

the hon. member did not believe it, or that what he then stated was not based upon the information he had before him. Of course, if the House wished to express an opinion on the question of the site of this station or any other station, it was competent for the House to do so. But it was purely a departmental question. The House could express an opinion on the subject whether this station should be at Bullen's or Salvado Street, but it was for the Railway Department to decide. If they wished to have half-a-dozen stations, they could pass resolutions to that effect, but the department which was responsible must decide whether it was necessary or safe to have these stations. He had already given the House the substance of the information now asked for, and the reports now moved for would do no more. He had no objection to the motion, if the hon. member wished to have these reports.

Motion—put and passed.

ADJOURNMENT.

The House adjourned at twenty minutes past 4 o'clock, p.m.

Legislative Assembly, Monday, 29th February, 1892.

Supplementary Estimates: message transmitting—Remission of rents at the North—Appointment of Colonial Governors—Remission of fines for non-payment of rent at the North—Privilege: right of Ministers to refuse production of papers—Scab Act: proposed amendment of—Fires: prevention of—Wonnerup Roads Bill: third reading—Excess Bill: postponement of—Bankruptcy Bill: Legislative Council's amendment—Electric Lighting Bill: in committee—Adjournment.

THE SPEAKER took the chair at 7-30 p.m.

PRAYERS.

SUPPLEMENTARY ESTIMATES.

THE SPEAKER announced the receipt of the following message from the Administrator:—

"The Administrator transmits to the Legislative Assembly the additional esti-

mates of expenditure for the year 1892, to the extent of £2,649 19s., and recommends an appropriation of the Consolidated Revenue Fund accordingly."

REMISSION OF RENTS AT THE NORTH.

MR. R. F. SHOLL: I would like to ask, without notice, whether the Government have taken any steps to carry out the resolutions of this, and, I believe, the other House, with reference to the rents in the North, which are due to-morrow?

THE PREMIER (Hon. Sir J. Forrest): I beg to inform the House that the Government propose to submit a bill as soon as possible providing that rents for 1892 in the Gascoyne and North-West Divisions shall be remitted.

MR. PARKER: Has any notice been given to these people that these rents will not require to be paid to-morrow?

THE PREMIER (Hon. Sir J. Forrest): Nothing excepting the statement made in this House that the Government would not impose any fine on those who did not pay on the proper date. I expected that those who could pay the rents would do so, and that those who did not would not be fined.

APPOINTMENT OF COLONIAL GOVERNORS.

MR. PARKER: We are aware that we are shortly to lose our present Governor, Sir W. Robinson. I believe that the Secretary of State for the Colonies has directed a circular despatch to the neighboring colonies, relating to the course which will be pursued by Her Majesty's Government in filling up vacancies. I should like to ask whether a similar despatch was sent here, and whether the Government are alive to the interests of the colony regarding the selection of their future Governor.

THE PREMIER (Hon. Sir J. Forrest): I am quite sure that the despatch did come to this colony, but I cannot answer off hand whether it was a confidential despatch or not. As far as I can recollect, I believe it has been published in the records of this House. But I think, speaking from memory, that the Secretary of State reserved to himself the right of nominating the Governor. The Government here will do all it can to see that our next Governor is a person suitable to

the interests of the colony, as far as rests in our power.

REMISSION OF FINES FOR NON-PAYMENT OF RENT.

MR. A. FORREST: I wish to ask the Commissioner of Crown Lands if the Government would accept rents for lands in the Kimberley district to 30th June without fine, as was to be done in the case of the North-West and Gascoyne Divisions?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): In reply to the hon. member, I have to state that it is not the intention of the Government to remit the fines or penalties payable upon Kimberley land rents. These rents will be payable as usual upon the 1st March, and after that date the usual fine will be inflicted in the case of the Kimberley District.

PRIVILEGE: RIGHT OF MINISTERS TO REFUSE PRODUCTION OF PAPERS.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): I wish to ask your ruling, sir, on a point dealing with questions or motions that may be asked in this House in regard to reports asked of the Government. There has been a tendency to ask for reports that could be looked upon in the light of confidential communications between members of the service and the heads of departments; and although the Government have not hesitated to lay these reports before the House, I would like to ask your ruling on the subject. I would point out that if it is insisted in this House that all reports asked for should be given, the Government would be at times placed in a very peculiar position. Confidential communication would not have the same effect; officers of the service would not be so candid, and these reports would, therefore, not be so valuable.

THE SPEAKER: The Commissioner of Railways having intimated to me the step he was about to take, I have looked up *May* as to what is the rule, and I find that the papers and correspondence which may be sought from Government departments are papers of a public and official character and not private or confidential. It must rest with the heads of depart-

ments to say whether reports asked for are of such a nature as to render it in the interests of the service not to produce them. I am sure the House will be guided by their opinion, if it were so stated by them.

MR. PARKER: Does the hon. the Commissioner of Railways refer to my motion on the subject of the platform at Salvado Street?

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): The Government have no wish to withhold these reports, but it has struck me that these reports are memoranda of a confidential nature, and that it would be well for me to ask the Speaker's ruling on this point, so that the House might thoroughly understand the action of the Government in not producing these reports. If the hon. gentleman still wishes the reports, which I have before me, I will produce them.

MR. PARKER: I think the hon. gentleman ought to have taken exception at the time. *May* refers to questions of State policy, and opinions of Crown law officers—not documents of this kind.

THE SPEAKER: Not only so; but also to private or confidential documents of any kind.

MR. PARKER: One can hardly understand it to be a confidential report, that of one railway official to the head of his department as to the position of a site for a railway station or siding. A large deputation waited on the Commissioner of Railways, and in answer the Commissioner sent this letter to them:—

WESTERN AUSTRALIA.

Railways Department,
Perth, February 12th, 1892.

GENTLEMEN,—

I am directed by the Commissioner of Railways to write you, as representing the persons signing a petition, having regard to making a station at or near Salvado Street, "Cottesloe," on the Eastern Railway, and to state that the Commissioner has now fully considered the question in connection with having a station in this locality, and although on your personal representations and that of the large deputation who waited on him, he was very much disposed to open a station at the point named, the Commissioner, however, has since been furnished with information and estimates which enable him to come to a

decision—and regrets to say that he is not now prepared to open or make a station at the point named—having finally decided to make the station leading out from Jarrad Street in the locality now known as “Bullen’s,” but which in future will be designated “The Grove” station.

I am, &c.,

ALPIN F. THOMSON,

Under Secretary

Railways and Works.

Drs. Jameson and Kenny,
Perth.

He specially refers there to information he has received and estimates of cost. We have had the estimates and now we ask for the information. If this is held to be a confidential report, all I can say is a Minister need produce nothing. This is a matter which interests the whole public; it is not in the nature of the Attorney General’s opinion, or a matter of state or foreign policy, or matter relating to police, but it is a matter upon which the Commissioner will ask a vote of the House to construct this station, and it is only reasonable to ask where is the information which enabled you to state this is a proper place for a station?

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): The more the hon. member speaks the more I am convinced that I am right. The hon. member asks for this information not because he is willing to accept it, but rather he wants the evidence before him to prove that we are wrong. At present I have these reports before me, but they are incomplete. However, I was dealing with the question generally in regard to other reports, because I thought that there was a tendency to ask for papers and reports that should be looked upon as confidential.

THE SCAB ACT: PROPOSED AMENDMENT OF.

MR. CANNING: Most hon. members are aware that the Scab Act passed last year was an amendment of the previously existing one. It was well considered at the time, and it was thought that the Act would meet all the necessities of the situation; and I must confess it appeared to me exceedingly well drawn up, and in all respects calculated to accomplish its objects. It appears, however, that the Act is deficient in one respect,

and that is in not giving the Chief Inspector, whose duty it is to battle with this very severe scourge, sufficient power to deal with it. Events have proved that he has been unable to grapple with the conditions of this scourge, and that the state of things is now considerably worse than it was twelve months ago. I believe there can be no doubt whatsoever about that. It is quite unnecessary for me to point out at length the circumstances and conditions which have rendered the Act in some respects inoperative. What we have to consider now is what steps we can take that will lead to the stamping out of this very serious state of things, and I would beg to suggest to the Attorney General the necessity of immediately introducing a short amending Act during the present session, and I would suggest that the amendment should take somewhat the direction of giving the Chief Inspector power to deal promptly with all cases in which he is now obliged to have recourse to the cumbrous process of the law Courts. It happens that I was in Geraldton some twelve months ago, and there I saw the Chief Inspector. I found him there two months after, and I made some observations about his continued presence in Geraldton. I thought he would be more useful on the spot where the disease was. He pointed out that he was obliged to be there in order to prosecute offenders under the Act. It did seem to me, and it will seem to most people who take a practical view of the matter, that the proper place for an Inspector who may be considered to have a better knowledge of this disease and to be more capable of recognising it at once than ordinary people,—his proper place should be in the district where this disease is prevalent. I would suggest to the Government and the House that an amendment shall be introduced giving the Inspector power to deal promptly with any offences that may be committed under the Act; that he shall be held directly responsible to the Government and independent of the bench of magistrates at Geraldton; that when it appears necessary to him to take steps for the destruction of a flock he shall simply refer to the Government for authority to take the necessary measures. I would further suggest that a reward

should be offered for the destruction of every scabby sheep found either in a flock or at large. I think if a sufficient reward were offered it would induce people to go out and destroy these sheep. There are certain details necessary to enable the Inspector who would have the carrying out of the provisions of the Act to enable him to do so effectually. Certain rules should be carefully laid down, but I think it might be very well left to the Government to frame the necessary rules. It must be patent to any member of this House who is directly or indirectly interested in pastoral pursuits in this colony, that some very decided measures are now necessary to prevent the further spread of this disease. It has not been kept down at all; on the contrary the state of things now in these districts is worse than they were twelve months ago, and I think no matter should more immediately engage the attention of the Government than this. I therefore move, "That in the opinion of this House a bill to amend 'The Scab Act, 1891,' should be introduced during the present session, with a view to giving the Chief Scab Inspector the power necessary to enable him to prevent the spread of scab in the Northern districts."

MR. R. F. SHOLL: I have very great pleasure in seconding this motion of the hon. member for East Perth, because I think all hon. members will agree that something ought to be done to try and check this disease, which is spreading to an alarming extent in the Champion Bay district. I am not prepared to say what ought to be done, but I think that if the Scab Inspector were given more power, and it was taken out of the hands of the Magistrates, he would be better able to deal with the matter than he is at present. The hon. member says that the time of the Inspector is taken up in Geraldton in prosecuting people who infringe this Act, but we find that his time is in many cases thrown away. There has been a difficulty in obtaining convictions. I am not going to blame the Magistrates for this, but there seems to be a difficulty in interpreting this Act. I think if the Act were made clear, and we gave power to the Inspector to act on the spot, with power to appeal to the Supreme Court, the diffi-

culty might be met. I know that this is taking a very extreme view of the case, and that my suggestion is one that will not meet with the approval of a great many; but still this scab disease is a calamity to the whole community, and it is injurious to every sheep owner in the colony, and to the colony itself. As I said before, I am not prepared with any measure, but I feel with the hon. member that something ought to be done.

MR. CLARKSON: It will be recollected by hon. members that when this bill was passed last year, it was considered too severe, and it almost led to a rupture between the two Houses. It was carried, but I am sorry to say it has not answered expectations. I note from the last returns that, instead of decreasing, scab is increasing, and, had it not been for this extremely dry season—everybody who is acquainted with sheep knows that drought deters scab from spreading, and that it also prevents sheep from straying about the country—it is impossible to say how much further the plague would have spread. It has now reached almost half way from the Irwin to Victoria Plains, and has reached Carnamah.

AN HON. MEMBER: That is contradicted.

MR. CLARKSON: I took it from the Inspector's report. Had we had the ordinary number of sheep from the North this year, we should have had scab in the Southern districts of the colony. We hear it said that it is hard to deal with stray sheep in thickets. I believe that is all "bunkum"; these sheep can be easily captured. Wherever a sheep goes he makes tracks, and he goes to water somewhere. There is no difficulty in getting these sheep if the owner were obliged to do so. I think it would be an easy thing to get rid of scab if it were made compulsory that all sheep in these districts should receive three dippings, say, within three weeks or a month of each other. At the expiration of three months I would destroy every sheep with scab on it, and inflict a penalty upon the owner. It is no use fiddling with the Act as we have done in the past, and unless there is some stringent Act passed, we shall always have scab, and it is only a question of time when the disease will spread from one end of the colony to the other.

THE ATTORNEY GENERAL (Hon. S. Burt): The hon. member, in making his observations upon this motion, referred to me, I think, by my official name. I would like to tell him that we have not in this House a Minister who has the control of this Scab Act; he sits in another place; and, therefore, whatever I do or say here is simply with a view to assist as much as possible, to the best of my judgment, in dealing with a matter of some difficulty, and also a matter in which it is well known I take a considerable amount of personal interest. I was glad the hon. member was able to say he found this Act a fairly good measure, and that he only desired further power to be given to the Inspector. Now to give the Inspector power to not only prosecute but also to sit in judgment on these offences is, of course, going a very great length, and I am not sure whether the Government would feel justified in proposing that the Inspector should deal with offences which he himself had discovered. I have been thinking over this matter, and in this direction, that we might establish a sort of Commission, say, two or three special Commissioners, to deal with these offences, and who might possibly travel about with the Inspector, which would allow the Inspector to immediately prosecute: they could adjudicate on the spot and inflict the penalties which are now found in the Act. I think there would be a great outcry against the Inspector if we empowered him to act alone, and we should hardly be able to support him for long, because I do not think we have any precedent for allowing a prosecutor to also sit in judgment. It would be better to get someone who has a special knowledge of the subject to go about with the Inspector and sit in judgment summarily. I cannot help taking the opportunity of referring to some of the clauses of the Act, because I think they give very large powers indeed; and were they enforced, they would tend largely to put an end to this infectious scab. Unfortunately, the bench of magistrates in the district—I cannot say wrongly, because the matter has never come before the Court of Appeal, and every magistrate has a right to his own views as much as I have—have taken strange views of certain provisions of the Act. The 11th section requires

an owner of sheep to give notice of any scabby sheep to the Inspector within 48 hours, and upon this section it has been held that an owner must himself have personal knowledge of infection before he can give notice. I am not prepared to quarrel with that view of the case, but it is a question whether that section cannot be so amended as to make it incumbent upon an owner to give notice whether he knows or not. That is to say he must employ such managers to supervise his sheep that it would be impossible for him to have scab in his flocks for 48 hours without knowing it, although he personally had no knowledge of it. This would appear rather harsh at first sight, but, on the other hand, a negligent owner might have no knowledge personally for months and months. There have been cases where the Inspector has found that scab had been existing for months, and the owner only became aware of it by the Inspector giving him notice of it, and he claims to be within this section of the Act. It is the opinion of the Inspector that we should compel an owner to give notice of the breaking out of scab, whether he knows it or not, of his own personal knowledge. If he does not he will soon find that it is his duty to do so. Then again, the 14th section provides that: "If, upon the expiration of "four weeks from the time of the service "of the notice of the Inspector to clean "any sheep, such sheep shall not have "been well and sufficiently dipped to the "satisfaction of the Inspector, the owner "of such sheep shall be guilty of an "offence; and the Justices before whom "such offender shall be convicted shall, "at the request of such Inspector, order "such sheep to be destroyed by an Inspector, and the expense incident to "such destruction shall be borne by such "owner." That section should be a sufficient safeguard that all sheep should be dipped. The Inspector has power to order that all sheep in the Champion Bay district, or travelling through the district, shall be dipped; and if they are not dipped sufficiently within the knowledge of the Inspector, he can order them to be destroyed.

MR. CANNING: It has never been enforced.

THE ATTORNEY GENERAL (Hon. S. Burt): I do not know whether such a

proceeding would be approved by the Government, but the authority is given by this section to the Inspector. Section 20 says: "Every owner of infected sheep not depasturing within secure enclosures shall cause the same to be followed and kept in sight when depasturing throughout the day, and if an Inspector, by writing under his hand, delivered to such owner shall so order to be kept within secure enclosures throughout the night; and such owner shall immediately burn any such enclosures or yards on the written order of any Inspector; and any owner who shall neglect so to do shall incur a penalty not exceeding twenty-five pounds for every day or night he shall so neglect." That clause is found everywhere throughout the colonies, but I believe the magistrates in the Champion Bay district found some difficulty in construing it. They could not see how sheep were to be kept in sight during the day; and I think they have gone so far as to suggest that it is impossible to keep sheep in sight all day as some might be in the valleys, and others on the hills. That is placing a very strange construction on the clause. A man might as well blame his eye because the sun is in it as to say he cannot keep his sheep in sight because some of them run in the bush now and then. The section, in providing that the sheep are to be kept in sight all day, does not mean that a whole flock of say 1,000 sheep shall be literally kept within sight each hour of each day. Section 24 says all infected sheep above the age of three months shall, within three days after becoming infected, be legibly branded by the owner with the letter S, at least three inches in length, and shall be kept by him so branded until clean. And every owner neglecting any provision of this section shall be deemed guilty of an offence. This section also empowers the Inspector to say such and such a run is not fit to keep sheep on. The Inspector could thus at once keep other sheep away from these thickets, and if he did that, and isolated them, he could, with the assistance of a few active men, run out these stray sheep from the thickets. There is power also for any person to kill any infected sheep that is astray at any time. That is a power that is put in force very much, and if there is a stray infected sheep found on any run

the owner is fined £5 for each sheep. The hon. member for East Perth suggested a reward for the destruction of these stray sheep. If a reward were offered the Government could pay the reward out of the penalty of £5 imposed upon the owner. The hon. member for Toodyay said he did not believe so much in the excuse as to scabby sheep getting into thickets, and he suggested the sheep should be dipped in a certain way at certain times. It is not the sheep that we can get hold of that is the difficulty, but it is those we cannot get hold of. Any sheep under control can readily be kept clean. It is useless to have half a million sheep dipped and to have ten stray sheep infected. It has always been found difficult to stamp out scab unless the country is fenced. In New Zealand the same difficulty is experienced, and until the whole country is fenced it will be found impossible to stamp out the scab. By keeping sheep off thicket country, and isolating the thickets, and running the sheep out of them with the assistance of a body of men employed for that purpose, I think a good deal may be effected. If an amendment is required, it should follow the line I have suggested—constituting a special tribunal of scab commissioners. I do think that the Government ought not to hesitate in spending any amount of money for this object. I am sure the House would not hesitate to thank the Government if they spent more money than was voted for the purpose of eradicating scab in the Champion Bay district, because if the area of the infected district became enlarged, as no doubt it would, with rain, there is grave danger of the scab extending to the Victoria Plains and to the North. If we get scab on top of the last two years' drought, I do not think anybody in these districts will ask for a remission of rent or anything else, because I am sure no one could contend against it in the face of present financial difficulties. I thank the hon. member for calling attention to this subject. I shall consider the suggestions made with a view to seeing what can be done to make things work better.

MR. HARPER: I may say I was not of that sanguine disposition the hon. member for East Perth was when this

Act was passed. I felt certain that so long as any loophole was left, there would be ways for owners of infected sheep to escape the penalties of the Act. The suggestion of the Attorney General that commissioners should be appointed to work with the Inspector of Sheep, I fancy, would have no better result. It would be found necessary to have men who were conversant with sheep and scab, and those men must, as a natural consequence, be owners of sheep, and thus you would have men who would side with owners of sheep rather than against them. I recognise to the full the urgency of this matter, but at the same time I cannot think that the suggestion made by the hon. member for East Perth, would be practicable. The House could never agree to make the Inspector prosecutor, judge, and executioner. In lieu of that I desire to move an amendment on the hon. member's resolution to strike out all the words after "session," and add the following words: "Providing that 'any person who shall be found to be in 'possession of one or more scabby sheep 'shall be guilty of an offence.'" The difficulty is to make the negligent owner of sheep look after his flock; but if you make a penalty so that he cannot possibly find a loophole to get out of it, you will compel him to look after his business. I feel confident that unless a stringent measure in this direction be enacted, any provision you may make will be evaded and will not have the effect of stamping out the disease. I suggested this amendment last year, and it was only rejected by the Legislative Council. It must be recognised by all who are interested in sheep that it is time some further steps were taken, and I hope this time this suggestion will receive support.

MR. TRAYLEN: This is really a very grave question which we are considering, and to some extent the credit of the colony is at stake. I may safely say that the credit of the colony is largely at stake. We are hoping to attract capital to this colony for pastoral purposes amongst others, but so long as we have a reputation for scab—and scabs spreading—there must be very poor investments in pastoral pursuits. I sympathise with all that has been said this evening, but it has been in my mind that it is not our duty to prevent the pastoral industry being

a paying one, nor to hedge it in such a way as to prevent a man making a living out of his sheep. Consequently, I cannot go the length of the hon. member for Beverley. Does anyone know, sir, when scab is just 48 hours old in his flock? I really do not know how long it takes scab to develop, but it is a moot question whether anyone knows that his flock has been infected for 48 hours; and yet it is proposed to make that man pay a penalty for not reporting the same. If we leave it in the present form of knowledge, might it not, with advantage, meet the penalty if the time were altered to "if within seven days of the outbreak of scab he shall not report it, he shall be fined." If a settler has to inspect his flocks once in every 48 hours, all the profits will be swallowed up in boundary riders or scab inspectors. I trust that whatever amendment is made it will be in the direction of extending the period of knowledge to seven days. I cannot vote that the inspector should have as much power as the member for East Perth proposes, or that it shall be penal to have scabby sheep, unless the owner has known it 48 hours, or it has been in existence seven or eight days.

The amendment was negatived on the voices, and the original motion put and passed.

FIRES: PREVENTION OF.

MR. TRAYLEN: I rise to move, "That in the opinion of this House the Government should, during the recess, prepare a measure dealing with the occurrence and prevention of fires; and that, *inter alia*, provision should be made for making the following actions punishable offences:—1. The running of any locomotive engine without the use of a spark-arrester; (2) Smoking in or about any premises upon which a notice has been posted forbidding smoking; (3) Smoking in or near any place after being forbidden to do so by the owner thereof; (4) Smoking in or near any factory or workshop where there is combustible material, whether prohibited by notice or not." The object of my motion is to supplement a discussion which has already taken place in this House. It was then asserted against some remarks I made that no complaints had reached

the Government of losses through their running locomotives without spark-arresters. I put myself in communication with the Farmers' Club at the Greenough, and they asked me to make it known that a considerable amount of damage is caused by fires arising from sparks from the locomotives. The Secretary of the Farmers' Club writes as follows:—

I am in receipt of yours of last mail re bush fires and the action taken by the Government in reference to same. At a meeting of the Greenough Farmers' Club, the following resolution was unanimously agreed to: Proposed by Mr. T. Clinch, and seconded by Mr. T. Harrison, "That the Greenough Farmers' Club wish to bring under the notice of the member for the district, W. Traylen, Esq., the losses sustained by fires caused by sparks from the Midland Railway Company's engines, and that measures be taken by the Government to make the Company liable for damages caused by these fires; and that the Secretary forward details." In accordance with the above I have visited those residing along the line and obtained the following particulars: J. M. Wilton, no losses, but was obliged to be constantly on the watch, and had put out no less than three fires after one passing train. Jas. Rumble, $\frac{1}{2}$ ton of hay burnt, and but for prompt assistance would have lost his whole crop. J. Bagley, between 4 and 5 acres of barley crop burnt, and but for the help of his neighbors would have lost his all. R. Hollingsworth, ten acres of wheat crop burnt, and one acre of vines and fruit trees in full bearing; also all his feed. G. King, hay, oats and feed burnt; estimated loss, £50. You will see by this that the farmers and others along the line are in constant danger of losing all they have, and at present there seems to be no redress, for when applied to for recompense are put off with some evasive answer, or else told to go to law. The above cases have all occurred during the present season, not to mention any of the numerous fires through the same cause last year. Referring to the spark arrester or injector (whatever they term it), as a rule they are not used. In the course of conversation with some of the drivers, they have told me they object to the use of them unless obliged, as the flues do not draw so well with them on, and they cannot get up steam so quickly.

Well, sir, it will be easily recognised by hon. members that when a person suffers loss, the person causing the loss can be proceeded against in the proper court of the colony, but the proceedings may be so costly that it may be better to suffer the loss one knows of than to go to considerable expense and possibly lose in the end. What I have just quoted shows that a number of cases of loss to crops alongside the line might have been prevented by

the use of spark arresters. It is said that the engine drivers object to the use of spark arresters because they cause delay in getting up steam and the flues do not draw so well. I do not think, however, these reasons are sufficiently strong as against the evidence of the loss and damage caused by the absence of the spark arrester. The second portion of my motion deals with another class of fires: those which arise from negligence. We have at present amongst us, in effect, those who are criminally guilty of causing fires; but I am not aware that we have sufficient law bearing upon the subject of those who cause fires by negligence without being thoroughly posted in all that is contained within the covers of the Bush Fires Act. I believe a person who shows negligence in the way of causing bush fires is liable to punishment. It must be seen that there are very many other fires possible which are actually the consequence of negligence for which we have no law. The occurrence of the fire in town the other day has not been traced, but the origin of it was in a place that seems to indicate that it was the result of the act of carelessness of some smoker; it was easily attributable to some workman. It seems highly probable that all that damage was caused by someone throwing down a lighted match. It may be said that any employer who does not like smoking can dismiss an employee who smokes, but he must give a week's notice, and during that week the fire he dreads may occur. It may be that the owner of property has it jeopardised by workmen smoking, and the only course, in case of damage, is by means of proceedings in the law courts. But a working man is not one against whom damages can be enforced, so practically we are without redress. Then I suggest, in the third place, that smoking in or near any place, after being forbidden to do so by the owner, shall be an offence. There are also some employers who are such inveterate smokers themselves that they have not the courage to forbid it in their men. In the fourth clause I propose that smoking near combustible material, whether prohibited or not, shall be an offence. It may be said this is introducing some new principle into our legislation, and that we are restricting the liberty of the subject. That cannot be so, for already we are de-

claring that a person shall not smoke in certain places, or that if he does so he shall be punishable by fine. I cannot smoke in a railway carriage, merely because it may become offensive, and that being so I certainly may ask for protection for my property, and that persons shall be forbidden to smoke in contiguity with it.

MR. THROSSELL: I beg to second the motion of the hon. member for the Greenough.

THE ATTORNEY GENERAL (Hon. S. Burt): This is a sort of absolute instruction to the Government to prepare a bill during the recess to accomplish these wonderful things; but I am afraid we cannot enforce these proposed penalties. I think the most we could do would be to provide that every person should be highly punishable if he causes fires under the circumstances mentioned in the motion, but to say he shall not smoke would not, I think, be very acceptable, because all the non-smokers might put up some such notice as this "The Attorney General must not smoke on these premises." The hon. member for Geraldton, too, might have to dispense with his cigar. It is quite harmless to smoke a cigar, and perhaps even the hon. member for the Greenough would not object to smoke a harmless cigar. Such proposals as these would meet with great opposition, and the Act, if passed, would be a dead letter. To make it penal to smoke near premises where inflammable material was stored would be to prevent smoking along the streets. I really think the most we could do would be to make a man punishable if he causes a fire. I do not know how far the Government are bound by an expression of opinion like this. I am sure, speaking as one of the Government, that we are only too happy to pay every consideration to resolutions of the House, but there must be some limit as to what measures we should introduce. The House would hardly expect us to introduce a measure to which we were opposed. Unless we could cordially support that measure, the Government would not be justified in introducing it.

MR. TRAYLEN: What on earth is the use of locking the stable door after the horse is stolen? What can be the good of allowing a person to do certain things and then punish him for the re-

sult of those actions? The Attorney General says this Act would be a dead letter. How many things on the statute book are dead letters? By the laws which I have quoted this evening penalties are imposed in certain instances, and yet we know they are not always enforced. I beg leave to withdraw the motion, being satisfied that I have called attention to the matter.

THE ATTORNEY GENERAL (Hon. S. Burt): We will give further attention to this matter during the recess.

MR. RANDELL: I am glad to hear the Attorney General say he would consider the question. I do hope they will be able to find some means of amending the law by making this dangerous smoking punishable. I do not know but what I would prohibit smoking altogether.

MR. A. FORREST: I hope the Attorney General will not take any action in this matter during the recess. I believe over 75 per cent. of the people of the colony smoke, and I fail to see where any fires have occurred through smoking.

MR. CLARKSON: I live in close proximity to the railway, and I must say I have no complaint to make as to fires caused by sparks from the engines. I have never known a fire started by an engine since the railway has come through my property. I have heard it has been so, but have not seen anything of the sort. With regard to smoking, I have given my men strict orders not to smoke about the buildings, but occasionally they have caught me in the act myself, and it is a very difficult matter to prohibit smoking on a farm. In my opinion nothing will be found to answer except prohibiting the importation of tandlestick matches. Bush fires can be traced nine times out of ten to somebody whilst travelling, leaving a log burning, not from smoking.

Motion, by leave, withdrawn.

WONNERUP ROADS BILL.

This Bill was read a third time and transmitted to the Legislative Council.

EXCESS BILL.

On the motion that the House resolve itself into a committee to consider this bill,—

MR. PARKER said: I think it is my duty to oppose the further progress of this bill. I pointed out when the second reading was moved that it was really unprecedented that we should be asked to pass this bill without the Auditor General's report. The only member besides myself who spoke was the hon. member for Kimberley, who wisely said, as the money was spent, there was no use discussing it. This money having been spent without authority, entails upon the House more care than if it had been spent with authority. The Audit Act was passed last year after great discussion. The matter was first referred to a Select Committee, and the recommendations of the committee were adopted. This Audit Act gives to the Auditor General the management and control of the accounts of the colony. He is made independent of the Government, because he holds office during good behaviour. The Act states he shall not be moved therefrom unless on address from both Houses in one session. One special duty of the Auditor General is to draw up an annual report upon the statement which is prepared by the Treasurer. It will be seen by section 38 that "The Colonial Treasurer shall, not later than three months after the end of every financial year, prepare a full and particular statement in detail of the expenditure of the revenue for such year (classified and arranged in the same form, and with the same columns, and subdivisions, and items of subdivisions that shall have been employed in the appropriation thereof), and of all loan and other accounts for the same period, and also of the receipt of the said revenue, and of all loan and other accounts for the same year; the said statement shall be prepared by the Colonial Treasurer in such a manner as to show how Parliamentary appropriations have been exceeded, and what votes have lapsed under sections 15 and 21 of this Act, and such statement shall be transmitted to the Auditor General." And section 40 reads: "The said Auditor General shall, within seven days after making and signing the said report, if Parliament be sitting, and, if Parliament be not sitting, then within seven days after it assembles, transmit to both Houses of Parliament printed

"copies of the said statements, accompanied by copies of the said report." This duty is cast upon the Auditor General independent of the Government. He has merely to present this report to the Legislature with his remarks upon it. The Colonial Treasurer not having to prepare these accounts until three months after the 31st December, it will be 31st March before it is in the hands of the Auditor General, who has to present his report upon it to the Legislature within seven days. It may be that this session will not last over the end of March; and if we pass this Excess Bill we shall find that we are dispensing entirely with the Auditor General's report.

THE PREMIER (Hon. Sir J. Forrest): No, no.

MR. PARKER: The hon. gentleman may say "No, no," but I say "Yes, yes." The object of making the Auditor General independent of the Government was that this House should have full control of the finances of the colony. What would be the good of having this report presented to us when we meet in June or July next? All we could say would be, "We passed these items months ago; we were foolish enough to pass them without seeing the Auditor General's report." If we pass this Excess Bill this session we shall be adopting a very bad precedent. It may be found when we do get the report that the Government have been spending money carelessly and improvidently; and, looking at the question as one of principle, as guardians of the public funds, I think it would be very unwise to pass the Bill at the present time. This money has been spent, and the Government do not want a vote from us. There is really no question why this Bill should be rushed through the House before we get this report. The proper course is to get the report first, and not make the Act a dead letter. Let us have the Treasurer's statement and the Auditor General's report before us, and then let us pass the Excess Bill. I see no reason why the Government cannot delay this Bill until next session. I move that the House resolve itself into a committee this day month.

THE PREMIER (Hon. Sir J. Forrest): There is no reason for the hon. member to think that we have any desire to press this Bill along. I thought it my duty to

bring these Excesses before the House, and explain every item, but we have not the slightest desire to pass this bill at the present time. I would desire myself that it should be postponed for a week or so; probably by that time we may have the Auditor General's report. What object can the Government have in pushing this bill forward unduly? In due course hon. members will have the Auditor General's report; and if there is anything in it to which hon. members take exception the Government will be in no better position—they will be as responsible to the House as they are now. It would be open to any member of the House to move that the bill be referred to a select committee, and every item of it might be scrutinised and every information the Government possessed placed at the disposal of that committee. I was prepared to afford every information to hon. members with reference to every item. I shall be very pleased that hon. members should be in possession of the Auditor General's report before proceeding with this bill. It will suit the Government equally well to have the bill passed next session or any time convenient to members. If the hon. member will withdraw his motion, I will move that the further consideration be postponed for a fortnight.

MR. PARKER: I am satisfied with that course.

MR. R. F. SHOLL: I am very pleased the Government have taken this course, because I think these things should be done in order. It does seem hardly in order that we should pass the Excess Bill before we have the Auditor General's report; and, though it has been pointed out that the money has been spent, and we cannot get it back, yet if this House does not agree, it is a vote of censure on the Government.

THE PREMIER (Hon. Sir J. Forrest): If the Government had anything to hide they would keep this bill back as long as possible.

Question—That the debate be adjourned—put and passed.

BANKRUPTCY BILL.

A message was received from the Legislative Council stating that they had made a certain amendment. (*Vide p. 595 ante.*)

THE ATTORNEY GENERAL (Hon. S. Burt): I move that the amendment be adopted.

MR. R. F. SHOLL: What are the reasons for these alterations?

THE ATTORNEY GENERAL (Hon. S. Burt): The rules and schedules for the working of the Act are very numerous and voluminous, and we are afraid the Government Printer will not be able to overtake the work by April, and we thought it better to defer the commencement of the Act one month. That is the only reason.

Question—put and passed.

ELECTRIC LIGHTING BILL.

IN COMMITTEE.

Clauses 1 to 28:

Agreed to.

Clause 29—"Where a supply of electricity is provided in any locality for "private purposes, all persons within "such locality shall on application be "entitled to a supply on the same terms "as the terms on which any other person "in such locality is under similar circumstances entitled to a corresponding supply":

MR. TRAYLEN: Does this mean that if any consumer pays a low rate for 30 lights, another consumer who only wants 10 lights must be supplied at the same low rate. It turns on the word "circumstances."

THE ATTORNEY GENERAL (Hon. S. Burt): The circumstance of the person having 10 lights is one thing, and the circumstance of a person having 30 lights is another. All persons having 10 lights must have them at the same price, and the same thing applies to all persons having 30 lights. This is a usual provision. It is put in all canal, gas, and other Acts of that kind.

Clause passed.

The remaining clauses were agreed to, and the bill reported.

ADJOURNMENT.

The House adjourned at 9-35 o'clock, p.m.