

Legislative Assembly,

Tuesday, 25th August, 1896.

Paper: Legislative Council (Queensland) amending a Money Bill, in re Crown Suits Bill (W.A.)—Meat Supply and Disease in Cattle: motion for adjournment—Statutory Declarations Bill: third reading—Post Office Savings Bank Bill: third reading—Companies Act Amendment Bill: re-committed—Excess Bill: third reading—W.A. Turf Club Repeal (Private) Bill: second reading moved—Municipal Institutions Act Amendment Bill: Legislative Council's Amendments—Judges' Pension Bill: second reading further debated—Criminal Evidence Bill: second reading—Roads and Streets Closure Bill: first reading—Motion: To relax labour conditions on goldfields—Adjournment.

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

PRAYERS.

PAPER—LEGISLATIVE COUNCIL
(QUEENSLAND) AMENDING A MONEY
BILL.

IN RE CROWN SUITS BILL (W.A.).

THE PREMIER (Hon. Sir J. Forrest), by leave, laid on the table a copy of correspondence (1885, *see* Printed Paper A 6 of this Session) relating to the rights and powers of the Legislative Council of Queensland, with respect to amending a Money Bill; the precedents also having reference to Mr. Speaker's ruling on an amendment made by the Legislative Council in the Crown Suits Bill, introduced by the Government in the session of 1895, and abandoned in consequence of said amendment. The PREMIER also moved that the paper be printed.

MR. TRAYLEN: The proposal to lay on the table the paper relating to the Queensland Bill, and to have the paper printed, is an occasion that we ought not to pass by in entire silence. We are accustomed to accept the laying of papers on the table of this House as a mere matter of form; but in this instance something is due to you, Mr. Speaker, as an expression of opinion on our part as to our appreciation of the line of conduct you have taken in reference to a controversy which arose last session between the Legislative Council and the Legislative Assembly in this colony; and that controversy is the immediate reason why this paper is now to be laid on the table of the House. Of course it contains

judgments given by members of the Privy Council, under circumstances somewhat similar to those that have arisen in this colony. We ought to let you know, sir, that we appreciate the firm and respectful attitude which you have assumed on this and on former occasions, when questions have arisen as to the rights of the Legislative Council to amend Bills containing money clauses, that have been sent from this House for their concurrence. I notice that the President of our Legislative Council, in one of his communications, intimates that you were not so explicit in your letter to Sir Francis Palgrave as the circumstances demanded, but that there were facts which you ought to have stated, but did not state. For my own part, I am inclined to the view that you were singularly clear and explicit, and that you placed before Sir Francis every material fact that led to the issue; and I think his reply to your communication is unequivocal, and places beyond doubt, in my mind, your decision as being a correct one. The Hon. the President of the Legislative Council thinks you ought to have informed Sir Francis that the Crown Suits Bill did not come under the provisions of Clause 23. If by this he means that it was not introduced to this House by message from the Governor, he is correct; for it was not so introduced. But the whole fact at issue is this, that when the Bill left this House it contained a money clause, and it was that money clause which the Legislative Council sought to amend, and which you, sir, held—and, I think, correctly held—that they had no power to amend. The President goes on to state that, at the time the Bill was introduced, there was no limit to the amount of damages which might be given against the Crown in cases of injuries sustained through accidents on the Government railways. That also is correct; but still the fact remains that the Bill was altered in committee in this House, and a clause was inserted which gave it the aspect of a Money Bill—at least in that particular. The President further thinks that you, sir, ought to have informed Sir Francis that, if the Bill had become law, the amount of damages given under it to any plaintiff would have had to be voted by Parliament. It strikes me that the question is whether we should not be

obliged to pay the money so awarded, and ask Parliament afterwards to vote the amount, because it is only the decision of a superior court in this colony that can give damages against the Government; and, whether Parliament voted the money or not, the amount would have to be paid to the parties who were claiming the verdict. Then the President says you ought to have informed Sir Francis that the Legislative Council is a representative body, elected by the people—that is perfectly true—and that its rights and powers are fixed and regulated under the Constitution Act. I think the chief, if not the whole, mistake lies in the assumption by the President, that the rights of the Legislative Council are expressly fixed and regulated by the Constitution Act. In looking through our Constitution Act, I am not able to find any justification for that statement. Clause 2 of the first schedule of that Act says: "There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a Legislative Assembly; and it shall be lawful for Her Majesty, by and with the advice and consent of the said Council and Assembly, to make laws for the peace, order, and good government of the colony of Western Australia and its dependencies; and such Council and Assembly shall, subject to the provisions of this Act, have all the powers and functions of the now subsisting Legislative Council." These are the only words I can find in the whole of the Constitution Act that seem to at all justify the President in the language he has used. If these words mean anything, they seem to mean that whatever powers the old Legislative Council had are now held by the two Chambers we at present possess. I think it would not be very difficult to show the fallacy of the President's statement. For instance, the old Council had no power to pass such a resolution as would lead to the resignation of the then Government, and yet we all know that this power resides in the present Parliament—at least in this branch of it. We all know that, though there be no words to that effect in the Constitution Act, any resolution that can be passed by the Legislative Council affecting the life of the Government, for the time being, would simply excite ridicule, while we know that a simi-

lar resolution passed in this House would demand compliance with its terms; that if an adverse vote were passed here, though there were no words whatever in the Constitution Act to that effect, we all know the Ministry of the day must go out of office. They are compelled to do that by something, call it by what name you please, which we recognise as usage or custom, or that which we choose to regard as the unwritten part of our Constitution; and I think it is because we have so much of the unwritten part of the English Constitution in our own Australian Parliamentary practice that the mistake has been made by the President in this case. Mr. Blackmore, Clerk of the South Australian Parliament, although he states that the Houses are co-ordinate, must surely be aware that in his own Parliament the fact is recognised that the Legislative Council have not the power to amend Money Bills, for they have it distinctly understood, as between the two Houses in that colony, that it shall only be in the form of recommendation or advice, and not by direct amendment; and our own Parliament has recognised the very same principle, by inserting the 23rd section in the amending part of the Constitution Act, where it provides that, should the Legislative Council desire to see some money clause altered, they must confine themselves to a suggestion to be made to this House, which this House may, or may not, in its wisdom act upon. That being so, I confess I am unable to recognise that the two Houses have co-ordinate powers; and I further recognise this, that we, as well as the Imperial Parliament, are governed to a large extent by custom. The whole question, then, hinges itself upon this: whether the House of Lords would, in similar circumstances, have made, or felt itself justified in making, such an amendment in the Crown Suits Bill as the Legislative Council in this colony made, after the Bill had passed through this House? Happily May, in his "Parliamentary Practice," comes to our rescue in this way that, on page 542, we have a resolution arrived at by the Commons, in these words: "That all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons; and

"that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords." A particular instance that seems to me to be parallel with our own arose in England, in 1888, when the Land Purchase (Ireland) Bill was before the House of Lords. That Bill placed a limit on the total amount to be advanced out of the local loans fund to any one purchaser; and, when the Bill was being considered by the Lords, an amendment was proposed to restrict the limitation "in respect of any application made after the passing of this Act." At that time some of the very highest personages in the House of Lords pronounced opinions on the question thus raised between the two Houses. The Lord Chancellor of Ireland, Lord Ashbourne, said he believed the amendment was out of order; that "This was a money clause, and the amendment, if accepted, would increase the possible charge on the public funds. It was not competent for their Lordships to deal with it." That is exactly what the amendment of the Legislative Council of this colony would have done in the Crown Suits Bill. Later on Lord Ashbourne said: "The effect of the amendment might be to place the increased burden of the difference between £3,000 and £5,000 upon the public funds." The Lord Chancellor of England, Lord Halsbury, said he "believed that to insert an amendment of this description would be outside the competence of their Lordships' House. They could not secure, indirectly, by circuitous words, that which was, in substance, an unconstitutional principle." I think it is very clear, from the decisions recorded by May, from the opinions expressed by those members of the House of Lords, and from the generally acknowledged usage and custom which prevails throughout all the colonies where Responsible Government obtains, that you, Mr. Speaker, were fully justified in your decision. I am very glad to support the motion that the paper be printed.

Question—that the paper be printed—put and passed.

MEAT SUPPLY AND DISEASE IN CATTLE.

MOTION FOR ADJOURNMENT.

MR. RANDELL: I rise to move the adjournment of the House, on a matter of considerable importance. My object is to get a reply from the Commissioner of Crown Lands, in whose department the question lies. Hon. members will have noticed in the newspapers, within the last few days, some very alarming reports have been circulated—and, indeed, the facts appear to have been established—that diseased meat is most probably finding its way into consumption in the city of Perth, and perhaps in other parts of the colony. The public are, to a very large extent, taking alarm at this state of things, and are almost afraid to purchase butcher's meat for consumption. My desire is to obtain from the Commissioner of Crown Lands a definite statement as to whether the Government have considered the matter, and whether they have arrived at any decision as to what steps should be taken to protect the public from such dangers as, apparently, we are surrounded with, in the way of inspecting the slaughter-houses, and of cattle which are killed for purposes of sale, and also the inspection of dairies and piggeries. It appears that in all these establishments more or less danger to the public health exists; and the general feeling is that steps should be taken, if possible, to prevent the dangers which threaten us in this respect. Recently an analysis of the milk supplied in Perth was made by direction of the Agricultural Bureau, from which analysis it appeared that 80 per cent. of the milk supplied was adulterated. A copy of the analysis was supplied by the Bureau to the City Council, but I have not observed that any notice has been taken of it. I think it is desirable that the Government should, at the earliest possible moment, do whatever can be done to abate the dangers with which we are threatened, as regards the supply of butcher's meat, and I hope they will do so. I do not know that I need say any more on this subject. I believe the danger is a real one, and there can be no question that it is so, if the facts related in the newspapers during the last day or two are true.

MR. A. FORREST: The newspaper reports are exaggerated.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson): I may inform the hon. member that I have had this matter under my careful consideration for a good long while before this little scare took place, and we have been taking steps, so far as the present Acts will allow us, in order to carefully and vigilantly inspect not only butchers' meat, dairies, and slaughter-houses, but also imported stock. As the hon. member is aware, I instructed the Chief Inspector of Stock recently to make a trip to the other colonies, for the express purpose of examining into the whole question of slaughtering stock for food, with a view to making suggestions whereby the slaughtering of stock could be put on a better or safer footing, in regard to the public health, than it is at present. As hon. members know, the Chief Inspector's report has been published in the public prints, and his recommendations are therein set forth. At the present time, a joint select committee is inquiring into the whole question of meat supply, and, when the report comes up for adoption by this House, I think a good deal will rest with hon. members as to advocating what steps they think should be taken to improve the present state of things, not only for keeping up the supply of meat, but also to ensure its being of the proper description. I cannot help remarking that it is possible in all these things — it generally happens so — that the reports are somewhat exaggerated. No doubt the public are easily aroused into fear and suspicion, in these matters; yet, notwithstanding all that may be said from that point of view, we do recognise there is reason for more care and more vigilance. The veterinary surgeon in the pay of the Government was instructed, some months ago, to keep a careful watch on all slaughtering establishments, to pay them periodical surprise visits, and report to me anything he saw that was likely to endanger the public health, in the way of bad meat being slaughtered. The Chief Inspector also has this matter under his vigilant observation; but it is impossible to keep a proper and careful supervision over a large number of slaughtering establishments situated in different localities, some of them in little out-of-the-way holes and corners, and no

doubt the people employed there can generally get some idea as to when the Inspector is coming along. This is a large question which this House will have an opportunity of dealing with, as I have said, when the report of the select committee comes up for adoption. Hon. members should not forget that, when the Government have made any efforts to carefully inspect stock, or to reject any, the cry has often been raised that this is done only as a pretext to make meat dearer, and that the action has been taken wholly in the interest of producers who are raising stock. The same charges are levelled at the fruit-growers, in reference to the inspection of imported fruit carried out by the Agricultural Bureau, and it is said the object in that case is to make fruit dearer. I think it is likely there may be some feeling with reference to the inspection of stock—a feeling that the inspection is little more than a pretext, and is really an indirect way of protecting the grower. I think perhaps that idea has been exploded now, and the public do see there is good reason for vigilance and greater care in the inspection of stock, whether imported or not. Another point I desire to deal with, in justice to the Government, is this: we consider that a great deal of this responsibility properly attaches to the City Council. In all the other colonies, the municipal councils supervise the slaughtering of cattle and supervise the dairies, and they also carry out sanitary precautions. In those colonies it is not left to the Government to look to these matters. The Parliaments pass the laws, and the municipalities have to carry them out. Whether the councils are alive to their responsibilities in Perth and Fremantle is not for me to say. I think it is hardly the province of the Chief Inspector of Stock to inspect slaughter-houses; but, at the same time, he is doing all he can in the cases brought under our notice, and he has instructions from me to exceed his official duties, to travel outside the ordinary limits of his functions, and do everything he can to protect the health of the people, in regard to the quality of the meat put upon the market. He is quite alive to the necessities of the occasion, and I believe he has for some months past been

doing all he could in this direction. We have made arrangements for an inspector—he is, I believe, a veterinary surgeon—to be stationed at Fremantle, whose duty it will be to carefully inspect the stock that comes by sea. If he should detect any diseased animals, it will be his duty to point them out, and see that they are not slaughtered for consumption by the public. We have the matter under our supervision, and will do all that the present regulations enable us to do. At the same time, as I stated before, a good deal depends upon future legislation with regard to the purity of the food supply. The time has arrived, I think, when some fresh legislation has become necessary in the interests of the public health; and very shortly we shall have to grapple with this question in a much closer and more definite manner than we have done hitherto. It cannot be gainsaid that diseases do exist among cattle; and, if we do not take care, we shall be in imminent danger of their getting a firm hold of the colony.

MR. TRAYLEN: As has been stated by the Commissioner of Crown Lands, it is perfectly true that the duty of inspecting slaughter-houses usually devolves upon the City Council; but in this case all the slaughter-houses are situated outside the Perth municipality. As far as I know, there is no authority under which the officers of the City Council can go outside the municipality for the purpose of inspecting slaughter-houses. Hon. members will remember that, last year, power was given to the City Council to go beyond the municipal boundaries for certain purposes of inspection; but we overlooked the giving of the same power in regard to the inspection of slaughter-houses. I suggest that some one should take steps to amend the Bill now before Parliament—it might be done in the Legislative Council—in the direction of giving the City Council authority to inspect the slaughter-houses from which the meat supply of the city is derived, even if they happen to be outside the boundaries of the municipality.

MR. HARPER: With reference to what has fallen from the last speaker, it is quite true the slaughter-houses are outside the municipalities; but it would be very desirable for this House, and for the public, to know why inspection of the

meat does not take place after it is brought into town: because, after the killing is done at the slaughter-houses, there is still time for careful inspection within the boundaries of the city. I would like to ask the Commissioner of Crown Lands whether the diseased animals slaughtered, by the instructions of the Chief Inspector of Stock, were passed by the inspector at the port of Fremantle.

THE COMMISSIONER OF CROWN LANDS: There is no doubt that some of these cattle were passed by the inspector at Fremantle. It is somewhat difficult, in a shipment of 300 or 400 head of cattle, to detect a case of incipient disease. I saw these particular cattle myself in the Guildford sale yard, and I could not detect more than a thickness in the breathing and quick movements in the flanks and nostrils—symptoms that might have been produced by over-heating, and which might be shown by a perfectly healthy beast. It is only the fact that disease has got amongst our cattle that has made us suspicious. When at Guildford sale yard, I would have passed those cattle, and would have bought them without apprehension; but now that the matter of this disease has been made known to us, I would not pass them on any account.

THE ATTORNEY GENERAL (Hon. S. Burt): I would like to say that the Public Health Act, which deals with the sale of unwholesome food, provides penalties to be imposed upon any person proved to have in his possession diseased food. The penalty is a fine of any amount up to £100, or imprisonment for a period not exceeding two years. What we should do is to enforce the law that we have, and not to ask for a new law unless we can show that the existing law is faulty. I think the enforcement of the provisions of the Public Health Act would do a great deal of good; and it would, at any rate, draw attention to the fact that a man proved to have exposed unwholesome food for sale may receive two years' imprisonment. If the butcher who is charged with exposing diseased meat for sale can prove that he did not know it was diseased, he would, no doubt, get off. The Public Health Act makes it the duty of the local board of health to inspect not only butchers' shops, but

dairies, bakeries, and all other places from which food is issued to the public; and these places should be inspected constantly. When it was shown that disease existed in the cattle being slaughtered a few days ago, one would have thought the inspector for the local board of health would have been instructed to make a daily inspection of all the butchers' shops within the city; but I have no doubt they have done nothing of the sort, and that they are waiting for the Government to do it. I think the City Council should do their duty in this matter, and not wait for the Government to send the Chief Inspector of Stock to deal with it. I need not point out that inspectors should go round at least once or twice a week for the purpose of seeing whether diseased food is being exposed for sale. In regard to the slaughter-houses being outside the municipality, I may say that the local board of health can have nothing to do with them, unless a nuisance created within the municipality can be traced to a locality outside. In that case, they can bring the offenders before a justice of the peace, under one of the sections of the Public Health Act. No new law is required to deal with this matter, because, by the law passed a year ago, the Government were empowered at any time to declare the establishment of a local board of health for any locality in the colony. Therefore, if there is a slaughter-house any distance from Perth, or in any other part of the colony outside the limits of a municipality, and within a neighbourhood where people reside, a local board of health can be constituted, and can take steps to suppress the nuisance. We do not need a new Act. We have sufficient laws for dealing with the matter now, if they are put in force.

MR. JAMES: It is perfectly clear to me that members of this House avail themselves of every opportunity to heap abuse on the City Council. The adjournment of this House was moved for the express purpose of drawing the attention of the members to a complaint in connection with the lack of inspection of slaughter-houses. So far as slaughter-houses are concerned, the local board of health has absolutely no power whatever to make inspections of them; but hon. members talk as if it had that power. Such statements are altogether beside the

question. The body upon which rests the responsibility for the due inspection of slaughter-houses is the Central Board of Health; and if the responsibility of sending a bad member to this House rests upon the electors, does not the responsibility of having a sleepy Central Board of Health rest upon the men who appoint them—the members of the Government? If you refer to the Public Health Act, you will see that the Central Board of Health has the same authority throughout the colony as the local board has within the boundaries of its district. Any district that is not under the control of a local board is, according to the Act, under the control of the Central Board of Health; and it is this Central Board that is responsible for the inspection of the slaughter-houses. It is suggested that we should inspect the meat exposed for sale in Perth, but, I would ask, how many men are there in Perth qualified to detect disease in meat ready for sale? The Chief Inspector of Stock may be qualified to do this; but the members of this House cannot reasonably ask that the City Council should pay a salary of £500 or £600 a year to a man whose sole duty it would be to inspect the butchers' shops. The only thing to do is to inspect the meat where it is slaughtered. That is the proper time and place to decide whether good or bad meat is being placed on the market; and it is not the proper time for this work when the meat has been brought into the city for the purposes of sale. A man who could detect disease in meat would be worth £300 or £400 a year; and we should need to have one of these men stationed at each of the butcher's shops day and night. I do wish that hon. members would not talk upon these matters until they have considered them more carefully; and, if they find the City Council failing in its duty, let them give the members of that body advice, but only then. I have pleasure in supporting the motion of the hon. member. What we want to know is what steps the Government are going to take, at once, in regard to this discovery of disease in cattle. The local board of health has absolutely no authority in the matter; and every member of this House is agreed that it would be practically useless to expect an examination of the meat

to be made in the shops, when it could take place more efficiently at the slaughter-house.

THE COMMISSIONER OF CROWN LANDS: That is not so.

MR. JAMES: Will the Commissioner of Crown Lands say how many men there are here in Perth capable of detecting disease in butchers' meat?

THE PREMIER: We can easily get them.

MR. JAMES: Their salaries will have to be paid, if they are appointed. I understand that, elsewhere, it is the system for the inspection to take place at the slaughter-house; and as the Central Board of Health in this colony have the authority, why do not they have the inspections made? What I want to know is, what steps the Government are going to take at once. As to the report from the select committee on meat supply, it would be useless to wait for that, for any recommendations that committee may make cannot be carried out in 24 hours; and, on the other hand, I do not think that committee has any authority to deal with diseases in meat. The subject that committee was appointed to deal with had reference, I think, more to the question of price. We want an assurance that steps are going to be taken by the Government to prevent diseased cattle being slaughtered for consumption in the future.

MR. A. FORREST: It seems, from the speech of the hon. member for Perth (Mr. Randell), that the statements made in the newspapers of the last few days, as to diseases in cattle, have disturbed the minds of those who are in the habit of using meat as a daily food. It is strange to me that, whenever a question arises as to the meat supply, every member wishes to air his grievances in a way he never does when reference is made to other kinds of produce. At Fremantle thousands of tons of potatoes are imported of a very indifferent quality, but we do not hear any statements made in this House that those potatoes should not go into consumption. In the same way, fish and other things are imported for food, and never a word is said as to the need for inspecting them. As to the report of the Chief Inspector of Stock, on the matter mentioned by the member for Perth, I say the Chief Inspector is not

competent to deal with this question, because he has had no experience. Then we have the reports of two or three other gentlemen who have had about as much experience as the Chief Inspector, and it is upon reports of this character that we are asked to adjourn the House, in order that this subject may be debated. We know that butchers are very similar to people in other pursuits, in other trades: they are anxious to sell the best article, and have no wish to sell an indifferent article. Any member of this House knows that a leading butcher, or any butcher, would not sell meat that was bad or diseased, knowing that, if he did so, his business would be ruined. I say we should not act in this matter until we have more information than is contained in the reports of the two or three gentlemen I have referred to, and the exaggerated reports in the newspapers. The meat described in those reports is not the meat that is being sold in this colony. I have travelled up and down this coast with steamers carrying stock, and I say that those cattle are as good as any produced in the whole world, and that they are not subject to any disease whatever. Bullocks on board steamers have, I know, got knocked about, and in consequence have died on landing or soon afterwards; but these bullocks were not subject to disease. It seems to me that some members of this House are anxious to hamper the local supply of cattle, with the idea of helping people in the other colonies to bring in the meat to supply the market. A great effort is being made to introduce chilled meat into the colony, and I should like to know whether that meat will be subject to inspection before it comes here. If so, I should like to know who is going to inspect it, and whether the people who buy it are to receive a certificate that it is sound.

MR. ILLINGWORTH: Yes. They do that in England.

MR. A. FORREST: This chilled meat will be put on the boats, and will be landed here, and will not be subject to any inspection whatever. As to the subject before the House, I quite agree that inspection should take place at the slaughter-houses, or at the yards where the cattle are sold. That is the proper course to take; and, if an inspector says a bullock is diseased, it should not be

sold. Should a bullock that is diseased get into a butcher's shop, it must be removed, and the loss will be his. When dealing with this question, great care must be taken to show that the stock of this colony is as good as that got from elsewhere. Hon. members should not run away with the idea that what the other colonies have got is better than we ourselves have got. They should not imagine that, because disease has been imported into this colony, we must go to the other colonies to get sound cattle. I hope the motion of the hon. member for Perth will result in an inquiry that will show conclusively that the cattle of this colony are as good and as healthy as those that are imported.

MR. ILLINGWORTH: It goes without saying that every good thing the world possesses may be found represented in Western Australia. I have much pleasure in testifying to the fact that there is a certain amount of truth—in fact, a considerable amount of truth—in what the hon. member who has just spoken said with reference to the character of stock elsewhere; but I desire to deal with that fact in a way different from that adopted by the member for West Kimberley. In Victoria, before the question of the proper inspection of meat arose, we were afflicted most grievously with constantly recurring cases of cancer, attributed by the medical men to the diseased food which came into consumption. The feeling with regard to this matter became so strong throughout the country that it was decided to have a proper inspection of meat—inspection at the slaughter-houses, inspection when the cattle came into the country, and continuous inspection at the shops. It is not a question as to which of these places inspection should take place at, but inspection should take place at all of them. Every opportunity that can be found for the purpose of detecting diseased meat ought to be used. It is not a question to be passed lightly over; it is not a question of the personal interests of the stock-raisers in this colony or any other; and it is not a political question; but it is a question of the health of the people, which is far more to be considered than any political question to which reference can be made. We have had to deal with the fact that, as soon

as this inspection took place in Victoria, there was a very great reduction in the number of cases of illness which had been distinctly traceable to diseased meat, and the ratio of deaths from this disease (cancer) showed a considerable decrease. This fact impressed upon the people of Victoria the absolute necessity for watchfulness, with regard to the quality of food sold to consumers. It is all very well for hon. members to say that butchers will not do this or that. There are butchers and butchers, in every country. We found out, in Victoria, that there were butchers who systematically bought up diseased meat, if they could manage to pass it through the hands of the inspectors; and it was difficult to trace that meat, after it had left the slaughter-houses. It is useless to rely upon inspection at the butchers' shops, because there are very few experts who are able to detect diseased meat that has been "faked" for sale. We had a very great difficulty in Victoria in dealing with this question; and I just want to say that here we have arrived at a time in our history when we shall be better able to cope with this great and alarming question than are the other colonies to-day. I should like to refer again to the case brought before our notice. We have an inspector at Fremantle, and, so far as we know, these identical bullocks that were condemned passed through his hands. It is a most alarming state of things, if stock that is proved to be seriously diseased—and the evidence of that disease can be seen in the committee room, having been placed there by the Chief Inspector of Stock—can be passed through the hands of the inspectors without detection. Such a state of things is a disgrace and a dishonour to the inspectors, and a reflection on the Government that appointed them. I say that without hesitation, because public health stands distinctly before every other consideration. If it can be shown that there is risk of disease in cattle, even after inspection, it is a dishonour to the inspector; for either he is neglectful of his duty, or the Government have appointed a man who is not competent for the work. I think this is a matter that this House should take serious notice of. I am prepared to admit that it is possible for the best inspection to

allow a few diseased cattle to pass at Fremantle; but it is a suspicious circumstance that these cattle which were passed by the inspector at Fremantle were so far diseased that they were rejected by the butchers; that butchers, who are not inspectors, observed that these cattle were diseased, and would not buy them. These cattle were sold in the open market, and in the presence of the Commissioner of Crown Lands; and yet the butchers knew they were diseased, and the inspector did not know it, but allowed them to pass into the open market and into the food supplies of the people. It seems to me that in this matter there has been some neglect or inefficiency on the part of the inspector. If so many have passed inspection that ought to have been detected, and we have it proved that many of them have done so, how many have passed the inspector that were diseased and were not detected? How much of this bad meat have we been consuming for months, and how much of it will go into consumption during the next few months? It is not a question of politics, but a question of the health of the people; and I think the hon. member for Perth is deserving of all honour and credit for bringing it before this House, and I am sure that not only the people of Perth, but the people of the whole of the colony, will thank him for the action he has taken. What steps do the Government intend to take? It is useless and futile for the Government at a time like this, when the health of the people is threatened, and threatened in the most dangerous manner, to say: "We will consider this question when we get the report of the committee appointed to inquire into the question of the cheapness of meat." When we hear a statement like that, we might suppose that the Government did not recognise its responsibility, and that the health of the people was not a matter affecting the duties of Ministers; that, in fact, this is a mere question of whether a man should be allowed to make a profit out of certain stock, the Government not caring what became of the health of the people. I desire to press upon the Government to give us some assurance that they will take steps of a determined character to prevent this kind of food going into public consumption. If there is a duty that the Government should take up, it

is this one; and I assume it was with a view of getting the assurance I ask for that the hon. member for Perth brought his motion before the House. The Attorney General says the Government have the power to protect the public from diseased meat; and what we want is that the power shall be put into force in such a drastic manner as shall compel the purveyors of food in this country to supply the public with wholesome food. This is the question we want answered, and I trust the hon. member will not allow this question to drop until we have obtained some satisfaction and some very decided declaration from the Government on this important question.

MR. WOOD: I think every hon. member will acknowledge this is a very important question that the hon. member for Perth has brought forward. I did not intend to speak upon it, but I wish to reply to the hon. member for Nannine, who has accused the Government of not doing anything in this matter. If the Government had not been alive to the question, we should not have heard anything about it; so that I think it is quite out of place to accuse the Government of inaction. The Government, and no one else than the Government, have moved in this matter. The Commissioner of Crown Lands has told us that he instructed the Chief Inspector of Stock to go outside the limits of his office, and make the inspection which resulted in the discovery of certain diseased bullocks; and I, for one, am quite satisfied that what the Government have done in this matter is an earnest of what they intend to do in the future. It seems to me they are fully alive to the necessity of protecting the public, and that every fair-minded man would take up the same position that I do. We can infer, from the remarks of the Commissioner of Crown Lands, that the Government intend to be active in the future in keeping diseased stock out of the meat market; and, after the notice that has been drawn to the matter in the public Press, I think we have heard almost the last of diseased meat being foisted on the public. [MR. ILLINGWORTH: I hope you are a true prophet.] I think we ought to be well satisfied with what the Government have done; and I do not think it is quite fair to blame them, because, if they

had not moved, neither the City Council nor the Central Board of Health or local boards would have done so.

MR. VENN: I rise to support the remarks of the hon. member for West Perth. Without going into details, for it would be a difficult matter to decide on all the merits of the case, I agree that the Government cannot be expected to anticipate scarcities in regard to the food supply that may arise; and we have this fact before us, that the Government officers found diseased cattle in slaughter-yards. We are not concerned as to whether the cattle came from Kimberley or from the other colonies. What we want is pure food, in the way of butcher's meat. But I could not follow the Attorney General in his argument that the Central Board of Health or the City Council should cause the meat to be inspected in the butchers' shops, for there is not one man in 10,000—perhaps not one in 20,000—who by the most microscopical inspection could tell whether meat, when exposed in shops for sale, is diseased or not. But there is a Government veterinary surgeon, who could perceive, before an animal was killed, whether it was diseased, and that is the point we want to find out. It would, at any rate, be very satisfactory to the public if the Government were to instruct the inspectors to make weekly reports on the condition of the slaughter-houses, and of the cattle killed there, more particularly the abattoirs of Perth, Fremantle, and Guildford. I do not think it is likely that stock will be found to be very much diseased; but it would be satisfactory to the public to know all about the kind of stock that is being slaughtered and sold as food for consumption in the large towns I have mentioned. I hope this matter will be prosecuted with the greatest activity by the Government.

THE PREMIER (Hon. Sir J. Forrest): I think there is one thing we may, at any rate, congratulate ourselves upon—that there is no evidence whatever that any diseased meat has gone into consumption; so that I think the Government have been careful in that respect. Something has been said about the inspector being neglectful of his duty, in passing an animal that was diseased; but I do not know that it is easy to tell whether an animal is diseased, by merely looking at

it. I know very well that no doctor would say, by merely looking at a man, whether he was of sound constitution or not; and I do not know that cattle are very different from human beings in that respect. I know that, when you go to insure your life, the doctor makes a thorough examination, by sounding and otherwise, before he will venture to give an opinion as to your state of health; and I have no doubt it will be somewhat the same with animals. I very much doubt whether it is possible, in the early stages of disease, at any rate, for an inspector to give a positive opinion as to whether a certain animal is diseased. As for the butchers having rejected the animals which have been referred to in this House, I am informed the reason was that the bullocks were not in good condition. There is plenty of power, under the Health Act, to take steps for dealing with slaughter-houses that are not well kept—that is to say, if they are filthy or are not cleansed. With reference to the matter that has been brought before the House, I think we should congratulate ourselves, rather than find much fault, because we find that the Government officer, the Chief Inspector, followed the suspected animal and had it destroyed, giving as his opinion that the animal was diseased. I should like a little more evidence of the fact as to disease, for, as the hon. member for Wellington has said, it is not everyone who can tell disease. Whether the meat was diseased or not, in this case, I do not know. We are to have the opinion of the veterinary surgeon on that point, and he is one who, I believe, is fully qualified. I do not think there is any cause for alarm, because we may take credit to the Government that we discovered the cattle which were supposed to be diseased. I have no doubt that, with the powers of the Health Act, the Central Board of Health and the local board of health, with the Inspector of Stock, will be able to do all that is necessary in trying to prevent the spread of disease in stock, and to prevent diseased meat being sold.

MR. SIMPSON: After having been assured by the Commissioner of Crown Lands that he has had this matter under consideration a long time, after having been assured by the Attorney General that the law shall be put in force, and

after having been assured by the hon. member for West Perth that the Government are doing all in their power to put it into force, we are now assured by the Premier that the existence of disease in certain cattle is not proven. And yet we have the positive statement of public men that it was only an accident that prevented the diseased meat from going into consumption. That is the position: either that these men whose reports have been published in the Press are liars, or that the state of affairs is very serious. I have it from these men that what they saw at the slaughter-yards was most revolting, especially having in view the possibility of such food going into consumption. I do not know whether the Government have any cause to view this with satisfaction; but the hon. member for West Perth seems to contemplate it with satisfaction, for he says that the Government are doing all right. He always is a supporter of the Government; but I affirm distinctly that the public say all is wrong, and that there is a state of alarm in the public mind, especially in the centres of population, which the mere assurance and applause of an out-and-out supporter of the Government will not satisfy, and the sooner the public let their representatives understand that these things will not be tolerated, the better. It is said that, as the Central Board of Health have power to deal with unwholesome food, everything is all right, and that it is perfectly satisfactory to leave everything to the City Council. I know what trouble it took to galvanise the Government into activity in regard to the small-pox scare, and I have heard that the Government refused to pay the cost of the precautions that were taken. [THE PREMIER: It has all been paid.] In connection with this matter the Government and their supporters are a great deal too much identified with the traffic. It resolves itself into that, in my mind; but we shall not be able to assure the public that there is peace, when there is no peace, by telling them there is an Act giving power to protect them from diseased meat. The Premier says we may congratulate ourselves upon this discovery, but, at the same time, he says he is satisfied that no diseased meat goes into the market. I should like to ask the Premier whether he is satisfied with the mortality rate

of the cattle of the country. I have it from a man who has "made his pile" as a stock and station agent, that there is a regular traffic done in diseased cattle. You buy a bullock for five shillings, and ring him in with some others, and get fifty-five shillings for him. It is admitted that tuberculosis is difficult to discover until after the beast is killed; and are we going to believe that the butchers' ring in this country is so philanthropic that, after having killed a beast, they are going to bury sixteen or seventeen pounds' worth? I know the position is this: that the people in the large centres to-day are in a panic over this question. Either the statements in the newspapers must be absolutely disproved, or else it is the imperative duty of the Government not to endeavour to smile this thing away, but to strongly exert themselves for preventing this filthy food going into consumption. I know of no proposal to prevent this being done that I would not support. [THE ATTORNEY GENERAL: Double the Stock Tax, then.] I can imagine no greater menace to the community, no greater crime to the community, than to sit by and allow this stuff to go into consumption, simply because the Attorney General reads out a section to show that, if a man knowingly sells diseased meat, he can be prosecuted. The Attorney General knows that is the *cruz* of the whole position—to prove that a man knowingly sells such meat. The position is a most serious one, but the Government try to laugh it away, and their supporters assist them in trying to laugh it away. That is the attitude of the Government and their supporters on this question; and I hope that the Press will continue to expose the action taken by the Government and their supporters in regard to this question.

MR. RANDELL: I am glad that hon. members have treated this matter seriously, but I think the Ministry are trying to face the matter. A certain amount of credit is due to the officers who prevented the diseased meat going into consumption. What we want to know is that every possible step will be taken to keep the food supply pure. I think there should be diligent inspection of the stock landed at Fremantle, and that an inspector should be appointed for the

sole purpose of examining the animals that are imported, whether from other parts of this country or the other colonies. It is absolutely necessary to take every step to assure the public mind; and I think that, if every precaution is adopted, very little diseased meat will find its way into consumption. In regard to what has been said about the inspection of the meat when it is exposed for sale, I quite agree that it would be impossible to detect disease in it in the butchers' shops. We have had evidence before the select committee, which has been sitting on the subject of a meat supply, that it would be almost impossible for an expert to detect that animals have been diseased, after the meat is removed to the city for sale; and, therefore, I think there should be most careful inspection at the slaughter-houses. At the same time, the butchers' shops should be inspected, in order that their premises may be kept in a cleanly condition. I am very pleased at the tone of the debate on the subject.

Motion for adjournment put and negatived.

STATUTORY DECLARATIONS BILL.

THIRD READING.

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

POST OFFICE SAVINGS BANK BILL.

THIRD READING.

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

COMPANIES ACT AMENDMENT BILL.

RETURNED FROM THE LEGISLATIVE COUNCIL.

THE ATTORNEY GENERAL (Hon. S. Burt) said the Legislative Council had desired to make provision in this Bill for the imposition of certain fees; and, in order that this might be done without infringing the privileges of the Legislative Assembly, he had suggested that, when the Bill came down to the Assembly, those additions could be made. While the Bill was being considered, however, the matter had been overlooked; and he believed it was now the intention of the hon. member for North Fremantle (Mr. Moss) to supply the omission. He

(the Attorney General) moved that the Bill be recommitted.

Agreed to.

IN COMMITTEE.

MR. JAMES (in the absence of Mr. Moss) moved that, at the end of Clause 3, the following words be added:—"A fee of five shillings shall be paid in respect of all copies so filed."

Agreed to.

MR. JAMES moved that the following words be inserted at the end of Clause 4:—"And a fee of £1 1s. shall be payable on every such certificate."

Agreed to.

[SIR J. G. LEE STEERE (Speaker) said that, as the Attorney General had mentioned that the Legislative Council could not have inserted the imposition of fees in the Bill, he desired to call attention to Standing Order 309, which showed that the Legislative Council could have done so in this case. The Standing Order was as follows:—"With respect to any Bill brought to the House from the Legislative Council or returned by the Legislative Council to the House, with amendments whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied or extinguished, the House will not insist upon its privileges in the following cases:—(1.) When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences. (2.) Where such fees are imposed in respect to benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same either in respect of deficit or surplus. (3.) When such Bill shall be a private Bill for a local or personal Act."]

MR. JAMES moved, in reference to the Schedule, that the words, "according to the certified copy of incorporation duly filed," be struck out, because in some cases there might be no certificate of incorporation; and that the words "it appears that" be inserted in lieu thereof.

Agreed to.

Bill reported to the House, with the further amendments.

EXCESS BILL.

THIRD READING.

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

WEST AUSTRALIAN TURF CLUB ACT
REPEAL BILL.

SECOND READING MOVED.

MR. WOOD: I rise to move that this Bill be read a second time. The object, as set forth, is to repeal a private Act passed in 1892.

MR. JAMES: What is the reason for the Bill?

MR. WOOD: That was a private Act; and the desire of the promoters of this Bill is to place the Turf Club in exactly the same position as it was in before 1892. This Bill has passed the Upper House, and I therefore move the second reading.

MR. MONGER: I have much pleasure in supporting the second reading of this Bill. It places the West Australian Turf Club in exactly the same position as they were in before the private Act, which they now ask to be repealed, was first introduced. The West Australian Turf Club propose to spend a large amount of money during the next few months. On the occasion when the private Act was introduced they were not owners of the property; but recently the Government were good enough to transfer the present site to the Turf Club, who now wish to be placed in the same position as they were in before the private Act, introduced at the request of the committee of the Club, was brought into operation in 1892.

MR. JAMES: I would like to know, from the Premier, if the Government were in any way influenced, when giving this land to the Club, by the fact that that body had certain statutory powers.

THE PREMIER: Have they been granted the fee simple? I forget.

MR. MONGER: They will have it very soon.

MR. A. FORREST: They have a 999 years' lease.

MR. JAMES: If the Government gave such a lease as that, it seems peculiar that directly the Club get it they turn round and want to repeal the private Act, which was passed in 1892.

THE PREMIER: They had that lease before they got the private Act.

MR. JAMES: That may be so; but the matter needs very careful consideration.

THE ATTORNEY GENERAL (Hon. S. Burt): I believe that, from the earliest times of the colony, the property known as the racecourse, near Perth, was vested in certain trustees, under a deed. It was a very lengthened deed, and had many recitals; but it provided, after mentioning safeguards, that the trustees to whom the land was given should always maintain the racecourse, and admit all people on certain charges to be approved by the Governor in Council. Their proceedings were much regulated by that deed, and I think that is recited in the Act which the Club now desire to repeal. Whether they have had a deed since then, I am not aware; but they may have had a fresh deed. If so, none of the restrictions of the first deed have been done away, as far as I know. The ground was given for a public racecourse, to which all people could be admitted on equal terms; but it was not left in the power of the trustees to charge anything they liked, as the charges were regulated. I do not know why the Club are now seeking to repeal the existing Act, and I would like to know something about it. That Act enabled them to establish a committee, to frame certain rules for the government of the racecourse and the pastime of racing. It was a very useful Act; and why the Club seek to sweep it away I am at a loss to understand. No doubt it can be explained, and it should be explained. I am not sure it would be at all wise to vest this property absolutely in the trustees of the Club as their private property, and let them make what regulations they think fit. Before I say any more, I should like to know the reasons actuating the Turf Club in asking the House to repeal the existing Act.

MR. SIMPSON: I beg to move the adjournment of the debate for a week.

Motion for the adjournment of the debate agreed to, and the debate adjourned accordingly.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

On the motion of MR. JAMES, the House went into committee to consider an amendment made by the Legislative

Council, as follows:—On page 2, Clause 4, strike out the first three lines, and insert the following words in lieu: "After a weighbridge has been erected in any municipality, and ten clear days' notice of such erection shall have been given in the *Government Gazette*, and in one newspaper circulating in the district, every vehicle carrying, or constructed to carry, goods or merchandise of any kind whatever in actual use in any public place within such municipality, shall."

IN COMMITTEE.

MR. JAMES moved that the amendment made by the Legislative Council be agreed to.

Put and passed.

Resolution reported to the House, and the report adopted.

Ordered—That the Legislative Council be informed that the Legislative Assembly had agreed to the amendment made by the Council in the Bill.

JUDGES' PENSIONS BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt): I rise to move the second reading of a Bill providing pensions for Judges of the Supreme Court. At the present time there is a special Act relating to the pensions of Judges; but under that Act they have no claim to pensions as a matter of right. Therefore we think the precedents of the other colonies and of other places should be followed. I may say at once I do not propose to move the third clause appearing in this copy, but I will ask the House to allow the Government to withdraw that clause, so that the Bill may be said to consist of two clauses—the short title clause and Clause 2. Hon. members will see that Clause 2 asks that every Judge of the Supreme Court shall be entitled, after serving for 15 years, to resign and demand a pension of half his salary; and, also, if he is disabled at any time he shall be entitled, on his retirement, to receive as a pension one-half of the salary received by him before his retirement. This same law obtains in New South Wales and in England. It must be borne in mind that Judges, unlike other officers, are not called upon to serve until well advanced in years. Generally, a Judge is an elderly man, as

young men do not, as a rule, find a place on the bench; so that 15 years' service will be a fairly long service in this capacity. We wish, also, by this measure, to make the bench a little more attractive. It was pointed out, a short time ago, when considering a Constitution Amendment Bill, that it was difficult to get a gentleman to take the office of Judge here at the salary now paid, and therefore the salary was increased. I think it was also mentioned that we intended making further inducement, and this Bill shows what inducement the Government propose. The House will probably like to know what provisions are made in other places, and I think I have sufficient information for me to say what is done in the other colonies of Australasia, including New Zealand. In New South Wales the salary of the Chief Justice is £3,500, and the salaries of the other Judges are £2,600. By statute in that colony a Judge can claim seven-tenths of his actual salary, on being permanently disabled or retiring by infirmity, or after 15 years' service. That is the same as we purpose in this Bill. In Victoria the Chief Justice receives £3,500, and the other Judges receive £3,000; also, under their Constitution Act of 1890, No. 49, provision is made for a total of £4,000 to be enjoyed at any one time by the Judges by way of pensions. I suppose the sum is allotted under some regulations, but £4,000 a year is available at any one time for the pensions of Judges. I think the regulations in Victoria must be in accord with the Act of the Imperial Parliament regulating the pensions of the Judges of the United Kingdom. [MR. RANDELL: Could one Judge get all that?] I think not. In Queensland, after 15 years' service, or on being disabled by permanent infirmity from the performance of the duties of the office, one-half the actual salary is granted. In South Australia a pension of £1,300 was secured by Act to each Judge who had been on the bench up to a certain date; but that Act has been repealed. For the Judges at present on the bench a pension of £1,300 is provided for each Judge who retires in consequence of being unable, from permanent infirmity, to perform the duties of his office, after having

served for not less than 20 years; but it is only right I should say that Act has been repealed, and there is now no provision of pensions, except as to Judges at present on the bench. In Tasmania, by 17 Victoria, No. 24, two-thirds of the salary at the time of resignation is allowed, but it is not granted unless the Judge has continued in office for 15 years and attained the age of 60 years, or unless afflicted with some permanent infirmity disabling him from the due execution of his office. In this colony, under the Bill now before this House, a Judge may retire after 15 years' service, and need not necessarily be of the age of 60; and here also the House is only asked to grant half the salary, as compared with the two-thirds allowed in Tasmania. In New Zealand, a Judge after having attained the age of 60 years, or who shall, in the opinion of the Governor in Council, become incapable of performing the duties of his office by reason of any permanent infirmity, is entitled to a pension in proportion to his salary at the time of resignation, namely, for 10 years' service, three-twelfths of the salary; for 15 years' service, six-twelfths of the salary; for 21 years' service, eight-twelfths, and so on. That proportion is about the amount of pension we suggest, with the exception that in New Zealand, unless the Judge is disabled, he must have arrived at the age of 60 years. It appears to me that, in making this proposal, we are not going at all beyond what we should in the matter of pay. We have no limit of age, and if a Judge has served for 15 years he may retire; but in the other colonies he must retire at 60, and there the pensions are considerably more than one-half the salary. I think it will be recognised that we must provide pensions for the Judges, and the Government have not erred too much on the side of liberality, as they have to give attention to the views of hon. members on this subject. It is for that reason we have seen fit to drop the third clause, and, in committee, I will propose that the clause be struck out. I will also, in committee, if the second clause passes, propose a proviso, that if a pension becomes payable, and if the person receiving it shall accept any other appointment under the Crown, the pension shall cease. This is the same

provision as appears in the Constitution Act. I will ask to be allowed to add, in committee, a proviso that if any person who may be entitled to, or may be in receipt of, a pension by statute under this Act, shall practise as a barrister, solicitor, or proctor in Western Australia, his right to such pension shall be forfeited, and the pension already granted shall cease to be payable. That will prevent the spectacle of a Judge, who may be comparatively young, leaving the bench with a pension of £800 or £900 a year, and practising his profession before the same Court. Parliament could never allow that sort of thing, if it knew of it, and representations having been made to me, the result is that provision will be inserted to show clearly that the intention of the Government is that such a thing shall not happen.

At 6-30 p.m. the SPEAKER left the chair.

At 7-30 p.m. the SPEAKER resumed the chair.

MR. ILLINGWORTH: The question raised by the Judges' Pensions Bill is one that ought to be approached with infinite care, in this colony. There have been some very painful experiences in other colonies of what a fixed and enormous pension list is. A pension list has one great disadvantage, that in times of trouble it is just the one thing that cannot be easily interfered with. It is something astounding to look at the pension lists of other colonies, Victoria in particular; for a pension list is one of those things that Ministries cannot touch, and is an increasing burden on the State. I will say, however, that if there is a position in any part of the public service to which a pension should apply, certainly it is the position of Judges. I would like to suggest that the whole argument in support of the pension system, as based upon the practice of other colonies, is altogether unavailing in this particular, that nearly all the Pension Acts in those colonies were passed in times of great prosperity. The past history of those colonies will show that all salaries were high, that the conditions were prosperous when their pension lists were established; and I say now that the very men who

were most active in passing them are the men who, to-day, are most desirous of abolishing the pension system. Nor is the argument of much avail if we take it from the standpoint of population, for we know that the Judges hold a distinct relation to the mass of the people; that the amount of work which requires to be done, and the standing the Judges hold in a community of a million of people, is a very different one as compared with the duties and position in a community of 125,000 people, as in this colony. The pension system, as a whole, requires to be approached with very great care, and I would much like to see the Government not only withdraw Clause 3 from this Bill, but withdraw Clause 2 also. I think they have done very well, for this session at any rate, in largely increasing the salaries of the Judges. I think these gentlemen, honourable Judges as they are, of whom we may be proud—indeed I think the judicial bench in this colony is graced with men of whom any colony might well be proud, though I am not sufficiently versed in law to know whether they are good lawyers or not; but, speaking as a layman, I think we may well be proud of our Judges, and I say these gentlemen entered the service without any intimation of pension, that it was no part of their engagement with the State, and that this is an entirely new departure so far as they are concerned. I think the country is treating them fairly liberally in the stand that has been taken this session, for we have now raised the salaries of the Judges to £1,700 a year for the Chief Justice, and to £1,500 a year for the Puisne Judges; and now it is proposed to establish a system of pensions based upon these increased salaries. It does occur to me that the principle itself is bad. The rule in establishing pensions is, for the most part, based on a proportion of the general salary, and not the highest amount of salary which a Judge may attain to in the later period of his life. [THE PREMIER: Three years is the period taken.] Here it is proposed not only to make a new departure, and start upon a system of pensions, not knowing exactly where we are going to end—not only are we at once to raise the salaries of the Judges, and also to establish a system of pensions based upon their increased salaries, but we are enter-

ing into a distinctly dangerous system in reference to the appropriation of the pension itself. The basis is to be a service of fifteen years as a Judge of the Court. We know that, for the most part, Judges will probably be middle-aged or aged men before they go on the bench; but we are making a law to establish a principle from which it will not be easy to depart, and we have lived long enough in the world to see that it is not always aged men who are appointed to the bench. I have seen the time when a Government, for its own purpose, has put on the judicial bench a political favourite, and has made the bench a special political reward. Therefore it is quite possible that a favourite of the Government may, at 35 years of age, be appointed to the bench; and at 50 years of age he is to be privileged to retire, under this Bill, and claim one half his salary as pension. What does this mean? It means £850 a year for a Judge who, only a little while ago, was receiving something like that amount as his full salary; it means that a Puisne Judge, who a few years ago was receiving only £600 a year, is to be pensioned off at £750 a year. There is another thing in the clause which looks to me very dangerous. It reads, "or on his being disabled by permanent infirmity from performing the duties of his office." I suppose that is grammatical, but it is not clear sense. Are we to understand that a Judge in this position is disabled by his duties? Is it to be shown that, in consequence of the service he has rendered to the State, he has become permanently disabled by infirmity; or is it not within the scope of this section that a gentleman whom we might all esteem, who is unfortunately afflicted with, say, consumption, and who after being a few years in the service—perhaps only one year, for all we know—may retire from the service and claim one-half his salary as pension, and may continue on the pension list for years, the State having to appoint some other person to do his work? While we may, perhaps, feel every sympathy for a gentleman in that position, is it a proper thing for this House to place itself in this position, that a Judge who is able-bodied to-day may be to-morrow placed on the pension list, and be enabled to claim one-half the salary he was getting, after

having been appointed, perhaps, only a year ago? If this question of pensions was based, as it is I think based in nearly all the colonies, on the principle that when a man is getting aged, and that at 60 years of age or some fixed date he should be entitled to retire of his own will, or retire at the will of the State, I could understand it. In Victoria, and I think also in some other colonies, the age at which a civil servant may be pensioned is 60 years, and the Government there may cause any servant in their employ to retire at that age, although they have the privilege, in certain cases, of retaining him for another five years. [THE PREMIER: I do not think that applies to the Judges.] Perhaps it does not. I am speaking to the general question, and whether it applies to them or not, though I rather think it does, yet I say that in establishing the principle in this colony we ought to fix some such age—if not the age of 60 years, some definite age—so as to preclude such cases as I have mentioned, in which it would be possible for the Government in this colony to use this Bill for its own special purpose, and to bring about a condition of things that is the very worst possible to any country—that is, making the office of a Judge a reward for political support. Nothing can be more dangerous to the community than to have such a principle running into our legislation, or than its being placed within the power of any Government to make appointments in such circumstances. The Judge upon the bench should be absolutely free—free for his own sake, and in order that there may be respect for his decisions, and be a general consensus of feeling that the bench is pure; but if we leave openings in this Bill, as I contend the Government are now doing, for political patronage in its very worst form by the making of appointments to the bench as a reward for political support—that bench which is, or ought to be, the very fountain of justice—we are taking a step which I consider to be exceedingly dangerous; and, if this Bill is to pass, I hope the Attorney General will be disposed to give us something more distinct upon this question of disablement. It appears to me this provision should be struck out altogether, unless it can be shown that the infirmity to be provided for is a consequence of the Judge's work.

Why should the State take the responsibility of natural infirmity? If it can be shown that, by the service a Judge has rendered to the State, he has become disabled, then certainly there would be a claim upon the State to pay for the disablement. But if there is a natural infirmity, which possibly there may be, and if the Government desire to do one of those objectionable things I have referred to, it will be easy enough to appoint a favourite to the Bench to-day, and then obtain a doctor's certificate a few weeks hence to say the new Judge is permanently disabled, by which means he may be placed on the pension list at £750 a year. I think the expression as to "disablement" is exceedingly vague and dangerous; and though I am not prepared just now to suggest how it should be altered, I do hope the Attorney General will endeavour to give us something more reliable and more definite. Then I would be disposed to say that, assuming Clause 2 is accepted by this House, the rate of one-half a year's salary is too much for a pension. I think that after receiving a good salary for a number of years, a Judge should be, like other men, in a position to make some provision for the future; and if we provide that he shall then get a pension of one-third of the salary he has been receiving, I think that should be sufficient for a start in this dangerous way of granting pensions. I say the pension system is dangerous, and will lead to consequences that may be very serious. Looking at the dangers of this Bill all round, and looking at the danger of the principle, I would be disposed to advocate that this Bill should be withdrawn, and the whole matter be dealt with under a Civil Service Bill, when the question of pensions could be placed on a definite footing. A system of state insurance would be infinitely superior to a system of pensions. I do think we ought to give this question of pensions very serious consideration before passing such a Bill; and if we are going to apply the pension system to one part of the public service, we ought to be willing to apply it to all parts of the service. We should take up this question of pensions in a way that will enable us to apply the principle not only to Judges on the bench, but to every servant in the employ of the Government.

We should deal with all our servants in the same way. I am disposed to think that hon. members will be inclined to turn, with some concern, to the consideration of a question which would be involved in our having a Bill before us to pension every servant of the State; and yet, if we are to pension the Judges, why not pension every other servant of the State? Is this Bill for the pensioning of Judges to be a start in the direction of pensioning all civil servants generally? If so, how and when are we going to stop in the pension system?

THE PREMIER: The principle is established now.

MR. ILLINGWORTH: Yes; but we are establishing the principle here by an Act.

THE PREMIER: We deal with it now under an Act.

MR. ILLINGWORTH: I am considering the question as a whole. I do not like piecemeal legislation. In view of the raising of the Judges' salaries lately, and believing we should give this question of pensions more consideration, I feel bound to vote against the second reading of this Bill.

THE PREMIER (Hon. Sir J. Forrest): I should like to say a word or two upon this Bill. First of all, I should like to express an opinion, which I do not know that I have ever expressed before in this House, that I am not opposed to pensions for civil servants. I know that in some of the colonies of Australia, in recent years, pensions have been done away with, and other means have been tried with the same object in view. The system of State insurance, which some members advocate, is really the same in principle as the pension system. My own opinion has always been that the granting of pensions under certain restrictions, which are generally provided in Superannuation Acts, has a very good effect on civil servants; that it gives the officers, after a few years' service, a greater interest in the service, and makes them more likely to take care of their positions, and less likely to do anything that might forfeit them.

MR. ILLINGWORTH: They are much more difficult to get rid of under a pension system.

THE PREMIER (Hon. Sir J. Forrest): I do not know that if an officer under the Civil Service Act misbehaves himself, he

cannot be got rid of; but if he does behave himself, and carries out his duties to the satisfaction of the Government, he may then reckon upon having a freehold in his appointment. I am of opinion that the pension system in this colony has worked exceedingly well. If we do away with pensions, and do not give officers any permanent interest in the service such as a pension would induce, I think it will be found that officers will not have that interest in their work, and will not be as careful of their positions, as at the present time. With regard to the question before the House, I think the position of a Judge is very different from that of an ordinary civil servant. A Judge enters the service at an age far in advance of an individual entering the service under ordinary conditions, for the ordinary civil servant usually enters as a young man, and works himself up through the service. The career of a Judge is at its best, or almost at its best, when he accepts a position on the Bench; and, in doing so, he sacrifices a good deal for the honour and dignity of the position which he, no doubt, has desired to fill, as I suppose most lawyers who are at all eminent in their profession do desire, and look forward to occupying the dignified position of a Judge. They have to "win their spurs" before they can hope to attain to that position. Such men are no longer young when they are appointed to the judicial bench; and besides giving up a lucrative practice, they lose their connection with any other business that may have added to their income, because Judges must retire as far as possible from business pursuits, in order that they may occupy their position with the independence and the dignity which the people of the country expect in them. That being so, there is a difficulty always in obtaining the best and most eminent men at the bar to fill the position of Judge. If there were no special advantages attaching to a Judge's position, I expect you would find more difficulty in obtaining the services of the best men. In England we know the Judges are not only paid fairly good salaries, but are entitled to pensions on becoming incapacitated by ill-health, or after serving 15 years. I am not able to say what the amount of the pension is in England, but I think they are allowed to retire on three-fourths of

the salary. There is another advantage in allowing a Judge to retire after 15 years' service, and it is that, seeing he will be probably 45 or 50 years of age when he becomes a Judge, he will be, say, 65 years old after having performed 15 years' service. Therefore, under this Bill, a Judge would not be likely to remain on the bench after he had become an old man, because there would be some inducement for him to retire on the pension provided by statute; whereas, if there were no provision of this sort, you might have a Judge continuing on the bench when he had become far too old for the duties, and hon. members will know how difficult it would be for Parliament or the Government to deal with a Judge in such circumstances, on the ground that he was getting too old for the work. It is not desirable, in the interest of the country, for a Judge to remain on the bench when he has become in any way feeble through old age. I do not suppose there is anything we could propose to which there would be no objection, or as to which some member of this House might not raise imaginary difficulties. The hon. member for Nannine suggests that a Government, desiring to grant some favour, might select a young man of 30 or 35 years of age to be appointed a Judge, contrary to the wish of the country and of Parliament. I do not suppose a Government that would do that sort of thing could be acting in accord with the wish of the community, because I do not think English communities would approve of very young men being placed on the Bench. I do not know of any case, in this or the other Australian colonies, where any young man was placed on the judicial bench. The hon. member did refer to a case in Victoria, but I think he was mistaken as to the age and position of that officer. I know that gentleman held one of the highest positions in that colony before he became a Judge; and so I think it is a mistake to assume that any barrister has ever been promoted to the judicial bench in Australia when a very young man. We all know that in England, in order that men of the highest talent and intellect at the bar may be available for the great position of Lord Chancellor, one day's service as Lord Chancellor entitles the holder of

the position to a large pension for life; and the reason is that there may be available for that great position the highest talent in the land.

MR. ILLINGWORTH: There are 39 millions of people.

THE PREMIER: What applies to 39 millions will, in a lesser degree, apply to a smaller number of people. I do not know whether this pension law obtains at the present moment in South Australia, but it obtains in Queensland, in New South Wales, and in Victoria exactly as we propose in this Bill. In Queensland and New South Wales we find the same words in the statute, except that instead of one-half the amount of salary, a retiring Judge gets seven-tenths of the salary, which is a little more than we propose. In Victoria, the same principle applies, and also in Tasmania and New Zealand, except that in the two latter places 60 years of age is a necessary condition. In New Zealand, after 10 years' service, the Judges are allowed to retire with a pension equal to a quarter of their salary; after 15 years' service, one half; and after 21 years' service, three-quarters of the salary. So it is no new idea the Government are bringing forward, as it is the rule in all the other colonies, except I believe in South Australia; but even there the altered system does not affect the present Judges, who may retire with a pension of £1,300 each. Under the Superannuation Act in this colony, a Judge, after serving 15 years, would be entitled to a quarter of his salary as pension, so that, without this Bill, a Judge after serving 15 years may retire on a pension. The hon. member for Nannine sees some danger in the clause, but I cannot see the danger. This provision is merely the Superannuation Act, with a double advantage that instead of a quarter-salary pension after 15 years, the Judges are to receive a pension equal to one-half the salary. I cannot see that the position of a Judge is anything like that of an ordinary officer joining the public service as a young man and living in it all his life, and retiring when he gets old or disabled. In our Superannuation Act there is a provision by which an officer, entering the service at an age greater than usual, after so many years of service can have that addition made to the length of his service. There is

another provision, that any officer entering the service with special qualifications, not usually held by persons entering the service, is allowed to add so many years to his service. That surely applies to the position of a Judge, who has to serve a long apprenticeship at the bar and become eminent there, or he would not be selected by the Government for the position of Judge. With regard to the point raised by the hon. member for Nannine, that a Judge after having accepted a judgeship might break down and be incapacitated, and might leave the country and take his pension with him, such a case might happen, but it is not likely to happen, as the Government will not appoint a person who is in a galloping consumption, or in very bad health, to this position. There are not many instances in Australia in which gentlemen having accepted positions on the bench at once break down, and are unable to perform their duties. If an officer enters the civil service, and after being there 10 years becomes broken down in health, he will be entitled to a pension; and there the same argument might apply, as ten years' service is very short for a young man. I do not think that, when hon. members look into the matter, they will come to the conclusion that the Government are doing wrong in proposing this superannuation for the Judges. We will be doing good, as we will provide that a Judge need not remain until he becomes enfeebled by old age; and we will be acting in accord with the principle in force in all the other colonies. I hope hon. members will pass the second reading of the Bill; and, with the provisions to be moved by the Attorney General in committee, the Bill will be perfectly safe. It will not be possible to make this an instrument for a person taking away a pension after a short service, as the pension will be surrounded with the same restrictions as are in force in other colonies. I see no danger in it at all, but only good. When we require more Judges, or when any of the present Judges retire, we will have some better inducement to offer the leaders of the bar than in the past; and, as I said the other evening, unless we raised the salaries of the Judges and made some better provision for pensions, we would have difficulty in getting the

position filled by gentlemen who have the confidence of the country. No one desires we should go out of the colony for our Judges. I do not; and I hope we will be able to select the Judges, when we require them, from the local bar, as they have a knowledge of the country, and have sympathy with the people. I hope the Bill will be passed, as it will place the present occupants of the judicial bench in a better position, and will, all round, be in the best interests of the country.

MR. GEORGE: I hope the Bill will be thrown out, and I do not want any mistake to be made about my attitude. I think the reasons stated by the Premier himself should induce members to take the same view as myself. When the hon. gentleman was speaking, I was wondering to myself what was "in the air." We hear of strikes at the locomotive works, and I hope I shall not be considered impertinent if I ask if there is any impending strike among the Judges? I think the salary is far too high for the services rendered, and I was very sorry that, by the action of the gentleman in authority, whose decisions must not be questioned, I was not able to obtain the decision of the Speaker, as I believe I was quite right, and that I had the right to move for a reduction even as low as £1. The Premier says a pension induces officers to take greater interest in their positions. I suppose it does, but it does not cause them to take a great interest in the affairs of the colony. I shall oppose this Bill, if it were for no other reason than that it is the forerunner of a pernicious system of pensions for civil servants. Why cannot the Government pay the civil servants a decent salary, adequate to the work they do, and not dangle pensions before them? [MR. A. FORREST: We pay them plenty for what they do.] Yes; I believe that. The Premier says this practice obtains everywhere; but that has nothing to do with West Australia. Lots of things obtain in Victoria which we do not want here. If there is anything proposed by some hon. members that obtains in the other colonies, if the Premier does not like it he says, "We don't have to do with those places, but with West Australia." I can give him his argument back. When these positions were accepted there was no question of a pension, and I see no reason for it now. I worked for a

private firm for 11 years, and I never got a pension, but I took precious good care that I was paid according to what I thought was the value of my services. I do not think we ought to go into this question, because what right have we to saddle such liabilities on the next Parliament, and on future generations? What right have you to dispose of their income, and saddle a liability on future generations for pensions to gentlemen who serve this generation? I think the Government might very well withdraw the Bill; and, if they do that, they will find they are doing the right thing. If we pass the Bill this session, we shall in the next session have the Premier, with his splendid arguments and flow of language, asking us to provide pensions for the big civil servants. If no one will do it, I will move that the Bill be thrown out.

MR. A. FORREST: Before the second reading takes place I would like further time for consideration. I think, with the hon. member for the Murray, that this Bill might well be left to the next session. I do not say which way I am going to vote, but I think it better for us not to deal with this Bill. Already we have increased the Judges' salaries £400 or £500 each, and the year before we also increased them; so that I think if any of the Judges are incapacitated from work, they are entitled to a quarter of their actual salary after 15 years' service, and I am sure I am speaking the good sense of the House, and any future Parliament, when I say that if a Judge retires, or is incapacitated from work, this House will be inclined to treat his pension on a liberal scale. If this Bill passes, a pension is given to a Judge who, this House may think, is retiring in full health, and he may go to England or he may start in business here again.

. THE PREMIER: We are providing for that. We have given notice of it.

MR. A. FORREST: He can go to another country and live on the amount of pension from this country; and I have no doubt this will be taken advantage of, because people say living is very expensive here, and if a Judge can retire—as one of them may do in two years from this time—he can retire on a salary of £850 per year, and may prefer to live elsewhere. I hope the gentleman in office will not retire, but

will stay on and do good work for many years to come; but, if this Bill is passed, we may lose the valued services of his Honour the Chief Justice. Many members thought that increasing the salaries was too much, but they did not wish to leave their party and vote with the Opposition. This is a different thing, and the Government may fairly withdraw the Bill for the present, and let the new Parliament deal with this very important question. I feel certain that, if any Judge were incapacitated at the present time, this House would be willing to treat him in the most liberal manner.

MR. JAMES: The hon. member for West Kimberley says that, if a Judge were incapacitated, this House would be glad to meet him in a fair and reasonable manner. If that be so, is it not better that we should have the rules upon which this compensation is to be granted, fixed by Act of Parliament, and not have the independence of a Judge affected, as it would be if that Judge felt he had to come cap-in-hand to this House, when he had become totally unable to carry on his duties. The principle of this Bill is recognised throughout Australia, except in South Australia, and is recognised in England. We have the benefit of their experience; and, apart from that, is there a member who will deny that the Judges cannot be placed in a too honourable and secure position? In those countries where it is so, you have the law administered in the fairest and most open manner. It hardly seems consistent that we should put this off to the next session, as it is not a principle that will alter in six months, and is either a good or a bad principle. Though I totally disagree with the hon. member for the Murray, who is opposed altogether to pensions, I cannot understand members who want us to put off this Bill until the next session. If a Judge has served for 15 years, he is entitled to some pension under the Superannuation Act; and, that being so, I think the amount should be fixed in some hard and fast way, so that we may have no possibility of a personal argument arising on particular cases afterwards. I do not think it would affect the value of a Judge's services if we had to consider the question of where he was going to spend his money. It

seems to me we might have two equally good men applying to this House for pensions, and one might be granted £500 because he was going somewhere else, and the other might obtain £1,000 because he was going to stop here and spend it. I hope hon. members will pass this Bill, which I regard as a wise piece of legislation, which will tend to secure the independence of the Judges. I hope members will not make themselves peculiar among British-speaking communities by letting West Australia be one of the few countries which refuses to pass a Bill like this; a Bill which receives the support of the liberal members of the House. I hope the House will not throw it out.

MR. SIMPSON: I quite agree with the hon. member who has just resumed his seat, that it is highly desirable that we should follow the traditions of the British empire. I have always thought that, holding the high position which our Judges do, they should be placed in a position to relieve them of any anxiety with regard to money matters, or their material interests and welfare, when they enter upon the duty of administering justice. But, with regard to this Pensions Bill, I think its object was accomplished last week, when—unrighteously for party purposes, as the hon. member for West Kimberley has admitted—the vote for the increase of salaries to the Judges was carried by the Government. I say, and I challenge contradiction of the statement, that there was not a member on the Ministerial side of the House who conscientiously believed in his vote on that occasion; and, if my statement is challenged, I will produce instances of what I was informed to have been one of the most unrighteous votes ever passed in this House. I say the purpose of this Pensions Bill was accomplished when we placed the increased salaries of the Judges in the Constitution Act. I say the Judges were given plenty of money to enable them to pension themselves, in the same way that our constituents earn their money and pension themselves. Who pensions the members of this House? They earn their money, and put it by. Who pensions our constituents? They earn their money, and provide for the future. And I say the emoluments attached to the judgeships are sufficient

to enable those gentlemen to provide for the future, and that they are exceedingly well paid for the service they render to the public. It has been suggested that, if we pass this Pensions Bill, the Judges upon their retirement will go elsewhere to spend their money; but that does not enter into the question. The Judges have a right to spend their money where they please, and whether they should spend it at Japan or Joppa is only a matter of detail. It seems to me to be the opinion of this House that we are stepping a little beyond our means with regard to this Pensions Bill, and I think we had better pause. I shall, therefore, before I sit down, move that the Bill be read this day six months, in order to give opportunity for further consideration. It has been suggested by the Premier that the gentlemen who are likely to receive the benefit of this Bill are pretty hale and healthy; and, therefore, I say the deferred consideration of this Bill for six months is not likely to interfere with their interests, especially as their salaries have been increased. I venture to say that those increases are beyond the proportion that will be given on a single item in connection with the civil service of this country; but we shall know more about that when we get the Estimates. We have in the public service as hard-working and trustworthy officers, in other capacities, as are the Judges; and, while I do not for a moment wish to disparage the Judges, I think that the increases we granted last week have accomplished their purpose. I wish to impress upon this House the increasing purchasing power of the sovereign. A gentleman in South Australia told me that the pension of £900, which was granted to him, has to-day a purchasing power of £1,600 as compared with that of ten years ago, owing to the decreased cost of living which it is the tendency of civilisation to produce; therefore that is a question which the Government here should take into consideration in connection with these pensions. No possible harm will occur by putting off the farther consideration of this Bill for six months, and I move, accordingly, that the Bill be read this day six months.

MR. MORAN: I support the amendment that has just been moved by the hon. member for Geraldton. I take this opportunity to give expression to the

opinion which I have previously stated, that courts presided over by Supreme Court Judges should be held on the Yilgarn and Murchison goldfields, and that a circuit court should be established in the Northern part of the colony. I support the postponement of the second reading of this Bill till this day six months, in order to give the Government an opportunity of carrying out this innovation next year, if possible, as, considering the fact that the Supreme Courts are, during half their time, occupied in hearing mining cases, and that litigants are put to great expense in coming to Perth, I think the time has arrived when courts should be held on the goldfields. I voted for the increase of the Judges' salaries the other evening, although I had just come into the House and had not heard any of the arguments. It is of course very pleasing to know, from the hon. member for Geraldton, where all the righteousness of the House sits—in his little corner of the House—so that we may be able to put our finger on the right party when we want a righteous one. I am always prepared to vote a liberal salary to the Judges, and I hope that our other Judges, the goldfield wardens of the colony, will be served in the same liberal measure. There can be no doubt that the wardens of the colony have to decide upon interests vastly greater than those that come before the Judges of the Supreme Court. I say it is quite true, for a warden is placed in a position to decide a matter upon which millions of money may turn. It is almost a scandal in this colony that the wardens are not better paid, having regard to the importance of their duties. The wardens who are paid such low salaries should be placed above temptation, which is greater than that of a Supreme Court Judge. We should also take the same line of argument, in dealing with their salaries, as in proposing liberal treatment for the Judges. I should like to say I am not opposed to pensions being given to the Judges; but I will vote for deferring the question until we know whether the courts I have referred to are to be held on the goldfields and in the North.

MR. R. F. SHOLL: I should like to say a few words upon the Pensions Bill. It is my intention to support the second reading of this Bill this day six months;

and I shall do so for this reason, that I think there is not the slightest necessity for placing the Judges upon a basis different from that of other civil servants of the colony in regard to retiring allowances. I am aware that the Judges suffer under a great deal of disability, in not being able to take part in politics and other matters, the same as other people, through holding their position; but that is an argument more for an increase of their salary than for placing them upon a different basis in regard to retiring allowances, as compared with other civil servants. In fact, I think this system of pensioning civil servants should be abolished altogether. We cannot lose sight of the fact that, owing to the prosperity of the colony, the number of civil servants is being greatly increased; and a time will come when a great many of them will have to be abolished, or at any rate when their salaries will have to be reduced. It does not look like that at present; but still the time may come when the civil servants will have to be reduced, and then we will find that a great many of these servants will be entitled for life to a pension, after having served a certain number of years. [THE PREMIER: We are going ahead.] We are going ahead so fast that we are spending millions of money, and I hope our prosperity will continue; but there may be a turn of the tide, and I think it is a reasonable course to provide against such a contingency. Because we are going ahead, that is not to say we shall always do so. Victoria went ahead for many years, but I do not think that colony has made much of a spurt lately.

THE ATTORNEY GENERAL (Hon. S. Burt): I think it will be as well for the House to pause, in order to give this matter a little further consideration; and I therefore will ask the House at this stage to adjourn the debate. I move accordingly.

Motion—that the debate be adjourned—put, and a division taken with the following result:—

Ayes	11
Noes	4
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Majority for	7

AYES.
 Sir John Forrest
 Mr. Burt
 Mr. Piesse
 Mr. Cookworthy
 Mr. A. Forrest
 Mr. Higham
 Mr. Loton
 Mr. Randell
 Mr. Throssell
 Mr. Trylen
 Mr. James (Teller).

NOES.
 Mr. George
 Mr. Monger
 Mr. Simpson
 Mr. Illingworth (Teller).

Motion passed, and the debate adjourned accordingly.

CRIMINAL EVIDENCE BILL.

SECOND READING.

MR. JAMES: This Bill was passed by this House last session, and was thrown out by the Legislative Council. The section objected to in the other House was the one giving the right to treat as a hostile witness a person charged with what is called a summary offence. I have struck that clause out of the present Bill, which simply gives the right to a person charged with an offence to give evidence on his own behalf, if he should so desire; that is, in a case other than felony. In cases of felony, the provisions of this Bill will not apply; and, in regard to them, the common law will remain as it is. I should be perfectly willing to give this option in every case, if the accused should desire to be called as a witness; but, in order to secure the passing of the Bill, I have altered the measure so as to provide that it shall not be used in a case where the alleged crime amounts to felony. Clause 1 provides that persons charged with any offence, other than felony, and the wife or husband (as the case may be) of the person so charged, shall be a competent but not a compellable witness; and Section 3 provides that no comment shall be made when an accused refrains from giving evidence. Hon. members no doubt know that the theory of law is to presume the innocence of the accused until his guilt has been proved. This law obtained at a time when the punishment for offences was more or less serious; but to-day there are a number of summary offences, for which a person may be fined 20s., that in my opinion do not call for the same privileges as you would give to a man charged with murder; and therefore this Bill provides that, in offences under summary jurisdiction, if you wish to call the defendant and he

does not object, you may do so, but his answers must be accepted—he cannot be cross-examined. The legal profession understand it to be a dangerous thing to call a defendant as a witness, because you cannot contradict him. When this Bill was before the House last session, I included in it the right—and I think it is a just right—to cross-examine a man if he were charged with an offence, and was trying to hide the truth; but I have cut out that provision now. Under this Bill you can call a man who is charged, but you cannot cross-examine him. I hope hon. members will have no objection to that. I beg to move the second reading of the Bill.

Question put and passed.

Bill read a second time.

CLOSURE OF ROADS AND STREETS BILL.

Introduced by the COMMISSIONER OF RAILWAYS, and read a first time.

MOTION: TO RELAX LABOUR CONDITIONS ON GOLDFIELDS.

MR. A. FORREST: I have to move, in accordance with notice, the following motion, "That, in the opinion of this House, it is desirable, in the best interests of the mining industry, that the labour conditions be amended as follows:—That the first 12 months after approval of an application for a gold mining lease (24 acres), not less than two men shall be employed on the lease, after which the present labour conditions shall come into force." I think this is a motion of the greatest importance to the mining industry. Its object is to reduce the severity of the labour conditions applying to gold mining leases, for the first twelve months after registration. I am moving in the interests of the prospector who goes out into the wilds of this colony, who finds auriferous country, and who pegs out his area of 24 acres. After he has done that, he has to proceed to the nearest warden or registrar, to put in his application; and then he finds that, within 30 days, he has to employ four men on the claim. Not only has he to provide this labour, but in most cases he has to carry water and employ a team, and do many other things that are absolutely necessary to carry on his work.

The four men he is required by the regulations to put on the claim will cost him £16 per week; and, in addition, he has other expenses to pay. After the lease has been approved by the Minister of Mines, he finds that he has to put on eight men, which means that it will cost him £32 a week to comply with the regulations, and £8 or £10 a week more for other expenses; so that, within two or three months of finding the claim, he is at an expense of £40 per week to carry on the labour conditions as required by the regulations. My argument to-night is that the concession I ask for will benefit the actual prospector, and I will produce facts to show where he will benefit from it more than anybody else. After finding the claim and pegging the land, he returns to the nearest town; and, not being able to comply, out of his own funds, with the labour conditions, he goes with his rich claim to a man with money, and offers him half the claim in return for assistance to comply with the labour conditions. I think that, during the first 12 months of the holding of a lease, we should deal as leniently as possible with the prospector, in whose interests entirely I have brought forward this motion. I know from practical experience that it is the general wish throughout the Murchison, Coolgardie, Kalgoorlie, and other fields, that an alteration should be made in the labour conditions. I have in my hand a large number of letters and telegrams, which I intend to read to the House, showing that the feeling on the fields of those engaged in mining is that, during the first 12 months, the holders of claims should not be compelled to put on more than two men for 24 acres, instead of eight men. Hon. members will say, perhaps, that we should not legislate except in a larger and more comprehensive way. I wish, at the present time, to deal only with the applications which will come in after this motion is passed. It is during the first 12 months of the labour conditions that they are most oppressive, and it usually happens that a mine is proved within the first 12 months, and by that time is either abandoned or passed into the hands of a company. One of the great drawbacks to mining transactions connected with this colony, in England and the Eastern colonies, is the strictness of

the labour conditions, and, I may add, the severe manner in which those conditions are carried out. It is almost impossible to get exemption granted; and, in many cases, you are obliged, in order to comply with the labour conditions, to employ men of a very indifferent class. I say that for the first 12 months we should deal as liberally as we possibly can with the owners of mines, and not bring hardship upon those who have risked their lives in exploring our gold country. I know, of course, that in the large centres of population on the goldfields—at Coolgardie, Kalgoorlie, and Cue—there are business people whose sole idea is to enforce the employment of as much labour as possible, in order to increase the demand for their goods, for their own benefit. But I am sure the good sense of this House will cause hon. members to see that the real interests of mining will be served by the reduction I propose in the labour conditions. I will now, with the permission of the House, read telegrams and letters I have received from Kalgoorlie and other parts. They are as follow:—

Perth, August 25.

Referring to the motion which you have thoughtfully brought before the House, in respect to a reduction of labour on a 24-acre mining lease, I beg to say that, as a mining man in the North Coolgardie and Murchison districts, of over two years' standing, your proposal will be hailed as a very great boon, especially amongst working men, who are unable to fulfil the almost prohibitive conditions at present imposed. Every member of the House who supports you in this important concession to the mining community will receive the hearty thanks of the thousands interested.

Yours faithfully,

P. A. BEZANT.

Kalgoorlie, 25th August, 1896.

Original prospectors heartily support to-night's motion. Present labour conditions press most hardly on this class. With every success. F. J. DWYER (original prospector Ceresus South United), H. J. J. REES (original prospector Star of the West), HENRY URQUHART (Hannan's Golden Group), NEIL McLEOD (Block 45), G. MASON (Kanowna Gold Mine), JOHN B. SCOTT (Ceresus Consols), THOMAS WENTWORTH (Hercules Mine), STEERE (Wake Mine), E. SIMPSON (Britannia).

Kalgoorlie, 25th August.

Glad you brought forward amendment on labour clause. Hope it will pass.

R. L. CLARKSON, prospector.

Kalgoorlie, 25th August.

Hope you will be successful in carrying your amendment on the labour clause.

HUGH FRASER, Prospector.

Kalgoorlie, 25th August, 1896.

Prospectors and others interested cordially approve proposed new clause *re* labour conditions.

H. URQUHART.

Kalgoorlie, 25th August.

We, the undersigned, heartily congratulate you on the motion you propose bringing before the Assembly to-night, and sincerely trust, in the interests of the gold industry in general, that you may succeed in carrying it through; feeling that, if the present onerous labour conditions continue to be enforced, capital will be diverted elsewhere.

H. W. TAYLOR,	P. WHELAN,
R. W. STRINGER,	PHIL. IVEY,
ROBERT L. HAIR,	W. R. MARMION,
H. G. PARSONS,	J. J. CASSIDY,
NETHERCOTT & JACK,	
T. F. BRIMAGE & Co.	

I may say that all these communications came to me uninvited, and they show the feeling there is on the goldfields with regard to this matter. The House, I think, can justly make this concession to those who have to comply with the labour clauses and the mining regulations. Those labour conditions bear very hardly on the prospectors and others. Those who have had experience in the working of claims, and who have had to comply with these labour conditions, will have gone to bed many a night with sore heads, because nothing takes so much money as paying wages for the full complement of men on a 24-acre lease, and the cost of running 3 or 4 of such claims would perfectly astonish the members of this House. I can inform the House that I am managing properties extending over 312 acres of land at Kalgoorlie, and that the pay sheet is nearly £500 a week, and this outlay has been going on for more than a year, without any great developments being effected, though we have hopes of making them soon. It is a great hardship not being able to get exemption, when such large expenditure may have been going on for a long time; and if we cease for 24 hours to comply with the labour conditions, we are liable to have the claims jumped. The people in London, who are interested in our mines, complain bitterly of the risk they run as to their leases

being forfeited through failure to comply with one or other of these stringent conditions. In no other part of the world would a man be required to pay £1 per acre rental for mining land, and be made subject to such severe conditions. The member for Nannine will tell us that the whole of these clauses need burning, and that something should be brought forward that will bear the light of day. I have much pleasure in moving this motion, and, in conclusion, I will only say that I consider it to be in the interests of the mining industry.

MR. MORAN: I think it is the desire of the House to adjourn this important question, because there has been scarcely time for an expression of opinion upon it to come from the fields. The letters and telegrams we have heard read to-night are from well-known public men—I know them all personally—but it would be well to get further expressions of opinion from those interested. I therefore move the adjournment of the debate until this day week.

Motion, for adjournment of the debate, agreed to, and the debate adjourned accordingly.

ADJOURNMENT.

The House adjourned at 9.15 p.m., until next day.