moved that the word "seven" be struck out and "three" substituted in lieu.

HON. M. L. MOSS: Sub-clause *(c)* was a very large concession. In six months a man could become a practitioner in this State, and if he had been a public notary for seven years he had not to wait three years before being appointed. Such practitioner had a very big concession over the man who started practising here and had to wait three years. He could not consent to the alteration.

Amendment put and negatived.

Clauses 5 to 14, inclusive—agreed to.

Schedules (2), preamble, and title—agreed to.

Bill reported without amendment, and the report adopted,

ADJOURNMENT.

The House adjourned at 8·48 o'clock, until the next Tuesday.

Legislative Assembly,

Tuesday, 2nd September, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1, Return showing cost of rails, buildings, etc., for Menzies-Leonora Railway, moved for by the member for Dundas. 2, Copy of alteration to Classification and Rate Book. 3, File of papers relating to Collie-Boulder Railway.

Ordered: To lie on the table.

QUESTION—COLLIE-BOULDER RAILWAY.

DR. O'CONNOR asked the Minister for Works: 1, Whether the construction of the Collie to Collie-Boulder railroad has already been commenced; and if so, how much is completed. 2, Whether the work is being carried out by day labour or by contract. 3, If by contract, whether it was open to public tender. 4, Who are the people performing the work. 5, At what price per mile the work is being done, and how the Government arranged the price.

THE MINISTER FOR WORKS replied: 1, Yes; and about one-fifth of the earthworks are finished, and the bridge work has just been commenced. 2, By contract, at schedule rates. 3, No. 4, The Collie-Boulder Coal Mining Company. 5, Approximately £2,000 per mile, by agreement with the company at schedule rates, but always subject to the sanction of Parliament being obtained to the extension of the line.

QUESTION—GOOMALLING RAILWAY, COMPENSATION.

MR. MONGER asked the Minister for Railways: 1. What amount of compensation has been claimed for lands resumed for the purposes of the Goomalling Railway. 2. What amount has been paid or agreed to be paid.

THE MINISTER FOR RAILWAYS replied as follows:—1. £1,795 8s. 2. £218 14s.

QUESTION—JANDAKOT AND WANNEROO RAILWAYS.

MR. JACOBY asked the Premier: If he accepts the loan offered by the hon. member for Dundas, whether he will have any objection to its reappropriation for the building of the Jandakot and Wanneroo lines.

THE PREMIER replied: When the member for Dundas gives the House a chance to reappropriate, the matter can then be considered.

QUESTION—MALCOLM-LAVERTON RAILWAY, CONSTRUCTION.

MR. TAYLOR asked the Premier: When the Government intends to bring in a Bill to construct the promised Malcolm and Laverton Railway line.

THE PREMIER replied: When the Estimates and Loan Bill have been placed before the House.

LEAVE OF ABSENCE.

MR. JACOBY having given notice to move that leave of absence for two months be granted to the member for East Kimberley (Mr. F. Connor), on the ground of urgent private business:

MR. SPEAKER permitted the motion to be moved in amended form, in accordance with Standing Order 57.

Motion moved, and agreed to, granting leave for one fortnight.

FACTORIES AND SHOPS BILL.

Introduced by the PREMIER, and read a first time.

PHARMACY AND POISONS ACT AMENDMENT BILL.

SECOND READING (MOVED).

THE PREMIER (Hon. Walter James), in moving the second reading, said: In 1894 the first legislation was passed in this State to deal with pharmaceutical chemists, and it provided the machinery by which examinations could be held and registrations effected. An amendment was made in 1899. These two Acts of 1894 and 1899 comprise the existing legislation dealing with the registration of pharmaceutical chemists, the conduct of their business, and the restrictions relating to the sale of poisons. If members turn to the original Act of 1894, they will find provided by Section 38:—

> From and after the date of the first appointment of the Pharmaceutical Council, any person other than (*a.*) a pharmaceutical chemist, or (*b*) a person or company registered under "The Companies Act, 1893," carrying on the business of a chemist and druggist or of a pharmaceutical chemist by an agent, manager, or servant who is a pharmaceutical chemist, or (*c*) a legally qualified medical practitioner; who carries on, or attempts to carry on the business of a chemist and druggist—

becomes liable to penalties. The effect of that section is that a legally qualified practitioner is entitled to carry on the business of a chemist; so also is a pharmaceutical chemist entitled to do so if he is registered in accordance with the Act, and has proved himself possessed of the necessary qualifications; but the second example applies to a person or company registered under the Companies Act of 1893 carrying on the business of a chemist or druggist by his agent, manager, or servant, who is a pharmaceutical chemist. The first clause of the present Bill proposes to strike out the words "a person or company" and insert in lieu thereof the words "a company consisting of at least five persons." The effect of that will be this: a pharmaceutical chemist will still remain qualified, and the legally qualified medical practitioner will remain qualified. But outside these two classes of persons, those who desire to carry on the business of chemists must do so by a company employing a duly qualified pharmaceutical chemist. The law to-day is that any individual in the State can carry on the business of a chemist if that business is conducted by a pharmaceutical chemist. I, or any member of the House, could open a chemist's shop, and so long as the business was conducted by a pharmaceutical chemist I should not be infringing the law. It is proposed by the Bill not to give the privilege to any individual.

MR. ILLINGWORTH: An inland store.

THE PREMIER: The Bill has nothing to do with an inland store at all. It does not affect the question of stores.

MR. ILLINGWORTH: A firm of three members, for instance.

THE PREMIER: It would not affect that question, because three members would not be able to carry on the business of a pharmaceutical chemist as the law stands now. Although one individual can carry on the business of a pharmaceutical chemist, he must do so by means of an agent who is a pharmaceutical chemist. By this amendment, if carried, the individual would not have the right to carry on by means of a pharmaceutical chemist, but a company will have the right. The Bill must authorise a company to do that because a chemist's business or a druggist's business requires a large amount of capital to carry on an extensive business. We are dealing with an individual who carries on the business of

a chemist, say Smith. Smith is not a chemist, but he holds himself forward by his advertisements, whether in the window or in the newspaper or on his prescriptions as "Smith, chemist," carrying on business in that way, but he is not a pharmaceutical chemist. There is this farther objection. If you have a chemist's business carried on by one man who is not a chemist, all the work really is done by a pharmaceutical chemist, who will not work for nothing.

MR. ILLINGWORTH: Smith and Company carry on a business and they have one shop, which is a chemist's shop.

THE PREMIER: Under this Bill they cannot carry on the chemist's shop unless there is a company.

MR. ILLINGWORTH: I am simply calling the attention of the hon. member to these things.

THE PREMIER: I hope I have been perfectly explicit, and that there is no need for members to call attention to these things.

MR. DOHERTY: It is a hit at the poor man.

THE PREMIER: This is not a Government Bill. It comes from the Upper House. It is argued that a person who is really not a chemist should not hold himself up to be such; and it is also suggested that so far as this State is concerned, the effect of the Bill will be that a man who is not a chemist shall not be allowed to exploit a chemist.

MR. MORAN: Are there any cases in point?

THE PREMIER: I think there are one or two. I recollect that when the principal Act was passed, the word "person" was inserted in deference to the agitation of a gentleman who subsequently became a member of Parliament. At that time certain businesses had grown up in Perth, conducted by persons who were not chemists; and this gentleman happened to have a share, in conjunction with certain medical practitioners, in a chemist's shop in Perth; and I believe it was his energy that led to the words "a person" being inserted, for the purpose of meeting his case rather than with a view to their general application. I think that *prima facie* this is a bad practice. If our object be to insist that a chemist's business shall be conducted by a man who has personal qualifications for conducting it, then there is no reason why such businesses should be conducted otherwise than by a person who has proved his qualifications by passing an examination. [MR. HASTIE: Why then by a company?] So far as a company is concerned, the legal entity of a company is nothing. A company must always act through an agent; it cannot act otherwise; and we should insist that, if in such a case it act at all, it shall act through a registered chemist. But if we allow an unregistered person to trade as a chemist, and provide that he must have his business conducted by a qualified and registered man, there is a danger of the privilege being abused. It is then very difficult to keep a check on the person who is really carrying on the business. Very often the proviso in question is merely a cloak for a breach of the Act; and it is argued that if an unregistered man have a chemist under him, he is exploiting that chemist. I do not use the word "sweating," but exploiting.

MR. MORAN: It would be the same if he were to employ a mining engineer.

THE PREMIER: But there is no law that a mining engineer must possess certain qualifications. It is otherwise with a chemist, as with a lawyer. We do not allow a person to carry on the profession of the law unless he have personal qualifications. We do not allow anyone to carry on the business of a doctor unless he be a doctor. And the only reason for allowing unqualified persons to carry on chemist businesses was because of this particular case, which when the Act was passed it was desired to meet.

MR. HASTIE: Do you allow a company to carry on a doctor's business?

THE PREMIER: No; we do not allow that, and I do not think it ought to be allowed. I think the business of a pharmaceutical chemist ought to be carried on by a pharmaceutical chemist; but while we can realise how abuses may creep in, if one person who is not really a chemist be allowed to carry on a chemist's business, the argument does not apply so well to companies, because persons will not form a company unless they have a business sufficiently large to justify the expenditure incurred and the inconvenience experienced in forming it. We assume that when a business is floated into a

company, the company has been formed because farther capital is needed for the purpose of carrying on operations. Personally, I do not think any person should be allowed to utilise the personal qualifications of his servants, and to carry on a business which it is provided by law shall be in the hands of qualified men.

HON. F. H. PIESSE; Why allow it in so many other callings?

THE PREMIER: We do not allow it in any other callings.

MR. GORDON: It is allowed in auctioneering.

THE PREMIER: No. Any man who does the duty of an auctioneer has to be an auctioneer.

MR. GORDON: But the man who employs him need not be an auctioneer.

THE PREMIER: And does not the hon. member strongly object to that practice?

MR. GORDON: Yes. Therefore I am supporting the Bill.

THE PREMIER: I do not know of any other case in which such a practice is allowed. Although that expression "a person" was inserted to meet the case of a particular person who it was recognised had vested rights because he had entered upon a business which he was legally authorised to carry on before the Act was passed, yet while the provision remained in the Act, it gave a right to any other person to do likewise; and I believe there is a person now in Perth who carries on business as a chemist and puts himself forward as a chemist, who conducts the business really by means of a pharmaceutical chemist who is his servant.

MR. MORAN: But his vested right is given him by the present law.

THE PREMIER: Yes; and if the House agree to the Bill, there should be words inserted to meet the cases of those who have set up businesses under the existing law. I have explained the reasons given me for introducing the Bill in another place, and I have explained its effect. Clause 1 goes farther. In Subsections (*a*), (*b*), and (*c*) of Section 38 of the principal Act of 1894 we have an enumeration of those who may carry on a chemist's business. But difficulties may crop up where a pharmaceutical chemist may, either by reason of a mortgage over his property or by his death, render it necessary for the mortgagee or the deceased's representative to carry on the business pending sale. Now adopting the principle contained in the principal Act, members will see that by one of these sub-clauses it is proposed to authorise the mortgagee who takes possession of the stock-in-trade of a pharmaceutical chemist, to carry on that business through a registered chemist for a period not exceeding six months, for the purpose of selling the business as a going concern. Clause 2 enlarges that right by providing that on the death of a pharmaceutical chemist it shall be lawful for his administrator, trustee, the Curator of Intestate Estates, or the Official Receiver, to continue the business for six months, or for such farther period as may be permitted by the Court, provided the business be always conducted by a registered pharmaceutical chemist. It must be obvious that these two amendments giving a special right to the mortgagee, the trustee, or the administrator, are perfectly consistent with the Act of 1894 as it stands. But it would be somewhat inconsistent if that Act were amended as suggested; because, if to justify the first amendment we say that no person shall carry on a business unless he is a pharmaceutical chemist, we are departing somewhat from that principle by allowing a purchaser, mortgagee, executor, or trustee to carry on the business for six months. Members will realise that there ought to be some provision made by which, when death overtakes a chemist or when a mortgagee seizes, there should be some means of realising the estate, but I do not think there should be such a long term as more than six months.

MR. ILLINGWORTH: I do not think the term is long enough.

MEMBER: It would be rough on the widow.

THE PREMIER: I think six months is long enough. I think as a matter of practice a provision of that nature ought to be made. There may be some injustice to the widow or to the creditors.

MR. RESIDE: People might be poisoned in the meantime.

THE PREMIER: Oh, no. Provision is made by which the person who actually carries on the business at the counter, so to speak, should be a registered chemist—the person who dispenses or compounds,

the Bill states. That gives authority to the executor, trustee, or mortgagee, to keep the business going by a properly qualified chemist for six months, until a proper sale has been made.

MR. ILLINGWORTH: Do you think a sale will ever be made until the six months are up?

THE PREMIER: I think so. The member for Cue will agree that if a business is so good that it would be kept going it is good enough to sell. I think the difficulty will not be any more than in other businesses. The difficulty is only likely to occur in country towns where people have to advertise for someone to come to that town to take up the business. It will not apply in Perth and Fremantle, where businesses will sell quickly. This provision deals principally with chemists carrying on business in country districts, and where there would be some difficulty to effect a prompt sale. So far as the Bill deals with the professional aspect, it may give rise to some little discussion. As to the other point, the question of principle has been fully explained to the House, and I hope members will come to a decision upon it. Clause 3 corrects an error in the Act of 1896. It is such an error as is likely to take place in Acts of Parliament. It refers to Section 6 of the Pharmacy and Poisons Act. Section 6 provides that in any prosecution under Section 38 and Section 5, so and so shall happen. It should read "Section 4." The error, no doubt, occurred in this way: in going through Committee some clause has been struck out, and the consequential alteration has not been made. I beg to move the second reading of the Bill.

MR. ILLINGWORTH (Cue): I have great objection to the principle of the Bill, as explained by the hon. member who has introduced it. The object to be obtained is that no one but a man who is a registered chemist, or a registered firm who employ a registered chemist, can carry on the business of a chemist and druggist. We have in this country and in all Australian inland towns firms, sometimes individuals, sometimes two or three partners, but firms who carry on a general business such as drapers, butchers, grocers, and amongst other things they may be chemists. The owner of the store may not have been brought up to any one of the businesses he is conducting—certainly he has not been brought up to the business of a chemist—but it is necessary for the district that this general storekeeper should have the right to sell drugs. Now this Bill takes that right away. The only man who can carry on the business of a chemist in inland towns is a duly qualified pharmaceutical chemist; but the business in a town is not sufficiently large for a chemist, and it could not possibly be carried on by a chemist who would have to devote the whole of his time to that business. Such a business cannot be carried on by a company, because it is nonsense to think that a registered company consisting of five persons would carry on a business in a country town. The storekeeper is precluded by this Bill from conducting this kind of business. At the present time a storekeeper can engage a chemist, a qualified man, and put him into that department of his store.

THE PREMIER: Do you know any case where a chemist's store is conducted as part of a general store?

HON. F. H. PIESSE: Yes.

THE PREMIER: Where?

HON. F. H. PIESSE: At York, and several other places; and ultimately these businesses get into the hands of qualified chemists.

MR. ILLINGWORTH: Whether they exist or not, this Bill affects an established right. There ought to be this liberty existing: if in a district there are 600 or 700 people, and Wainwright and Company, or Monger and Company, start a general business, this firm should have the right to conduct the business of a chemist and druggist so long as the individual who administers the drugs and makes up the prescriptions is a pharmaceutical chemist. Then what right has the State to interfere? What is it to us who keeps the shop and provides the capital? This is not a traders Bill. It does not take cognisance of that at all. So long as we protect the public interests and life, that is all we can do. The existing Bill allows a man at the present time to engage a chemist. The purpose of the amendment is to take away that right, and to permit it to no one except a big firm. Some chemist or some large chemical establishment will have to start branches all over the country, because you

will not get a chemist to start in any part of the State unless the people are sufficiently numerous to keep a chemist going on his own. Take another question which comes under sub-clause *(d.)*. It is proposed if a man is unfortunate enough to die or to go insolvent the business has to be sold within six months. What follows? The business is never sold until the six months are up. It is known that the business will be closed after six months, therefore who is going to offer anything for the business until the closing-up time comes, when everybody knows that the business must be sold on or after a certain date? No one will bid for it until that time is up, and the business is then sold at any price the individual who wants it wishes to give. The practical effect of this clause will be to prevent any business being sold during the six months. The effect will be to blackmail the whole business. If a man goes insolvent the creditors suffer; the mortgagee cannot realise on the business, and if he does realise he will have to take whatever price he can get, because the business cannot be conducted in the future. There seem to be these two cardinal points in the Bill, and I do not think the measure can commend itself to members of the House. I have not looked the matter up thoroughly; but as the Bill has been presented by the Premier, it seems to me it is open to the House to reject it on those cardinal objections which I have pointed out.

MR. MORAN (West Perth): The Bill as introduced by the Premier leaves the matter as we were before. It seems to me it would be a wise thing to adjourn the Bill for six months. I appeal to the Premier, the Bill is a distinction without the slightest difference. It does not allow a man who has £40,000 capital to carry on a business, while it allows five men with £5 each to carry on a business. I put this case to the Premier: if this Bill passes, any person to-day carrying on the business of a chemist can form a company by taking his wife and family into the business. A man who is the head of a family will incur no greater risk if he gives his wife one share and his children one share each. The man will be dispensing the drugs all the same, and the public will not be a bit better protected than they were before; and the present Bill aims at neither one nor the other. Had we received from another place a Bill seeking to prohibit anybody, whether company or person, from carrying on a professional business, then I could understand the Bill. There would then be ground for argument. But that phase is not proposed for our discussion; and what is proposed for our discussion is absolutely futile and useless. The Premier should consider the advisableness of withdrawing this Bill with a view of dealing with the matter next session as a Government measure. Is it worth while wasting any more words over this futile proposition? I am chary about letting the axe fall on this measure; I do not like to move that the Bill be read this day six months; but I move that the debate be adjourned for one month.

Motion put and passed, and the debate adjourned.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Hon. Walter James), in moving the second reading, said: This Bill has previously been before the House; and it will be to the member for Roebourne (Dr. Hicks) a welcome stranger. It is a Bill to amend the Friendly Societies Act of 1894. The first five clauses are contentious; but I wish the House in any case to pass clauses 6, 7, 8, 9, and 10, because those clauses are recommended by the Registrar of Friendly Societies as containing amendments necessary in connection with the working of the Friendly Societies Act, and they have nothing whatever to do with the principle involved in the first five clauses. I therefore propose to limit my remarks to the first five clauses, and to ask the House, whatever they may think of those clauses, to go into Committee so that we may pass Clauses 6 to 10, inclusive. Members are no doubt aware that there exists on the goldfields to-day a certain institution conducted by the mining companies by means of levies, and rendering medical aid and assistance to the employees of those companies. The friendly societies objected to this—[DR. HICKS: They do not now object]—on the ground, firstly, that those who are

members of friendly societies were practically forced, when they entered the service of such companies, to pay a levy, and had cast upon them the additional burden of continuing their old connection with the friendly societies; or if they refused to pay the levy, they ran the risk of losing their employment. When I was recently interviewed by a friendly societies deputation, I suggested how that difficulty might be met, if their object was that the members of friendly societies should not be called on to contribute towards the levy by a Bill brought in with that end in view. But that, apparently, did not satisfy them at the time, because they thought that whatever legislation we might have, if a man belonging to a friendly society, on entering the service of a company which made this levy, refused to subscribe to the levy, or took up the position that the company could not legally compel him so to do, the result might be that he would not be engaged, or after being engaged would not be retained. Then I pointed out that if we set out to abolish these levies, and to provide that companies should not maintain such funds, we should run the risk, while not depriving the member of any friendly society of any substantial benefit—because, by virtue of such membership, he would get these medical aids and comforts—we should be apt to injure those men who were not members of friendly societies, and who if it were not for that compulsory levy would not be making the provision they ought to make for a fund to meet their difficulties when they required medical aid or assistance.

MR. JOHNSON: What about those who make provision through a labour organisation?

THE PREMIER: I am now dealing with the Bill from a friendly societies point of view. Then the deputation took up the position that they did not wish to stop these levies, but considered legislation should be introduced to call on the companies to create internal boards of management over the funds, with registered rules and regulations; so that each fund, or the body organising the fund, should have the organisation of a friendly society. Say, for instance, if the Ivanhoe Mine provide a fund by means of levies, then, if the Bill were passed, the company would have to pass rules to the effect that those who subscribed should be entitled to vote, and that certain persons should be the committee; and the body might call itself the Ivanhoe Medical Relief Society, and be registered as a friendly society. By this means the Bill would not prevent the continuation of those levies: it would enable them to be continued, but the accounts in connection with them would be dealt with under the Friendly Societies Act, and be duly audited; and the expenditure would, to a certain extent, be more directly under the control of the men who subscribed the money than it is at present.

MR. ILLINGWORTH: How could you make that compulsory? The levy is compulsory. How could you make it compulsory to register as a friendly society?

THE PREMIER: In the same way as the subscription is now made compulsory. The company now say to the miner, "We shall not employ you unless you subscribe to the levy," and they could still say so. We should make registration compulsory by law. This Bill was before the Upper House last session, and was passed there; and I promised the deputation which waited upon me that it would be again introduced to this House for the purpose of being considered. I understand the friendly societies, at the close of last session, were of opinion that owing to the late hour at which the Bill was introduced in this House, the measure did not receive that full discussion to which it was entitled. It did not receive that discussion on both sides which those interested might desire. And it seemed to me that as the Bill did pass the Upper House, and as it apparently had some supporters in this Chamber, it was well worthy of consideration, and should again be brought before Parliament. I am glad to say a later deputation waited on me the other day, and said that the friendly societies were prepared to forego the contentious clauses.

MR. JOHNSON: Whom did the deputation represent?

THE PREMIER: The goldfields. The deputies informed me that there had been a meeting of the union of goldfields friendly societies, and that the friendly societies would be quite satisfied were a provision inserted that no member of a friendly society should be called on to

contribute to a mine levy. They were quite satisfied that there would then be no risk of dismissal; but apparently there is on this point some cleavage in the friendly societies. However, the Government introduced this Bill for the purpose of having these first five clauses fully discussed in Parliament; and the representatives of the friendly societies told me yesterday that they did not now insist upon these five clauses. [MR. JOHNSON: Who are "they?"] Mr. Nagle and Mr. Rendall.

MR. JOHNSON: They do not represent the goldfields.

THE PREMIER: They informed me that they had been in communication with the goldfields representatives.

MR. JOHNSON: I think we (Labour members) represent the goldfields.

THE PREMIER: You do not represent the friendly societies.

MR. HOLMAN: I think we do. We are members of friendly societies.

THE PREMIER: I am pointing out the representations made to me. Those gentlemen read me a letter they had received from, I think, the Friendly Societies Union at Kalgoorlie, to the effect that they did not now insist on those clauses; that, in other words, they did not think it advisable to strike at these mine funds. They thought the funds might be continued so long as the effect of their continuance was not to be that every man who wanted employment should have the burden of paying to his own friendly society, and of either contributing to a mine levy or running a risk of losing his employment in the event of refusing to contribute. If that be so, there is no reason for the five clauses to remain. If the friendly societies are prepared, as was represented to me yesterday, to rest satisfied so long as members of friendly societies are not compelled to contribute to these funds, then there is no need for these five clauses; and any legislation dealing with them would not come in under an amendment to the Friendly Societies Act, but under an altogether different Bill. I have explained what was sought to be obtained by these five clauses; I have pointed out the attitude now taken up on this point, according to the representatives of the friendly societies. Clauses 6, 7, 8, 9, and 10 are all matters of detail, most of them being formal amendments. I do not think members would ask me to go through these now. We shall deal with them in Committee. But I would ask members, whatever they may think of the first five clauses, to let us go into Committee, so that we shall, at all events, deal with Clauses 6 to 10, inclusive. I move the second reading.

MR. ILLINGWORTH: Do you intend to abandon the first five clauses?

THE PREMIER: I submit them for discussion. I understand that members on the Labour bench object.

DR. HICKS suggested that the debate be adjourned.

THE PREMIER: The discussion on the first five clauses would be of a second-reading nature. If there was to be any controversy as to whether the first five clauses should be retained, that discussion should take place now and not when the Bill is in Committee.

DR. HICKS (Roebourne): I do not wish to speak at any length at this stage, but I think the members representing labour should not try and enforce the first five clauses of the Bill, for the reason that there are so many questions connected with labour involved in them. In the first place, in Clause 2 it says that "no society, club, or other body of persons" shall do certain things, that is to grant medical benefits, unless they are registered under the Bill. No medical man could register under the Bill for the simple reason that there must be ten members before there can be a friendly society. Therefore that cuts out the medical man entirely. It looks as if the friendly societies were seeking to have a monopoly granted to them. Last session, in the Workmen's Compensation Bill the principle was affirmed that every trade should be responsible for its risks. I take it that every trade is entitled to have penalties attached to it; therefore what right has anyone to ask for a monopoly of the medical work? Again, in Clause 3 no company or corporation registered or incorporated under the Bill, including mining companies, are allowed to register under the Bill. Therefore it is sought to create a monopoly, and I take it that the labour members are against monopolies. They are asking for a private contract. I thought members representing labour objected to contract

work. I shall not go into the matter of exploiting the profession, but I think that members will recognise that there is an attempt to sweat the medical profession in a most iniquitous form. If I had the papers before me I could point out certain facts which have taken place in Australia, upon which I think it would be decided that the Bill should be adjourned for fifty years, and not for six months. I intend to oppose the first five clauses of the Bill in Committee.

MR. RESIDE: I certainly do not agree with the remarks which have fallen from the member for Roebourne (Dr. Hicks), who says the Bill will prevent companies from registering, and forming benefit societies under the Bill. I say it is quite right too. The Bill does not prevent a man engaged by companies from forming benefit clubs. This Bill has been brought forward to prevent the iniquitous system which has existed on the goldfields for some time, and labour organisations and benefit societies on the goldfields have endeavoured again and again to abolish the system. The companies have compelled men to pay 1s. and 1s. 6d. a week to a medical fund, when the men have no say in the management or control of the fund. As soon as a man leaves the employment of a company he has no more say in regard to the amount he has paid while employed by the company. We should make these companies register under the Friendly Societies Act, and it is only right that the system of levying which is now in existence on mines should be stopped. The system is in existence in other parts of the State, especially on the timber mills of this country. It is only right that if a man subscribes towards a fund, he should have some say in the management, and that he should be entitled to call for a balance-sheet and auditors' report at the end of the year. These funds should be carried out in accordance with the Friendly Societies Act.

DR. HICKS: It costs 50 per cent. to manage them.

MR. RESIDE: What about the profits?

DR. HICKS: I am assured by one manager that there is nothing to be got out of it.

MR. RESIDE: I should like to explain for the information of the member for Roebourne that there was one doctor on the goldfields who took over one of the big mines there: he did not do the work himself, but employed an experienced doctor from the Eastern States, paid this man a salary, and scooped nearly a thousand pounds a year for doing no work at all. This money that the doctor scooped in for doing no work should be put into a fund for the benefit of the men when required. As far as the deputation to the Premier is concerned, I may say I took occasion to send a copy of the Bill and the resolution to the Boulder friendly societies, and I got a letter from the secretary, who says rather than have any amendment made in the Bill, which would probably wreck it, they were prepared to accept the Bill as drafted. From the friendly societies standpoint it is only right that they should protect their own interests; and if the friendly societies are exempted from the levy, that will not benefit the man who is paying into a benefit society or into a labour organisation. Why should not the labour organisations be exempted as well? It seems a very selfish idea that the friendly societies only wish to protect their own interests and never mind the rest. The provision in the Bill will get over the difficulty.

DR. HICKS: It will drive them into the friendly societies.

MR. RESIDE: I say it is not right to raise this quibble to the Bill, because it does not prevent the men forming medical clubs on the basis of the friendly societies. The member for Roebourne told us we sweated the doctors. I deny that; because the Boulder friendly societies have a medical man to whom they pay £600 a year for medical advice and attendance.

DR. HICKS: How many people does he attend to?

MR. RESIDE: I do not know the exact number, but a good few. This medical man does not provide drugs, and he has the right to private practice. I reckon his "billet" on the goldfields is better than a good many "billets" which doctors have in Perth. I deny the accusation of sweating, as far as the Boulder friendly societies are concerned. There is no doubt, as far as the system which has prevailed in times past is concerned, it is unfair. I know many cases in which mines have made it compulsory for

every man working to subscribe to a fund irrespective of whether he is a member of a friendly society. If the doctors had not been so grasping in the past as to take the levies, they would not have found so much objection to the levies. The time has arrived when we should carry into effect what is set forth in the Bill; and if a man is compelled to pay into funds he should have a right to control those funds. The Bill is framed in the right direction. There was a suggestion of an amendment to the Bill of last session, and we adjourned the Bill to give an opportunity to draft an amendment. The Bill was delayed so long that it was stonewalled last year, chiefly by the efforts of the medical men in the House. The representatives of the goldfields are closely in touch with this matter, and they are not going to have the measure strangled again if they can help it. I strongly support the second reading and any amendments being made in Committee.

MR. W. D. JOHNSON (Kalgoorlie): In a few words I desire to support the second reading of the Bill as drafted. It is not necessary to go into the details as to how the shilling a week should be collected on the mines, as this matter has been before the public of Western Australia for some years, but I will give the House my experience of the levy. I was paying into a labour organisation and was entitled to benefits. I was working on a mine for four years and was told that if I did not pay the shilling into the doctor's fund I would have to leave the mine. Consequently, I had to pay two shillings a week. At the end of four years I left the mine and went to work at another place. It was not compulsory there to pay into the fund. I had the misfortune to have a fall when I had been there for a week. For four years I had been paying into a fund at one mine, and it was not of any use to me, but after paying for one week into another fund I met with an accident and the labour organisations had to assist me. For the four years during which I was paying to the one mine I did not want a doctor.

DR. HICKS: You were insured during that time.

MR. JOHNSON: I was paying a shilling a week into the one mine, but immediately I left that mine it was of no use to me. The system on the mines is worse than it appears in the face. The mines contract with one doctor and that doctor farms the work out to other doctors, and he himself earns a thousand or two thousand a year without doing any work.

DR. HICKS: There is only one mine that does it now.

MR. JOHNSON: We desire the Bill to be put through to deal with that one mine. I think it is absolutely unfair to take notice of the deputation which waited on the Premier. They did not notify their representatives on the goldfields in reference to the question, and we did not know, nor do we know, what decision was come to. The last I heard was that they wanted the Bill to go through as it is drafted. If the Bill was framed so that members of labour organisations which were contributing to the system in case of sickness overtaking them should be exempted, then I agree to a shilling being collected from those men who are not providing for themselves. I object to friendly societies being exempted and the labour organisations not exempted. If they exempt one and not the other, then it is not fair. The only way to deal effectually with the matter is to abolish the shilling levy.

Question put and passed.

Bill read a second time.

FREMANTLE HARBOUR TRUST BILL.
SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. W. Kingsmill): It gives me a great deal of pleasure to propose the second-reading of this measure. It is a provision, I think, which has been long asked for by the inhabitants of Fremantle, and not only by them but by the whole State. It has also been, in a nebulous way, discussed for a good many years. I should not in the least be surprised to hear, during the course of this second-reading debate, that I am pirating the ideas of a former Government, as it appears I have done unwittingly on a former occasion; but I congratulate the Government on being the first to take active and definite steps in the direction which everybody is agreed is needed.

HON. F. H. PIESSE: You came in at the right time to do it.

THE COLONIAL SECRETARY: I thought the member for the Williams would have something of that nature to say. To those who have studied the history of the harbour at Fremantle, and to those more especially who have enjoyed the privilege of living in this State for a number of years past, I think it will be abundantly evident that in the Fremantle Harbour former Governments have established a work which must for all time confer on them the greatest credit and the greatest honour. And in connection with the hewing out, in a part of Western Australia where formerly nothing existed but shallow water and rock, a harbour which I hope in time to come will be second to none with which the maritime service of the world is acquainted, I cannot help but refer particularly to two names—that of a former Premier of this State, Sir John Forrest, and more particularly perhaps to that of the skilled engineer who for so long supervised the operations in connection with that work, Mr. C. Y. O'Connor. And I think, farther, that great credit is due to the latter gentleman, because he pursued that work at Fremantle practically on his own responsibility, and in the face of a somewhat adverse report from Sir John Coode, who had long been regarded as one of the greatest harbour authorities in the world. That the harbour should have been brought to such a successful issue as it has already reached is, I think, a tribute and a monument to the memory of the late Engineer-in-Chief which will long endear his name to the inhabitants of Western Australia. A large sum of money has been expended on this work. I am informed by the Minister for Works (Hon. C. H. Rason) that up to last Saturday the amount expended reached no less a sum than £1,219,014; so it will be seen that in appointing a board of commissioners to take over the control of this harbour, as the control which such commissioners will have to exercise will be over a very large project, we should be very careful that the board of commissioners which we do appoint shall be well constituted and capable of the duties it will have to perform. Although this large sum has been expended at Fremantle, we cannot by any means say that the harbour is yet finished; and as a fact, if I may be allowed to express the hope, my hope is that the harbour will never be finished—that as the harbour grows, so will the harbour requirements of Western Australia grow also, until if the harbour do not reach quite to Perth, it may, at all events, reach the greater part of that distance. It is somewhat interesting to study the immense increase of trade at the port of Fremantle during the last few years. If we take the tonnage returns published in the Statistical Register of this State, we find that whereas in 1891 the total tonnage entering Fremantle was 41,654, in 1900 the tonnage amounted to 522,152. That I think a most satisfactory figure, and a very forcible argument that the harbour should have special attention in the matter of its control. The figures for vessels cleared show in 1891 a tonnage of 21,414, and in 1900 of 536,657. Now I do not think it will for a moment be argued, if there be any hon. member opposed to this Bill, that the present control of the harbour, or the control immediately preceding that at present existing, has been in the least degree satisfactory. It has always been extremely hard to pin down any one department to any fault committed in managing that harbour. We are told that dual control is in all matters fairly bad; but when it comes to triple and quadruple control, such as we find in the management of the Fremantle Harbour, then I say it is time steps were at once taken to obviate the difficulties which must arise. In the past we have had part of the harbour controlled by the Harbours and Lights Department; another part was until a few months ago under the control of the Railway Department. The Public Works Department, as is natural in a harbour which is not yet finished, have always had their say in the matter; and, again, until lately the Customs Department have had a very great influence in the harbour management. It will be interesting, if I may do so without wearying hon. members, shortly to recapitulate some of the legislation which now exists in other places in respect to harbour control; and I may say at once that the present Bill is framed on the provisions of the principal New South Wales and New Zealand Acts. In Sydney, possibly because the purposes for which a harbour trust is appointed are

not quite the same as we find here, there are three harbour commissioners. These commissioners are highly paid men, the chairman receiving a salary of £2,000 a year, and the other members £1,000 each. We find the commissioners have extensive financial powers. By this Bill it is not proposed to give our commissioners any financial powers at present; and for this I shall proceed, as I go through the New South Wales Act, to give the reasons. The Sydney Harbour Trust has the power to borrow extensively for the purpose of carrying out the necessary harbour improvements; and has, in addition to that, the constructive powers for such additions. I should like to point out that the circumstances of Sydney Harbour and of the harbour at Fremantle are somewhat different. In Sydney, there is a harbour the capitalised value of which, I am informed on the best possible authority, reaches approximately the sum of 5¼ millions.

MR. MORAN: What do you call the capitalised value of a harbour? Not money spent?

THE COLONIAL SECRETARY: Yes; the money spent and the property acquired. The capitalised value of Sydney Harbour consists to a great extent of land which has been resumed at very high prices by the New South Wales Government for harbour purposes. The Sydney Harbour has a foreshore frontage —I am almost afraid to speak from memory, because the figures are so large— of well over 200 miles; and all of that 200 miles is within a very easy distance of the centre of the city. It will thus be seen that the harbour trust has opportunities of leasing to various persons and companies portions of that enormous foreshore, opportunities of collecting revenue such as will be to a great extent denied to the Fremantle Harbour Trust which it is proposed to establish by this Bill. We find, however, that with the financial powers possessed by the Sydney Harbour Trust the Government have been careful to bind down the trust in certain respects. The trust must in any case pay 3½ per cent. upon the capitalised value of the harbour, and may be called upon by the Government to pay 7½ per cent.

MR. ILLINGWORTH: Is that capitalised value—not the money expended?

THE COLONIAL SECRETARY: The capitalised value. When the harbour was taken over by the Sydney Harbour Commissioners, a list was made out of all property, appliances, and belongings of the harbour. A valuation was made of the harbour, its property and appliances; and from year to year, as provided in this Bill, any additional work or additional value added to the harbour, has to be added to that capital cost; and it is upon the capital cost so ascertained that the 3½ per cent. must be paid; and the Government may demand 7½ per cent.

MR. ILLINGWORTH: Then it is the cost, not the capitalised value.

MR. MORAN: True. Sydney Harbour is worth £50,000,000.

THE COLONIAL SECRETARY: It is on the valuation made by direction of the Minister controlling the harbour trust that this contribution has to be paid. The only hampering clause, I understand, to the powers of the New South Wales commissioners is to the effect that the expenditure is subject to the vote of Parliament. I have pointed out that the position of Sydney is not altogether parallel to that of Fremantle to-day. There are in Sydney special facilities for collecting revenue; and I believe the revenue of Sydney Harbour for the current year will be in the neighbourhood of £250,000. There are facilities for collecting revenue without pressing hardly either upon the general public or upon shippers trading to Sydney; facilities which are denied to most other ports in the world. That being so, it has not been thought—at all events, for the present—advisable to grant the commissioners who I hope will be appointed under this Bill the enormous rights given to the harbour commissioners of Sydney; but at the same time, I must express my belief that for the purposes and in the circumstances of the Sydney commissioners the constitution of the Sydney harbour trust is the ideal constitution; and this I shall farther refer to when dealing with the members of the board it is proposed to appoint. I was told by one gentleman in Sydney who is well acquainted with every phase of this subject, and has spent a great part of his life in connection with harbours, that the ideal harbour commission should consist of one man. But then, of course there is always the difficulty of finding a man who unites in

his person the various qualifications which are needed in a harbour commission. If we go to the neighbouring State of Victoria, we find an altogether different set of circumstances. There, instead of being few in number, the harbour trust forms a small Parliament. [MR. MORAN: The same in New Zealand.] To a less extent. The Melbourne Harbour Trust consists of no less than seventeen commissioners, and these are appointed by all manner of electorates and represent all manner of interests. The constitution of the trust will be found in Section 8 of the Melbourne Harbour Trust Act of 1890, whereby it is laid down that the council of the corporation of the city of Melbourne shall elect two commissioners, the ratepayers of South Melbourne one, the ratepayers of Port Melbourne, Williamstown, and Footscray one member each; the owners of ships registered at Melbourne elect three; the merchants and traders paying wharfage rates elect three; the Governor-in-Council may appoint five other commissioners, and may remove any commissioner appointed by him. As the Victorian Act exceeds greatly the New South Wales Act in regard to the number of members, so Victoria is much below New South Wales in the matter of remuneration. It is provided that amongst the seventeen commissioners, £1,700 shall be paid per annum, that is at a rate not to exceed £2 per sitting. I am informed that the result of having so many members on the harbour trust has not been very satisfactory. Their discussions are very long, and on some occasions, owing to the different localities represented by the members, the debate is extremely acrimonious and the working of the trust is not so successful as in Sydney. Again, the franchise under which the members are elected is most complicated; and for a study of that franchise, if members wish to go into it, I would refer them to the Act which I have quoted, which seems to be, in addition to an Act constituting the Harbour Trust, almost an Electoral Act and Land Resumption Act combined. When the Harbour Trust was established, power was given to issue debentures up to £2,000,000, a power which it has already exceeded. The principal objection to the Melbourne harbour commissioner system appears to be on the score of numbers, and I am borne out in that statement not only by outside persons in the city of Melbourne, but by some of the commissioners themselves. The work done, although fairly good, has been done under extreme difficulty, and the labours have been hampered to a great extent by the commission being more like a small Parliament than a trust to manage a harbour.

MR. MORAN: The same thing might apply to Parliament itself.

THE COLONIAL SECRETARY: I am sorry to say that sometimes it would apply to Parliament. As regards Queensland, we have in that country, as in New Zealand, an enabling Act which gives power to create harbour boards at various places. The chief provisions under which the harbour boards are to work, and which lay down the work which they may or may not undertake, are contained in the main Act. We find that while they have certain powers to issue debentures, powers which are limited in each special Act which creates a fresh harbour board, all the constructive powers are subject to the approval of the Governor. When I say all the constructive powers dealing with the tidal waters, there is no harbour which does not deal exclusively with the tidal waters. These provisions are the same as those which exist in the New Zealand Act, and it is proposed to apply them in a somewhat modified form, although not in the same language as in the Queensland Act, to the harbour trust which it is proposed to create under the Bill. If we take the Townsville Harbour Trust as a sample, we find they have there eleven members; they have limited powers of borrowing, and furthermore, before borrowing for any purpose, they must, as in the case of our municipalities, submit the question whether or not such loan should be raised, to a referendum of the ratepayers, that is the people who pay fees to the harbour trust.

MR. MORAN: Are they supposed to pay full interest on the capital there also?

THE COLONIAL SECRETARY: No; I cannot say they are supposed to pay full interest on the capital. I think that is practically left in abeyance. So far as I have been able to ascertain, only in the case of New South Wales is it stipulated that certain interest must be paid on the capital expended. In all the Acts I have

gone through, and I have gone through a good many when looking up this matter, I have been unable to find it stipulated that certain interest should be paid on the capital, nor is it intended that the interest should be stipulated in the Bill before the House or that there shall be any provision of that nature. With regard to New Zealand, and we have in this Bill followed New Zealand more than any other country, we find that they have an enabling Act as in Queensland for the formation of subsidiary harbour boards by special Acts. There is one point which is of interest, and it is that the members upon those boards are honorary, the only fees they may accept being those which may be legitimately charged as out-of-pocket expenses.

MR. MORAN: You would find that to be the case here for a considerable time to come.

THE COLONIAL SECRETARY: There is another important point and one which it is interesting to find in a country which is supposed to be so ultra-democratic as New Zealand is. It is provided in the Harbours Act of that country that for all works the cost of which exceeds £50,000, tenders shall be called and contracts let; therefore they do not appear to care for day labour on the harbour works in New Zealand. There is, too, in the New Zealand Act a special power to create special rates for special harbour improvements. I do not know that it is necessary for me to dwell on this, as I do not suppose it will be necessary in the immediate future, at all events, for the proposed board under the Bill to provide for these special rates. If we take as an example of the New Zealand harbour trust, the Auckland Harbour Board, it consists of thirteen members, three nominated or appointed by the Government, three elected by the borough council of the city of Auckland, and one appointed by the districts board of Ponsonby and Devenport, and one by the borough of Parnell, and three by the ratepayers of the port who pay £2 and upwards in pilotage and wharfage dues. I wish to lay stress on the fact that it is laid down that the electors who are to nominate the representatives on the boards representing shipping are to be owners of vessels registered in the port of Auckland. The same provision applies in regard to the Melbourne Harbour Trust.

MR. MORAN: Are the big mail steamers registered here?

THE COLONIAL SECRETARY: Oh no; the West Australian registered shipping is a very small item indeed.

MR. DOHERTY: The Singapore boats are the only vessels registered here.

THE COLONIAL SECRETARY: Singapore and a few others.

MR. MORAN: You do not propose to limit it in that way here?

THE COLONIAL SECRETARY: I will explain that when I come to the constitution of the board. Looking through the Bill itself, clause by clause, the first thing that strikes me is in Clause 1, which provides that the Bill shall come into operation on the 1st January, 1903, and, there is some little cause for this: if it were not so provided it would, to a certain extent, interfere with the estimates of the Railway Department. The revenue arising from wharfage dues has been and at the present time is paid to the Railway Department, and in the railway estimates of the present year it is proposed to make the provision that this revenue should still be paid for the first six months of the year. It is proposed therefore that the Bill shall come into operation on the first January, 1903. In the interpretation clause I would draw the attention of members to two definitions and distinctions which will materially assist them in understanding the Bill as they read it through: I allude to the difference between vessel and ship. Vessel is the larger term of the two, and includes any craft whatever, and ship is applied to vessels used in navigation and not propelled by oar. The next point which I come to is in Clause 3, where it is provided that there shall be five commissioners for the carrying out of the Act. The object of the Government has been, in view of the sentiments I have already expressed, to give the greatest possible representation to industries and classes on the board with the maximum number. It is believed that in the multitude of councillors, while there may be safety there is not always that unanimity of deliberation and quickness of deliberation needed on a board of this sort. It is, therefore, with the object of getting the most ade-

quate representation with the minimum number on the board that five has been arrived at. Again, Clause 4 provides for the appointment of commissioners, and it provides that the commissioners shall be appointed by the Governor; that one shall be appointed on the nomination of the Fremantle Chamber of Commerce and one on the nomination of the Perth Chamber of Commerce; leaving three members to be appointed by the Governor without any nomination being called for. Although it is not stated in the Bill, I have already stated in public, and I wish now to reiterate it, that it is the intention of the Government in appointing one of these three commissioners to appoint a gentleman who will fully, fairly, and adequately represent the shipping coming into and trading with the port of Fremantle. If it is thought necessary to put that into the Bill, I certainly shall not object to an amendment that embodies it; but it is somewhat difficult to work in for this reason. As it is impossible to get a satisfactory nomination — and I think it impossible for this purpose—I think it should be a nomination and an election on the franchise of the Western Australian registered shipping. Without wishing to be reckoned provincial or parochial, I would point out to members of the House that this Bill is a West Australian Bill, and not a Federal measure. While it is almost impossible to arrange a satisfactory franchise, taking only as a qualification that the voters shall be the owners of West Australian registered shipping, it is thought best to retain within the powers of the Government the power to nominate such a gentleman as will represent, in their opinion, all classes of shipping trading to the port, and I do not think it will be impossible to find such a gentleman willing to serve on the board. Members will find that one of the commissioners to be appointed is an engineer. Knowing that a certain amount of surprise has been expressed—and I am glad it has been expressed, because I have lost no opportunity in asking the general public to criticise the Bill to the fullest extent—as to the engineer of the harbour being a member of the board, I will give my reason why that has been provided. It has been thought that it would be advisable for the board to have, with advisory and executive power, a gentleman who has the requisite technical ability to advise the board in directions in which they need advice.

MR. DOHERTY: He would be voting on his own advice.

MR. ILLINGWORTH: And would be a servant to the board.

THE COLONIAL SECRETARY: There should be a gentleman on the board who is able to give the technical advice which the board needs; and we do not want to repeat the performance which has been gone through in this State some years ago, when it was found necessary to appoint the then Commissioner of Railways to be a member of the Executive, for the purpose of having his assistance in their deliberations and to save trouble and delay in ringing the bell when they wanted his advice.

MR. DOHERTY: Explain why this officer should vote on his own advice.

MR. ILLINGWORTH: He would be only a servant of the board, or ought to be.

THE COLONIAL SECRETARY: I do not see anything involving heresy against principle in allowing him to vote on his own advice. The hon. member (Mr. Doherty) will have an opportunity of voicing his view of the matter later on. With regard to the duties of the gentleman I have referred to, and the necessity for an engineer at all, I will point out that, later in the Bill, it is provided that the maintenance shall be entirely and solely in the hands of the commissioners. It is also provided that not only shall the maintenance be within the province of the harbour trust, but that they shall have an advisory influence over future works to be constructed, which matter I will deal with when I come to the clause relating to it. The usual provisions, which are taken from the New South Wales Act, are made in the Bill as to the legal status of the board of commissioners, also for filling vacancies and for the appointment of deputy commissioners in case of illness, as well as for the removal of commissioners for various causes set forth in the clause. Here I would point out as to the period of 21 days being allowed for Parliament to deal with any matter of this kind laid before it, an objection having been made in another place in relation to the shortness of that period, the time is here extended to 30 days.

Clauses 10, 11, and 12 provide for the removal of commissioners; and here I wish it to be distinctly understood that these clauses are purely tentative, and I invite the fullest expression of opinion by hon. members, both in debate on the second reading and in Committee, in regard to these points. It has been held that the chairman of the harbour board, in addition to the other members, should be an honorary member; and I shall not object to that if I find it is the opinion of the House that he should be so. It would at least be a saving in expense; and as the harbour board have to pay salaries out of their takings, this plan would be less of a burden on them. It is necessary the engineer shall be a paid officer, and I consider he should be a member of the board. If the House is of opinion that his services will not be worth £800 a year, I shall be willing to accept the opinion of the House as to what his remuneration should be. He will be protecting an asset which has cost £1,220,000 up to the present, and which will go on increasing in cost year by year.

MR. MORAN: It is well protected now by the Government officers.

THE COLONIAL SECRETARY: It is provided in Clause 18 that, "except in the case of the chairman and engineer, the office of commissioner and the office of any person employed or retained by the commissioners otherwise than at a salary shall not be deemed an office of profit within the meaning of the Constitution Act 1889, or any amendment thereof." That is put in for the purpose of allowing members of Parliament, if it be thought that any should be on the board, to be appointed under this Bill. I do not know that any are to be appointed, and so far the question of appointment of the board has not entered into the counsels of the Government at all. Members of Parliament should be eligible for appointment, and I think they should not be debarred, because it is just as likely we may find skilled and experienced men within the limits of Parliament as outside of it. It is therefore thought necessary to put in this provision, so that members of Parliament shall not be debarred. With regard to the appointment of officers, it will be noticed that the Governor, on the nomination of the commissioners, may appoint certain persons to carry out the duties imposed on them by the commissioners; so that the appointment of the officers will be altogether within the influence of the commissioners. It is also provided in Clause 19 that the dismissal of servants and labourers at daily or weekly wages shall be in the sole power of the commissioners. In Clause 21 the harbour-master to be appointed under the Bill may also hold the office of chief harbour-master in this State. With regard to the vesting of property, I would draw attention to the plans now hanging on the walls of this Chamber relating to the area of the operations of the harbour trust. These plans have been prepared for the purpose of making the area of operations somewhat plainer than in the schedule; and for my part, if I had to derive my idea from the schedule as to the area of operations, I should be to a great extent in ignorance of what is actually intended. Clause 22 deals with the powers and duties of commissioners, and provides that:

> There shall be vested in the commissioners, for the purposes of this Act, all lands of the Crown within the boundaries of the harbour, as described in the schedule to this Act, and the bed and shores of the harbour. All harbour lights and beacons within the boundaries of the harbour, except the lighthouses on Rottnest Island and at Woodman's Point. All wharfs, docks, landing-stages, piers, jetties, wharf sheds, and railways belonging to the Government, and within the boundaries of the harbour. All such other property as the commissioners may require, or the Governor may at any time think fit to vest in the commissioners for the purposes of this Act.

Clause 24 provides for the maintenance and the replacing of wharves, slips, and any property of that sort which may become unsafe and have to be put in proper condition. Clause 25, which is one of the most important in the Bill, provides for harbour extensions in these terms:—

> The completion and extension of all harbour works shall be deemed Government work within the meaning of the Public Works Act, 1902, and may be undertaken by the Minister for Works on the recommendation and under the advice of the commissioners.

I would like here to recall to the attention of hon. members what I have already said, that this clause embraces in a great degree the same conditions which exist in Queensland and New Zealand, namely that constructive works shall be

controlled practically by the Government. At the same time, I would point out that this does not preclude the Government from going on with any work outside the limits of the harbour, as expressed in the schedule and as shown on the plans I have referred to. Outside the limits of the harbour, the commissioners will have no advisory control whatever; and I would lay stress on this point, because I believe some members of this House are of opinion it is not so. That is the intention of the Bill, and I will welcome any amendment to make that intention more distinct. It is perfectly right that the men who have the control, and on whose shoulders the conduct of the harbour will rest, shall have the opportunity of expressing their approval or disapproval of any works which are proposed within the harbour area, and it is right also that the Government should have the benefit of their advice. The harbour board will be responsible for the control of the harbour; and if there is any fault of construction, theirs will be the responsibility and not that of the Government. Clause 29 provides for the recovery of expenses incurred through goods remaining upon any wharf or approaches thereto, or in any sort of warehouse under the control of the board, for a longer time than is allowed by the regulations. I may say this is rather important for a trading community, providing a process for the recovery of wharfage dues. Clause 30 provides:—

> Any dispute between the commissioners and the railway commissioners or any other department of the Government with respect to any land or other property vested in the commissioners shall be referred to the Minister, whose decision shall be final and binding upon the parties.

I think it is time that some such course should be taken, because there have been some disputes going on in this State for years past which are not settled yet.

At 6·30, the SPEAKER left the Chair.
At 7·30, Chair resumed.

THE COLONIAL SECRETARY (continuing): In Clause 32, provision is made that the commissioners shall not erect or pull down or make any alteration whatever in lights, buoys, or beacons, without the consent of the Governor being first had and obtained; and the reason is that any action which might be laid against the Government of the State for any wrong suffered by such alteration of buoys, beacons, or lights would result in the Government having to pay any damages given against them; therefore it is thought well that the Government should retain within their jurisdiction the management of lights, buoys, beacons, etc.

MR. ILLINGWORTH: Are they not managed by the Federal Government?

THE COLONIAL SECRETARY: The Federal Government do not propose and are not authorised to take over lights, buoys, and beacons within and connected with harbours, but merely the lighting of the coast and what may be termed deep-sea lighting. Clauses 34 to 36 deal with wrecks, obstruction, and damage, and the method, in some cases compulsory, of doing away with the same. Clause 37 is an adaptation of the New Zealand Act of 1894, providing that the commissioners shall not be liable for any act or omission of any qualified pilot, or of their harbour-master, in case he is a qualified pilot. Clauses 39 and 40 provide for the fixing by the commissioners of harbour dues and charges, and that until such charges are fixed those now in existence shall remain. Clause 41 provides for the assimilation of tonnage regulations. Clause 43 provides that the public shall be made acquainted at all times by notification by placard of the harbour dues and wharfage rates chargeable within the harbour. Going on to Clause 52, we find that, as in New South Wales, it is proposed at the commencement of operations under this Act that the Minister shall have made a schedule of all property vested in the commissioners, and shall determine the value thereof to be charged against the commissioners; and, furthermore, that at the end of each year, the additional value—that is, the money which has been spent in additions to the harbour—shall be added to the capital cost, which is arrived at in the manner laid down by Clause 52. Clause 54 provides a system of collecting accounts, and provides also that all revenue collected by the commissioners shall be paid into a trust account, and shall be balanced against their expenditure at the end of every twelve months, the balance then to be passed to consolidated revenue.

MR. ILLINGWORTH: Who pays interest and sinking fund?

THE COLONIAL SECRETARY: The State. Clause 55 provides for the method of payment of accounts against the commissioners, by draft on the Treasurer, which shall be signed by two of the commissioners and countersigned by the secretary. Clause 60 sets out at great length the multifarious duties of the commissioners, and the subjects on which they may make regulations. Clause 62 provides that such regulations shall have the force of law, and shall, as is customary in such cases, be laid before Parliament. The other clauses are principally machinery clauses, and clauses providing penalties for offences against the present Act. One of the most important of them is Clause 76, which provides that the onus of proving that any offence was committed outside the harbour limits shall be upon the defendant, and that it shall not devolve upon the commissioners to prove that the offence was committed inside. In dealing with this Bill, I would ask hon. members to bear in mind the fact that it is a more or less tentative measure; and those who take the trouble to look will find that wherever such legislation has been introduced it has been found necessary, in the course of a year or so after its introduction, to make alterations or additions to the Acts as they first appeared in the statute book. I do not claim that the Bill is by any means perfect. I have no doubt that amendments, alterations, and additions may be necessary. With regard to the powers the Bill confers on the commissioners, I think it wise not to go too far at first. The principal work of these commissioners will be, for the next twelve months and possibly for the next two years, organisation of the harbour at Fremantle. Though complaints have sometimes appeared that the harbour is too small for the trade, I firmly believe that, with a well-chosen body of commissioners acting judiciously, as we hope they will act, the effective size of the harbour will be increased at least three times. I believe that under efficient and judicious management the harbour will be large enough to meet the requirements of Fremantle, and of the part of the State which is served by it, for many years to come. The Bill, taken right through, is founded on the experience of the other States. Personally, I took considerable trouble during a recent visit to the East to ascertain the views on this question of men of experience with whom I came in contact; and if there be one point more than another which they impressed on me, it was, as they all said: "If you are to have a harbour trust, do not make it too cumbersome; do not have too many members." And I have adopted that principle in helping to frame the Bill now under consideration. I fear I have trespassed too far on the time of the House; but I have done so with the object of explaining as clearly as possible the provisions of the Bill and the similar measures in the sister States. I think that only fair to the House, even if thereby I may in some instances have put weapons into the hands of those whose disposition towards the measure is not altogether friendly. I move the second reading.

On motion by MR. NANSON, debate adjourned.

PUBLIC WORKS BILL.

IN COMMITTEE.

The Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

The MINISTER FOR WORKS moved that the definition of "Crown lands" be struck out, and the following inserted in lieu: "Crown lands means and includes all land of the Crown whether dedicated to any public purpose or not, except land granted or agreed to be granted in fee simple, or held or occupied under the Crown by lease or license, or for any other estate or interest." This definition was necessary in consequence of an amendment to be proposed later.

MR. MORAN: In dealing with a Bill of this kind, it would be advisable for the Minister to give notice of amendments.

THE MINISTER FOR WORKS: If matters of importance cropped up, the clauses could be postponed.

MR. MORAN: It would be advisable for notice to be given of amendments.

THE MINISTER FOR WORKS asked leave to withdraw his amendment.

He would give notice, and submit amendments on recommittal.

Amendment by leave withdrawn.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Governor may make regulations for conduct of officers:

THE PREMIER suggested that the clauses should not be put *seriatim*.

HON. F. H. PIESSE: The practice which had been introduced of putting clauses *en bloc* should not be followed in this case.

THE PREMIER: Members should come prepared to deal with the Bill. It was not possible for even legal members to deal with a measure of this kind if they had not looked up the Bill before coming to the House. Unless members came prepared beforehand, they could not do justice to a Bill by rising on the spur of the moment, which often led to useless discussions.

HON. F. H. PIESSE: The more discussion on a Bill, the better. It was not desirable to pass a Bill too rapidly. If we did so, the object of discussion was lost. Frequently, when members spoke to a clause, other points were raised.

THE PREMIER: That was when members came prepared to deal with a Bill.

HON. F. H. PIESSE: No one had expected this Bill would be reached to-night.

Clause put and passed.

Clauses 5 to 7, inclusive—agreed to.

Clause 8—Annual Estimates:

MR. DAGLISH: There should be some provision by which the Government before a certain date in the session place the estimates of works on the table. The time should be limited, so that Parliament should have full opportunity of considering the estimates. Last session members had no opportunity of discussing the Loan Estimates of the Government; therefore some provision should be inserted making it compulsory that the Loan Estimates be on the table by the 1st September. This provision might also apply to the Estimates of general expenditure.

THE MINISTER FOR WORKS: It was the desire of the Government to get the Estimates before the House at as early a date as possible, but as the financial year only closed on the 30th June, members would see it was utterly impossible to bring down the Estimates for the ensuing year at a very early date. While in sympathy with the member for Subiaco, to fix a hard-and-fast date on which the Estimates should be laid on the table would lead to awkward circumstances, and prove wholly unworkable. The most that could be done whilst the financial year ended on 30th June was to expect the Government to bring down the Estimates at the earliest possible date.

MR. MORAN: The first sub-clause contained the usual power, making it impossible for the Government to spend money without parliamentary sanction. How would it be possible to have another secret purchase if that clause were passed?

THE PREMIER: If there was a secret purchase, and Parliament subsequently declined to approve of it, the same result would follow if this provision were in the Bill as if it were not there. The Government would consider what they were going to do. If the Government undertook the construction of a work, or the purchase of land, they took the risk; therefore if Parliament disapproved, the Government would suffer the pains and penalties attached to that position. This clause was taken from the New Zealand Act, and it was more for a declaration of what the practice was than anything else. If the Government did carry out a work without parliamentary sanction they were not liable to any legal punishment.

MR. MORAN: But suppose Parliament did not sanction it?

THE PREMIER: The same question would arise now. There was no one to refund it. This clause put in writing what was the practice, and made it more emphatic. It would act as a restraining influence on the Government.

MR. MORAN: This was a departure of great significance. It was putting into an Act of Parliament what was the Constitution of the British Empire. The Premier had said that it was no use in the Act. This was one of the cardinal principles of the limitation of the powers of Parliament, and how would it have been possible for the Government to have made a secret purchase of 60,000 acres at Rocky Bay if this provision had been in existence in an Act of Parliament?

MR. ILLINGWORTH: It was most desirable that the House should be fur-

nished with complete estimates of loan expenditure; but in ordinary works, such as repairs to schools, the Government should not be hampered in the absurd manner proposed by the clause. For such unauthorised works the Ministers must take the responsibility. Naturally, any large works would appear on the ordinary Estimates.

THE PREMIER: Was it not an unwritten law that the Government could not spend money without parliamentary authority?

MR. ILLINGWORTH: The Government could take the responsibility of breaking an unwritten law; but were this clause passed it would be infringed every year by Ministers, who would thus be continually confronted with votes of want of confidence, and would be liable to impeachment. Consider the work done in the boom period without parliamentary sanction. Why insert a clause which all knew must be disregarded?

MR. PURKISS disagreed with the last speaker. Separate loan and revenue estimates of public works expenditure would be brought in, and would prove very useful. In another colony a similar clause had worked without friction for 25 years.

HON. F. H. PIESSE: The clause meant that specific works placed on the Estimates required parliamentary sanction, but did not deal with emergency works not appearing on the Estimates, such as water supply suddenly required on goldfields.

MR. MORAN: That explanation made the matter worse; for if it were true, the Government would be released from all responsibility, giving them absolute freedom in respect of works they did not think it advisable to place on the Estimates; nor was any punishment provided for abuse of the privilege. At present it was understood that the Government took the responsibility of acting promptly when Parliament was not and could not be in session. Such powers had sometimes been abused, as in the case of the Rocky Bay land purchase.

THE PREMIER: The law of parliamentary control of expenditure was a bulwark of the constitution, and could not be too clear; but members did not realise it, nor had our parliamentary history impressed on the people the vital importance of the principle. A provision of this nature might have been very useful in the past, if it were placed in a statute in cold print to remind Ministers of important constitutional principles. Members would notice that the clause as a whole dealt with constitutional matters. The clause provided, in effect, that when estimates were placed before Parliament, those estimates should be honest and reliable.

MR. NANSON: The clause provided that which was the ordinary routine in dealing with estimates. It would be as reasonable to put the multiplication table in a Bill, as to put in provisions of this nature. [THE PREMIER: It might be useful.] Yes; it might be useful; but there were other means of teaching the multiplication table without inserting it in an Act of Parliament. This was an instance of enacting clauses which must, to a large extent, be a dead letter, because instances must occur in which the Government would have to take the risk of expending money without parliamentary sanction in cases of emergency. If a small hand-book of constitutional usage were prepared for the benefit of Ministers, it might be more useful than a clause of this kind in a Bill, which was meant only to jog the memory of Ministers in regard to well recognised constitutional usage.

MR. MORAN: It was unnecessary to insert in a Public Works Bill provisions which were really a statement of constitutional usage. There being only one way of dealing with estimates when placed before Parliament, it should not be necessary to put such details in a Bill of this kind; details that were in the nature of primary instruction in constitutional practice. He moved that the clause be struck out.

THE CHAIRMAN: That would be a direct negative.

MR. MORAN: Then, in order to get a vote on it, he moved that the first part of the clause, Sub-clause 1, be struck out. This part was as follows:—

> During each ordinary session, there shall be laid before Parliament full and detailed estimates of the expenditure proposed to be made on all Government works during the financial year, and no such works shall be undertaken unless Parliament appropriates money for the execution thereof.

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

Ayes	...	...	11
Noes	...	...	20
Majority against	...		9

Ayes.	Noes.
Mr. Atkins	Mr. Daglish
Mr. Butcher	Mr. Diamond
Mr. Doherty	Mr. Ewing
Mr. Hastie	Mr. Gardiner
Mr. Illingworth	Mr. Gordon
Mr. Moran	Mr. Gregory
Mr. Nanson	Mr. Hayward
Mr. O'Connor	Mr. Hicks
Mr. Pigott	Mr. Higham
Mr. Yelverton	Mr. Holmes
Mr. Jacoby (*Teller*).	Mr. James
	Mr. Johnson
	Mr. McDonald
	Mr. Piesse
	Mr. Purkiss
	Mr. Rason
	Mr. Reid
	Sir J. G. Lee Steere
	Mr. Wallace
	Mr. Kingsmill (*Teller*).

Amendment thus negatived.

MR. MORAN: A protest had been entered against putting constitutional directions into the Bill. It was not intended to oppose these matters further.

MR. ATKINS moved that the following be inserted as Sub-clause (4):—

(4.) All public works, the estimated value of which is over three hundred pounds, shall be put up for public competition, and when tenders are returned for such work, the Public Works Department, if they so choose, shall have the right to do this work by departmental day labour, but the cost must not be more for completing the work than the amount of the lowest tender for the said work.

THE MINISTER FOR WORKS: This was a very important amendment, and he would like notice to be given of it. The amendment could be moved on recommittal.

MR. ATKINS: Notice would be given, and he would not move the amendment now.

Clause passed as printed.

Clause 9—Annual accounts and expenditure:

MR. MORAN: This was another clause which he strongly objected to, and which put into the Bill the ordinary duties of a Government.

Clause passed.

Clauses 10 and 11—agreed to.

Clause 12—Crown lands, reserves, etc.:

MR. PURKISS: This clause must be read in conjunction with Clause 20. Power was given to the Government to take park lands and reserves, and it was not advisable that the clause should be allowed to operate in that way. Great danger lurked in the provision.

THE MINISTER FOR WORKS: It was proposed to amend both Clause 12 and Clause 20 so that the Bill would not apply to public reserves and public parks.

MR. MORAN: How was it proposed to deal with parks and reserves?

THE MINISTER FOR WORKS: Subject to the Parks and Reserves Acts.

HON. F. H. PIESSE: If there were many amendments of an important character to be considered, it would be better for the Government to report progress.

THE PREMIER: The important amendments could be considered upon recommittal.

Clause passed.

Clause 13—Power to Minister to take water or acquire land for purpose of supplying water for railway or other purposes:

HON. F. H. PIESSE: Was there any existing law in regard to taking water from any stream, tank, or reservoir? According to Sub-clause (4) the matter would go to arbitration if there was a dispute between the owner of the land from which the water was taken and the Government.

THE PREMIER: The Government wished to reserve the right to take the water from a reservoir or a pool, if it were necessary, without taking the land, so long as compensation was paid.

Clause passed.

Clauses 14 to 24, inclusive—agreed to.

Clause 25—Owner may require small parcel of land severed to be taken:

MR. PURKISS: If the Government took several acres and left a narrow strip it might be worthless to the owner. He suggested that the words "half an acre" be altered to one acre.

THE PREMIER: The Government would agree to striking out "half" and inserting "one acre."

MR. PURKISS moved that after "than" in line 3, the word "half" be struck out.

Amendment put and passed, and the clause as amended agreed to.

Clauses 26 to 35, inclusive—agreed to.

Clause 36—Limit of time for making claim for compensation:

DR. O'CONNOR: The time should be increased to three years.

THE MINISTER FOR WORKS: The interests of absentees from the State would be protected by Clause 39.

THE PREMIER: As a rule, the limit was two years; and for ordinary cases 12 months was long enough. Especially in claims in respect of water rights should prompt application be compulsory, as provided in Clause 13. By Clause 119, where the owner required the land to be permanently taken, the claim must be made more promptly than in ordinary circumstances. Still farther protection was given to absentees by Clauses 30 and 39.

Clause passed.

Clauses 37 to 49, inclusive—agreed to.

Clause 50—Constitution of Court:

MR. DAGLISH: Had resident magistrates proved invariably successful in adjudicating on such cases?

THE MINISTER FOR WORKS: In a few exceptional cases, no; but generally their work had been satisfactory.

Clause passed.

Clauses 51 to 62, inclusive—agreed to.

Clause 63—How compensation to be estimated for land taken:

THE PREMIER: This important clause provided the basis on which the board should fix the amount of compensation. Regard must be had, by Sub-clause (*a*), to the probable and reasonable price at which the land might be expected to sell, without regard to any increased value occasioned by the proposed public work. Sub-clause (*b*) allowed for damage by severance; and by Sub-clause (*d*) the court might allow up to 10 per cent. in consideration of compulsory taking. Sub-clause (*e*) dealt with rent and profits.

HON. F. H. PIESSE: Did profits mean improvements?

THE PREMIER: No; income.

HON. F. H. PIESSE: Suppose the Government took fruit trees?

THE PREMIER: That would be allowed for under Sub-clause (*a*). Sub-clause (*e*) dealt with what the Government received as rent and profit from the land taken. The Government might hold the land for as long as two years before the Court sat.

MR. DAGLISH: That gave the claimant the chance of getting two years' profits.

THE PREMIER: Why not? Directly the proclamation was published, the land with its rents and profits vested in the Government, and for that loss the owner should be compensated. By the sub-clause, the amount received by the Government, less the cost of collection, should be added to the compensation payable; or interest should be payable on the amount of compensation at the rate of 6 per cent. per annum, at the option of the Government. Sub-clause (*c*) contained a new principle: that by way of deduction from the amount of compensation there should be taken into account any increase in the value of the claimant's estate, especially in respect of any land adjoining the land taken, likely to be caused by the execution of the proposed public work. The application of the betterment principle was thus limited to land immediately adjoining the land taken. There were cases where claimants had benefited enormously by the construction of a railway where none of their land had been taken. It might be said the betterment principle should apply all round, whether or not land was resumed. It was not proposed to apply the principle to that extent. It was being used, not as a sword, but as a shield to protect the Government from unfair claims. If a man owned an acre of land improved by a railway running through one quarter of it, which quarter was resumed by the Government, it would be unfair to assess compensation at the improved value conferred by the railway. It would not be necessary to pay anything in the case of the remaining land being greatly increased in value by that public work.

MR. MORAN: This part of the clause provided for a small branch of the great question of taxing land values. We had seen gross inflictions on the Government of this State through the want of some discriminating power to rebut the extraordinary claims made by some persons whose land was taken for the purposes of public works. Still this betterment principle, as applied in the clause, would fall most unevenly, because the man through whose land a railway was to pass would be deprived of all compensation by reason of the railway touching his land, whereas other land near to his, though not actually touched by the railway, might be equally or largely increased in value, and the owners of that land would reap the benefit of all the increment of value, no deduction applying to

them, whereas the owner whose land was actually touched by the railway must suffer the deduction consequent on any increase of value to other parts of his adjoining land. It should be possible to get a more even distribution of the incidence of taxation by declaring a radius of benefit resulting from a public work. A man might own a corner block on which was an hotel, from which several streets might radiate towards the new railway, and while those owners whose land was actually touched by the railway would suffer deduction for any increment of value to their land, the owner of that public-house would receive an enormous benefit from the increment of value, while not suffering any deduction, because his property was just beyond the radius of what was called "betterment." While all this was evident, he still approved of this small instalment of the betterment principle in the clause, but would like to see its operation made more equitable. The whole question of betterment would have to be considered in this State at no distant date. The clause gave a large discretionary power to the Court, while also directing that the Court "shall take into account any increase in the value of the estate by the execution of such public work." It was made compulsory on the Court to do so, yet if made permissive, would it also be necessary to grant a large discretionary power to the Court so as to meet such a case as that of one man being deprived of the betterment resulting from a public work, while ninety-nine other owners whose land was not actually touched by it would not be deprived of any part of the betterment?

MR. PURKISS: The meaning of the clause was clear. If an owner had 30 acres of land, and 10 of those acres were taken by the State for the construction of a public work, he would get full value for the 10 acres taken, *plus* 10 per cent. for compulsory purchase; and beyond that he would also enjoy the full increment of value resulting from that work to his other 20 acres. If the Court found that the other portion of his land not taken was benefited by the public work, the Court would be empowered to deduct that amount of increment from any compensation due to the man whose 10 acres had been taken.

MR. MORGANS: The Court would naturally take that into account.

MR. ILLINGWORTH: Suppose a man owned an acre of land in a town, and the State took one-quarter of an acre for a railway, the other three-quarters being consequently increased in value, the Government would in that case take the quarter acre practically for nothing; but other owners having land immediately adjoining the land so taken would get all the increase of value, and from them no part could be deducted because the work would not actually touch their land. The owner whose land was touched by the work would have to give so much of his land to the Government for nothing, as a consequence of his other land being improved in value.

THE MINISTER FOR WORKS: Though many members might be disposed to apply the betterment principle generally, yet it was hardly fair to imply that this Bill was drafted in a slipshod way.

MR. MORAN: That was not what he meant at all. His contention was that the betterment principle would be applied unevenly.

THE MINISTER FOR WORKS: This was a Bill relating purely to public works, and the particular clause was intended to protect the State from being mulct in heavy compensation claims as had happened in the past, while at the same time other land owned by the claimants for compensation might be benefited greatly by the increased value of their land not touched by the public work. Although this clause might not go far enough, yet it did not inflict any injustice on anyone merely by imposing a penalty on somebody whose land was taken. Under this clause the Government could deal only with those persons who had a claim against the State for land actually taken, and he thought nothing could be fairer than the provision in the clause.

THE COLONIAL SECRETARY: The clause went as far as any clause in this Bill could go. The province of the Bill in this particular case was to deal with land taken for public works purposes. If the House wished to apply the betterment principle in its entirety, that must be done by another Bill altogether.

MR. DAGLISH: The sub-clause was most commendable, for it was high time that a stop was put to the practice of certain members of the public getting at the Government whenever land was resumed for public purposes. While agreeing with the member for West Perth (Mr. Moran) that the clause did not carry the principle so far as it might advantageously be carried in some other Bill, yet he was glad to support the provision, which represented at all events a step in the right direction. The member for West Perth was wrong in arguing that the clause could inflict any injustice. Would the hon. member maintain that the Government, in taking over land required from one man at an exorbitant price, were doing an injustice to a man whose land was not taken over?

MR. MORAN: The individual was being compulsorily deprived of land in the one case.

MR. DAGLISH: Yet the man whose land was taken over enjoyed a distinct gain. Under the new system of the betterment principle, the Government would resume whatever land they required, and the owners of land resumed might receive no money whatever.

MR. MORAN: If the principle were carried to its logical issue, owners might have to give money with the land in some cases.

MR. DAGLISH: If it were just, one would be glad to see even that happen. To deal in this Bill with the man whose land was not resumed, was impossible. If the member for West Perth could suggest an extension of the principle in this Bill, one would be glad to support such extension.

MR. JACOBY: We had heard a good deal of cases where large amounts of compensation had been received, perhaps unjustly, by persons whose land had been taken; but it had to be borne in mind that in a good many instances the reverse had obtained. One would be pleased to support the system of betterment if that system could be justly applied. A Railway Bill, for example, might be accompanied by another Bill providing for the striking of a general rate on land-owners throughout the district to be served by the railway. Though with a good deal of reluctance, he would oppose the clause, because he did not believe in the betterment principle being applied in piecemeal fashion.

THE PREMIER: No man inside or outside the House was more obstructive to reform than he who aimed at logical perfection. That kind of man would always say that he believed in the principle proposed, but wanted to see it carried to its extreme length, knowing perfectly well that neither the men on the Treasury bench nor the public would agree to carry the principle to its logical extreme. If one agreed with a principle, one should apply it wherever possible. Here we had to ask ourselves whether a man who maintained that the construction of a public work had caused him damage was really and in point of fact damaged. A man might argue, "The Government have damaged me by taking part of my land": but the Government might fairly reply, "We have enhanced the value of what we have not taken; so where is your damage?" On this principle, betterment was applied under the Bill.

MR. MORAN: Was not the man's cause of damage that he had suffered the loss of what should come to him as the ordinary fruit of his industry?

THE PREMIER: We wanted to give the man the fruit of his own industry, but not the fruit of the State's industry.

MR. MORAN: The property of owners from whom no land was taken was also enhanced in value.

THE PREMIER: True; but those other owners did not complain of loss; whilst the other man claimed that, by virtue of the loss of portion of his land, he had sustained an actual and positive loss. Then the betterment principle came in to decide such a claim. We had to bear in mind that beneath all these claims for loss due to resumption of land or injury to property or severance, the real point was, "I, the claimant, have suffered damage by the construction of a public work." The question to consider, then, was whether the claimant had in fact suffered damage by the construction of such public work.

MR. GORDON: The Government were to be complimented on introducing this clause, which for one thing would do away with any excuse for secret purchases. It was to be regretted that the Government had not known a little

earlier of their intention to introduce such a provision, because in that case many people would have been spared much heart-burning.

MR. HASTIE: The clause could be made to apply a little farther than at present. He hoped the Premier would say exactly what was meant by adjoining property. His (Mr. Hastie's) interpretation of the word was that the land must be actually joined, and must not be parted even by a road. If that interpretation were correct, surely a better word could be obtained, because it was quite conceivable that a small part of a man's land might be taken, and that on the other side of the road he might have a very large area which would not be taken into account. If the Court could be intrusted to interpret the betterment principle for adjoining land, it could be intrusted to interpret the same principle in regard to land near, even if it was not technically adjoining.

MR. MORAN: This clause should not be obligatory on the Court, though he believed with the Premier that there should be a shield against undue claims. A man's land before a railway went through it was worth say a thousand pounds; a piece of it was taken away, and the owner might make whatever claim he liked. But if it could be proved that the remaining part of that land had been enhanced by more than he was claiming, the Court would under this clause be compelled to take into consideration the full enhanced value. The Court might arrive at the conclusion that the land had been increased in value by £1,200, and if the claim made were for £1,000, they would set that against the £1,000, and make him pay £200.

MR. DIAMOND: That could not be done.

MR. MORAN: "The Court shall take into account any increase in the value of the estate."

MR. GORDON: If there was no compensation to be awarded they would make no deduction.

MR. MORAN: That was what he was stating.

MR. GORDON: Therefore they could not make a charge.

MR. ILLINGWORTH: They would take the land without giving anything for it.

MR. MORAN: There must be a balance one side or the other, and if the full extent of the enhanced value was to be taken into consideration, how were the Government going to get it? Would they say this gentleman owed the Government £200?

MR. GORDON: No. They could not do so.

MR. MORAN: Then they let him off that part. For one man whose land would be touched by this Bill there would be 99 more whose land would not be touched by it. The Court might have some discretion, and he thought the Government ought to bring in a Bill this session to deal with the betterment principle, not only in regard to public works but on the railway lines.

MR. GORDON: Insert "may" instead of "shall."

MR. MORAN: Yes.

MR. HAYWARD: Bearing on this point, he would like to mention a great injustice done in connection with the construction of the South-Western Railway. A portion of that line ran parallel with a public road for 10 miles. On the side of the road on which the land was taken for the railway the Government took two chains width through the whole land, the owners receiving no compensation; whereas on the other side of the road, where the occupants received just as much benefit from the line, the owners did not contribute a farthing.

Clause passed.

Clauses 64 to 68, inclusive—agreed to.

Clause 69—Costs may be deducted from the compensation awarded:

MR. MORGANS: In the event of an award being made giving the Court power to deduct from the compensation the amount of the costs, if the compensation was not large enough to cover the costs, what would happen?

THE PREMIER: If a claim was honestly made, very little trouble would occur; but if a man claimed £1,000, and only received £200 or £300, then he should pay the costs. If a person claimed a large amount, and did not receive half of that amount, he had to pay the costs, which might be deducted from the amount of compensation. A wide margin was given as to the amount of compensation received.

MR. MORGANS: Many claims might come before the Court of £300 or £400, in which cases there might be heavy bills

of costs. In some cases the costs would amount to more than the compensation.

THE PREMIER: A claimant would not have to pay costs unless the amount of compensation awarded was less than one-half of that claimed. There were not half-a-dozen cases in which the claimant had been called upon to pay costs.

Clause passed.

Clauses 70 to 83, inclusive—agreed to.

Clause 84—Definition of road for purposes of Act:

MR. MORAN: As Part 5, dealing with roads, rivers, and bridges, was important, he suggested that progress be reported.

Progress reported, and leave given to sit again.

TRANSFER OF LAND ACT AMENDMENT BILL.

Received from the Legislative Council, and read a first time.

WINES, BEER, AND SPIRIT SALES AMENDMENT (WINE RETAIL) BILL.

SECOND READING.

MR. JACOBY (Swan), in moving the second reading, said: I would ask the indulgence of the House while I briefly explain the reasons which induced me to introduce this Bill. Some time ago in the original Act dealing with wine licenses and licenses generally a provision was contained permitting of the sale of wine of local growth by single bottle. Later on it was pointed out to Sir John Forrest that there was a necessity for a license permitting the sale of local wine by the glass. In accordance with the desire expressed by wine people that wine should be obtainable by the glass, a license was permitted, and the sale of wine by the bottle was altered. The word "bottle" was struck out, and "glass" inserted instead. The object of this was to cover all cases, permitting the sale of wine either by the glass or bottle. But, unfortunately, the class of people who desire to sell wine by the bottle are people averse to the sale of wine by the glass. I refer to the larger storekeepers of Perth and the large towns of the State.

MR. ILLINGWORTH: They are not bound to sell by the glass.

MR. JACOBY: They are bound to sell by the glass under the license. If that were not the case there would be no necessity to bring in the Bill. It has been raised as an objection to the Bill, and it was raised last session when a similar Bill to this one was proposed to be read a second time, that the Bill would lead to a good deal of sly grog selling. I do not agree with that at all. That there are likely to be abuses I quite recognise, and it does not matter, whatever license may be passed by the House, abuse of some description is likely to occur; but I think, of all the licenses which come within the purview of the Licensing Act, no license is less likely to be abused than this particular license. If in the Bill which I have drafted any provision can be added that can safeguard, and prevent persons who are not absolutely *bona fide* grocers from getting a license, I shall only be too glad to fall in with any suggestions made to that end. At the present time the great difficulty the wine-growers of the State labour under is that the only two licenses dealing specially with their product are the glass license and the gallon license. I am sorry to say the glass license, owing to the fact of the comparatively small consumption by casual people in the State, has been somewhat abused. But the great difficulty under which people labour who wish to use a small quantity of wine is that if they go to an hotel for a bottle of colonial wine, they have to pay an almost prohibitive price. I know of instances where I have sold wine at 15s. a dozen and have had to buy back a bottle of the same wine at 6s. from an hotel. It is to give some opportunity for the purchase at reasonable prices of the natural clarets of this country that I brought in this Bill. I know of a winegrower who had a shop in Bunbury; but in order to sell wine he had to take out an ordinary colonial wine license, which permits of the sale of wine by the glass; and it would be exceedingly disagreeable if all large shopkeepers in the country who desired to sell wine by the bottle had to sell by the glass also. [MR. ILLINGWORTH: Where is the hardship?] Well, they would be forced to sell a glass of wine on demand; for that must be done by all who hold

such licenses. The people who would take out bottle licenses are people who do not wish to sell for consumption on the premises. It has also been urged against the system of grocer licenses that it gives opportunities for people to order small quantities of liquor with their groceries, and leads to a good deal of tippling by women in particular. Now in connection with claret, such a thing is not likely to occur; because claret is not a wine used by women. It is a wine that appeals particularly to the masculine palate; and instances of its use by women are, I am sorry to say, very rare. I believe the hotelkeepers are using every effort to defeat this Bill. Well, they have themselves only to blame for the fact that our winegrowers desire new avenues for the sale of their wines. Ninety per cent. of the hotelkeepers of this State—I say it with regret—do not know how to handle wine. I doubt if any of them know the difference between claret and port. And it is a common occurrence that absolutely sour wine which has been open for some considerable time is handed to customers. Moreover, wine that should be sold at about twopence or threepence per small tumbler is sold at sixpence per port-wine glass. The effect of all this is absolutely to kill the sale of wine in hotels; and the only way in which we can educate drinking people to a taste for wine is to make that wine readily obtainable by the bottle.

MR. ILLINGWORTH: The trouble is that you would educate them with wine towards whisky.

MR. JACOBY: If the hon. member has studied the habits of wine-drinking peoples, he will know, as every student of the question knows, and as all figures prove, that the wine-drinking peoples of the world are the most temperate.

MR. ILLINGWORTH: That does not apply to France, anyway.

MR. JACOBY: It does apply to France.

MR. ILLINGWORTH: The figures are all against you.

MR. JACOBY: The hon. member is thinking of Paris itself, which is a very large spirit-consuming centre. In the rural districts of France, where nothing but wine is drunk, where it is used at every meal and every time a man is thirsty, drunkenness is practically unknown. On that point testimony is unanimous. I admit there is much drunkenness in Paris itself, owing to the fact that the Parisians are heavy spirit consumers. I should like also to say that the position in which we find the wine industry to-day is exceedingly unfortunate. Owing to federation, the prospects of the industry are dark; and the Government will doubtless be asked at a very early date to come to its rescue in some way or other, if it be really wished to have it permanently established in the country. Speaking with some knowledge of the matter, I say that there is no portion of Australia better fitted for the production of wine than the millions of acres of gravelly slopes we possess in the Darling Ranges. The same difficulty faces us here as first faced the winegrowers of the early days on the other side; namely, there are many mistakes to be made before we discover exactly the right lines on which to go. We have got over the initial difficulties, but we are still at the stage where the vineyards are exceedingly small; and the industry is not organised. Some time ago a committee was formed to consider the establishment of a central winery; and the Treasurer and the Premier of the last Government stated their willingness to consider favourably a proposal for the establishment of such winery on the basis of a guarantee of interest. The then Treasurer, the member for Cue (Mr. Illingworth), though he energetically preaches and practises the doctrine of total abstinence, yet when he, as a statesman, comes to deal with the question of encouraging the wine industry of the country, he puts all that on one side and does his best to conserve the interests of the State as a whole. I should have liked to deal at some length with the prospects of viticulture in this country, but I am afraid I should weary hon. members if I did so. I will state briefly, however, that if we got this industry on its feet, we should have magnificent prospects in view. Our crops, or the crops of those vineyards laid down on modern lines, produce a higher average return than is produced in any other part of Australia. On the higher portions of the Darling Ranges we are able to grow an exceedingly light wine, a wine which more closely approximates to wine of the

true claret type than any that can be grown elsewhere in Australia. And, though the wine is low in alcoholic strength, it is exceedingly full flavoured and has a high perfume. For wine of that sort there is an unlimited market, if we could once get the industry going. The quantity produced by the whole of Australia is to-day a mere drop in the ocean.

MR. MORGANS: Approximately, how many gallons of wine does an acre produce in this country?

MR. JACOBY: There are some small and old-fashioned vineyards which bring down the average; but I may say from 200 to 400 gallons per acre, and I think the average would be closer to 400 than to 200. And to give an idea of the immense possibilities of the industry, I may say the total production of the world is over 4 billion gallons per annum; and of that Australia produces only some 4 millions. I have been induced to bring in this Bill particularly by the knowledge that it would largely increase consumption in this country, and also by reason of my experience of the working of a similar Act in South Australia, where the consumption of cheap clarets put on the market by the local winegrowers has lately increased to a remarkable extent. People can there buy half a gallon of claret, of good sound quality, and exceedingly light, for 1s. 6d.; and the more wine of that kind consumed in Australia, the more temperate will the people be. I do not wish to insist farther on the effect claret drinking has on the temperance of the people; but everyone who uses claret knows that it does not create any craving. It is not in the nature of a drink that requires another to wash it down.

MR. ILLINGWORTH: Then I am afraid it will not suit the general palate.

MR. JACOBY: And there is no beverage which in the hot climate of Australia can be used with more beneficial effect. I submit this Bill——

THE PREMIER: To the tender mercies of a hostile House.

MR. JACOBY: I trust that having this industry established here, we shall give to the people who grow the wine every possible chance to sell it. I would draw attention to another small matter with which in Committee I propose to deal. Under the first and large Wines, Beer, and Spirit Sale Amending Act, the strength of wine sold was restricted to 25 proof degrees. Under the Commonwealth Distillation Act winegrowers are allowed to fortify up to 35 degrees in order to permit of their making wines of a port-wine character. Under the Commonwealth Distillation Act that provision is granted, and is at present being availed of, but under our Act wine-makers are not allowed to sell such wine. I propose to bring that matter before the Committee.

MR. MORGANS: What percentage of alcohol would 35 degrees represent?

MR. JACOBY: About 35 per cent.

MR. A. E. MORGANS (Coolgardie): I second the motion. The Bill seems to me a very proper one for the consideration of Parliament. Undoubtedly, the wine industry of this State is worthy the attention of the Legislature, and I agree with the member for the Swan (Mr. Jacoby) in saying that if we can induce the inhabitants of this State to drink wine instead of whisky, it will be a good thing. Of course, one of the conditions of inducing our population to make the change is to give them a good wine, and I have every reason to believe that Western Australia is at last beginning to produce very fair wine indeed. I am quite sure that anyone who considers the enormous consumption of whisky per capita in this State will regard that circumstance alone as affording good reason for encouraging both the development of the wine industry and inducing our people to drink wine instead of whisky. The large consumption of whisky per head probably arises from the fact that the male population here is larger in proportion than it is elsewhere; but, still, the fact remains that our consumption per head is larger than it is in any other country in the world. I do not know that the fact is much to the credit of the State, but it is a fact, notwithstanding. In view of the enormous consumption of spirits, I say there is good reason why the House should assist in the passing of a measure of this kind, provided always it can be shown that by doing so we may in some measure change the popular habits in regard to whisky drinking. That is what I may term the moral side of the question. Looking at it now from the industrial point of view, I say there is no doubt that the wine industry is

likely to assume considerable importance. I understand from persons interested in the industry that they meet with most serious inconveniences. Wine-growing, to my mind, is worthy of as much attention as any other industry; and if it be struggling, as we are told it is, then the duty of Parliament is to help it along in its early stages. I am told that the member for the Swan (Mr. Jacoby) intends to seek the help of the Government in establishing a central winery or wine factory. If the hon. member moves in that direction, the House will, I hope, support him; but certainly there can be no objection to helping him with this measure, because all he seeks, I believe, is to place the public in a position to get small quantities of this wine, which the public cannot do now. From experience, I know it is a fact that one is often charged in hotels 6s. per bottle for West Australian wine. At that price, the consumption of local wine is not likely to increase largely. If some means can be found of disposing of the wine to the public at a reasonable price, if means can be found for letting the public have West Australian wine at the small rate of 1s. 3d. or 1s., or possibly even 9d. per bottle, then there is a chance of the industry benefiting. In view of the importance which the industry is likely to assume, and of the possibility of Western Australia becoming a large exporter of wine to other countries, I think the House should take the question into its most serious consideration and assist the hon. member in passing the Bill.

MR. F. ILLINGWORTH (Cue): If the object of the member for Coolgardie (Mr. Morgans) and that of the member who introduced the Bill (Mr. Jacoby) could be attained by a measure of this kind, it would be worthy of the consideration of the House. But what does the measure propose? To increase the facilities for selling, under the name of wine, single bottles of drink. Is it necessary, for the purpose of introducing our native wines to the people, that we should add one more channel to the already numerous channels existing for the sale of intoxicating liquors? Is it desirable, or is it even necessary for the introduction of our native wines? We have an Act which permits, for the fee of £2, any person to sell native wines by the glass or in any other quantity he may choose.

MR. MORGANS: But people won't do that, you know.

MR. ILLINGWORTH: It is now proposed to add to this extremely liberal facility the additional one that every grocer or every man who chooses to take out a license may, on payment of £1 per annum, sell colonial wine. It is proposed that the license fee shall be reduced to £1.

MR. JACOBY: The amount does not particularly matter.

MR. ILLINGWORTH: I should have no objection whatever to the granting of facilities for the selling of our native wines all over the country. I am not objecting to that; but no one knows better than the member introducing the Bill that to grant those facilities is simply to extend the pernicious system of sly-grog selling on the one hand and to promote the desecration of our homes on the other. Under this measure, every grocer's bill will contain charges for colonial wine; but what would be in the bottles that went to the home? Not colonial wine. The increased facility would not be an increased facility to sell colonial wine, but merely a vastly increased facility to sell bad whisky. That is just what this Bill comes to.

MR. JACOBY: Have we no reputable grocers?

MR. ILLINGWORTH: Single bottle enactments are a blot on the names of some of the best men we have known. Even so great a man as Gladstone favoured this system, which proved most pernicious in its operation at home. The same system became almost ruinous in Victoria, where it was introduced ostensibly for the purpose of preventing people from visiting hotels. What was the result of the system in Victoria? More drunkenness in the home than was ever known before. This Bill proposes simply to accentuate the evils and dangers arising out of the system. If the wine industry of this State is to be helped, it will be helped by export. All the wine 200,000 people can be induced to drink will not materially help the Western Australian wine industry. If people have any taste for this particular beverage, they have adequate facilities now for obtaining it. The present

license fee for the sale of colonial wine is only £2 a year; and under such a license one can sell a glass or a bottle, or a dozen bottles, or a gallon, or indeed any quantity. What benefit is to be derived, then, from adding another license permitting people to sell colonial wine under circumstances which open a most convenient door for the sale of all kinds of liquors? The door, we know very well, will under such circumstances be entered. It is all very well to say that we mean only colonial wine to be sold under this license, but the difficulties in connection with the trade are indisputable. We know that people who take out a wine license for £1 will sell simply what they please. It may be answered that their doing so will be against the law. It is against the law now, but we know it is being done at the present day in spite of all the restraints which exist. I do not say that the rejection of this Bill will reduce existing evils and difficulties; it will not; but the passing of the Bill will afford just one more facility for the adoption of the practices which exist in this State and in other States where the single-bottle law obtains. This is a kind of Bill which, in my opinion, should not be placed on the statute book. Plenty of opportunities for drinking exist now, plenty of opportunities for the sale of all kinds of liquor, abundant facilities for the sale of colonial wine.

MR. JACOBY: No. We in the industry know that it is not so.

MR. ILLINGWORTH: Yes. Under the law, abundant facilities exist. What is to be gained by reducing the license fee? A very doubtful gain. We shall, however, be giving permission to people to sell by the bottle and by the glass. Now, I maintain that if there is any demand for native wines at all, they will be sold under existing conditions. I have had to take notice of this matter before. All over the peasant districts of the Continent where wine is the ordinary beverage, just as water or tea is in other countries, admittedly no serious amount of intoxication exists; but the people who can get intoxicating drink get it every time. Continental cities are flooded with intoxication. The consumption of intoxicating liquor in continental cities alone proves the fact. Moreover, the records prove Paris to be one of the worst cities of the world so far as the consumption of intoxicating liquors and intoxication are concerned. To represent the continental cities as more sober than those of Great Britain is simply to make a statement without foundation in fact.

MR. MORGANS: Not the cities; the populations.

MR. ILLINGWORTH: In the farming districts of England, where the ordinary beverage is ale brewed by the farmer, the same results are found. There is a sober peasantry in England, just as there is on the Continent. To be perpetually quoting the Continent as an example to Great Britain in point of sobriety is to cast positive and utterly unmerited dishonour on the British name. We know the Continent is no example of sobriety; we know that the big continental cities suffer under the same difficulties as the cities of Great Britain. Why was the Norwegian system of licensing introduced? Simply in order to meet a vast and crying evil. The sale of spirits was handed over to the Government with the object of reducing the consumption. The statement I have referred to has been made so often that people have got into the way of believing it, though it has no foundation in fact. Taking equal conditions, one finds that the British nation is as sober as are continental nations. London, I say, will bear comparison with any continental city so far as the consumption of intoxicants and intoxication are concerned. There is nothing in the other line of argument.

MR. MORGANS: How do the continental States compare with Western Australia?

MR. ILLINGWORTH: Western Australia has an unenviable reputation. The hon. member, I think, admits that. He has given us what is perhaps one reason of the trouble. I wish to point out, as an absolute fact, that in every country, Great Britain included, prosperous times mean an increase in the drink bill. Statistics always tell the same story: a prosperous year, and up goes the drink bill; bad times, and down goes the drink bill. Here, we have prosperous conditions throughout the State, and, as an accompaniment, a heavy drink bill. Therefore, in addition to the large proportion of males in this State, we must take into consideration the general prosperity existing.

That does not mean even that the consumption is so immensely increased. Very often the increase in the drink bill is due to the cost of the drink. Members know quite well that in certain seasons in Coolgardie when we had a large number of experts about it was no very unusual thing for dozens of champagne to be used a day, and the same people were perhaps afterwards satisfied with something else. That sort of thing goes on, and the hon. member's proposition is that we should add one more facility for the sale of intoxicating liquor, one more facility for evading existing Acts, one more opportunity of increasing perhaps by 50 per cent. the avenues of sly-grog selling. That is what this Bill will do, in my opinion. I quite admit it is not the desire of the hon. member to do this. His one desire is, I take it, to give facilities for the sale of our native wines. I assert that this Bill will not do it, and that if he has to depend for the success of the wine industry upon the consumption in this State, he is depending upon a very broken reed. What he will have to do will be what they have had to do in the other States. He will have to bring his wines up to the standard which prevails in other parts of the world. When he does that the local wine will take the place of others. As for supposing you will by the Bill work a revolution on the temperance side, or the financial side, it is a mistake. You will simply increase the facilities for sly-grog selling, and will do a great deal of harm without a particle of good to the cause the hon. member advocates. For that reason I move:

That the Bill be read this day six months.

MR. W. D. JOHNSON (Kalgoorlie): I second that.

MR. JACOBY (in reply): I exceedingly regret that the hon. member for Cue (Mr. Illingworth) has taken the course he has done in connection with this measure. I should have hoped that, if he had any real desire to help the wine industry of the State, any desire for Western Australia to become a wine-producing State——

MR. ILLINGWORTH: This will not help you.

MR. JACOBY: Any desire to see the wonderful results that have been obtained in New South Wales emulated in this State, he would have helped the wine-growers to follow the course there pursued, which they know will help them. The object with which this measure has been introduced is to increase the sale of the local wine grown by the local people in the local market.

MR. ILLINGWORTH: It would increase the sale of bad whisky.

MR. JACOBY: Is it not far better to even allow the possibility of that to occur? Do we not trust a licensing bench to see that the licenses are only granted to reputable people? If the hon. member for Cue will assist me in Committee I shall be quite willing to amend the clause. Even if in one or two instances sly-grog selling does occur, is it not far better to put up with that than to prevent the sale of local wine? If we can carry the local wine amongst the people and increase the sale of it by fifty per cent.——

MR. ILLINGWORTH: This will not do it.

MR. JACOBY: I say it will, and I speak with some authority on this question. I assert that it will very largely increase the sale, and it is far more desirable to take the risk of sly-grog selling than to stop the people from growing the wine. I had a suggestion down here, but I hesitated to put it in, because I was not quite sure it was a practical suggestion. I thought perhaps we might provide that, "such licenses shall be granted only to *bona fide* and reputable grocers who shall have carried on business as such in the State for at least six months," or something like that; something to prevent a man from putting a tin of jam in his windows and then applying for a wine license. There is no obligation on the licensing bench to grant a license to every twopenny-halfpenny man who applies. I think the member for Cue will admit that there are any number of reputable grocers, reputable storekeepers in this State who will follow out the terms of the license, and if people want to go in for sly-grog selling they can do it under a gallon license at the present time, which permits them to sell six bottles of whisky. In my opinion the fears of the member for Cue are not well grounded, and I trust the House will not

consent to defeat the Bill in the manner proposed by the hon. member.

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

Ayes	12
Noes	9
Majority for ...	3

AYES.	NOES.
Mr. Atkins	Mr. Butcher
Mr. Daglish	Mr. Harper
Mr. Gardiner	Mr. Hastie
Mr. Gregory	Mr. Morgans
Mr. Hayward	Mr. Nanson
Mr. Illingworth	Mr. O'Connor
Mr. Johnson	Mr. Quinlan
Mr. Kingsmill	Mr. Yelverton
Mr. Moran	Mr. Jacoby (*Teller*).
Mr. Rason	
Mr. Reid	
Mr. Wallace (*Teller*).	

Amendment thus passed, and the second reading negatived.

ADJOURNMENT.

The House adjourned at 10·41 o'clock, until the next day.

Legislative Assembly,

Wednesday, 3rd September, 1902.

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

PRAYERS.

PAPER PRESENTED.

BY THE TREASURER: Agricultural Lands Purchase Act, Return showing purchases made; moved for by Mr. Stone.

Ordered: To lie on the table.

QUESTION—GEOLOGICAL SURVEY OF GOLDFIELDS.

MR. HOLMAN asked the Minister for Mines: 1, When he intends to have a complete geographical survey made of the Murchison and Peak Hill Goldfields. 2, Whether the Government Geologist's report of the portion of the Murchison Goldfield already surveyed is satisfactory. 3, What area, or areas, have been reserved for boring purposes. 4, Whether the Government intends starting diamond drill boring operations. 5, If so, when. 6, If not, why. 7, Whether the Minister will take immediate steps to establish a School of Mines on the Murchison.

THE MINISTER FOR MINES replied: 1, As soon as work already in hand is completed. 2, Yes. 3, About 168 acres. 4, Negotiations are in progress with the municipality and leaseholders affected in Cue as to whether they will contribute to the cost of such boring; if not, an offer received from a mining company, in which the company agrees to do such boring provided that the Government subsidise to the extent of one-half the cost of same, such subsidy to be repaid by the company from the first gold won should the boring warrant development, will be favourably considered. 5 and 6, Answered by number four. 7, No provision is being made for the establishment of a school on this year's Estimates.

QUESTION—EXEMPTIONS ON LEASES, MAINLAND CONSOLS.

MR. HOLMAN asked the Minister for Mines: 1, Whether it is a fact that the Mainland Consols group of leases have been exempt from fulfilling the labour conditions for the past 18 months. 2, If so, for what reasons. 3, Whether the Minister will at once compel the owners to man the leases or forfeit them, to allow others who are willing to work them an opportunity to do so.

THE MINISTER FOR MINES replied: 1, Yes. 2, This is one of the properties of the Standard Exploration Company (in liquidation). The leases were protected by Regulation No. 152 up to December 1st, 1901, when this Regulation was repealed, and I protected the leases to January, 1902, to enable the liquidator to sell his assets in accordance with Regulation 146, and then refused further