot be absolutely so. If there is to be any grant from the central Government, it should go to the health board mechanically, and not by a process of application.

THE PREMIER: Hear, hear.

MR. VOSPER: Dealing with the question of adulteration of food and drugs, I support what has been said by the member for North Murchison (Mr. Kenny), particularly in regard to drugs and chemicals, for I think the utmost care will have to be exercised in reference to them. I shall be glad if something can be done to provide for preventing the adulteration of chemicals of all descriptions, not only those used for medicinal purposes, but also for manufacturing requirements. I think the time has arrived when Parliament might consider the advisableness of dealing with the large quantities of patent medicines which are imported into this country, and that the Government might collect from this source some revenue, by requiring importers of patent medicines to pay a tax: also that none of these nostrums should be allowed to be placed on the market for sale unless containing on the outside wrapper, visible to the purchaser, a certificate signed by the local Government analyst, setting forth what their contents are. I may say this has

been the law in Germany for some time past, and I have been endeavouring to obtain, by correspondence, some official reports on the subject, but so far I have not received them. That law has been in existence in Germany for some years, with the result that the sale of patent medicines has fallen to zero. We usually see in these colonies that a patent medicine is advertised as being qualified to cure almost every ill to which humanity is subject, and of course the more diseases to which that medicine can be applied, as alleged in the advertisements, the wider will be the sale; consequently we often see things stated in such advertisements which are directly contrary to scientific fact, or contrary to medical knowledge. There is, for example, a preparation now being sold in the colony, although the stuff mainly consists of bitter aloes, and the advertisements set forth "sworn testimonials," that this medicine has cured persons of a certain ailment, whereas it would have the effect of inflaming the parts so affected. Many of the patent medicines consist mainly of water and a small quantity of some drug; and the charge for these concoctions is altogether out of proportion to their real value, the balance being made up by the expenses of advertising and so on. It would be well if we so protected the health of the people that these patent medicines should not be sold for what they are not, but that their contents should be clearly set forth; and if, in addition to that, we make these things a source of revenue, that will be still better. If persons wish to indulge in the luxury of taking patent medicines, they should be willing to pay something to the State, which must have some regard for the public health. I have great pleasure in supporting the second reading of the Bill, and when it goes into Committee I shall endeavour to place the case against patent medicines in a more complete form.

MR. SOLOMON (South Fremantle): I also congratulate the Government on bringing forward this Bill, which is one that is much needed. Many of the clauses are new, and will add to the effective working of the law on the subject. One or two provisions in the Bill might be amended, for giving greater powers than

are here proposed with regard, for instance, to the licensing of the sale of milk; for although the Central Board of Health is empowered to make by-laws for the regulation of such matters, yet we have had cases in which by-laws made under the powers of the existing Act have been ruled to be *ultra vires*; therefore the provision in this Bill on that point should be as clear as possible. Clause 39 provides for the registration annually of all persons carrying on the trade of cow-keepers, dairymen, or purveyors of milk. I think the power to license these persons should also be included, so as to give municipal councils, who are the local health authority, power to make by-laws to meet such cases. We have had cases lately in Fremantle showing that vendors of milk have been adding twenty to forty per cent. of water to the milk they sold, and thus committing a fraud on the public; and although the local health board has prosecuted under the by-laws, and gained a conviction, yet I understand the parties are taking a case to the higher court, in consequence of various solicitors having advised them that the by-laws are *ultra vires*. Therefore, in providing for these matters in the Bill, I hope the Attorney General will give his attention to the points I have suggested, and see if they can be provided for more completely. In other respects the Bill is very good, and will meet the requirements almost in every respect. I have much pleasure in supporting the second reading, and in Committee there may be one or two clauses which are new that need more explanation, and doubtless the Attorney General will furnish it to hon. members.

MR. MORAN (East Coolgardie): This Bill will supply a long-felt want on the goldfields, as well as in other centres of population, by providing the power to raise revenue from the population in each locality to which the Bill will apply. At Kalgoorlie and the Boulder we have in each case a municipal area included within the larger area which is managed by a local board of health; and the municipal powers of rating are thus limited to only one portion of the whole area. The duty is imposed on the health board of keeping clean all the surrounding habitations within the board's extended area

outside the municipality ; but within that area the board has no power to collect a rate. This is an anomaly which the Bill proposes to put right, and I am thankful it is so. The measure as a whole deals with the question of the public health in a comprehensive manner, and it is one of those social measures which the Government will have more time to attend to in the future than they have had in the past, their public works policy being practically suspended for a while. I hope this Chamber will see many such Bills dealing with social matters of importance, and that we will be able to do away with the practice of resolving the House into a Public Works Committee of the whole, but that we may become a legislative body for social as well as public works purposes. I believe the Bill has had the close attention of municipal bodies throughout the colony ; and, inasmuch as this is a compendium of their joint wisdom, the House will do well to stick closely to the provisions as now framed, because the measure is recommended to us by bodies which know more about the question than we do. I hope to see the Bill go through as nearly intact in principle as possible. The one prominent feature in the Bill to which I have referred has commended the measure to me, and no doubt the Bill as a whole is excellent in its provisions.

THE PREMIER (Right Hon. Sir J. Forrest) : I am glad this Bill finds acceptance with those hon. members who have spoken, and I believe it will prove of great benefit, especially to places outside of townsites. At the present time a great difficulty is being experienced by those persons who are good enough to take an interest in public matters of health, especially on the goldfields ; and as the health boards formed by persons outside of townsites have no powers of rating, they are dependent altogether on the Government for the funds they require. This is, of course, a great tax on the Treasury, and I do not know how it was that the existing Act was assented to by the present Government some years ago, containing a provision that all the funds required for the administration of the Act in places outside of townships should be supplied by the Government. I need hardly say that has

been a great burden to the State, and a great nuisance to those persons who have been good enough to undertake the duty as members of health boards outside of townships. I am glad to say that the Bill remedies that state of affairs, for it provides that health districts may be proclaimed outside of municipalities, and that the board of health for each district shall have all the powers within their district that the municipal councils have for purposes of health. A curious state of affairs exists at the present time on the goldfields owing to this provision of the law, there being no power to compel anyone to do anything in the way of keeping his place clean. It seems that the obligation of scavenging is placed on the board of health, but no funds are available except those which each board may obtain by application to the Government ; and the individual thus goes scot-free to create as much nuisance as he likes, while there is put on the health board the duty of removing the nuisance at the expense of the occupier. I do not know that it has got to that length yet, for there are persons who have been public-spirited enough in many cases to contribute a payment of some small extent for the scavenging done by the health board, but there is no law compelling them to pay. All that will be changed by this Bill, for there is provision not only to levy a rate within the district of each board of health, but also a provision for scavenging, and charging for the work done a sum not exceeding £1 per annum. This will be a great advantage to the health of the community on the goldfields, and especially to those persons who are good enough to undertake the duties of boards of health. The other parts of the Bill, referring to the older towns of the colony, are, of course, in a great degree a consolidation of the existing law ; but I am sure that if this Bill contained no more than the provision for the health requirements of those portions of the colony which are outside the townships, it would be welcomed by everyone in this House, and especially by those who are in charge of the finances of the colony.

Question put and passed.

Bill read a second time.

GOLD MINES BILL.

SECOND READING.

Debate resumed on the motion made by the Minister of Mines for the second reading of the Bill.

MR. ILLINGWORTH (Central Murchison): I much regret that the hon. member (Mr. Leake) who moved the adjournment of the debate last week is suffering from a severe cold, and is unable to go on with the discussion at this stage; but I hope we shall have an opportunity of hearing him at a later stage of the debate. It is probably unnecessary, after the very able and exhaustive speech of the hon. member for North-East Coolgardie (Mr. Vosper), that any member should go into the details of this Bill in the same manner in which the hon. member was pleased to do. Still, there are some questions of principle involved which ought in fairness to be discussed on the second reading, and I propose to deal with one or two of them. I should like to say at the outset that I am in sympathy with the objects of this Bill; that it is my desire and intention—notwithstanding any badinage that may have crossed the floor of the House with reference to the Government and the Mines Department—to give every assistance to the Government to place upon the statute book a workable mining Bill. [THE MINISTER OF MINES: Hear, hear.] Much stress has been laid, and I think rightly laid, by the member for North-East Coolgardie (Mr. Vosper) upon the omission from this Bill of what I look upon as a cardinal principle; and that is the establishment of mining boards. The Bill is very largely taken from the Victorian Act. I think it would have been as well if notification of that fact had been given in the Bill itself, in the marginal notes, which would have assisted hon. members in dealing with it if they could have seen the sources from which the various clauses had been taken. In comparing the Bill with the Act recently passed in Victoria, and known as Foster's Act, I find that probably about two-thirds of this Bill are simply copied from the Victorian measure.

THE PREMIER: Very recent legisla-

tion. MR. ILLINGWORTH: Very recent legislation, I admit; but two-thirds of your provisions are simply copies, without acknowledgment, from Foster's Bill. The measure is none the worse for that, but I think it would have assisted hon. members materially if the notification, as is customary in Bills, had been contained in this Bill. With the Bills we have already passed we had in several clauses a notification of the source from whence the information had been obtained. But the objection I raise, and the point I want to make just here, is this, that the Government have been pleased to adopt Foster's Act almost in its entirety in a very large proportion of this Bill; but Foster's Act is built up on the assumption that the Act shall be administered under by-laws constructed and carried out by local mining boards. As far back as 1894, from my place in this House, and on each subsequent occasion when the mining question has been before the Assembly, I have urged upon the Government the absolute necessity of creating these boards. Then in this Bill, which is the product of years of experience in another colony, and the product also, I would suggest, of the existence of seven distinct boards in that colony, because we must remember that Foster's Act is built up on the experience which those boards have been able to give to the Government, and the practical working out of the by-laws which they themselves have made and brought into existence—

THE PREMIER: They think nothing of the boards over in Victoria. You know that very well.

MR. ILLINGWORTH: The hon. member is only partially correct. I know that there is a prejudice against the boards; but I know this also, and ask this House to take into consideration, that if we create similar boards here to-day, and they do good and faithful work, as the boards have done in Victoria for 35 years, there would be a prejudice here against the boards which I now propose this Government should establish, simply because they would have worked out their purpose and their destiny. But we must take into consideration—and that is what it is so difficult to get the Government in this

colony to understand—that legislation which is the product of 30 years' experience in the working of the great gold industry in other colonies, and which fits their goldfields in their present state, does not fit our goldfields in the stage which they have now reached. And the thing that kept the goldfields in other colonies in proper working order, and prevented the friction which exists here, and the cordations which still arise here, was the existence of these very local boards. It was because of their existence and the by-laws which they made and administered, and the faithful work which they accomplished, that the Government at headquarters were enabled to carry on this great mining industry under the Act in Victoria.

MR. MITCHELL: Do not talk so much about other colonies. Talk about our own.

THE SPEAKER: Order!

MR. ILLINGWORTH: Will the hon. member kindly wait his opportunity? If he does not see the force of my argument, that is not my fault. If his upper storey is not properly furnished, that is no fault of mine. The Premier interjected that these boards were not thought much of in Victoria. Now I would suggest that the Minister of Mines there is possibly a better authority on that question than the right hon. gentleman. What does the Minister say as reported here in the published report of our own mining Commission? The hon. member wants to come nearer home. Well, we will do so. I know the danger of referring to anything outside of Western Australia. Mr. Foster says:—

People may jeer and say that the mining boards are doing nothing, but that is not their fault at all. When they had work to do it is not denied that they did it, and did it well.

The hon. the Attorney General knows that statement is correct. Mr. Foster continues:—

I am convinced that if the opportunity is given to them again they will be able to render vast assistance to the Minister of Mines and to the Mines Department. . . . I believe in decentralisation as much as possible for this growing industry, and I think it would be a great blunder if we were to assume in the Mining Department that we knew everything, and that the people who live in the country which we have never seen knew nothing about it. I believe that experience will show the

provision for the retention of the Mining boards to be the best part of the bill.

Now, who is this man? He sat for 17 years on mining boards himself, and knows the working of those boards. I now come back to the point to which I was referring when I was interrupted by the member for the Murchison (Mr. Mitchell). It is this, that Victoria is a small country as compared with Western Australia, and that the goldfields districts there are in touch with the capital—comparatively easily in touch; whereas here we have to deal with goldfields that run from Kimberley down to the tinfields with varying conditions—conditions that differ materially in very many respects. And I have said before, and I say it again, that it is not within our power to put upon the statute book a Mining Act that shall work uniformly and smoothly in all these varying fields under their varied conditions; and that the one means of dealing with this question is the one which has been spoken of so strongly by the member for North-East Coolgardie (Mr. Vosper), and which I need not elaborate, but which I must emphasise: that, if we are to have workable conditions in connection with our goldfields, we ought to set up these mining boards for the separate districts. There are seven in Victoria, in a small area that covers less ground than the Coolgardie goldfield itself covers, and it has been found necessary to have these separate boards with their special by-laws operating in the different districts. I contend that the best wisdom of the mines department in Victoria is built up out of this experience which was obtained by and through these mining boards; and consequently I very much regret indeed that this Bill does not contain these provisions.

THE PREMIER: They would always be travelling over these immense areas, would they not?

MR. ILLINGWORTH: That does not touch the question at all. They are not required to travel.

THE PREMIER: Would they not require to be paid?

MR. ILLINGWORTH: Not at all. They are paid the merely nominal fee of £50 a year.

THE ATTORNEY GENERAL: The whole board?

MR. ILLINGWORTH: £50 a year for each man.

THE MINISTER OF MINES: There is £500 provided annually for each board.

MR. ILLINGWORTH: And they would save you £5,000.

THE PREMIER: I do not know where the revenue is to come from.

MR. ILLINGWORTH: The board is elected on a miner's right franchise by persons who know what mining is, and what their particular district requires. The board is responsible to that constituency, and each district can apply the principles of the Act in the way that best suits itself. Will hon. members say that the Murchison district, for instance, requires the same Act—of course they do as far as basic principles are concerned—but will anyone say that it requires the same set of regulations or by-laws that would properly apply to Kanowna or Kalgoorlie?

THE PREMIER: Yes, certainly.

MR. ILLINGWORTH: I say, no; and I say that the hon. gentleman does not understand the subject.

THE PREMIER: I do not see what the difference is.

MR. VOSPER: That shows you do not know the subject. Any man who has had experience of mining districts knows it cannot be so.

MR. ILLINGWORTH: There are different conditions even for Ballarat East and Ballarat West. Even those contiguous localities require entirely different sets of regulations; and does the hon. member say that we can put into this Bill, and into these regulations, simply one Bill and one set of regulations which will apply justly to all these great goldfields?

MR. VOSPER: There is a vast difference between the Boulder and Kanowna, for instance.

MR. ILLINGWORTH: You cannot do it; and the whole difficulty—and I am speaking with every desire to help the Government to put upon the statute-book useful legislation on this question—the whole difficulty is this, that the Government here in Perth cannot possibly be seized of the conditions that are necessary for the various goldfields in the varied circumstances which are arising.

THE PREMIER: I cannot see any difference myself, and I think I know something about it. I do not see why one Act and one set of regulations should not be made for the whole of this colony. I would like to hear some explanation of the alleged differences.

MR. ILLINGWORTH: The Premier says he does not see, and does not know. Well, I cannot help it.

THE PREMIER: Explain your case.

MR. ILLINGWORTH: In Victoria we have seven sets of by-laws which are different; and those seven sets of by-laws rule the mining industry of Victoria satisfactorily, and have produced the principles upon which this Bill is based; and the man who has been 17 years upon one of these mining boards and is now the Minister of Mines in that colony, has said, in bringing in their Mining Bill, that the boards have performed most useful work, and that he considered the provision for their continuance the best part of the Bill. Another point on which I wish to say a few words before I pass from this question of boards is, that we have had a Commission. I have never been very favourable to commissions, as hon. members know; but we have had a Mining Commission which has cost us £5,000.

THE PREMIER: That gives you an idea of what these boards will cost.

MR. ILLINGWORTH: We have had a Mining Commission, and it has cost £5,000 to produce their report.

THE PREMIER: Yes; and the working men got 30s a day for Sundays and Mondays.

MR. ILLINGWORTH: That only shows the bad management of the Government, nothing else. An open confession is, I suppose, good for the soul. If the Government managed the affairs of the country in the different departments, as they managed this Mining Commission, it only confirms the contention we often make, that there is a great deal of waste and extravagance. The Commission cost us £5,000, and I contend that the principal recommendation of the Commission is, that the Government should appoint mining boards. Practically the whole of their recommendations are based upon the assumption that such boards will be appointed; and here in the Bill we find that the very thing they propose is re-

jected, while many of the things that hinge and hang upon the mining boards are also rejected. And what is the result? A patch-work Bill in many respects.

THE PREMIER: They are not unanimous.

MR. VOSPER: They are unanimous on the point of mining boards. There is no dissent on that point.

THE PREMIER: I thought Mr. R. D. Thompson was against it. He told me so, at any rate; and I believe several others were against it.

MR. ILLINGWORTH: Men who have not the courage to write out their objections, and to put them at the end of their report need not be considered; and as I find nothing of the sort here, we may assume that these are the unanimous recommendations of the Commission. I have no desire to occupy the time of the House, because I think that nearly everything that can be said has been well said by the hon. member for North-East Coolgardie (Mr. Vosper); but when we look at this report, which cost £5,000, we find that very few of its recommendations have been adopted in the Bill, and I think the Government ought to give us some explanation of this fact. I look to the Minister to give us some explanation. Very few of the recommendations of the Commission have been adopted by the Government. Very few have been transferred to this Bill. Perhaps the Government will explain why? My explanation of it is that these recommendations are essentially bound up with the creation of mining boards; and the Government, having rejected the mining boards as recommended by the Commission, were compelled to reject those other recommendations which practically hung upon that recommendation. However, we have the report. It cost us £5,000, and I hope it will be found useful some day. As far as I have been able to see—I have not been able to read the whole of the volume through, and all the evidence, but perhaps the Minister of Mines has read, studied and digested it, and will be able to give us fully its contents and its scope.

THE MINISTER OF MINES: I would have to get a week's holiday, to do that.

MR. ILLINGWORTH: But for my own part I have only been able to wade through a portion of that report. I regret that we have to face this Bill without what I look upon, and have always looked upon and advocated, as a vital principle—the establishment of mining boards. However, let us take the Bill as we find it, and endeavour if possible to face the situation. When we think of the important questions which have to be settled by the Minister; when we think that these questions, whether rightly or wrongly, are open to the suspicion of favouritism—(MR. MITCHELL: No.) It is no use for the hon. member to say "No." They are open to suspicion. I do not say there is any cause for that suspicion, but it is simply vain to deny that suspicion does exist. (MR. GEORGE: Hear, hear.) It is unfair to put the Minister in such a position. It is unfair to put a member of the House in a position in which he must decide by his own will, in his own office, questions in which he and his friends are personally interested. This valuable suggestion is made by an independent Commission, holding a position entirely different from that of the Minister, and we lose very much indeed by failing to adopt the principle of establishing mining boards in this colony.

At 6.30 p.m. the SPEAKER left the chair.

At 7.30 the SPEAKER resumed the chair.

MR. ILLINGWORTH (resuming): When the House adjourned I was endeavouring to show the Government, while they had accepted a good proportion of the Victorian amended Act, known as Foster's Act, have not finally accepted the condition of working under mining boards, even though such boards have been strongly recommended by the Royal Commission.

THE PREMIER: There are two dissentients.

MR. ILLINGWORTH: I hope the Premier will be willing to accept seven dissentients, when I have to deal with him on the other side of the question.

THE PREMIER: You said "unanimously."

MR. ILLINGWORTH: No, I did not, or, if I did, I did not intend to say so. To show that the difficulties of this great subject—the great industry on which our future rests—have not yet been fully grasped by the Government even in this Bill, we have only to look at the two principles of the measure to which I propose now to give attention. I have said already that, as to detail, it is not necessary that I should go over the ground which has been so ably covered by the member for North-East Coolgardie (Mr. Vosper). There are two principles underlying this Bill. One principle is that before a man is allowed to take up reefing ground, he must show and prove to the warden that there is a reef. That just shows how ignorant those who framed this Bill are of the facts of mining.

THE PREMIER: Oh, do not say that. Be generous.

MR. VOSPER: Be just.

MR. ILLINGWORTH: Let the facts be generous if they will; we will endeavour to be just, at any rate. In the case of the Crown Cross mine in Victoria, there was gold on the surface and downwards; but I know in the case of the Magdala property alongside, the company had to sink 1,400 feet before they got the underlay, and spent half a million of money in doing it. The South Garden Gully, about a third of a mile distant from the Garden Gully Company, sunk 480 feet, and in six weeks took out £120,000 worth of gold. If the reefing conditions in this Bill had been in force in Victoria, it would have been impossible for that reef to have been taken up. More than that, it would have been impossible, after the New Chum and the Garden Gully to have worked any mine along the main line of reef, where the great rich discoveries were made. And so it is when you come to deep alluvial. The lode of the Band of Hope claim, Victoria, is the same as the Madame Berry, 14 miles away. There was no indication of gold either in the one case or the other, and there was no surface indication of the reef at the Magdala, the Garden Gully, or the Garden Gully South. What this Bill proposes and demands is that a man who goes and asks for the lease of a quartz reef must show that he has

got a quartz reef. The thing is utterly absurd.

THE PREMIER: That is only before the issue of the lease.

MR. ILLINGWORTH: If the Premier will not allow me to finish my sentence, he will not know what I am talking about. The Premier says that it is only before the lease is issued. But what interval is allowed? The miner is allowed to search for twelve months, and how far would anyone get towards 1400 feet in diorite in twelve months?

THE MINISTER OF MINES: He can renew as often as he likes.

MR. ILLINGWORTH: He could renew it. Is any company going to provide half a million of money to go down 1,400 feet in six months?

THE PREMIER: It is in the interests of the working miner.

MR. ILLINGWORTH: We shall see if the Bill is in the interests of the working miner. A man, before he can obtain a lease of a reefing country, must prove that the reef is there. We have in that proposal a proof that the Mining Department has not yet grasped the foundation of our mining.

THE MINISTER OF MINES: It is the law in Mexico.

MR. ILLINGWORTH: It may be applied in Mexico, but it cannot be applied here.

MR. MORAN: A man gets the fee-simple there.

MR. ILLINGWORTH: It is a different thing altogether. I ask the attention of the House to clause 54, and here we come to what I consider the crux of the whole Bill. I want to assist the Government, and I shall do so to the best of my ability. I hope the Government will give me some attention in order that I may make them understand, if I can, what I mean. The question which this Bill has to decide, if it is to be of any good to the mining districts of the colony at all, is how to give permanence of title, an indisputable title, to the reefer without interfering with the rights of the alluvial miner. That is the proposition before us. That is the whole question—the crux of the situation—the crux of this Bill. We shall not settle it with this Bill.

MR. A. FORREST: Nor with any other Bill.

MR. ILLINGWORTH: This clause would be sufficient to reject this Bill if it were necessary; but this measure, if amended, can be made satisfactory. The proposal is roughly this, that an alluvial miner can go on to reefing country and peg out the surface for alluvial gold, and at the same time that he is searching for alluvial, the reefer is searching for a reef. And if the quartz miner finds a reef, or has one to start with, as soon as it can be shown to the satisfaction of the warden that alluvial gold is not there, and will not develop, he can get a lease. What are the symptoms of the development of alluvial gold? Will any man in any country, no matter what his skill or knowledge of mining strata may be, go on a piece of land and say, with any degree of confidence, that it will not develop alluvial gold? It is possible—and not only possible, but it is probable—that not only in one, or two, or three years, but in 30 years, to develop alluvial gold. What I feel strongly about is this: I have a deep-seated conviction—and I said so years ago—that we will yet come on deep alluvial of great value, and of greater value than what is now being worked. That is my opinion—perhaps it is not worth anything; but I am arguing from the standpoint of my own conviction. It is proposed, as soon as the trial is over, the reefer shall be in absolute and permanent possession of the ground, and clause 54 says:—

As from the time when any lease other than an interim lease for a year shall be granted, the lessee shall have the exclusive privilege of mining on the land demised and every part thereof.

Supposing this Bill had been in force when the leases at Peak Hill were taken up, it would have given an absolute right to the lessee to all that ground which is now claimed by the alluvial miner. Clearly the alluvial miners think that they have a right to go on those leases. They are there, and the court is sustaining them in the position which they have taken up; and I say that if this clause had been in existence when the Peak Hill leases were taken up, within twelve months after the pegging out of that ground the whole of the gold within the pegs would have belonged to the reefing company. A reefer can hold 24 acres of land, something like a quarter-mile by an

eighth of a mile—I am not a good surveyor, and perhaps I may not be quite correct—at any rate that company can hold 24 acres of land with four men, and they can amalgamate four times 24—that is, 96 acres—and thus hold a piece of land half a mile long by a quarter of a mile broad. That is what I was trying to get at just now. In this vast area of country, how are you going to say you have not alluvial, and that the land is not going to develop alluvial, and yet within twelve months these people can peg out and get a lease, making them virtually owners of the land.

THE PREMIER: How do they do in Victoria?

MR. ILLINGWORTH: I was told just now not to refer to Victoria. I do not want to go over the same ground, but I may say the conditions of this country are not the same as the conditions in Victoria to-day. We are dealing with conditions which were in Victoria 30 years ago, and we have to deal with our mining as they did in Victoria 30 years ago. The Act of 1890 is not what we require. I want the House to grasp this position, that with 16 men a company, under this Bill, can obtain the undisputed right to a piece of land half a mile long by a quarter of a mile broad. How can anyone say that that land does not contain alluvial, and is not likely to develop it? The very first drive put in from the main shaft may come on alluvial gold, and for all time these persons are to be the owners of that ground? But that is not so much the difficulty. The very fact that this company are working with 16 men in country that is alluvial—that they are working for a reef, and with such a small number of men—prevents them from finding the alluvial that is there. The crux of the position we have to solve in this country is: how can we maintain an undisputable title to the reefer without infringing on the rights of the alluvial miner? That is the position.

MR. A. FORREST: That is what we want to know.

MR. ILLINGWORTH: I will try if I can convey to the House my view of the subject, for what it is worth. I would advance this proposition, and I hope the House will bear with me. It is not in draftsman's form, but I want to con-

vey what I think ought to be an absolutely necessary amendment of this Bill. If a man who is taking up a lease desires a right to the ground he must put on the labour. It is a matter of no consequence to the State whether a company gets the gold or a number of individuals get it. In a sense it would be better for the State that the larger number should get the gold than a registered company should. If a man takes up a piece of land for reefing purposes and he strikes alluvial gold, if we can put into this Bill that we would compel him to put on the necessary labour to work the ground under alluvial conditions, no harm would be done to the State. If any portion of that ground is alluvial ground—say within the 96 acres there are 16 acres alluvial—I would call in the warden or some competent man under him, and within seven days the ground supposed to be alluvial must be pegged out, and the owner of the ground should be compelled to work that portion of his lease under alluvial conditions.

MR. MORAN: Whether he knows it to be there or not?

MR. ILLINGWORTH: I am assuming that he finds alluvial. First I would like to add to this clause—and I may say at once that I propose to move in Committee something to this effect, that in the event of the holder of any quartz reef discovering any alluvial ground on his reef he shall at once report such discovery to the warden. Within seven days after receiving such report the warden shall, in person or by a duly appointed and duly qualified officer, inspect the lease where such alluvial has been discovered, with a view to declaring whether the whole or what portion of the lease can be called alluvial ground. Immediately after such declaration, the same lease, or such portion thereof as is declared alluvial, shall be worked by the lessee under the labour conditions described in clause 12 of this Act. Should the lessee so desire he may, within seven days after the warden or his officer has declared such lease or any portion thereof alluvial ground, apply for an alluvial reward claim under the conditions of clauses 9, 10, 11, and 12 of this Act, whereon the remaining portion of the lease which has been declared alluvial shall be thrown open as alluvial ground; always provided that the original lease

shall remain undisturbed in so far as relates to any portion thereof that does not contain alluvial. The object I have in view is this: to give a title as soon as the lease is taken up. This 12 months is all nonsense. There is nothing in it. It is a delusion and a snare. Give an indefeasible title to the man who takes the land up, under proper conditions, as a reefing lease. If he finds alluvial gold on that lease, call upon him to put on the necessary labour, that the lease may be worked under alluvial conditions. If it is too much for him to take up the whole of the lease, let him have a reward claim for any portion which he chooses to take up, and sufficient value to reward him under the special conditions of this Bill. Let him work the proportion of his ground that he takes up, and throw the remainder open to other individual men. At the same time, if only a portion be alluvial, or if there be both reef and alluvial, reserve the legal rights of his claim to the reef, and at the same time allow him to work alluvial. I want to suggest to the Ministry that you cannot settle this late alluvial question on the basis of time—neither twelve months nor twelve years would settle it. The alluvial might be found 20 years hence.

THE PREMIER: Will you be good enough to explain if I am right in thinking your contention to be that so long as a lessee is able to comply with the labour conditions on the lease, no alluvial miner shall go upon it.

MR. ILLINGWORTH: That is it. I say that if the companies which have to work on alluvial conditions put in the labour, they should have the first right, because, as far as the State is concerned, and also as far as the working miner is concerned, a man is working for wages, so it makes no difference to us whether the original owner or some other owner comes in and takes up the ground.

THE PREMIER: There is the reward claim.

MR. ILLINGWORTH: He is entitled to a reward claim in any case. If he goes into an open field and finds property containing gold, he is entitled to a reward claim. This is practically what was in the minds of goldfields members when they waited upon Mr. Wittenoom.

We were endeavouring to maintain that the man who found alluvial gold should have the first opportunity of obtaining that gold. If what I suggest had been the law, the Ivanhoe Venture Company would simply have had to go to the warden, and say: "We have found alluvial gold." They would have been protected for seven days, and the warden would have said: "Well, if this claim, or a quarter of it, or six acres of it, be alluvial, you must work it under alluvial conditions." And if they had said, "We have not capital enough to provide the necessary labour," the warden would have replied, "Take up your reward claim," and the company would have got other men to come and obtain alluvial gold. We cannot get on in this or any kind of legislation, unless we act on the lines of justice and right. We cannot sacrifice one class for another in this country. As to the great future of the mining industry, at present the absorbing idea is that reefing is the basis of it, but I hold the opinion that there is a big future in alluvial, and, in passing, I would suggest that the Government would do well to endeavour to explore some of these districts by boring for alluvial. I believe it will be found that very many leases we propose to give away under this Bill, contain alluvial. What will happen?

THE PREMIER: There is a lease.

MR. ILLINGWORTH: A lease will contain alluvial ground.

THE PREMIER: Two men may have eight acres of ground—600ft. square.

THE MINISTER OF MINES: You could not give a reward on the alluvial claim. It would be alongside another holding.

MR. ILLINGWORTH: What I say is subject to modification, and I am only making a suggestion. I simply wish to point out that the man who has found the gold has the first claim upon the State for whatever privilege the State can afford. If a man has sunk a shaft 60ft. or 70ft. trying to find an underlying reef, and has struck alluvial gold, he is a public benefactor, and should receive a reward claim, being allowed to work the whole of his ground, if capable of so doing, and putting on the necessary labour. But I say—and this is the whole matter troubling me in connection with this ques-

tion—we cannot allow this country to be locked up in lots of 100 acres at a time, with only 16 men on each lot, when there may be rich alluvial gold capable of maintaining 10,000. Under the provisions which I suggest, a man who found alluvial gold upon his lease would at once announce the fact to the warden, who would declare what portion of that lease was alluvial ground, and the onus would rest upon the owner of the land to work it under alluvial conditions if he chose. If he elected not to work it, or to work only a portion of it, the remainder of the alluvial part should be thrown open.

THE PREMIER: I do not think he would find it.

MR. ILLINGWORTH: You will find objections to any proposals on this question.

THE PREMIER: That is right.

MR. ILLINGWORTH: And the difficulty of the situation has to be faced by us.

THE PREMIER: Hear, hear.

MR. ILLINGWORTH: I hope we shall be able to discover something that will meet this difficulty. I think there is a unanimous feeling in this House and in the country that two things exist which we are to reach by this Bill, one being that security of tenure shall be given to the reefer, because we cannot have disputes occurring perpetually, whilst the other is that we must be prepared to provide that no alluvial ground shall be locked up, either by lease or any other way, under reefing conditions. No set of 16 men should have the right to take up a half-mile by a quarter of a mile of ground of our country, and lock it up in the interests of any particular London or local company or person. No one should be allowed to lock up the whole of that ground, and shut off the miner from obtaining alluvial gold.

A MEMBER: That is the law now.

MR. ILLINGWORTH: The Bill proposes to give all the gold inside the pegs to reefing men under reefing conditions. If the Bill becomes the law of the country, it will ruin half the men engaged in our mining industry.

A MEMBER: Half the alluvial is gone.

MR. ILLINGWORTH: The hon. member does not know whether it is gone or not, and no man can go upon any field

and say it is worked out. In Victoria at the present time fields are being worked which were regarded as completely worked out 30 years ago. There is the possibility, and it has occurred in other places, of alluvial gold being found at a depth of 400ft. or 600ft.; and you may, moreover, find immense gutters there. Companies ought to have an indisputable title for reefing, and we cannot allow business to go in the way it has in this country hitherto, for if people put £100,000 or £500,000 into a property, their money should not be lost by mere caprice; but, at the same time, we cannot allow the working miners, who are the backbone of our country, to be injured by having the alluvial land in the country locked up. We must do justice on both sides. We must act fairly to the reefer on the one hand, and to the alluvial miner on the other. Of course, in the case of rich gutters with gold, there would be no difficulty about the labour covenants, because the people in possession of the ground would be only too anxious to work it out; but we have to deal with this question, and I hope that hon. members will try and help us out of the difficulty. If I do not do it myself, let someone else accomplish it. This Bill proposes to give as a maximum a lease of 24 acres of land, and it proposes to allow amalgamation, so that the total quantity held may be 96 acres; besides which it is intended to give a perpetual title to all that land and all the gold it contains. By giving away that piece of country you may give away an alluvial goldfield, which may be capable of keeping 10,000 men at work, and making this country hum. These are the things we have to face. There are quite a large number of things in this Bill that I would like to speak on in detail, but I think it better to deal with them in Committee. The main principle is how we can give a permanent title to the reefer on the one hand, and how we can maintain the right of the alluvial worker upon the other, and I think that by some such amendment as this, or some other step—I do not care how you accomplish it, so long as you do it—what I advocate can be carried into effect with the assistance of this House. Do not lock up the country and exclude the alluvial miner, and do not allow the property of a reefer to be over-

run by the alluvial miner, for one evil is about as bad as the other. When a man takes up a lease under the conditions here proposed, it is supposed that the right given him is that to mine for reefing gold, and not to mine for alluvial gold. In this clause you give him all the rights, whether it be reefing or alluvial, and I want the House to consider whether it is not wise to put in a condition which will compel the owner, large or small, who finds alluvial gold within those four pegs, to work that gold upon alluvial conditions. When we have done that we shall, I think, have solved the question, as far as it is possible to do so. Of course, there will be difficulties, but we shall have solved the matter as far as an Act of Parliament can solve it. If we say that the land must be worked and labour put on, we provide the necessary thing that the country rests upon, for, after all, the working men's wages are the foundation of our taxation. If we provide that the land shall be worked, and a number of men shall be put on in the event of alluvial being discovered, and if, at the same time, we protect the permanent rights of the leaseholder, we shall have got this country out of an immense difficulty. If people could work the whole of their lease under alluvial conditions, what wrong would be done to the State? On the other hand, if they took half of it and worked it, throwing open the rest of the lease to alluvial miners, what harm would be done to the alluvial miners? And if the reef itself were retained for working under reefing conditions, what harm would be done to the original holders? I hope hon. members will endeavour to wrestle with this question, because it is one that will not be settled very easily, and as far as I am concerned I propose to give the Government every assistance in arriving at an equitable settlement. Unless this question is settled upon a satisfactory basis, which will preserve the rights of both reefer and alluvial miner, the Bill will be valueless.

MR. GREGORY (North Coolgardie): I feel sure the mining members will have every assistance from the Government in regard to this Bill. Many amendments will be necessary, in order to conserve the interests both of the miner and the lease-

holder. I must say I regret that the Minister of Mines has not seen fit to tack on to this Gold Mines Bill the Mines Regulation Act. The mining industry is becoming a very great thing in this colony. Large numbers of workmen are employed in our mines, yet a person can be appointed a mine manager without passing any examination. I think it absolutely necessary that any person desiring to have charge of the working of a mine should be compelled to show that he possesses special qualifications for that position. The engine-driver is supposed to pass an examination; therefore, why should not the mine manager have to pass an examination? In Victoria, not only the mining manager, but the underground boss has to pass examination, and I hope the same system will soon prevail here. We also want a different system of examination for engine-drivers. Under the present regulations, a certificate of service and a certificate of competency are issued; and in many cases permits have been granted without any special qualifications whatever—without even an examination. I drew the attention of the late Under Secretary to the illegality of that practice, and I believe it was then stopped; but the only certificates issued under the present regulations are certificates of competency and of service. Now I maintain and desire that there should be special boards of examiners, and that we should have first-class and second-class engine-drivers; the first-class engine-driver to be allowed to work any sort of plant, and the second-class man to work any engine driving a winding plant. There is also the question of legalising a certain number of working hours per week, and the question of Sunday labour on mines. Some time ago, many batteries on the goldfields were working on Sundays. I do not object to this at all on religious or theological grounds; but I think it can be condemned on secular grounds alone. I think it is necessary to prohibit Sunday work on the mines, unless it can be proved that such work is essential to the protection of the men or the welfare of the mine. Now, in regard to the Mines Regulation Act, the Inspector of Mines has no control over any mine in which there are less than six men working underground, so that none

of the small prospecting claims come under the control of the Inspector of Mines in any way whatever, and I hope the Minister in charge of this Bill will see fit to tack the Mines Regulations Act on to the Gold Mines Bill, and thus give this House an opportunity of amending the former Act, so as to make it a little more workable and practical than it is at present. In regard to the important question of alluvial *versus* reef, I think we should do all we can, fairly and consistently, to protect the interests of the alluvial miner. What we have seen of the great number of alluvial men employed at Kanowna—and I feel sure there will be many more Kanownas found in this colony—should encourage us to do the best we can to conserve the interests of the alluvial miner, as well as those of the leaseholder. There are some ten thousand men at work in Kanowna at the present time; and, had the alluvial men been prevented from working on the leases, I should imagine there would have been something like three hundred there now; so that a company seems to be the gainer by allowing the alluvial miner to work, under certain restrictions, on its lease. By this system the wealth is retained in the colony; and it has always been considered the heritage of a miner's right that the holder of that right should be allowed to work the alluvial gold on a lease.

THE PREMIER: Has it been so in the other colonies?

MR. GREGORY: In the other colonies, in the days of alluvial, there were no such things as leases granted—they were all quartz and alluvial claims. Here we are living in totally different circumstances; and it will be impossible to do as was recommended by the Mining Commission—to grant no lease for the first twelve months. In going through the Bill, I think the first thing of which we should take notice is the definition of alluvial. I think we should leave out of it the words "seam" and "reef." I think some persons would call a leader a seam; and it is plain that an alluvial gutter could also be called a seam; and I think the definition of a quartz reef or vein would give the leaseholder any quartz leaders which might be found on his property; but the definition should

be altered so as to leave no chance of the warden falling into the error of saying that, a seam having been declared to be non-alluvial, an alluvial gutter was not alluvial. There is no doubt that the provision suggested in paragraph 13 of the Commission's report would, if carried out, go a certain distance in the direction of protecting the alluvial worker; but I think that if, as there recommended, we were to refuse to grant leases in any new field for twelve months after the date of proclamation of such field, we would completely stifle prospecting. No man would go out unless he had a chance of taking up a lease; and I think it is absolutely necessary that leases should be granted immediately any goldfield is proclaimed. The Bill has a new clause, providing for the granting of interim leases. Clause 48 reads:

Any person may apply, in the first instance, for an interim lease for a year, and the Minister, with the approval of the Governor in Council may, on the report of a warden, and subject to the regulations, grant to any person an interim lease accordingly, and renew the same.

Clause 49 provides that such lessee may, during the term of one year, apply for an ordinary lease; and clause 50 provides that the alluvial miner is to have the right to work on such leases during their continuance. But, under clauses 47 and 52, any man can obtain a lease of such an area if he can prove the existence of a lode on the property. Thus a man may be prospecting in some remote district 40 or 50 miles away from any known centre, and may discover a reef outcropping. He would immediately apply to the warden's court at the nearest centre for a large area of land on which he could absolutely prove the existence of a reef; and he would then get a lease of the property—not an interim lease, but an ordinary one, with no such provision as is contained in the clause providing for the entrance of the alluvial miner.

THE PREMIER: Certainly he could apply for it at once.

MR GREGORY: And under this present Bill he would get it.

THE PREMIER: Not until it was reported that there was no alluvial on it.

MR. GREGORY: Nobody could tell that.

THE PREMIER: We should have to send a geologist to inspect the ground.

MR. GREGORY: You would not be able to send a geologist all that distance.

THE PREMIER: We would not give him the lease until we had done so. He would have a right to his lease only when it had been proved that there was no alluvial there.

MR. GREGORY: Surely we must have some finality. There must be a term. In the first place there must be a time given to any man to come in and prove that there is no alluvial there. I would give a man first an interim lease, and, secondly, what I may term a lease proper. The lease proper would give the holder the right to all gold within his negs.

THE PREMIER: That is what we have here.

MR. GREGORY: No; under clauses 47 and 52 any man can apply for an ordinary lease and obtain it.

THE PREMIER: But he will not get it so easily, you know. There has to be a report first, and the existence of the reef has to be proved to the warden's satisfaction.

MR. GREGORY: Yes; but then the House intends to protect the alluvial man. I do not think we should give the Minister power to grant that lease. I think the term of one year is rather short. We must give time to allow the alluvial men to prospect those leases; and if, at the end of two years, the interim lessee should apply for his lease proper, as I term it, objections could then be raised by any person. Ample time would then have elapsed to enable people to judge whether alluvial existed on the claim or not, and objections could be raised at the warden's court. If sufficient evidence was forthcoming to satisfy the warden that the ground contained alluvial, or was likely to develop alluvial, then the interim lease should be extended for another term of twelve months, and the leaseholder should have the right to apply for his lease proper at the expiration of that term.

THE PREMIER: You approve of the interim lease plan, but not of the direct lease?

MR. GREGORY: I do not approve of the lease proper being granted immediately. Clause 52 says that:

In no case shall the warden recommend the granting of a lease, other than an interim lease for a year, unless the existence upon the land applied for of a seam, lode, dike, or quartz reef or vein shall have been proved to his satisfaction.

A remark was passed, when the marginal note to this clause was read by the Minister, to the effect that it would stop "wild-cats." It would do nothing of the sort: but it would prevent people taking up what I may term block claims. Any person who wished to float a lease on the London market would most assuredly see that there was a reef on the property.

THE PREMIER: But the warden would only give an interim lease if there was no reef on it.

MR. GREGORY: I am afraid that in some cases we should stop development. I know of an instance at Menzies where a large block claim was pegged out, and a company was formed to work it. These people had to sink 400 feet before they struck their reef; and I do not believe they would have expended that sum of money unless they had been sure of their lease. I think the clause would be much better left out. I do not think you would prevent "wild cats"; because any lease that is going to be floated on the London market must, almost necessarily, contain a reef or a lode on the property, and its value is only a question of degree. Unless the Government employed experts to report on the property—and I hardly think that would cover it—you could not prevent the flotation of "wild cats" by this clause. In regard to exemptions, I cannot agree with the present Act. A clause in this Bill states that the Minister may grant exemption for twelve months to any leaseholder who has expended £20,000. I think the Bill should be very definite on this matter. I should like to read, for the benefit of the House, something about the action of the Minister of Mines last year. I cannot vouch for the exact truth of the statements in this extract, but I believe they are to a great extent true. It is from the *Mount Margaret Mercury* of 30th April, 1898, and is as follows:—

Exemption Extraordinary.—At the Warden's Court held at Margaret in February exemption for six months on the Ajax lease was applied for. Mr. Warden Burt, after hearing the evidence, which was not considered satisfactory, or as such that should warrant the recommendation of the time asked for, said he

would recommend a month. It now appears that, on inquiry being made with a view to applying for the forfeiture of this lease, the interrogator has ascertained that six months' additional exemption had been granted notwithstanding the recommendation of the warden. It is reported that the Prida of Mount Margaret Syndicate, which also applied for and received three months' exemption at the same court, has been recommended an additional six months through a similar source. This case as well as that of the Ajax lease was opposed by the local Progress Committee on the ground of continual exemption, but Mr. ———, who appeared for the company, made out such a feasible statement with regard to machinery for pumping, which he said had been delayed owing to a recent strike in London, but which at that time had left the manufactory and should be here within the three months, that the objections were withdrawn and the warden recommended three months, remarking that he would not recommend any more in the future. The warden on this last occasion has evidently been ignored. Nearly two years' exemption in two and a half is not a bad average, and it is nearly time that those in power were taking a stand in opposition to that which is in their own light.

We know of many cases where exemptions have been granted by the Minister which have been absolutely refused by the wardens; and I think a clause should be inserted in this Bill to the effect that, where the warden declines to recommend exemption, the Minister should on no account have power to grant it. The warden, who hears these cases in open court, has a better opportunity of deciding on their merits than the Minister can possibly have, for he has all the evidence before him, and he is the person who should be sole judge. The Minister should have the power to grant the exemption, but not in a case where the warden declines to recommend it.

THE PREMIER: I am afraid that would give too much power to the warden. That does not consider the question of policy at all.

MR. GREGORY: I know of many poor men who would almost be afraid of being committed for contempt of court if they went to ask for a long exemption, whereas a man in a good position asks for it and gets it. I think every man should receive the same treatment, and we must try to do all we can to put them on an equal footing. With regard to the forfeiture clause, there is no doubt that it will be extensively criticised. There has been a lot of talk about the dual title. The Eng-

lish capitalists are frightened that they have no sufficient security of tenure. I am afraid this state of affairs has been brought about through the existing Act giving the Minister too much power. Even under this Bill, if a mine manager does not send in his returns, the Minister has a right to forfeit, though I do not think any Minister would dare to do such a thing.

THE MINISTER OF MINES: That is the regulation.

MR. GREGORY: Well, the regulation is wrong. Where the regulations have been ignored, a fine should meet the case for the first offence, unless it can be proved that work has ceased for a period of, say, 14 or 21 days, which should almost be evidence of abandonment. After the first offence, forfeiture should be the penalty for a repetition. In regard to this part of the Bill, there are one or two small matters which are also worthy of attention. One is the provision for allowing a leaseholder to appoint an agent in a court. The wardens' courts have been too much thrown into the lawyers' hands. I know of a case where a man wished to apply for the forfeiture of a lease some twenty miles distant from Melbourne. He took out a summons, and wished to serve it himself; and he actually had to pay the bailiff half the usual fees before he was allowed to serve his own summons. The Minister should see that these extortionate charges are not inflicted on people on the fields. There are many features in the Bill for which the Government deserve commendation, more particularly for the appointment of rangers, the placing of the labour conditions in the Bill, so that they cannot be altered, and not in the regulations, the repeal of section 11, and also the great boon they have given to prospectors. Under the present Bill, I take it that the prospector will be able to take up 24 acres, and hold the ground as long as he likes, on payment of the small registration fee. The only provisions which will be compulsory until he finds payable gold are, I take it, the labour conditions. If that is the intention of the Minister, I think this measure will be a great boon to people on the gold-fields. It will greatly assist all those men who go out into remote districts to try to

develop this country. I do not think it possible that the Government will be able to do anything in the way of a prospecting vote this year, but, if they do, I hope they will on no account equip parties. If the Government have any money to spare in this direction, I hope they will buy some drills and hire them out to people who desire to go prospecting. Such a course would no doubt be of great advantage to mining in this country.

MR. MORAN (East Coolgardie): I move the adjournment of the debate until to-morrow. There is a general feeling that the debate ought to be adjourned, as there are several members absent who understood the measure was not coming on to-night.

Put and passed, and the debate adjourned until the next day.

WARRANTS FOR GOODS INDORSEMENT BILL.

On the motion of the **ATTORNEY GENERAL**, the House resolved into Committee to consider the Bill.

IN COMMITTEE.

Clause 1—Certificate, warrant, or order for delivery of goods may be transferred by indorsement and delivery:

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): On the second reading of this Bill the member for Albany (Mr. Leake) asked how far the measure would interfere with section 135 of the Customs Act. He (The Attorney General) found that that section covered the amendment he had purposed moving in this Bill. The section covered Customs warrants, and the object of the Bill was to make it applicable to all warehouses held by persons for the warehousing of goods generally.

Put and passed.

Clause 2—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

LODGERS' GOODS PROTECTION BILL.

On the motion of **MR. LEAKE**, the House resolved into Committee to consider the Bill.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Penalty:

MR. LEAKE: On the second reading the member for West Perth (Mr. Wood) had suggested that the last four lines, or nearly, should be struck out. But having looked into this measure he (Mr. Leake) did not think the suggested amendment was necessary. A suit could only be brought against the superior landlord if he persisted, after notice and after payment, in arbitrarily pressing the lodger.

THE ATTORNEY GENERAL: The observations of the member for Albany (Mr. Leake) were correct.

Put and passed.

Clause 3—agreed to.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

BILLS OF SALE BILL.

SECOND READING.

Debate resumed on the motion of Mr. JAMES, for the second reading of the Bill.

MR. A. FORREST (West Kimberley): I move that the Bill be read this day six months.

MR. LEAKE (Albany): The member for West Kimberley ought to give some reasons for the motion that the Bill be read this day six months. It is not a bad Bill.

MR. A. FORREST: The Bill is of no use.

Motion not seconded.

MR. LEAKE: I move the adjournment of the debate. The hon. member for East Perth (Mr. James), who is in charge of the measure, is not here—not that he ought not to be.

Put and passed, and the debate adjourned.

PREVENTION OF CRIMES BILL.

SECOND READING (MOVED).

MR. LEAKE (Albany): I have been asked to take charge of this Bill, and to move its second reading in this House, and I do so in the hope that hon. members will accept the measure. It is quite possible that, in Committee, we may think it advisable to make certain alterations, so that the provisions of the Bill may apply, not only to convictions on indictment—that is, in the Supreme Court before a jury—but also to con-

victions summarily before a magistrate. The great object of the Bill is to avoid imprisonment as far as possible, and, in lieu of imprisonment, to have suspicious characters supervised by the police. Any person known to be a bad character, and against whom, possibly, there is not sufficient to put him in gaol for twelve months, or two or three years, may, under this Bill, be put under police supervision.

MR. ILLINGWORTH: There is danger in that.

MR. LEAKE: No, there is no danger at all. The class to whom the Bill is intended to apply particularly is that class of gentlemen known as spielers, of whom a good many are about. No one will deny that, as a rule, those gentlemen are pretty well known to the detectives, and the only way the detectives have of dealing with them is to arrest them as rogues and vagabonds. If these spielers are brought before the magistrates as rogues and vagabonds, it will be a very useful thing for the magistrates to have power to say to them, "If you do not go to work you shall go to prison, or we will place you under police supervision, and you will have to report yourself to the police officer in charge of your district at regular times." When a person under such a sentence left a particular district, he would not only have to report his departure to the police officer in charge, but would also have to report his arrival in another district to the police officer in charge there. The whereabouts of those bad characters would thus be well known, and their power of doing harm materially lessened.

MR. ILLINGWORTH: How is such a man to get his living?

MR. LEAKE: The Bill does not prevent a man from living or working, but only requires that he shall pursue his calling in an honest and straightforward way. The Bill does not touch honest men in the slightest degree. To meet the case of a person wrongly under police supervision, it is quite open to us in Committee to put in a clause enabling such a person, on satisfying the magistrate that he has behaved himself, to have the ban removed. The only way to get rid of undesirable classes of persons is to

see that their steps are pretty well dogged, and the chances are, when they find themselves in that position, they will hurry out of the country as quickly as they came in. No harm is done to anybody by this Bill, and honest people are protected. I will admit the Bill does not go far enough. As it is at present cast, there is not much advantage in providing police supervision on a conviction on indictment. There is already an analogous provision in the system known as the ticket-of-leave, by which a man is enabled to leave prison before his sentence has expired, subject to certain restrictions. He has to report himself to the police, and is, consequently, under police supervision; and this Bill is not required in a case of that kind. But where a person is summarily convicted before a magistrate he, instead of being sent to prison, may under this Bill be placed under police supervision. There can be no injustice in that. It is less hardship to a man to be put under police supervision than to go to prison for six months. I do not say that the period of supervision should be as much as two years, but even if we make it only twelve months it will do good. I ask hon. members not to imagine this Bill is going to deprive any person of his living, but to believe that it will protect the honest and law-abiding section of the community from the depredations of certain gentlemen whom we do not desire to see amongst us.

On the motion of Mr. VOSPER, the debate was adjourned until Tuesday, 23rd August.

ADJOURNMENT.

The House adjourned at 8.57 p.m. until the next day.

Legislative Council,

Wednesday, 17th August, 1898.

Papers presented—Question: Perth Local Court Officials—Question: Stock Inspection at the Irwin—Crown Suits Bill, in Committee—Return ordered: Electors for Legislative Council—Return ordered: Suits in Local Courts—Return ordered: South Perth Ferry Steamers—Criminal Law Amendment Bill, discharge of Order—Police Act Amendment Bill, second reading, in Committee—Divorce Amendment and Extension Bill, second reading (moved)—Fire Brigades Bill, first reading—Warrants for Goods Indorsement Bill, first reading—Jury Bill, in Committee.—Adjournment.

THE PRESIDENT took the chair at 4.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Perth Mint and Perth Observatory, Return of Expenditure.

Ordered to lie on the table.

QUESTION: PERTH LOCAL COURT OFFICIALS.

HON. R. S. HAYNES asked the Colonial Secretary:—1, If any complaints have been made to the Attorney General about the neglect of duty of some of the officials in the Perth Local Court. 2, If so, what steps will be taken to prevent a recurrence of the inconvenience and annoyance suffered by the public.

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—1 and 2, Yes; the parties are being dealt with.

QUESTION: STOCK INSPECTION AT THE IRWIN.

HON. R. S. HAYNES asked the Colonial Secretary:—1, Whether the Government have decided to remove the stock inspector at the Irwin. 2, Whether, in view of the fact that large quantities of sheep, cattle, and horses from the northern portion of the colony meet at this point for conveyance to Perth, the Government intend to take any, and