

The Standing Orders were suspended. THE COLONIAL SECRETARY (Hon. G. Shenton), in moving the second reading, said hon. members would remember that during 1890 there was no sitting of the Legislative Council, and the Government, in order to meet certain unforeseen expenses, had to fall back on the provisions of the Audit Act for authority for the expenditure. The Schedule, he might point out, contained the different items which had been incurred; but it was necessary to pass this bill. The present Government had nothing to do with this expenditure; but he could say, as a member of the old Committee of Advice, that everything had been carefully looked into, before being recommended.

Question—That the bill be now read a second time—put and passed.

The bill was then taken through its remaining stages and passed without amendment, and ordered to be returned to the Legislative Assembly.

LOAN BILL (£1,336,000).

IN COMMITTEE:

Schedule:

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the Schedule be agreed to.

Question—put and passed.

The bill was then reported to the House.

AUDIT BILL—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—"Mr. President, 'The Legislative Assembly acquaint the 'Legislative Council that this House has 'no objection to the insertion of the proposed clause (*vide* p. 338, *ante*) in the 'Audit Act now before the Legislative 'Council.—JAS. G. LEE STEERE, Speaker."

The Standing Orders were suspended to enable the bill to be read a third time.

The bill was then read a third time and passed, and ordered to be returned to the Legislative Assembly.

LOAN BILL (£1,336,000).

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the Standing

Orders be suspended to enable this bill to be read a third time.

Question—put and passed.

The bill was then read a third time and passed, and ordered to be returned to the Legislative Assembly.

ADJOURNMENT.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the Council, at its rising, adjourn until Saturday, 21st February, at 11:30 a.m.

Question—put and passed.

The Council, at 4:15 p.m., adjourned until Saturday, 21st February, at 11:30 a.m.

Legislative Assembly,

Friday, 20th February, 1891.

Information for selectors of land—Message from His Excellency the Governor: Supply—Overcrowding of s.s. "Albany"—Message from His Excellency the Governor recommending increase in the duty on unmanufactured tobacco: consideration of—Estimates of Expenditure, 1891: recommended—Ministerial explanation: Governor Robinson and the Delegation to England—Message from Legislative Council *re* Loan Bill; Reply to do.—Scab Act Amendment Bill: in committee—Message from Legislative Council *re* Audit Bill—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

INFORMATION FOR SELECTORS OF LAND.

THE SPEAKER: I observe that the first question on the Notice Paper is one standing in the name of the hon. member for Northam. It is to ask the Commissioner of Crown Lands "If it is

"not desirable, in the interests of agricultural settlement, that officers possessing the necessary local knowledge be appointed throughout the different Agricultural Districts, to whom persons desirous of selecting land could apply for information respecting available land; and, if so, will the Government endeavor to make the necessary arrangements for appointing such officers?" I have informed the hon. member that, in the shape he has framed it, his question cannot be put, as it is argumentative. His proper course is to bring the subject forward in the shape of a motion.

MR. THROSSELL: I may state that I have had a conversation on the subject with the Commissioner of Crown Lands, who informs me that the Government recognise the wisdom of carrying out the principle suggested by my question; therefore I do not intend to proceed any further in the matter.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR: ADDITIONAL ESTIMATES.

A Message from His Excellency the Governor was presented by the Premier, and read by Mr. Speaker, as follows:

"The Governor transmits to the Legislative Assembly the additional Estimates of Expenditure for the year 1891 to the extent of £2,620, and recommends an appropriation of the Consolidated Revenue Fund accordingly.

"Government House, Perth, 20th February, 1891."

V.—COLONIAL SECRETARY.

Medical.

51. Resident Medical Officer, Don-	
gara	£100

Volunteers.

13. Portion of contribution to Forti-	
fications at Albany	£2,000

VI.—TREASURER.

Customs.

36. Tide-waiter, Cossack, £140 to	
£160, increase	£20

Postal and Telegraph.

132. Greenbushes, Postmaster and	
Telegraphist	£100

Pensions.

E. L. Courthope	£400
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Total	£2,620
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Ordered—That His Excellency's Message be taken into consideration when in Committee of Supply.

OVERCROWDING OF THE S. S. "ALBANY."

MR. QUINLAN, in accordance with notice, asked the Premier:—

1. If his attention had been called to a letter in the *Albany Advertiser* of the 13th instant, signed by 74 passengers by the s.s. "Albany" on her last trip, and setting forth the utter lack of provision made for the comfort and safety of those on board during the voyage.

2. Whether the owners were not bound by the terms of their contract with the Government to conduct the service efficiently, as regards passenger traffic.

3. What action the Government intended taking to prevent, if possible, the repetition of such conduct on the part of the Company.

THE PREMIER (Hon. J. Forrest) replied as follows:—

1. The attention of the Government has not been officially called to the letter referred to.

2. The Government have no Contract with the owners of the s.s. "Albany," as regards the running of any of their vessels between this and the Eastern Colonies, beyond that contained in the Agreement of 22nd December, 1888, Clauses 6 and 13, which refer merely to the carrying of mails, and the concession for so doing of all harbor, light, pilotage, and tonnage dues in respect of such vessels, not exceeding two every month.

3. The letter appearing in the *Australian Advertiser*, together with a copy of this question and my reply, will be forwarded to the Government of South Australia, and their attention called to the matter.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR: INCREASE OF DUTY ON UNMANUFACTURED TOBACCO.

A Message from His Excellency the Governor was presented by the Colonial Treasurer, and read by Mr. Speaker, as follows:—

"In accordance with the provisions of clause 67 of 'The Constitution Act, 1889,' the Governor recommends that 'towards raising the supply granted to Her Majesty there shall, on and after the 20th February, 1891, be charged upon tobacco imported into Western

"Australia the Duty following, that is
"to say, tobacco (unmanufactured), the
"lb. 2s.

"Government House, Perth, 19th February, 1891."

THE TREASURER (Hon. J. Forrest) moved, That the Speaker do leave the Chair, and that the House resolve itself into Committee of Ways and Means, to consider His Excellency's Message No. 9.

Question—put and passed.

The Speaker left the Chair.

IN COMMITTEE:

THE TREASURER (Hon. J. Forrest) moved, That in lieu of the duty of Customs now payable on unmanufactured tobacco, there shall, on and after the 20th of February, 1891, be charged upon unmanufactured tobacco imported into Western Australia the duty following (that is to say):—

Tobacco (unmanufactured), the lb. 2s.

MR. A. FORREST: I presume the Government have taken the precaution that tobacco used for sheep dipping shall not be affected by this increased duty?

THE TREASURER (Hon. J. Forrest): It does not apply to that at all. I may, in a few words, justify the action of the Government in this matter. We all know that there is a tobacco manufactory now in the colony, and it is necessary that the public revenue should be protected, otherwise we shall lose a large amount of money through the falling off in the quantity of manufactured tobacco imported into the colony, in view of the establishment of this local factory. We must take some steps to make up for that deficiency, and this we propose to do by increasing the duty on the unmanufactured article. In 1889 the duty received from manufactured tobacco imported into the colony amounted to £21,133, and it was about the same last year; and, unless we take some steps to make up for the falling off in the quantity imported consequent upon the establishment of a tobacco manufactory in the colony, which no doubt will command a large trade, we may lose, probably, the half of that duty—we may lose from £10,000 to £15,000. Therefore the Government propose to increase the duty on the raw or unmanufactured article, and we have fixed that duty at 2s. per lb., instead of 1s.; the

duty on the manufactured article still remaining at 3s. I have looked into the duties charged in the other colonies, and I find that in New South Wales there is an excise duty, 1s. 3d., and a Customs duty of 1s. on unmanufactured tobacco, or 2s. 3d. altogether; and that the duty on the manufactured article is 3s., thus leaving a margin of only 9d. for the local manufacturer to work upon. In South Australia, I find there is no excise duty, but a Customs duty of 1s. 7½d. on unmanufactured tobacco, as against 2s. 9d. on the manufactured article, leaving a margin of 1s. 1½d. in favor of the local manufacturer. In Tasmania there is a duty of 2s. on the unmanufactured leaf, and 3s. on manufactured tobacco, leaving a margin of 1s. for the local manufacturer to work upon—the same as we propose here. In Victoria, they have altered the law there lately, the charges now being an excise duty of 6d. and a Customs duty of 1s. (or 1s. 6d. in all) as against 3s. on the manufactured article, leaving a margin of 1s. 6d. in favor of the local manufacturer; but, in Victoria, in addition to the duties on the unmanufactured article they charge £150 a year warehouse fee. Taking all things into consideration, we think we are acting fairly to all parties if we leave a margin of 1s. in the lb. in favor of the local factory at Fremantle. In doing that, the Government do not think that they are pressing hardly or unduly upon those who are establishing this industry here.

MR. LOTON said it would be allowed, he supposed, that, as a rule, any sudden attempt to alter the tariff of a country was not desirable; but he thought they must recognise that in this particular instance the Government had no option in the matter, if they wished to protect the revenue of the colony. He quite went with the action of the Government in this instance. He was glad to see that they had decided to alter the tariff, rather than impose an excise duty, which must have led to increased expense in its collection. He thought the proposed margin of 1s. in favor of the local manufacturer was a fair margin. The probability was that there would not be much falling off in the duty on manufactured tobacco for some time, as, under any circumstances, it would take these people some time to establish the in-

dustry, and to get their tobacco upon the market. But in course of time no doubt they would be able to command a large trade, and the amount of manufactured tobacco imported would fall off accordingly. He thought they would all be glad to see such industries prosper, and there was no desire to unduly handicap these gentlemen in any way; at the same time, the revenue of the colony must be protected.

MR. PEARSE was sorry that the local manufacturers were going to be placed in a worse position than they were in South Australia. They had spent a large amount of money in establishing the industry, and he thought they deserved every encouragement. He believed if they were placed in the same position as manufacturers in South Australia they would not complain; and he hoped the Government would reconsider the matter, with that view.

Question—put and passed.

Resolution reported to the House, and adopted.

TOBACCO (UNMANUFACTURED) DUTY BILL.

THE TREASURER (Hon. J. Forrest) moved that a bill be brought in to amend the law, and to make provision therein, pursuant to the resolution just agreed to by the House.

Carried.

THE TREASURER (Hon. J. Forrest) moved that the bill be now read a first time.

Agreed to.

Bill read a first time, and second reading fixed for the following day.

ESTIMATES, 1891: RECOMMITTED.

THE TREASURER (Hon. J. Forrest) moved that, in accordance with His Excellency's Message (p. 341 *ante*), the Estimates of Expenditure for the year be recommitted, in order that certain items might be added thereto.

Agreed to.

IN COMMITTEE.

Item—*Volunteers*: "Portion of contribution to Fortifications at Albany, £2,000."

MINISTERIAL EXPLANATION: GOVERNOR ROBINSON AND THE DELEGATION TO ENGLAND.

THE TREASURER (Hon. J. Forrest): Before explaining this item I would be obliged if the committee would allow me to make a few remarks on a matter mentioned by me in my Financial Statement. In the course of that statement I mentioned that it was the intention of the Government to propose a vote in favor of His Excellency the Governor, with the view of recouping him in some measure for the expense he was put to in attending the conference in London, in conjunction with our delegates, in connection with our Constitution Bill. Since I made that statement, as members are aware, I have received from His Excellency a letter, which has been printed in the public papers, asking the Government not to proceed further in the matter. It is due to the House that I should explain to them, in a word or two, the reasons why the Government intended to propose that vote for Sir William Robinson. We were of opinion that His Excellency had furthered our interests in connection with the passage of the Constitution Bill, and we were also further of opinion that His Excellency was put to some expense in doing so; and our object was to repay him some of the expense he was put to. We also remembered that His Excellency while in London was not receiving any salary whatever. It was also known to me that His Excellency had applied to the Secretary of State for a portion of the salary of the Governor of this colony—half the salary, or whatever the Secretary of State thought he was entitled to while engaged in the service of the colony. The Secretary of State replied that Sir Frederick Broome, our late Governor, who, we all know, was doing his best in our interest at that time, and no doubt it was largely to his labors that we were able to get the bill passed in the way it was passed—I say this because it is only what is due to Sir Frederick Broome—the Secretary of State replied that Sir Frederick Broome was drawing the whole of the salary of the Governor of the colony. There was, therefore, nothing left for the Governor-in-prospect, and he said he could not allow any portion of the salary to be drawn by Governor

Robinson under the circumstances, but that he would make a recommendation on the subject to the Legislature of the colony. Sir William Robinson asked him not to do anything of the kind, because he would rather leave it to the people of the colony to say whether any repayment of the expenses incurred by him should be made, rather than that it should come in response to any recommendation made in his favor. Lord Knutsford acceded to that request; but a despatch came to the colony, from which I understood that His Lordship considered that some recognition of Sir William Robinson's services should be made; and that was the reason that actuated the Government in proposing to place a sum on the Estimates to recomp His Excellency for the expense he was put to. We, at the same time, felt that unless this amount was freely and gracefully given, it would be impossible for the Government to propose it, and we felt sure it would be impossible for His Excellency to receive it. I believe that at the present moment the Government have a majority in this House prepared to carry this vote; but, after the letter which His Excellency forwarded to me on the subject, we have decided that we will not proceed any further in the matter. I hope members understand exactly the position in which the Government were placed. I have not kept anything back; I have told them exactly how the matter stands, and I now wish to inform the House that we do not propose to ask for this vote—not because we could not carry it, for we are sure we have a majority in favor of it, but because His Excellency himself desires we should not proceed any further in the matter.

MR. PARKER: With regard to the statement just made by the hon. gentleman at the head of the Government, I desire to somewhat correct what he said with regard to Sir Frederick Broome drawing all the Governor's salary. The hon. gentleman said that Sir Frederick Broome drew the whole of the Governor's salary while at home. He did not do so. It was arranged here, in this House, that His Excellency should go home with our delegates as Governor of the colony, on full pay up to the 31st May; and he only drew full pay up to that date. His Excellency got a month's extension of

leave, but he drew full salary up to the 30th June. I believe it is usual for Governors absent on leave to draw half salary, but in this instance it was agreed by this House that Governor Broome should draw full pay up to the 31st May. As to Governor Robinson, I believe it is not usual for a Governor to draw salary until he leaves England for the seat of his Government; and Governor Robinson drew half salary as soon as he left England to come here, and Sir Frederick Broome ceased to be our Governor. But, until Sir William Robinson left England, Sir Frederick Broome was Governor of the colony, absent on duty, at the request of the Legislature, and it was agreed by the Legislature that he should draw full salary up to the 31st May. It was also agreed by this House that His Excellency should receive £500 for expenses while in England, in lieu of certain allowances he was entitled to here as Governor; and the return laid on the table the other day, showing the amounts paid to the delegates was, so far as Governor Broome was concerned, altogether misleading. The Governor did not draw £2,000 as a delegate. He only drew £500, voted to him by this House, and his full salary as Governor of the colony.

THE TREASURER (Hon. J. Forrest): He would not be entitled to full salary, when absent on leave.

MR. PARKER: He went home, at our request, on full salary. If he had remained in the colony, as he might have done, he would have drawn full salary until Governor Robinson arrived in the colony; so that he would actually have drawn more than he did by going home as our delegate.

THE TREASURER (Hon. J. Forrest): Not more.

MR. PARKER: Yes, he would. He would have drawn full pay until Governor Robinson actually arrived in the colony, instead of drawing it up to the 30th June. The only money voted to him by this House, in consideration of his going to England, was £500; the rest he drew as Governor of the colony, absent on leave, at the request of this Legislature, who asked him to go home; whereas, if he had remained here until Governor Robinson arrived, he would have drawn many hundreds of pounds more than he did.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I am afraid if this debate is carried on it will have an effect which none of us desire. When Governor Broome went home it was intended by this Legislature to give him a certain monetary consideration, in the shape of salary, and a gratuity of £500, which would tend to show the sense of the House of the valuable assistance which His Excellency would render us at home during the passage of the Constitution Bill. I would ask members to consider whether it is desirable at this stage that we should undo our past act, which was a gracious one, and a spontaneous act, by bringing up this question for discussion now; and that what was intended as an act of grace should be dragged as it were through the mire of debate in this Assembly,—with what view? What practical effect can be derived from it? Only one effect: that what this House did as a spontaneous act of grace may be rendered something very different. I will ask members not to say a single word to prolong this debate.

THE TREASURER (Hon. J. Forrest): I think it is due to me that I should be allowed to say a word or two. I have heard a remark which would lead one to suppose that the return I laid on the table the other day, showing the amount paid to the delegates, was framed with some sinister motive on my part. I assure the House that it was laid on the table by me as it came from the Treasury. I had nothing to do with its preparation, and I was not aware until after it was laid on the table that it did not meet with the approval of all members.

MR. PARKER: It was incorrect.

THE TREASURER (Hon. J. Forrest): The amount was right, whether it was paid to His Excellency as Governor of the colony or as a delegate. The hon. member is fond of quibbling about words. Sir Frederick Broome received full salary, and no one can say he received it as Governor of the colony. He was only entitled to half salary as Governor, absent on leave.

MR. PARKER: He did not go on leave; he went on duty.

THE TREASURER (Hon. J. Forrest): Sir Frederick Broome always declined to acknowledge he was a delegate of this

House. In his evidence before the committee he said he was not a delegate of this House. He thought it would be to the benefit of the colony that he should proceed to London; the Secretary of State acquiesced, and this House did so. I hope no one will have reason to accuse me, so long as I occupy the position I do, of doing anything in a sinister way to attack any man. It is well known, probably, that the relations that existed between Sir Frederick Broome and myself were not so good as they might have been; but I defy anyone to say that I have ever said a word to detract from the value of the services he did to the colony in connection with our Constitution Bill, or in any other way. If we were to allow private feeling or private motives to come into our deliberations, all I can say is we would not be fit for the position we occupy.

MR. PARKER: The hon. gentleman has rather tried to give this Assembly the impression that Sir Frederick Broome himself sought this idea of going home. I may say that the first suggestion to that effect came from the then Legislative Council.

THE PREMIER (Hon. J. Forrest): I don't think so.

MR. A. FORREST: I thought it came from the Secretary of State.

MR. PARKER: I am perfectly certain of it. His Excellency then consulted the Secretary of State, and the Secretary of State said he thought His Excellency ought to go home. And he went home on duty, at the request of this Council; and we were only too glad that he should go home, because we knew very well that in the able hands of Sir Frederick Broome there was very little doubt that our bill would pass. That is all I have to say.

The matter then dropped.

THE TREASURER (Hon. J. Forrest), referring to the item before the committee, "Portion of contribution towards Fortifications at Albany, £2,000," said this was part of the contribution we agreed to give towards the defences of King George's Sound. He did not think any more would be required this year—probably not so much; but it was as well to be prepared. The House, under the former Government, was committed to this expenditure, and they were only

carrying out an undertaking of the late Legislature.

Item—put and passed.

Medical:

THE TREASURER (Hon. J. Forrest) moved that item, "Resident Medical Officer, Dongara, £100," be added to the Estimates. This item was put on at the request of the people of the Irwin District, who were very much in want of a medical man. There was one at Geraldton, and another at Greenough, but there was no medical man in the Irwin District, which was a large district, and pretty thickly populated.

MR. A. FORREST did not wish to say anything against this item, but he wished to ask the Government, now that the Medical Department was again before them, whether the important district which he represented (West Kimberley) had not been without a medical officer for the last twelve months, and the salary of the office, or part of it, drawn by a gentleman living in Perth; and whether it was the intention of the Government to appoint a resident medical officer for Derby? It was a fine state of things for the salary of the medical officer for that district to be drawn by a gentleman who was acting as Colonial Surgeon in Perth. When Sir Malcolm Fraser was administering the Government, he told him (Mr. Forrest) that immediate steps would be taken to send a medical officer up to West Kimberley; but the other day, when he asked Dr. Lovegrove about it, he said he could not tell him when he was likely to go back, or what was going to be done. He now appealed to the Government to do something to induce some medical officer to go up to Derby at once.

MR. RICHARDSON said it certainly had come as a surprise to him that a district like West Kimberley had been left without a medical officer for twelve months. He could hardly believe it. It was worse than a slight upon the inhabitants of the district, it was absolutely cruel, in a tropical climate like that, to leave them without a medical man; and, to exaggerate the matter, the money voted for the district was given to a gentleman residing at Perth.

THE TREASURER (Hon. J. Forrest) believed that one half of the salary was drawn by this officer, who was acting as

Colonial Surgeon, during Dr. Waylen's absence. That was the usual practice. Although he was aware there had been no resident medical officer at Derby for some time past, the present Government had nothing to do with this arrangement. He would do all he could to rectify it, for he thought the district ought to have a medical officer.

MR. PARKER: If this officer only drew half pay, who drew the other half?

THE TREASURER (Hon. J. Forrest): I do not think it has been drawn at all.

MR. R. F. SHOLL said he did not wish to oppose this new item of a medical officer for Dongara; but he thought the Treasurer's argument that the district was a thickly populated one was an argument against subsidising a medical officer for it. The people ought to pay for their doctor themselves.

THE TREASURER (Hon. J. Forrest): It is not so thickly populated as all that.

MR. R. F. SHOLL thought that, in any case, it was time these subsidies to medical officers should be discontinued, especially in thickly populated parts. It was simply a relic of the early days of the colony, and there was no longer any necessity for it.

Item—put and passed.

Customs: "Tidewaiter, Cossack, £140," to be increased by £20:

MR. RICHARDSON asked whether this increase could not be made more than £20, which would only bring the salary of this officer up to the amount paid to the tidewaiters at Derby and Wyndham, where there was not nearly so much work to be done.

THE TREASURER (Hon. J. Forrest) said he had made it up to what the hon. member himself suggested at the time the item was under discussion the other day.

Item passed.

Postal and Telegraph: "Greenbushes, Postmaster and Telegraphist, £100:"

THE TREASURER (Hon. J. Forrest) said this was to supply a great want felt on the tinfields. People complained very much of having to go all the way to Bridgetown if they wanted to send a telegram; and they also stood very much in need of a post office. The member for the district considered it very necessary.

Item passed.

Pensions: "E. L. Courthope, £400:"

THE TREASURER (Hon. J. Forrest) said perhaps members might feel a little surprised at seeing this item proposed by the Government on these Estimates. He might explain to the committee that this old officer of the Government had been in the service of the colony before most of the members of that House were born—certainly before he himself was born. Mr. Courthope entered the public service in July, 1847. At present he received a salary of £450 a year. Of course he was no longer a young man; he must be between 60 and 70; and the Government thought he should be relieved from the onerous duties—more onerous than under the former Government—which would now devolve upon the Auditor General under the Audit Act. This old officer, however, was most anxious to retain the post; he said he had plenty of work in him yet, and, unless he was exceptionally treated in the matter of his pension, he did not feel disposed to resign at all. The Government felt that his was almost the only exceptional case in the service now; there was scarcely an officer in the public service who had been in office for so long a period. So they had made up their minds that they would not treat this old and deserving officer harshly, and, if the House was willing to grant him this pension he would be perfectly satisfied. In fact, Mr. Courthope had written to him to say that he would place his resignation in his hands if he were granted a pension of £400 a year. If, however, members were not prepared to vote this amount—and he might tell them that under the provisions of the Superannuation Act, he could not, except by special sanction, claim more than two-thirds of his salary (which would be £300), which, he said, he could not live on, at his age and in his position in life—if members were not prepared to vote this amount, Mr. Courthope would simply remain where he was. He had no wish to retire, and the Government did not feel justified in telling him that he must retire; in fact, it would not be an easy matter to do so, even if they wished it, because so long as a public officer performed his duties—and no one could say that this officer was not competent to perform his duties for some years to come—they could not call upon him to

resign against his will. Under all the circumstances, and looking at the very serious responsibilities and the onerous duties that would be cast upon the Auditor General under the new Constitution, the Government thought they would be justified in treating this exceptional case as one of abolition of office. He did not think they would be taking too wide a view of the Regulations, under the law, if they said they would abolish the office of Auditor General as it had been known in the past, and that a new office, having different responsibilities, be created. That was the view which the Government took of it; they proposed to abolish the present office (although not in name), and create a new office with different duties and different responsibilities. The Government were anxious to place the Audit Department on a thoroughly efficient footing under the new Constitution, and the conditions perhaps would not be so agreeable to this old officer as in the past. He thought that a man who had faithfully served the public for 43 or 44 years, with honor to himself and to the colony, might, under the peculiar circumstances of this case, fairly claim to be liberally dealt with. However, members had it entirely in their own hands. If they did not sanction this increase of pension, this officer would be appointed to the new position; but, if they were prepared to vote this amount, then the office would be reorganised and placed under the control of another officer. He left the matter in the hands of the House. As an officer of the Government he would advise them to allow this old gentleman, after his many years of honorable service, to retire on the pension which he thought he was, under the circumstances, fairly entitled to.

MR. PARKER: £400 would not be required this year?

THE TREASURER: It will be required from the date of his retirement.

MR. PARKER said that for himself he quite agreed with the remarks of the Colonial Treasurer, under the peculiar circumstances of the case. This officer had a perfect right to insist upon being continued in office if he liked, and if the Government wished him to retire at the present time in order to reorganise the department, it was only right, considering

this officer's long length of service, that he should receive exceptional treatment.

MR. PEARSE was very glad indeed to find that the Government proposed to deal liberally with this good and faithful old servant of the colony. It must be borne in mind that for many years he drew only a very small salary; and, after his long and honorable service, he thought the Auditor General was fairly and justly entitled to this pension.

MR. A. FORREST congratulated the Government on their liberality in giving this old and faithful servant an extra £100 a year above what he was actually entitled to. He thought it was only fair towards a gentleman of Mr. Courthope's standing, especially when it was borne in mind that he had no supplementary income from any source,—for the Auditor General was not a man who had mixed himself up, like some of them did, in any other business; and he thought that the Government did well to give him this extra £100 a year in his old age. He thought it would receive the support of every member of the House.

Item—put and passed.

The House resumed.

THE CHAIRMAN reported that the Committee had agreed to a further supply to the amount of £2,620.

MESSAGE FROM THE LEGISLATIVE COUNCIL: THE LOAN BILL AND THE AUDIT BILL (HARBOR WORKS CLAUSE).

The following Message was received from the Legislative Council, and read by Mr. Speaker:—

"That this House, while not admitting that Message No. 9 of the Legislative Assembly accurately declares the lawful rights of the Legislative Council in regard to controlling and dealing with Money Bills and the Estimates of Expenditure, or that the constitutional practice laid down in the said Message is the one rightfully and properly to be pursued, is prepared, nevertheless, not to insist on the suggestion conveyed in its Message No. 5, and will agree to the Loan Bill now before the House, provided that the following clause be added to the Audit Bill now under consideration:—

"Whenever it is proposed to undertake any new works for the improve-

ment of any harbor, the cost whereof is intended to be defrayed out of loan moneys, the plans and sections of the proposed works or copies thereof, together with a statement showing the nature and extent thereof, shall be laid before both Houses of Parliament for approval.

"T. COCKBURN-CAMPBELL,

"President.

"Legislative Council Chamber, February 20th, 1891."

MR. PARKER: There was nothing to prevent the Council from inserting that clause itself.

THE SPEAKER: Nothing that I know of. The proper course now will be for this House to send a message to the Council stating that it has no objection to the insertion of such a clause.

THE TREASURER (Hon. J. Forrest) moved that a Message be transmitted to the Legislative Council, informing them that the Assembly had no objection to the insertion of the clause suggested in the Audit Bill.

Agreed to.

SCAB ACT AMENDMENT BILL.

The House went into committee on this bill.

Clause 1—Repeal; Clause 2—Short Title:

Agreed to.

Clause 3—Interpretation:

THE ATTORNEY GENERAL (Hon. S. Burt), without comment, moved that in the following sub-section, under the definition of "Infected sheep," the word "six" be inserted in lieu of "three,"—"Any one or more sheep which have been in contact with, or have mixed with any infected sheep within *three* months."

Agreed to, without discussion.

THE ATTORNEY GENERAL (Hon. S. Burt) moved to insert after the definition of "Infected District," the following definition of an "Infected Run,"—"Any run on which there are, or have been within six months, any infected sheep."

Agreed to, without comment.

THE ATTORNEY GENERAL (Hon. S. Burt) moved to strike out the section dealing with the definition of "Travelling sheep." He said it was utterly useless in the bill. There was no such expression,

in fact, throughout the whole bill, and everybody knew what "travelling sheep" were.

MR. RICHARDSON said the definition went further than sheep now travelling; it also included sheep which had been driven within a month.

THE ATTORNEY GENERAL (Hon. S. Burt) said he had well considered the subject. The section was perfectly useful in the bill.

Motion—put and passed, and subsection struck out.

Clauses 4 to 10 :

Agreed to, *sub silentio*.

Clause 11—Notices of infection to be given; how and within what time notices to Inspector and Resident Magistrate to be given :

MR. DARLOT, without comment, moved that in the following paragraphs the words "three," "six," "ten," and "twelve" (printed here in italics) be struck out, and the following words substituted, respectively, in lieu thereof,— "four," "eight," "twelve," and "twenty" :

"If the infected sheep shall be depasturing within one hundred miles from the nearest post or telegraph office, within *three* days after the owner shall become aware of such infection.

"If more than one hundred miles, but less than two hundred miles, within *six* days.

"If more than two hundred miles, but less than three hundred miles, within *ten* days.

"And if over three hundred miles, within *twelve* days."

THE ATTORNEY GENERAL (Hon. S. Burt) said the Government had no objection to these amendments, but he might say that the number of days in the bill was the number suggested by the committee of gentlemen who had sat to consider the subject.

MR. LOTON said the object of the amendment was evidently to allow more time for owners of sheep at a distance to reach a post or telegraph office, and he saw no objection to it himself.

MR. PHILLIPS thought the extended time proposed very desirable in cases where the owners lived a long distance from any post office or telegraph station.

MR. CANNING thought that the substitution of twenty days for twelve was a

very long time to allow for any distance over 300 miles, in proportion to the time allowed for any distance under 300 miles (twelve days). The distance in the one case might be 299 miles, for which only twelve days would be allowed, while in the other case twenty days would be allowed for 301 miles.

MR. RICHARDSON said the hon. member must bear in mind that these messages would have to be sent on horseback, and a horse was not a machine that could travel without rest for weeks together.

MR. CLARKSON thought the proposed extension of time was hardly long enough. There were such things as dry seasons in this colony, when there was very little grass for a horse, and very few stopping places on the road. Then again it was quite possible that a man, riding that long distance, might lose his horse.

Amendment agreed to.

Clause, as amended, put and passed.

Clauses 12 to 20 were agreed to, with some verbal amendments, without discussion. (*Vide "Votes and Proceedings,"* p. 92.)

Clause 21—Inspector may order sheep to be shorn before dipping :

THE ATTORNEY GENERAL (Hon. S. Burt) said it would be seen that this clause raised the question of shearing sheep before being dipped, and gave power to an inspector to order any sheep requiring dipping under this Act to be shorn previously to such dipping. He did not intend himself to move the rejection of the clause, but he believed there were some members who thought it ought to be removed. He would merely point out that it left it discretionary with an inspector to order the sheep to be shorn, or not. Possibly the clause might be better out of the bill, and he should not offer any opposition if it was proposed, except for the reason that the committee of gentlemen already referred to (whom he might call the Committee of Advice) had recommended that inspectors should be given this discretionary power in the bill. But he understood others interested in the subject disagreed with the Committee on this point.

MR. RICHARDSON said that many of them considered it inadvisable to have this clause in the bill. Sheep could be

disinfected as well in the wool as if they were shorn; in fact, they would carry the effect of the dipping longer with their wool saturated with the dip. Moreover, it was manifestly to the interest of the owner to shear his sheep when practicable; so that, all things considered, he thought (and others thought with him) that this clause was unnecessary. If it were made compulsory to shear in cold weather, possibly the majority of the sheep might die. He moved that the clause be struck out.

Question—put and passed, and clause omitted.

Clauses 22 to 26:

Agreed to.

Clause 27—"No owner who within the preceding twelve months has been in possession of infected sheep shall, without a written permission therefor from an inspector, drive or conduct or cause or permit to be driven or conducted any sheep upon or across any run, or upon or along any public way which may intersect or form a boundary line of any run, nor unless he shall have given not more than forty-eight nor less than twelve hours' previous personal notice to the owner of such run of his intention to drive or conduct such sheep as aforesaid. Such permission shall be applicable only to the particular sheep so mentioned therein and so being driven or conducted in one flock and at the same time and to no other sheep; and shall not enure for a longer period than shall elapse from the time when such sheep shall leave their run until they shall be expected to arrive at their place of destination, computing five miles a day as the rate at which, if driven, such sheep shall travel."

THE ATTORNEY GENERAL (Hon. S. Burt), without comment, moved that all the words in the first sentence of the clause, down to and including "such sheep as aforesaid" (line 15), be struck out, and the following words inserted in lieu thereof: "No owner shall drive or conduct, or cause to be driven or conducted, any sheep from any part of an infected district, or of an infected run, to any other part of such district or run, or upon or along any public way which may intersect or form a boundary line of any such district or run, without the written permission of an inspector, nor

"unless he shall have given not more than forty-eight nor less than twelve hours' previous personal notice to the owner of any run he proposes to enter upon or cross, of his intention so to do."

Mr. RICHARDSON said it seemed to him hardly necessary to have this clause apply to a run. Surely it could not be considered necessary to have the written permission of an inspector before a man could remove his sheep from one part of his run to another. It might be a very small run; and it would be very harassing and inconvenient to have to get an order every time the sheep were shifted.

THE ATTORNEY GENERAL (Hon. S. Burt) was not prepared to say there might not be some little inconvenience in connection with what the hon. member referred to; but, what was aimed at was this: some of these runs embraced enormous areas of unfenced country,—200,000 or 300,000 acres, and there might be great danger in moving sheep from one part of this large run to another. It should be borne in mind that the clause only applied to a run that was infected. The object of course was to let the inspector know exactly where these infected sheep were, so that persons travelling sheep might avoid them. These travelling sheep might be driven to a pool, and the infected sheep may have been moved there.

Amendment—put and passed; also some consequential verbal amendments.

Clause, as amended, agreed to.

Clause 28—put and passed.

Clause 29—"Any person may seize and destroy any stray infected sheep, and an inspector and his assistants may seize and destroy any stray suspected sheep. The owner of any one or more stray infected sheep found and destroyed on his own run shall be deemed guilty of an offence under this Act, and shall on conviction thereof, besides any penalty he may incur for such offence, pay a penalty of Five pounds for each and every sheep so found and destroyed, and the ear-marks or brand on any such sheep shall be *prima facie* evidence of ownership of such sheep.

"Any person other than an inspector who shall destroy any stray infected sheep under this section shall, within three weeks

"thereafter, give notice thereof to
 "an inspector, with particulars of
 "the sheep destroyed by him, the
 "name of the owner, if known,
 "and the locality where the same
 "was or were destroyed."

THE ATTORNEY GENERAL (Hon. S. Burt) moved to insert the words "after the 31st day of March next" between the words "run" and "shall" in the seventh line.

Question—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved to insert at the end of the first paragraph of the clause, after the words "ownership of such sheep," the following words: "In default of payment of such penalty forthwith, the owner so convicted shall be imprisoned with hard labour for any term not less than twelve months and not exceeding two years." With regard to a sheep-owner who could pay his fine at once, the penalty might be from 1s. per sheep up to £100; it would be a very bad case where a magistrate would fine a man more than £5 per sheep. This amendment aimed at another class of persons. An owner might have some stray sheep on his run, in the thickets (those hotbeds of contamination), and it would be in his power to sell any of those to some indigent person, a mere pauper; and when they came to look for their penalty they would find a man of straw, built up for the occasion; and to prevent this sort of dodge being resorted to, they proposed this imprisonment in default of payment of the penalty. The only chance of its affecting a *bona fide* owner would be in the case of his being unable to pay a £5 fine; and there was always an appeal in these cases. He looked upon this clause as the pith of the whole Act.

Amendment—put and passed.

MR. PHILLIPS, referring to the words "and the ear marks or brand on any such sheep shall be *prima facie* evidence of ownership of such sheep," thought this would be unworkable. There was no security in an ear-mark as proof of ownership. Several people in his own district had the same ear-mark.

THE ATTORNEY GENERAL (Hon. S. Burt) said the evidence of the ear-mark was intended simply as *prima facie* evidence of ownership, so that the inspector might be able to summon a man.

Of course if the owner could prove that he had parted with possession of those sheep, and prove to whom he sold them, and when, the evidence of the ear-mark would not convict him, if his story was a *bona fide* one. On the other hand, a dishonest man would soon be tripped. They could not put the onus of proof on the inspector. If a man's next door neighbor happened to have the same brand, the inspector no doubt might have some difficulty; but he did not think they would find many sheep-owners living next to each other having the same ear-marks.

MR. CLARKSON said he could see that there were difficulties surrounding this question, but he was not in a position to suggest any better arrangement. Say that Mr. A., of the Irwin District, used the same earmark as Mr. B., of the Swan District, and one of A's sheep came down here and got mixed with B's flock. That sheep would be presumed to belong to B., and he might have some difficulty in proving to the contrary. There were, certainly, difficulties surrounding the question, but he did not see how they could be avoided.

THE PREMIER (Hon. J. Forrest) said he should be inclined to change his ear-mark if he found himself living near an owner having the same brand whose sheep were subject to infection.

MR. DARLOT said that on every well-managed station, in addition to an ear-mark, they had such a thing as an age mark. One man might have the same ear-mark as another man, but the chances were they would not have the same age mark.

MR. CLARKSON: That is not done on all stations.

MR. DARLOT: Then it ought to.

Clause, as amended, put and passed.

Clauses 30 to 41:

Agreed to without comment, with some verbal amendments (*vide* "Votes and Proceedings," pp. 92 and 93.)

Clause 42.—"When any magisterial district shall have been reported to the Governor in Council by the Chief Inspector of Stock to have been 'clean' during a period of one year, the Governor in Council may, by notice in the *Government Gazette*, declare such district 'to be 'clean,' and may revoke and annul such notice if necessary."

THE ATTORNEY GENERAL (Hon. S. Burt) moved, without comment, to add at the end of the clause the following words: "Any district declared 'clean' by the Governor in Council under any Act heretofore in force relating to scab in sheep shall continue to be a 'clean' district under this Act, provided that the declaration of any such district as 'clean' has not been revoked."

Question—put and passed.

Clause, as amended, agreed to.

Clause 43.—"When any magisterial district shall have been reported to the Governor in Council by the Chief Inspector of Stock to have been 'clean' during a period of three years, and during such period only as such district shall continue to be so clean, it shall be lawful for the Governor in Council to declare that such district shall not be liable to pay any contribution under the provisions of this Act."

THE ATTORNEY GENERAL (Hon. S. Burt) moved to add at the end of the clause the following words: "and any such district already exempted from such contribution under any Act heretofore in force relating to scab in sheep shall remain exempt, subject to the provisions of this clause."

Question—put and passed.

Clause, as amended, agreed to.

Clauses 44 and 45:

Agreed to, *sub silentio*.

Clause 46.—"When any sheep are introduced by land from any infected district into any clean district, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray at a greater distance within the said clean district than three miles from the part of the boundary of the said district at which such sheep are introduced, until such sheep have been effectually dipped at least twice within fourteen days from the date of their being so introduced to the satisfaction of an inspector, and until the owner of such sheep has received from such inspector a certificate to that effect; and for every day during which any sheep shall be driven, depastured, or suffered to stray in contravention of the provisions of this section, the owner of such sheep shall be liable to a penalty not exceeding One hundred pounds."

MR. RICHARDSON moved that, after the word "dipped" in the 11th line, the words "at least twice within fourteen days from the date of their being so introduced" be struck out. The clause, they all knew, practically would apply to sheep travelling from clean districts, and which possibly might not come within a mile of any infected sheep; and to compel these travelling sheep—probably fat sheep coming to market—to be dipped at least twice within a fortnight appeared to him an unnecessary hardship. He thought that to make such sheep dip once would ensure all the precaution that was required, as they would come from a clean district. Of course, if the inspector should not be satisfied with one dipping, he could order them to be dipped again, until he was satisfied. But the clause as it stood left him no discretionary power in the matter.

THE ATTORNEY GENERAL (Hon. S. Burt) said the hon. member's mind was occupied with fat sheep coming from the North down here; but he would ask the hon. member to bear in mind that there were other sheep besides fat sheep travelling to market; and this clause applied to all sheep. The sheep might have travelled from the North, which was a clean district, to the Victoria District, which at the present moment seemed to be a bed of scab; and one dipping would be of no use for those sheep; it would be no safeguard—certainly not a sufficient safeguard. This was a very serious matter indeed. The Government had no wish to unnecessarily harass sheep owners, or to do anything more than could be avoided, in the interests of the colony generally, to put down this disease. He admitted that fat sheep would be somewhat hampered by this provision; but it could not be contended for a moment that one dipping would be sufficient in the case of sheep travelling from or through the Victoria District, whether they went North or whether they came South. He did not think the Government would be justified in accepting the hon. member's amendment.

MR. RICHARDSON said his point was this: if the inspector considered one dipping was not effective, he would simply order the sheep to be dipped in such a manner as to satisfy him that there was no danger of their carrying contagion.

with them. It was only clean sheep that would be allowed to travel at all; if they were suspected sheep they would be in quarantine.

MR. CLARKSON felt inclined to support the amendment of the hon. member for the DeGrey, to substitute one dipping for two, and for this reason: these sheep from the North coming down here were, as the hon member had said, generally fat sheep coming to market; and they knew very well they would never have started if they were infected. He thought that one dipping would be quite sufficient to destroy any germ of infection contracted by such sheep.

MR. LOTON said that so far as he understood the amendment it did not confine the inspector to one dipping; it left it entirely within the discretion of the inspector. He could order any sheep to be dipped as often as he liked until he was satisfied. Surely they might leave some discretionary power to these inspectors, for, after all, they were under the instructions and control of the Government, and, if an inspector was found to be remiss in any way in his duties, the Government would instruct him to be more stringent as regards this dipping business.

SIR J. G. LEE STEERE suggested that if the words proposed to be struck out were struck out, the insertion of the words "as often as may be considered necessary" might meet the objection to the amendment.

MR. CLARKSON said that when he expressed himself as inclined to support the amendment of the hon. member for DeGrey as to one dipping, he did so entirely in the interests of those who at the North sold fat sheep, and those who down here bought them; for they all knew that these southern markets were entirely dependent upon the North for their fat sheep. Bearing in mind that these sheep, before they would be allowed to travel at all, must have a clean certificate, he could not help thinking that one dipping, if satisfactorily carried out, would be a sufficient protection.

MR. HASSELL said that when he first read this clause he was of the same opinion as the hon. member for the DeGrey; but, on further consideration, he did not think it would be safe to strike out these words.

MR. DARLOT said that the hon. member for Toodyay lost sight of the fact that sheep went North as well as South from the Victoria District; and there would be more danger in their starting North, if in any way infected, than if they were starting down South.

THE ATTORNEY GENERAL (Hon. S. Burt) thought it would be better to leave the clause as it stood, and insert a proviso dealing with fat sheep, if the House desired to run that risk. For his own part he would not allow either fat sheep or lean sheep to go without this protection.

MR. RICHARDSON said if the Attorney General would add a proviso, allowing fat sheep to travel to market upon being dipped once, he would withdraw his amendment.

THE ATTORNEY GENERAL (Hon. S. Burt) said if it was the wish of the committee he would do so, though personally he objected to this discrimination being made.

Amendment, by leave, withdrawn.

THE ATTORNEY GENERAL (Hon. S. Burt) then moved that the following words be added to the clause: "Provided that in the case of fat sheep travelling to market, the Inspector may allow any such sheep to proceed on being dipped once only."

MR. DARLOT said, with regard to this proviso, he should like to give the inspector power to allow fat sheep to pass without being dipped at all, so long as he was perfectly satisfied there was no danger. Fat sheep travelling from the North suffered quite enough already, without being knocked about by dipping; and the result would be that the price of mutton would go up, and in the end the consumer would be the sufferer.

MR. A. FORREST said if fat sheep introduced from the North to this market by land had to be dipped twice, we had better subsidise steamers to bring them down; otherwise we should find the price of mutton increasing 100 per cent. He should say that 90 per cent. of the total consumption of this market came from the North of Geraldton, and we must be careful not to be too stringent when there was no necessity for it.

Proviso—put and passed.

Clause, as amended, agreed to.

Clauses 47 to 50:

Put and passed.

Clause 51—"No owner or other person having any interest therein shall be entitled to or recover any damages or compensation whatever for any sheep destroyed under the authority of this Act."

MR. RICHARDSON asked whether it was not rather hard that no compensation should be allowed in any case, even when sheep had to be destroyed through no fault of the owner, who might be a very poor man, and it might ruin him. Could they not compromise the matter by giving him, say, half the value of his sheep, if they had to be destroyed through no fault of his own?

THE ATTORNEY GENERAL (Hon. S. Burt) said the position in which this question stood was this: under the existing Scab Act compensation was only allowed in one particular case, and that was in the event of sheep travelling becoming infected on another person's run and having to be destroyed. What was the result? Although we have had scab here for years, this was the only colony probably in which an inspector had never destroyed a sheep. The feeling among both magistrates and inspectors all these years had been against destroying any man's sheep. The only case in which sheep could be destroyed under the authority of this bill was when an owner had received notice to dip his sheep and neglected to do so, in which case the inspector might ask the magistrate for an order to have those sheep destroyed. He did not think that was a case deserving of much sympathy.

Clause—put and passed.

Clauses 52 to 56:

Agreed to, *sub silentio*.

Preamble and title:

Agreed to.

Bill reported, with amendments.

MESSAGE NO. 10 FROM THE LEGISLATIVE COUNCIL: AUDIT BILL; HARBOR WORKS CLAUSE.

The following Message was received from the Legislative Council:

"The Legislative Council informs the Legislative Assembly that it has this day agreed to the Bill herewith, intituled 'An Act to amend the law relating to the Receipt, Custody, and Issue of the Public

"Moneys, the Audit of the Public Accounts, and the Protection and Recovery of the Public Property,' with the amendments indicated by the annexed Schedule, to which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

"T. COCKBURN-CAMPBELL,

"President.

"Legislative Council Chamber, 20th February, 1891."

Schedule of Amendments made by the Legislative Council in the "Audit Bill."

"No. 1.—On page 4, clause 16, lines 1 and 5, strike out the word 'Parliament' and insert 'the Legislative Assembly' in lieu thereof, and add to the clause the words 'such Estimates of Revenue and Expenditure shall also be presented to the Legislative Council.'"

"No. 2.—Add the following new clause, to stand as clause 21: 'Whenever it is proposed to undertake any new works for the improvement of any harbor, the cost whereof is intended to be defrayed out of loan moneys, the plans and sections of the proposed works, or copies thereof, together with a statement showing the nature and extent thereof, shall be laid before both Houses of Parliament for their approval.'"

THE TREASURER (Hon. J. Forrest) moved that the consideration of the above Message be made an order of the day for the next sitting of the House.

Agreed to.

The House adjourned at fifty minutes past 5 p.m.