Hon. J. MITCHELL moved an amendment—

That the following proviso be added to Subclause 2 "Provided that the Governor shall give preference to the persons recommended in accordance with the number of recommendations respectively received by them."

The amendment merely sought to give preference to those who received the greatest number of recommendations from the unions.

The Attorney General: I will accept it.

Amendment put and passed.

On motion by Hon. J. MITCHELL, Subclause 3 amended by the addition of a similar proviso.

Clause as amended put and passed.

Clause 49—agreed to.

Clause 50—Existing court and members continued:

Hon. J MITCHELL: Was it possible under this clause that the present president might remain in his position for seven years?

The ATTORNEY GENERAL: It was possible, but it was not likely. As soon as assent was given to the Bill it did not mean that the present court, which was a legal court, would drop out of office. A judge could still be president of the court and the present president might become president of the new court.

Clause put and passed

Clauses 51 to 53—agreed to.

Clause 54—Power of removal by Governor:

Mr GEORGE: Would the Attorney General give an explanation of paragraph (c) which provided that the Governor might remove a member who had been proved to be guilty of inciting any individual union or any worker or employer to commit any breach of an industrial agreement or award.

The ATTORNEY GENERAL: The member of the court had to be proved guilty of inciting a union worker or employer to make a breach of the Act or an agreement.

Clause put and passed.

Clauses 55 to 58—agreed to.

Progress reported.

[*The Deputy Speaker took the Chair.*]

House adjourned at 10·33 p.m.

Legislative Council,

Tuesday, 27th August, 1912.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Annual Report of the Chief Inspector of Liquors, 1911-12. 2, By-law of Broad Arrow roads board. 3, Coolgardie Water Scheme: Return of land privately owned and area purchased or resumed since the inception (ordered on motion by Hon. A. Sanderson). 4, By-laws of local boards of health—(a) Coolgardie, (b) Kalgoorlie, (c) Norseman. 5, Mining Development Act, 1902: Statement of expenditure for year ended 30th June, 1912.

WONGAN HILLS—MULLEWA RAILWAY SELECT COMMITTEE.

Extension of Time.

Hon. R. J. LYNN (West) moved—

That the time for bringing up the report of the select committee be extended until the next day.

The committee had finished their labours, and the report was prepared, but, unfortunately, it still awaited the signatures of two members, who would not be available until the following morning.

Question passed.

WICKEPIN-MERREDIN RAILWAY SELECT COMMITTEE.

Extension of Time.

Hon. H. P. COLEBATCH (East) moved—

That the time for bringing up the report of the select committee be extended for one fortnight.

The committee had taken a great deal of evidence, and arrangements had been completed to take the evidence of local people on the spot. The committee would have completed their labours in a week's time, and the proposed extension of a fortnight would give them ample opportunity to complete their report.

Question passed.

TRAMWAYS PURCHASE BILL SELECT COMMITTEE.

Extension of Time.

Hon. A. G. JENKINS (Metropolitan) moved—

That the time for bringing up the port of the select committee be extended until Tuesday, 3rd September.

The committee had held several meetings, but there were still a few witnesses remaining to be examined.

Question passed.

MOTION—UNIVERSITY SITE.

Hon. J. F. CULLEN (South-East) moved—

That in the opinion of this House, the University Senate, having accepted the Government offer of the Crawley estate in exchange for endowment lands of corresponding value, should now, with the consent of the Government, negotiate with the trustees of King's Park for an exchange of the Crawley estate for land of corresponding value on the highest available part of King's Park, as the most suitable site for the University of Western Australia.

He said: As the University is not for Perth only but for the whole State, I hold that the representatives of the people of the whole State are perfectly entitled to come forward and assist the Senate in laying its foundations wisely and well. It may be said that any such action as I am taking should have been taken earlier; but I want to point out that it could not have been taken earlier, because it is only within the last few days that the Senate have become possessed of Crawley Park, and therefore have come into a position to offer an attractive property in exchange for the part of King's Park necessary for their purposes. First of all I want to impress hon. members with a sense of the seriousness of the question. The establishment of a University for Western Australia is, perhaps, the weightiest question this House could be asked to consider. The latest should always be the best. All the other States have their Universities established and in working order, and this, the latest State to move in that direction, has the responsibility of doing better than the other States have done. The latest should be the best, because it can take advantage of all the information and experience gained by the States that have moved earlier. And not only should this State aim at improving upon all that the other States have done, but it should remember also that it is the largest State of all, and for that reason should aim at being the best of all. I am not sure whether many people in Western Australia have adequately grasped the greatness that is ahead of this State. I am looking forward to a time, not far distant, when the construction of the Trans-Australian railway will make this State the gateway, will make Perth the front door, of the continent of Australia. I am looking forward to a time when the development of the trade of this State shall have transformed the whole of the river frontages between here and Fremantle into parts of the chief harbour of the State. That, I am sure, is coming in the future,

and with such a future to look forward to the Senate of the University would incur very serious responsibility if they started to build on what I call marsh lands bordering on the future harbour. If the Senate, after having the matter pressed upon them from the point of view I am taking, will still accept the responsibility of building the most important foundation in the country, the finest building the country is to possess, on the marsh lands of Crawley estate, then I say they will be taking a very serious responsibility indeed.

Hon. J. D. Connolly: Do you think they are marsh lands?

Hon. Sir J. W. Hackett: Have you gone over them?

Hon. J. F. CULLEN: I have waded through them. I found an immense difficulty in arriving at the old homestead without getting wet up to the knees. Mathematics forms a very important part of the curriculum of every university, but if the Senate of the Western Australian University plant their buildings on Crawley estate, their students will graduate in rheumatics at a very early stage of their career.

Hon. J. D. Connolly: How do you find that it is good enough for a public park then?

Hon. J. F. CULLEN: That is an entirely different matter to which I will refer later. Furthermore, as I have mentioned in my forecast of the development of the future, the students on the low lands of Crawley would not only graduate in rheumatics but would have to crane their necks to look over the shipping of the future to see the western sun. What is there to be said for Crawley? Heretofore the Senate have only been comparing it with the endowment lands at West Subiaco. I can readily see that they would prefer Crawley to the endowment lands of Subiaco; I myself would, but I am asking the Senate to compare Crawley with the highest part of the King's Park, and I ask what is to be said for Crawley? There is just one thing, that it suggests an association with the classic foundations of Oxford and Cambridge.

Hon. Sir J. W. Hackett: Are they by the seaside?

Hon. J. F. CULLEN: They are by river sides, but there is this vast difference that the members of the Senate in favour of Crawley have overlooked entirely that Oxford and Cambridge are associated with pleasure rivers and that they are on undulating land of fair altitude. One half of Crawley will be on marshy land and a few feet above a river that is bound to be part of the harbour of Perth before many years pass away. Members will be aware that the Senate, in order to make some kind of a case, have called in three medical men and three architects to give opinions on the site. The medical men did their best to please the Senate.

Hon. Sir J. W. Hackett: You should not say that.

Hon. J. F. CULLEN: They did their best to make a case, but I submit that they made out a very poor case. I will read a few words from the favourable report of those three medical men. They admit that a bed of clay subsoil is shown to run through a portion of the ground within which area it is deemed to be undesirable to build. That is a serious admission coming from three out of the four medical men who had a word to say for Crawley. There is, I think, one other medical gentleman who has said a word in favour of Crawley. In these words I have quoted there is no estimate of the area which has been forbidden as the site, but the report goes on further to say that the area available for buildings within the Crawley estate fence amounts to 50 acres; in other words, one half of Crawley, according to the admission of these medical men, would be utterly unsuitable as a site for building. This is a very serious admission, because the remaining 50 acres would be utterly inadequate for the buildings which will have to be erected, even though the Senate might put some of its buildings across the street on the additional land which is to be secured. It is a serious admission that one half of Crawley estate would be utterly unfit as foundations for buildings.

Hon. Sir J. W. Hackett: But not for recreation purposes.

Hon. J. F. CULLEN: Fifty acres would not suffice for the buildings which are to be erected. There is an additional piece of land across the street which I understand the Senate are contemplating utilising for professors' residences, and hostels, but the buildings, the lecture halls, the great hall, laboratories and all the schools would have to go on Crawley and 50 acres would be utterly inadequate for the purpose. The only thing which is to be said for Crawley is that it reminds people of the classic foundations of Oxford and Cambridge, but as I pointed out, these foundations are on pleasure rivers and on comparatively high undulating land. Now, what is to be said against Crawley? Members will have noticed in the Press a particularly strong protest from no fewer than 48 medical men; in short all the medical men of the city and suburbs, except the four I have previously referred to, condemn Crawley in toto and in the strongest terms as utterly unsuitable for the site of a university.

Hon. Sir J. W. Hackett: Will you read that?

Hon. J. F. CULLEN: I have not that by me. Does not the petition condemn Crawley as an utterly unsuitable site? Most assuredly. In addition to the three medical men the Senate invited three architects or I presume retained three architects to give their opinion; two were Government officials and one is not.

Hon. Sir J. W. Hackett: I do not think these imputations ought to be made. I appeal to the Chair to protect these gentlemen.

Hon. J. F. CULLEN: Regarding the hon. gentleman's point of order, I am making no imputations whatever.

Hon. Sir J. W. Hackett: Yes, in both cases you are.

Hon. J. F. CULLEN: I am stating, as a matter of fact that the Senate asked the opinion of two gentlemen connected with the Government service. I am not making any insinuations. Evil to him who evil thinks.

Hon. Sir J. W. Hackett: Or who evil seeks.

Hon. J. F. CULLEN: The strongest report from the Senate's point of view is that by Mr. Beasley, the Chief Architect of the Department of Public Works, and it is more or less favourable to this site, but even he admits that if Crawley is to be built upon there will have to be basements twelve feet high. It reminds one of the lands where they have to get on stilts to go through the marsh. There would have to be twelve feet basements which would mean an enormous expense and an ugly feature in any public building. The basements would no doubt be used as places for refuse, and all sorts of odds and ends would be stuffed away in them. It is a serious difficulty for any public building to have to be raised as if on piles. The other favourable report is from Mr. Eales and he destroys the value from the majority of the Senate's point of view by his very serious admissions. He says—

> Of this total, however, a considerable portion, especially on the southern side, is obviously unsuitable for a site for buildings of a national character; being low-lying and probably miasmatic.

This is the second architect quoted by the majority of the Senate in favour of Crawley, and he says a considerable portion would be utterly unfit for buildings and could only be used for gardens and play grounds. Before I leave Mr. Eales, I want to say that he not only admits that a large portion of the ground would be unfit for university buildings, but says—

> Because of an uninterrupted view of the buildings from the Perth-Fremantle road, it will be necessary that the western facade of the university buildings shall be as worthy from an architectural point of view as the eastern or river frontage.

In other words it means the Senate will have to have frontages all round these buildings and any architect knows what an enormous addition to the cost that will involve. The third architect, Mr.

Oldham, is very outspoken. He says—

> Crawley is, in my opinion, on the face of it not a suitable site for university buildings. It is in itself low-lying to its surroundings, is a watershed for the higher ground to the west and north and obviously uncertain for foundations for any structure of importance such as a university proposition must entail, outside of the difficulty and expense of drainage and sewerage and unavoidably heavy expense in providing for possible future contingencies.

He goes on to say—

> My experience, extending over 16 years, of the Swan river from Perth to Fremantle and the low-lying foreshores, is that such localities are unavoidably damp, owing to the proximity of water level and evaporation from the river, and when shut in from prevailing winds as Crawley undoubtedly is, apt to be stagnant as regards air, and the subsoil which has to carry foundations for the structures comprising university buildings, would require most searching testing and consideration.

In other words, Mr. Oldham condemns the site in toto. I submit that Crawley is first of all unsuitable because it is not easily accessible; it is unsuitable because it lies so low that the best could not be made of the fine buildings which go to make a university; it is unsuitable because of the heavy cost of erecting the necessary buildings upon it because it will need twelve feet foundations, entirely extravagant in cost; and it is unsuitable because of its unhealthy locality.

Hon. Sir J. W. Hackett: Doctors do not say that.

Hon. J. F. CULLEN: Yes they do.

Hon. Sir J. W. Hackett: Not a word of it.

Hon. J. F. CULLEN: The hon. member will be able to give his text of the doctors' views in so far as it will support his case.

Hon. Sir J. W. Hackett: I will not; it is for you to do so.

Hon. J. F. CULLEN: I should certainly advise the hon. member not to refer to it since 48 doctors have pronounced against four. Those 48 have neither retaining fee or any other consideration, and I am inclined to the view of the 48 who say that the site is unsuitable.

Hon. Sir J. W. Hackett: There is not one syllable of that from the doctors.

Hon. J. F. CULLEN: That is the view of the 48.

Hon. Sir J. W. Hackett: The doctors have not urged one word of what you are putting down as their case.

Hon. J. F. CULLEN: I hope the hon. member will become possessed of their petition.

Hon. Sir J. W. Hackett: I could sign that petition myself.

Hon. J. F. CULLEN: All I know is that the father of the petition has written in very strong terms.

Hon. W. Kingsmill: The petition is only a minor point, after all.

Hon. J. F. CULLEN: Quite so. The case is very clear, and anyone who has walked over Crawley will know that it will be a splendid ground for miasma, and utterly unsuitable as a site for the best buildings of the State. I want to compare Crawley with King's Park. My motion says that the Senate should negotiate with the authorities of King's Park for an exchange of land of corresponding value on the highest available part of King's Park. I think I can claim even the Chancellor's vote for the excellence of King's Park as a site. Even the Chancellor will admit that if it were available.

Hon. C. Sommers: If!

Hon. J. F. CULLEN: The high gound of King's Park will be an ideal site.

Hon. Sir J. W. Hackett: I will vote against it with the last breath of my body.

Hon. J. F. CULLEN: I submit, the Chancellor himself must admit that if it were available the high ground in King's Park would be an ideal site for the University buildings.

Hon. Sir J. W. Hackett: It is too inaccessible.

Hon. J. F. CULLEN: Inaccessible! The hon. member would cross over King's Park to get to the marshes of Crawley.

and then say Crawley was more accessible. I will leave that for hon. members to laugh at. If the senators of the University and the trustees of King's Park met and spoke out frankly there would not be one of them who would not admit that King's Park was an ideal site, and utterly beyond all comparison with Crawley estate. Seeing that that is the view of almost all those who compare the two properties, there can be no real reason against taking part of King's Park.

Hon. J. D. Connolly: There are a great many reasons.

Hon. J. F. CULLEN: There is no valid reason against what I propose. What do I propose? I propose that Crawley estate should be thrown into King's Park, which adjoins it. There would be no difficulty in connecting the two, thus adding 144 acres to King's Park. Then land of corresponding value on the highest available part of King's Park should be used for the University buildings. This would really mean an extension of King's Park by 144 acres, because the University site would not be removed from its present use as park lands. Do not hon. members know that the finest university property in Australia to-day, the University of Sydney, is just as much park lands as any other park lands in New South Wales? Some hon. members are assuming that the University would put a high wall around its property and cut it off from King's Park. No such thing. The Sydney University grounds are 120 acres in extent, and are among the finest park lands of New South Wales and are open to all for recreation; open for all uses that park pleasure grounds are put to, and with the buildings and the gardens and the plantations the grounds are the finest in New South Wales. If these negotiations can be carried through, the result will be an extension of King's Park by 144 acres. There will be no really serious diminution of the use of King's Park. On the contrary, the magnificent buildings will make that part of the park the most attractive of all; the magnificent buildings and beautifully kept grounds and gardens will make that part of King's Park a place that all visitors will be taken to see. I urge that members of the Senate and the trustees of King's Park should approach this question with an open mind. I am afraid that the Chancellor has not an open mind, and I want to say that I do feel somewhat embarrassed by having to oppose one who deserves so much consideration at our hands. The hon. member has laid the whole of the State under a heavy debt of gratitude to him for his work in connection with this University. He is the father of the University. But for him we could not have reached the position that we are in to-day, and in connection with other great movements in this State to-day, he is also entitled to have great consideration shown him. I am sensible of all this, and yet I say for the sake of doing the best for what is going to be the institution of the country, I must go contrary to him to the utmost of my power, and argue against his pre-conceived view with regard to Crawley, and his fetish idea against the use of King's Park. I am as jealous about keeping park lands as any man, and if I were in the position to-morrow that Ministers are in to-day, I would reserve enormous areas for park lands in this State, as we did in New South Wales, in the reserving of which I had the honour of having some hand, and if I thought it would lessen the value and beauty of King's Park, I would not move this motion. I argue with all my force that the Park will be beautified and will be adorned by the magnificent buildings that will be erected for the University. The ground I take is that the University claims are paramount. No one sets a higher value on the legislative functions or on the administrative functions of the State than I do, but I contend that the educational interests are paramount. The educator is higher than the legislator or the administrator, and the University, which is the crowning feature of the student's life, and of the nation's life, has a paramount claim upon us, and we want to give to our University, not only the best brains, and the best building we

can afford to erect, but the very best site that the State can afford, on which the buildings shall stand. King's Park offers the finest site. It is the land-mark west of the Darling Ranges. It will afford us the highest site between the Darling Ranges and the ocean, and, in combination with the frontage it has to the river, for the boating-sheds and the exercises of students, it will prove to be the site for the University. I claim, even now, although some hon. members may say it is the eleventh hour, that the Senate should be asked to enter into negotiations with the trustees of King's Park, and the Government would do wisely to facilitate these negotiations and to use its influence, if necessary, in order to secure for our crowning institution of the national life the finest possible site.

Hon. C. A. PIESSE (South-East): To enable a discussion to take place on this motion, I have much pleasure in seconding it.

Hon. Sir. J. W. HACKETT (South-West): There are so many points that my hon. friend has touched upon, that were I to go exhaustively into them we might be here until midnight; I shall, therefore, cut what I have to say as short as possible. It is unfortunate that Mr. Cullen sits behind me, as part of my remarks will be devoted to the repudiation of what Mr. Cullen has said, and I trust that the President will excuse me if I appear to turn my back on the Chair. In almost every point, if Mr. Cullen will allow me to say so, he has been most inaccurate. He has spoken of the marshes of Crawley, which I assure the House do not exist, and there is no condemnation appearing in that document—it was not exactly a petition—drawn up by Dr. Saw and to which Dr. Saw forgot to add, so to speak, the prayer—of the Crawley lands. The only thing I can say about this is that those who have lived there can bear testimony that that is not the case.

Hon. J. F. Cullen: Mr. Barlee did not think so.

Hon. Sir J. W. HACKETT: It is the other way about.

The PRESIDENT: If the hon. member will address the Chair it will avoid a dialogue.

Hon. Sir J. W. HACKETT: Sir Frederick Barlee was always strongly in favour of Crawley.

Hon. W. Kingsmill: Which Mr. Barlee?

Hon. Sir J. W. HACKETT: The former Colonial Secretary. For thirty years I knew the late Sir George Shenton and his family and a healthier family is not to be found in any one of the States of Australia. So it is with the caretaker who lived there for many years, and so with anybody who has been any time there, even in the so-called unhealthy house. They are all willing to bear testimony that the place bears an unimpeachable character for good health and soundness of body and mind.

Hon. M. L. Moss: You should make it a consumptive sanatorium.

Hon. Sir J. W. HACKETT: It is too damp for that purpose. Mr. Cullen makes his strong point when he talks of the harbour extending up the river, which would in time, I presume, swallow all the land that is available for wharfage. If the establishment of this University at Crawley were to add one more difficulty in the way of shipping coming to Perth, I would cheerfully vote against it every time, but that day is not in sight yet. When it does come King's Park will bear a different appearance in the eyes of those who live to see it. At Crawley we have 100 acres of high-lying ground—that is ground above the 20ft. contour level.

Hon. J. F. Cullen: Does the hon. member call that high?

Hon. Sir J. W. HACKETT: Does the hon. member know what is the height of South Perth, of Claremont, of London, and of all the great cities of the world, and how much is more than 20 feet above the water level? As I said a moment ago, the Anglo-Saxon race has thriven on the fogs of the Baltic and the marshes of the Northern Seas and will continue to do so.

Hon. W. Kingsmill: They will become web-footed.

Hon. Sir J. W. HACKETT: They have not done so for centuries, but I think better jokes than that could be made on this subject. The real point at issue is whether there is a possibility of exchanging the Crawley site for King's Park, and I cannot believe that there is a Government, a party, or a House that does exist, or will exist in Western Australia which would be accessory to throwing away that priceless heritage, not of the people of Perth, but of the people of Western Australia. On that point I trust we shall all agree. Mr. Cullen in one of his inaccuracies stated that the senate had acquired Crawley some days ago, but it is not yet a day since the signing of the conveyance.

Hon. J. F. Cullen: That is not material.

Hon. Sir J. W. HACKETT: It is material, because we have the land now, but we did not have it yesterday. One of the pleasantest acts of my life was the signing yesterday, in conjunction with the Premier, of the conveyance of Crawley to the senate, and of the equivalent conveyance of some endowment lands of the University to the other party. In other words, the transaction is now complete. The senate is in possession of Crawley, and the King's Park Board—the hon. member was again wrong in calling them trustees—are still in possession of the park as a committee of management.

Hon. J. F. Cullen: But they are both in a position to exchange.

Hon. Sir J. W. HACKETT: Yes, but after the manner in which the hon. member has denounced Crawley does he think that the King's Park Board would exchange King's Park for Crawley? Surely not. The hon. member has quoted all the information condemnatory of Crawley site, and does he think we are going to expose ourselves to the condemnation of Parliament by making this exchange?

Hon. J. F. Cullen: It is for a different purpose; park lands as against residential lands.

Hon. Sir J. W. HACKETT: Crawley is divided into two parts, 50 acres above the 20 feet level and rising to 30 feet and 40 feet, and another 50 acres lower-lying which will be available for recreation and sports of all kinds. I take the hon. member at his own word when he says that King's Park is available for boating, sailing, and swimming, and I say that he can apply everything he said in regard to King's Park in that particular with much greater force to Crawley. As far as sports are concerned, the Crawley site is ideal. But the real point on which I join issue with the hon. member is the attempt to despoil the people of King's Park, a movement which I am satisfied has obtained no support in another place, is obtaining little support in the country, and will obtain still less in this House. The King's Park is an invaluable and priceless heritage belonging to the people, and if the people choose to give it up, they deserve to lose all they possess. The day will come when the park will stand out as a treasure house of what the late Baron von Mueller used to call "The enchanting flora of Western Australia." In years to come this flora, the most beautiful in the world—that of Cape Colony comes second—will almost entirely have disappeared. We will find the country denuded of its wild flowers, and if we wish to get specimens we shall have to resort to King's Park. The hon. member said that Crawley is too inaccessible. Now, in the park there are two heights, both rising to 200 feet; one has been seized for a reservoir, and the other the hon. member would like to see acquired for the University. Let hon. members put the University in possession of that second height, and imagine a boy or a girl toiling up that hill on a summer day with the temperature dancing between 90 and 110. It would simply mean that we should have to cut the park up with tramways and thereby despoil it and its flora and such birds as may seek to live there. There has been no sound argument advanced against Crawley, and no argument in favour of King's Park to outweigh the cruel wrong which would be done to the people by taking away from them their most beautiful flowers reserve. The great objection to tampering with King's Park is that once we begin we can never stop. The few acres on

the Crawley end of King's Park for which application was made on behalf of the University has been justly resisted by the Government, who have declared that none of the reserves dedicated to the people should be tampered with, and I congratulate them on that decision. Once we begin breaking into that park we shall settle its future very speedily. Others will follow in the track that is made, and the whole area will be encroached upon. In proof of that, I can say that during my long connection with the park, practically the whole of the area has been asked for by one or other party of sportsmen who wanted lands for what they termed a temporary holding, but who, once they were in the park, would never be got out again. That seems to be a bold statement, but I can give the names of gentlemen who have asked for different areas—some who asked that they should be allowed to make an 18-hole golf course, which, if I may use the term, would gut the park, and others who desired a ground for polo purposes, whilst, of course, certain grounds have already been given for cricket, tennis, bowling, and croquet. These demands we may feel sure will increase in time, and nothing but a firm determination on the part of Parliament and the Government will prevent that park being destroyed. I am no enthusiast about Crawley. I see advantages in the site, and I see disadvantages, but I can see no advantages whatever in the destruction of King's Park. Mr. Cullen spoke of surrounding the University with flowers and ornamental grounds to add to its attraction, but how is that to be done? Where is the water coming from? If we had not a bore in the Zoological Gardens, and were paying 1s. 6d. per 1,000 gallons for the water for garden purposes, it would cost the committee £9,000 a year for water alone. The water requisite for these gardens that the hon. member speaks of would not be available, especially if the University were placed on the second elevation of 200 feet. I believe in my heart of hearts, and I think the hon. member will admit it, that the site he has in view is the one on the brow of the park and overlooking the terraces, and I can only say that, if that site is taken away, we might as well give up King's Park. If any portion of the park were to be seized, it should be only in the interior of it, and that could only be taken away at the expense of the priceless flora and vegetation and the innumerable advantages that the park is meant to provide. Whilst we have not got an ideal site at Crawley, we have got the best site that is available, and I trust that whatever happens, this House will present a united front against this scandalous endeavour to break up that most beautiful of the people's domains—King's Park.

On motion by Hon. J. W. Kirwan, debate adjourned.

BILL — FREMANTLE-KALGOORLIE (MERREDIN-COOLGARDIE SECTION) RAILWAY.

Received from the Legislative Assembly and read a first time.

BILL—METHODIST CHURCH PROPERTY TRUST.

Recommittal.

On motion by Hon. D. G. GAWLER Bill recommitted for further consideration of Clause 12.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 12—Method of executing conveyances and other dispositions of Church lands:

Hon. D. G. GAWLER: When the Bill was in Committee a proviso was added at his instance at the end of this clause. It was necessary to make slight verbal amendments to this proviso. He moved an amendment—

That the proviso at the end of the clause be altered to read as follows:—"Provided also that notwithstanding anything in 'The Transfer of Land Act. 1893,' or any amendment thereof contained, the Registrar shall not be bound to see or inquire whether any dealing with land under this clause is in accordance with or contrary to or

be affected by any notice express or implied that such dealing is not in accordance with or is contrary to the Trusts upon which such land is held by the trustees."

Amendment passed; the clause as amended agreed to.

Bill again reported with amendments.

BILL—HEALTH ACT AMENDMENT.

In Committee.

Resumed from the 14th August; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Postponed Clause 2—Amendment of Section 138:

The CHAIRMAN: An amendment had been moved by the Colonial Secretary to add a proviso.

The COLONIAL SECRETARY: It was desired to withdraw that amendment.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: As the result of a consultation with the Chief Architect and the Commissioner of Public Health, the latter was prepared to give way in regard to detail plans to which objection had been taken by Mr. Connolly. It was not absolutely necessary that detail plans should be supplied so long as the Commissioner was provided with a block plan and a copy of the specifications. He moved an amendment—

That the words "detail plan" be struck out.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That the following proviso be added: —"Provided that a sun print or tracing of any such plan or block plan shall be deemed to be a duplicate for the purposes of this subsection."

Hon. J. D. CONNOLLY: It might also be well to omit the word "tracing." A sun print would be quite sufficient for the purposes of the Commissioner of Public Health. As architects were paid five per cent. commission for preparing plans and one per cent. for tracings, if the Commissioner of Public Health required a tracing it would be a heavy cost. Again, in regard to the specifications, a carbon copy of the specifications should be sufficient, and provision should be made for this.

The COLONIAL SECRETARY: The provision was to give an alternative to supply either a sun print or a tracing. There might be places in the State where it would be difficult to get a sun print. Also it was understood the clause made provision for a carbon copy of the specifications; at any rate it was the intention of the department that carbon copies would be sufficient.

Hon. J. D. CONNOLLY: One could be satisfied with the assurance of the Minister that it would be left to the owner to supply either a sun print or a tracing of the plans, and a carbon copy of the specifications. Was that the intention?

The Colonial Secretary: Yes.

Amendment passed; the clause as amended agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

Second Reading.

Debate resumed from the 13th August.

Hon. F. CONNOR (North): I have not much to say on this Bill. I think it is a very good measure, but I see in Clause 4 a provision that any person who incites any animal to fight or baits any animal or encourages, aids or assists at the fighting or baiting of any animal shall be liable to a penalty. If you put a terrier on to a rat, or a cat on to a rat that would come under the clause. I think it should be altered in some way. Then there is Subclause 4 of Clause 4 to which I take exception. It says—

> Nothing in this Act shall render unlawful the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion.

I can speak practically about this. There is no question when for certain religious purposes cattle are slaughtered in the

usual place great cruelty is exercised, and I think if possible that clause might be altered. Where cruelty occurs in killing any animal the provision should be made equal to all. I do not wish to interfere with the religious ideas common to the Jews. I have my own idea as to how cattle should be killed, however. I have witnessed extreme cruelty in the killing of cattle; it could not be helped by those carrying out the work. That is all I have to say about the Bill. I am only speaking now from the title of the Bill which says, prevention of cruelty to animals, but I may repeat that the way stock are killed on particular occasions, is extremely cruel, but it cannot be helped.

Hon. C. Sommers: What is the objection?

Hon. F. CONNOR: If the hon. member would go down to the abattoirs he would set the mode, but I will try and explain. First of all a head rope is put on the bullock—these are wild bullocks. It has to be hauled down and a foot rope is put on the hind legs. The animal is tossed on its back and pulled up and a sort of twitch is placed on the mouth, and a lever is put in the twitch. It takes a quarter of an hour to do this and then a large knife is taken and the throat of the animal is cut. I have not said this with any antagonism, but I say it is extreme cruelty, still it is impossible for those carrying out the work to do it without this extreme cruelty. If there is any means by which this extreme cruelty can be obviated, it would be a good thing. I am not in opposition to the Bill, all the clauses are good except that which pertains to what I have been talking about. I am speaking from a practical standpoint, and what I see every day. It is revolting to me to look at it. If anything can be done to overcome the difficulty it should be done. I support the second reading.

Hon. J. CORNELL (South): In supporting the second reading of the Bill I am pleased Mr. Connor has spoken on the lines which he has in reference to Subclause 4 of Clause 4. I may say that I noted that in the Bill when it was laid on the Table. I then had, although not a butcher, suspicion that there must be some cruelty in the slaughtering of these cattle, and I am glad that we have got from a practical man like Mr. Connor the idea that this clause should be wiped out.

Hon. F. Connor: I do not say that the clause should be wiped out.

Hon. J. CORNELL: The description which the hon. member gave tells me that there is no other way of preventing the cruelty than by wiping out the clause. I intend to move in Committee that the subclause be wiped out, otherwise I support the Bill.

Hon. C. A. PIESSE (South-East): I desire to say a few words on this Bill. I am glad that it is proposed to place such a measure amongst our statutes, but there are clauses which I should like to refer to. In regard to Subclause 3 of Clause 4, which relates to the protection of animals when travelling a journey, it should be clearly defined what is a sufficient protection. The only protection that I know of is an ordinary horse rug. To set the matter at rest it should be clearly defined what is sufficient protection. Further on in Subclause 2 of Clause 9 we have an extreme provision. It says—

> Any justice may, without previously issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence under this Act whenever good grounds for so doing shall be stated on oath before such justice.

That is a very extreme power to place in the hands of any justice. I do not know of any cruelty that can happen to animals which could not be met by an ordinary summons, and if the person is found guilty a penalty should be inflicted in accordance with the crime. But to enable justices to order the arrest of any man is extreme, and in Committee I shall move to have that subclause struck out. Then again, in Clause 11 power is given to any constable to take possession of a vehicle. If members will read that clause through they will see that it assumes from the start that the person is guilty and must be proved guilty: there

is no hope of his being innocent, and if the person is not found guilty there is nothing said about compensating him for taking possession of his property. Again, in Subclause 2 of Clause 13 it says that whenever in the opinion of a constable any animal is so weak, disabled or diseased the constable may take possesion and destroy it. I do not think that power should be given to any constable. The least that can be done is to obtain the opinion of any justice before taking action in this matter. Animals, like human beings, get weak and infirm and positively ill, so much so that they can scarcely walk about, but they do recover and become as useful as ever they were. The power in this clause should not be given to any constable, and I trust that in Committee some means will be taken to amend it. Outside of the provisions I have referred to I welcome the Bill, and as Mr. Kingsmill well said in introducing the Game Bill—he gave us some nice little words about "God pities him who pities." Animals in farm work and in other work should be protected as much as possible from any form of cruelty. I support the second reading of the Bill.

Hon. H. P. COLEBATCH (East): Whilst I support the second reading of this Bill there are just two features to which I should like to direct the attention of members, and I do so because I am afraid that if the Bill passes in its present form it may lead to abuses and trouble which may defeat the objects of the framers of the measure. In the interpretation clause it will be seen that "constable" includes police officer, police constable and special constable, and Clause 12 gives any magistrate power to appoint in writing under his hand any officer, agent or servant of any society for the prevention of cruelty to animals to be a special constable. Whilst I should have no objection to the recognised officer of the society for the prevention of cruelty to animals who would be a gentleman appointed after the closest scrutiny and careful inquiry, being endowed with the powers of a constable. I have an objection to an amateur being an agent for the society for the prevention of cruelty to animals, in some country districts being appointed by a magistrate. In many cases the work is done by enthusiasts in the cause and a good deal of harm may result in endowing such persons with all the powers of a constable. We all know that duly appointed constables on occasions allow their powers to run away with them, but they are restrained by the fact that anything which they may do may react upon them, but if we give powers to people who are utterly irresponsible, and who have no hope of advancement, and no fear of dismissal, grave injury may result. There is no Act on the statute-book giving such powers to irresponsible persons, and I ask the Minister to give that feature of the Bill very serious consideration, because I feel that if it is carried into effect we shall find some extremist appointed under the hand of a magistrate, who has had no opportunity of inquiring into the fitness of the person, and who may do many things which may injure an Act which should have the undivided support of the community. The other feature to which I wish to call attention is in Clause 16. With the first part I am not inclined to disagree. I refer to Subclauses 1, 2, and 3, and in effect these subclauses say that if any servant, driver, or conductor of a vehicle is guilty of cruelty and complaint is made against them the proprietor has to answer the complaint, and if the driver or conductor does not appear the bench may proceed to try the proprietor as if he was the actual offender, and may punish him. I do not take much exception to that portion of the clause because the proprietor should show that he was not to blame or be prepared to take the blame. But Subclause 4 seems to set up what would be a principle altogether unknown on the statute-book at the present time. After having punished the proprietor in the absence of the servant it goes on to say that if such proprietor or owner, after being duly summoned fails without reasonable excuse to produce such driver, conductor or servant, the magistrate or justice may

hear the case in the absence of the driver and adjudge payment by the proprietor, and may keep on fining him indefinitely. If the servant has to be produced it is part of the duty of the Crown to produce him. It is right enough to punish the proprietor in the absence of the servant, but it is a curious principle of law to punish anyone for the non-attendance in the court of another. If this other man is wanted there is ample power in the Police Act at the present time to produce him. I would like some clear explanation of the reason for Subclause 4 before I vote for it. Apart from that, the Bill seems to me to be a very excellent one.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

Hon. J. D. CONNOLLY: If certain foreshadowed amendments in subsequent clauses were carried it would mean that the interpretation clause would require amendment in several places. The Minister might reasonably postpone Clause 3 for consideration at the end of the Bill.

Hon. M. L. MOSS moved—

That the further consideration of Clause 3 be postponed.

Motion passed.

Clause 4—Ill-treating animals:

Hon. C. A. PIESSE: Paragraph (b) provided for the proper protection of animals against inclement weather. Under this it would be possible to have an inspector come along and declare that a man's horse was tied in too bleak a position. Who was to say what constituted sufficient protection? Surely the provision of a good horse-rug would meet the case.

The COLONIAL SECRETARY: The paragraph dealt exclusively with animals temporarily tied up. Unless the neglect to properly shelter such animals were wanton or negligent, no action would be likely to follow. The clause had been amended in another place.

Hon. C. A. PIESSE: Some provision ought to be made for notifying horse-owners that they would be required to carry rugs for their horses. This would not mean any great hardship, for if an animal were worth having he was worth buying a rug for.

Hon. J. F. CULLEN: The Minister should give good notice to the Railway Department before the Bill came into operation. In the railway transit of stock it was very much cheaper to fall in with the ordinary time-tables, and frequently it was very convenient to the department to allow stock to stand at junctions by the hour. The suffering of sheep in a railway truck on a hot day with no water available was a very serious thing.

Hon. J. CORNELL moved an amendment—

That paragraph (b) be struck out.

All that was contained in paragraph (b) was provided for in paragraph (a). Paragraph (b) conferred too much power on inspectors. While one could not help being struck with the sincerity of those who, partly as a fad, took up prevention of cruelty to animals, it was necessary to take into consideration that the fad sometimes got the better of their good judgment. In country districts paragraph (b) would work hardships. If a man neglected to water or feed or protect his horse, the neglect constituted cruelty, and this was provided against in paragraph (a).

Hon. D. G. GAWLER: The words in paragraph (a) appeared to be of somewhat different meaning from those in paragraph (b). Paragraph (a) related to physical ill-treatment, while paragraph (b) applied rather to passive ill-treatment.

Hon. A. G. JENKINS: As a rule animals were well cared for on journeys. In any case, who was going to decide what was sufficient protection against inclement weather? It should be sufficient if the paragraph were amended by the striking out of all the words after

"water." It would be interesting to know where the paragraph had come from.

The COLONIAL SECRETARY: So far as memory served, it seemed the paragraph had been introduced in another place. If, as the hon. member had said, paragraph (a) was sufficient to cover paragraph (b), then paragraph (a) was also sufficient to cover the whole lot. The other paragraphs contained in the clause appeared in the Acts of South Australia, New South Wales, and Queensland, and all were necessary to the Bill.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. G. JENKINS: Could an amendment be moved to strike out portion of the paragraph?

The CHAIRMAN: No doubt Mr. Cornell would withdraw his amendment to enable that to be done.

Hon. J. CORNELL asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. A. G. JENKINS moved an amendment—

That in paragraph (b) of Subclause 1 all the words after "water" in line 2 down to "weather" in line 5 be struck out.

That portion could only aim at the Commissioner of Railways, and that officer would not be so foolish as to carry stock unless they were sufficiently protected. The clause left too much to the magistrate to decide as regarded sufficient protection against inclement weather. To retain the words would be to impose a burden which could not be carried into effect.

Hon. D. G. Gawler: Does not it exempt animals on a journey?

Hon. A. G. JENKINS: It did not.

Hon. A. SANDERSON: There was no reason why the Commissioner of Railways should be exempted.

Hon. D. G. GAWLER: This portion of the clause could not aim at the Commissioner of Railways because he was exempted.

The COLONIAL SECRETARY: The paragraph did not apply to animals on a journey.

Hon. A. G. Jenkins: I see now that you are right.

The COLONIAL SECRETARY: The object was to put down the cruelty such as working horses in a plough all day and tying them up to a tree at night. Originally, the word "shelter" was adopted, but it was amended in another place.

Hon. C. A. PIESSE: It would be better to have a clause specifically dealing with horses on a farm, and providing that they should be covered with a waterproof cloth.

Hon. J. F. CULLEN: The words in question were necessary. At agricultural shows judges who had gone round to judge pigs had had to judge bacon instead. He had known a man to tie up his horse in town and get drunk and the animal had been sunstruck.

Hon. Sir E. H. Wittenoom: You cannot provide against everything.

Hon. J. F. CULLEN: No, but there was no risk in leaving in this provision.

Hon. C. A. PIESSE: Paragraph (a) gave all the power that was necessary. If horses were running at large the owner was exempted, so that he had only to turn the animals loose.

The COLONIAL SECRETARY: The remarks of some members were extraordinary. When the Bill was introduced in another place, the representatives of agricultural constituencies objected to the word "shelter" and secured the insertion of the word "protection" in lieu. The word "shelter" would have served all purposes.

Hon. J. CORNELL: A man who knew anything about a horse would provide sufficient shelter for it, but it would be for the inspector to say whether the shelter was sufficient. The clause was too far-reaching.

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

Ayes	9
Noes	11
Majority against ..	2

AYES.

Hon. E. M. Clarke	Hon. A. G. Jenkins
Hon. J. D. Connolly	Hon. R. J. Lynn
Hon. J. Cornell	Hon. C. McKenzie
Hon. F. Davis	Hon. C. A. Piesse
Hon. D. G. Gawler	(*Teller*)

NOES.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. F. Connor	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. J. E. Dodd	Hon. R. D. McKenzie
Hon. J. M. Drew	(*Teller*).

Amendment thus negatived.

Hon. D. G. GAWLER: Would the Colonial Secretary explain the meaning of the proviso at the end of Subclause 3? The last word "remedy" should clearly be "injury."

The COLONIAL SECRETARY: It seemed to be an error. There was no doubt that "injury" should be the word.

On motion by the COLONIAL SECRETARY Subclause 3 amended by striking out the word "remedy" in the last line and inserting "injury" in lieu.

Hon. J. CORNELL moved an amendment—

That in Subclause 4 the words "the Jewish or other religion" be struck out and "any religion already established" be inserted in lieu.

Hon. M. L. Moss: What is an established religion?

Hon. J. CORNELL: The idea of the amendment was that from this on, no other sect be allowed to use cruel methods on any animals. Personally he would like to see the clause struck out. He did not think cruelty to animals could be condoned because it was practised by a religious body, but it was to be hoped the Committee would safeguard the future.

Hon. A. Sanderson: Would not the requirements be met if the words "or other" were struck out?

Hon. M. L. Moss: What about Mahommedans?

The COLONIAL SECRETARY: Ample provision should be made so that the practices of religious bodies might not be interfered with.

Amendment put and negatived.

Clause as previously amended put and passed.

Clause 5—Dehorning cattle:

Hon. F. CONNOR: The Colonial Secretary might inform the Committee what was meant by "minimum of suffering" in the dehorning of cattle, or how that minimum of suffering was to be defined.

The COLONIAL SECRETARY: If the dehorning of cattle was performed with reasonable care there should not be any ground for action. If there was any cruelty it would be for the bench to decide after hearing expert evidence.

Hon. F. CONNOR: The clause was very crudely drafted; some definition of cruelty ought to be given.

Hon. M. L. MOSS: The clause as it stood would not receive his support because "minimum of suffering" meant really nothing. There should be inserted some words to the effect that "where an operation was performed without cruelty." When one spoke of the minimum amount of suffering it meant the smallest degree of suffering, and if that was literally construed it would mean that in every case a prosecution would lie. He moved an amendment—

That in lines 3 and 4 the words "with a minimum of suffering" be struck out and "without unnecessary cruelty" inserted in lieu.

Hon. Sir E. H. WITTENOOM: Having had a great deal of experience in this sort of thing, he was of opinion that no one would resort to unnecessary cruelty; therefore the amendment was superfluous.

Hon. E. M. CLARKE: The whole clause was superfluous. In dehorning cattle the minimum amount of cruelty would be by performing the operation on calves, but when fully grown beasts were operated on a considerable amount of pain must of necessity be inflicted. It was lawful to split an ear or mutilate an ear with a sharp instrument, and if it was legal to do that or to mark stock in any way a man would be a lunatic to cause more pain than was absolutely necessary, because if he did so he would destroy the beast.

Hon. M. L. MOSS: With the permission of the House he would withdraw the amendment and vote against the retention of the clause.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: The clause had not been correctly read by Mr. Clarke. If the clause was excised it would be an offence to dehorn cattle or to brand an animal or to carry on any of the operations mentioned. If the clause was not retained there would be prosecutions for dehorning cattle or branding stock.

Hon. C. A. PIESSE: If members would read the clause they would see that it must remain in the Bill. It was a pity that the amendment had been withdrawn.

Clause put and passed.

Clauses 6, 7, and 8—agreed to.

Clause 9—Apprehension:

Hon. M. L. MOSS moved an amendment—

That Subclause 2 be struck out.

There were many parts of the State where a constable might arrest an offender against the provisions of this measure, and the offender be detained in a country lock-up for a week or two before a court could be got to try him. That would be a very bad thing indeed.

The Colonial Secretary: It is the law now.

Hon. M. L. MOSS: Such a bad law, if it existed, should not be perpetuated. This was a provision that might operate with great injustice to the people throughout the country.

The COLONIAL SECRETARY: In Section 43 of the Police Act, 1892, this power to apprehend without a warrant applied to cases of cruelty to animals.

Hon. M. L. Moss: Do you think that is what this clause says?

The COLONIAL SECRETARY: That was the effect of the clause. Mr. Moss contended that the issue of a summons was all that was necessary, but suppose a man was shipping stock with which he intended to travel out of the State and cruelly ill-treated the stock, there would be no power to apprehend him, and the law would be helpless.

Hon. M. L. MOSS: This clause went much further than Section 43 of the Police Act, which merely enabled a constable who witnessed an offence to arrest the offender, but under this clause he might arrest a person at the instance of another person who alleged an offence had been committed. In the one instance there was the responsibility of a constable who was an eye-witness to the commission of the offence, and in the other case the responsibility of the constable taking action, perhaps at the instance of one who had a spite against a particular individual and alleged an act of cruelty against him. On second thoughts, he was of opinion that it would be better to strike out certain words in Subclause 1, and he would ask leave to withdraw his amendment.

Amendment by leave withdrawn.

Hon. M. L. MOSS moved an amendment—

That in Subclause 1 the following words be struck out:—"or at the instance of any other person who declares that he or she has seen an offence under this Act committed and gives his or her name and place of abode to the constable."

Hon. H. P. COLEBATCH: It would be better to retain the words sought to be struck out and to delete Subclause 2 as originally proposed by Mr. Moss, on the ground that the Police Act gave all the power that was necessary in cases where apprehension was desirable.

The COLONIAL SECRETARY: Mr. Moss had a strong objection to a constable laying an information against a person if another individual drew his attention to the fact that such person had committed an offence. One could understand the hon. member's objection to anyone being arrested on a warrant unless the constable was a witness of the offence, but all that a constable had to do was to lay the complaint, and the person who gave the information would be called to give evidence and substantiate his statement of the offence.

Hon. C. A. PIESSE: It was to be hoped that Mr. Moss would withdraw his amendment and adhere to his original proposition to strike out Subclause 2.

Hon. M. L. MOSS: The suggestion of Mr. Colebatch was the better one of the two, and again he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. H. P. COLEBATCH moved an amendment—

That Subclause 2 be struck out.

The reason for the amendment was that the power given in the Police Act would be quite sufficient to meet any case where it was desirable to apprehend an offender.

Hon. D. G. GAWLER: It was desirable that the subclause should be struck out, because it provided that a person charged with any offence against this measure was liable to be arrested, and the provisions of the Bill afforded ample opportunity for what might be called hysterical persons alleging that cruelty had taken place. They might even allege cruelty where they had witnessed such operations as were mentioned in Clause 5 because on principle they objected to them.

The COLONIAL SECRETARY: Members would see that good grounds must be shown to the justice before he issued a warrant, and the information must be stated on oath. The person who laid the information must satisfy the magistrate that it was a case which justified the issue of a warrant.

Hon. D. G. Gawler: There were so many opportunities for difference of opinion as to whether cruelty has taken place.

The COLONIAL SECRETARY: Unless there was good cause, no sane magistrate would issue a warrant.

Hon. M. L. MOSS: One might be disposed to accept the clause as it stood if "magistrate" were substituted for "justice," but it was questionable whether all justices understood their duties so thoroughly as to withstand a policeman asking for a warrant, or to hold the scales of justice fairly and equally in respect to persons not present at the time applications for warrants were made. Could a further amendment be moved to strike out "justice" and insert "magistrate" in lieu?

The CHAIRMAN: Not unless the amendment before the Chair be withdrawn.

Hon. H. P. COLEBATCH asked leave to withdraw the amendment with a view to accepting the suggestion of Mr. Moss.

Hon. C. A. PIESSE: I object.

The CHAIRMAN: One dissenting voice prevents the amendment being withdrawn.

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

Ayes	9
Noes	11
Majority against ..	2

AYES.

Hon. E. M. Clarke	Hon. C. A. Piesse
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. F. Connor	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. H. P. Colebatch
Hon. M. L. Moss	(*Teller*).

NOES.

Hon. R. G. Ardagh	Hon. D. G. Gawler
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. J. F. Cullen	Hon. R. D. McKenzie
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. R. J. Lynn
Hon. J. M. Drew	(*Teller*)

Amendment thus negatived.

Hon. M. L. MOSS: Could an amendment be moved now?

The CHAIRMAN: It would be necessary to recommit the Bill in order to do so.

Clause put and passed.

Clauses 10, 11—agreed to.

Clause 12—Special constable may be appointed:

Hon. M. L. MOSS: This was a very dangerous clause, which should be struck out. It provided that any agent or servant of one of the societies for the prevention of cruelty to animals could, on application to a magistrate, have a special constable appointed, not only to exercise jurisdiction under the Bill but to be a special constable for all purposes in Western Australia. It was too absurd, and showed the small amount of consideration given to the preparation of the Bill.

Hon. J. CORNELL: While there was not objection to special constables being created for the purpose of dealing with the prevention of cruelty to animals, there was decided objection to special constables having the full powers of ordinary police constables.

The COLONIAL SECRETARY: A special constable would only have power

in regard to the Bill. The very clause limited his powers to that extent.

Hon. D. G. Gawler: The powers are simply as limited by a magistrate.

The COLONIAL SECRETARY: That was not the intention. It was intended to limit the powers of a special constable to the Act. There were already three Acts enabling special constables to be appointed, the Fremantle Harbour Trust Act, the Parks and Reserves Act, and the Municipal Corporations Act. There were repeated deputations asking for the appointment of special constables by the municipalities, and it had only just been discovered that the power to do so was already in the Municipal Corporations Act. If we did not have special constables appointed under the Bill before the Committee it would be impossible to successfully administer the measure, because cases of cruelty were not always likely to arise within the view of ordinary constables. It was proposed to appoint officers of the Society for the Prevention of Cruelty to Animals in various districts, but if this clause were struck out it would deal a big blow at the usefulness of the measure, in fact, to a large extent, it would be waste paper except in towns where police were located.

Hon. D. G. GAWLER: The powers of these special constables were to be limited by magistrates, and these special constables, who would be enthusiasts, were to be given full power of arrest though in many cases very different conclusions could be drawn as to the guilt of the party. What might be cruelty to a sensitive-minded person might not appear cruelty to other people, in fact might be looked upon as a necessity. It was quite sufficient to give a special constable power to lay an information and bring a matter before a magistrate. A man who was likely to be carried away by zeal should not have excessive powers conferred on him.

Hon. A. SANDERSON: It was to be remembered that there was only one society directly concerned in the prevention of cruelty to animals. Practically speaking that society depended upon public support. In consequence the records seemed to show that the society's inspectors had been very carefully selected, the members of the society realising that it would be very easy to alienate public sympathy. It was almost entirely a question of administration. It was easy enough to conjure up circumstances that might possibly occur, but it was to be remembered that without the enthusiasts referred to by hon. members practically no work would be done; and also that the enthusiasm of these people was tempered by the care of the society, while a second check was provided in their appointment by a magistrate.

Hon. F. DAVIS: Was not the situation covered by the words, "within such limits" appearing in the fourth line of the clause? Surely the clause was governed by these words.

Hon. M. L. MOSS: The words constituted a limit merely as to area, and not as to powers. The constable was to act for such time and "within such limits," which meant within a particular area. The objection was that a constable appointed under this measure would have all the powers and authorities of a police constable, and might arrest for offences other than those dealt with in the Bill. It would be well if the Minister postponed the clause in order that he might ascertain whether the meaning attributed to the words "within such limits" was not the correct one.

The COLONIAL SECRETARY moved—

That the further consideration of the clause be postponed.

If the clause really bore the interpretation placed upon it by Mr. Moss it was scarcely satisfactory.

Motion passed.

Clauses 13 to 15—agreed to.

Clause 16—Proprietors of vehicles to be summoned to produce their servants:

Hon. H. P. COLEBATCH moved an amendment—

That Sub-clause 4 be struck out.

It was an extraordinary principle that any man should be fined for not producing another man. If the witness had to be produced, let the law produce him in another way.

The COLONIAL SECRETARY: Provision was made for exemption when reasonable excuse was forthcoming. It might be that the proprietor of a vehicle was hiding his servant. It was difficult to see how any injustice could be imposed under the clause. If the employer had a reasonable excuse he would escape the penalty. The employer might have good reason for keeping his driver out of the witness box.

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

Ayes	10
Noes	9
Majority for ..	1

AYES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. C. A. Piesse
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. J. Cornell	Hon. C. McKenzie (*Teller*).
Hon. J. F. Cullen	
Hon. D. G. Gawler	

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. Davis	Hon. R. J. Lynn
Hon. J. E. Dodd	Hon. R. D. McKenzie
Hon. J. M. Drew	Hon. A. Sanderson (*Teller*).
Hon. Sir J. W. Hackett	

Amendment thus passed; the clause as amended agreed to.

Clause 17—agreed to.

Clause 18—Master to be liable when offence committed by his servant after notice to master:

Hon. H. P. COLEBATCH: The clause provided that if the magistrates found the offence proved the magistrates "shall," if certain things were shown, find the alleged master guilty of the offence and discharge the defendant. The clause should not be mandatory as to the discharge of the defendant. It should be within the discretion of the magistrate to punish both the master and the servant.

He moved an amendment—

That after "and," in sub-paragraph 2 of paragraph (a) of Subclause 3, the word "may" be inserted.

The COLONIAL SECRETARY: It was a pity that the amendment should have been suddenly sprung on the Committee. He had not had time to study it, and it required consideration. He moved—

That the further consideration of the clause be postponed.

Motion passed.

Clause 19—Exemptions:

Hon. A. SANDERSON: A New South Wales inspector, in a report regarding the extermination of rabbits, stated that a number of children had taken a fiendish delight in putting the animals to the most atrocious suffering. He could hardly expect anyone to put in a word in favour of the rabbit, but the matter should be considered from the standpoint of preventing children from being demoralised in this way.

Hon. J. F. Cullen: That is safeguarded by Subclause 2.

Hon. A. SANDERSON: If that were so, he was satisfied.

The COLONIAL SECRETARY: This was only intended to apply where it was necessary in the interests of the State to exterminate pests, and in their extermination, cruelty must necessarily be exercised. If wanton cruelty were practised, the authorities would probably take action.

Hon. J. CORNELL: Regarding vivisection, was it wise to provide that an animal which had been subjected to one operation should not be subjected to another? Would it not be better to confine operations to as few animals as possible?

Hon. C. A. PIESSE: The portion of the Clause referred to by the previous speaker was unnecessary. He moved—

That sub-paragraph (iv.) of paragraph (b) of Subclause 2 be struck out.

Hon. J. E. DODD (Honorary Minister): If there was one clause of the Bill with which he did not agree, it was the one relating to vivisection, and his reasons were just the opposite to those of Mr. Cornell. Vivisection should not be allowed at all, but when allowed it should certainly be limited and safeguarded as much as possible. Surely an animal which had suffered one operation should not suffer another.

Hon. A. SANDERSON: It was pointed out on the second reading that vivisection could not be practised in Western Australia because there were no regulations, and when regulations were framed it would be in connection with the university. Doubtless the question could be discussed when the matter was taken up by the university.

Hon. J. D. Connolly: They do it in the Public Health Department.

Hon. A. SANDERSON: On the second reading he had inquired whether there were any regulations, and had been informed that there were not.

Hon. J. D. Connolly: I do not know whether there are any regulations.

Hon. A. SANDERSON: The Bill stated that experiments must be conducted subject to regulations.

The Colonial Secretary: There are no regulations governing vivisection.

Hon. A. SANDERSON: It was important to have the point cleared up.

Hon. J. D. Connolly: If you walk into the Public Health Department you will see it.

Hon. A. SANDERSON: If that were so, the thing should be under regulation. The clause seemed to provide a reasonable safeguard.

Hon. C. A. PIESSE: A safeguard was provided, and he asked leave to withdraw his amendment.

Hon. J. CORNELL: The proposal to withdraw the amendment would have his opposition. It might be necessary to perform a second operation on the animal to ascertain the effect of the first. He thought vivisection should be confined to as few animals as possible.

Amendment put and negatived.

Clause put and passed.

Clauses 20, 21—agreed to.

Progress reported.

ASSENT TO BILLS.

Messages received notifying assent to the following Bills:—

1, Excess (1910-11).

2, Nedlands Park Tramways Amendment.

3, North Fremantle Municipal Tramways Amendment.

House adjourned at 9 p.m.

Legislative Assembly,

Tuesday, 27th August, 1912.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Premier: 1, By-laws of the Kalgoorlie and Coolgardie Boards of Health; 2, Return as to contracts for police and railway uniforms (ordered on motion by Mr. B. J. Stubbs).

By the Minister for Mines: Statements of expenditure under the Mining Development Act for the year ended 30th June, 1912.

By the Attorney General: Matrimonial Causes Rules, 1912 (No. 2).

QUESTION—TAXATION OFFICES.

Mr. SWAN asked the Premier: 1, Is he aware that the offices in which the taxation officers are employed are in a dangerously unhealthy condition? 2, Will he cause immediate inquiries to be made with a view to remedying this state of affairs?

The PREMIER replied: The question of unhealthiness has been men-