

created a new offence. It would place a blot on the statute book which the member in charge, if he had any shame at all, would regret for the rest of his life. That hon. member had acknowledged that he was simply the delegate of the banks, and was carrying out orders he had received from somebody who was the power behind the throne.

Amendment (Mr. Illingworth's) put and passed.

MR. MONGER further moved that after "who," in Sub-clause *a*, line 1, the words "within six months" be inserted.

Amendment put and passed.

MR. ILLINGWORTH moved that paragraph *b* be struck out, and the following inserted in lieu thereof: "Or any bank which issues defaced, torn, or unclean notes." It would be unfair to make the individual in possession of a note practically responsible for the defacement.

MR. MORAN supported the amendment. Sub-clause *b* was most objectionable.

MR. A. FORREST accepted the amendment.

MR. MORAN: The amendment would be most disagreeable to the banks if carried, and there would quickly be a petition to this House for repeal of the measure.

MR. ILLINGWORTH: Before any penalty could be imposed on a bank, some person must take action against the bank; and unless the bank continued to issue dirty notes, no action would be taken against it.

Amendment (Mr. Illingworth's) put and passed, and the new sub-clause inserted in the Bill.

Clause, as amended, put and passed.

Clause 3—agreed to.

Title—agreed to.

Bill reported with amendments.

#### ADJOURNMENT.

The House adjourned at 11:20 p.m. until the next day.

## Legislative Assembly,

Thursday, 21st September, 1899.

Companies Duty Bill, Legislative Council's Amendment—Pharmacy and Poisons Act Amendment Bill, second reading—Police Act Amendment Bill (Betting), in Committee, Clause 2, Division, progress—Public Service Bill, in Committee, Clauses 1 to 6, progress—Adjournment.

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

### PRAYERS.

### COMPANIES DUTY BILL.

#### LEGISLATIVE COUNCIL'S AMENDMENT.

Suggested amendment made by the Council was considered.

#### IN COMMITTEE.

New Clause—"This Act shall only remain in force until the 31st December, 1902":

THE PREMIER moved that the suggested amendment be agreed to.

Question put and passed, and the new clause added to the Bill.

Resolution reported, report adopted, and a message accordingly transmitted to the Legislative Council.

### PHARMACY AND POISONS ACT AMENDMENT BILL.

#### SECOND READING.

MR. JAMES (East Perth): I beg to move the second reading of this Bill, which provides certain remedies for defects which exist in the Pharmacy and Poisons Act of 1894, and which makes provision for more effectually carrying out the principles on which the original Act is based. When that Act was passed, it was adopted by the House because it was realised that a duty was placed in the hands of chemists of such a nature that provision should be made to secure the safety of the public by providing that every person acting as a chemist and compounding medicines should be qualified. Unfortunately the wording of the principal Act has not succeeded in carrying out the object which the Legislature had in view, and in a number of cases chemists' shops, which purport to be branches of other shops, are not carried on under the control of qualified assistants, but are carried on by persons who are not qualified. For the purpose of remedying the evil, Clause

4 of the present Bill is inserted, and by it provision is made that wherever a business is carried on, or a branch of a business is carried on, it must be conducted under the personal supervision of the owner of the business, being himself a qualified chemist or medical practitioner, or by somebody who is a qualified chemist. Then, continuing in the same direction, Clause 6 deals with Section 3 of the principal Act. The effect of the amendment is that any person engaged in a chemist's shop shall, in the first instance, be deemed to be there for the purpose of selling drugs and compounding medicines. That clause is required as much to give effect to the provisions contained in the principal Act as to the provisions in this amending Bill. The Bill also deals with the question of poisons. Clause 2 is more or less of a technical nature, and provides that in dealing with arsenic or strychnine, or any preparation of arsenic or strychnine, it must be sold with a colouring matter. Provision is made that these poisons shall not be sold with colouring matter in certain cases. That is a technical matter, the need of which I am not able to explain, but which can be explained by chemists. Clause 3 is practically the schedule of amendments which it is proposed to make in the principal Act. The first amendment contained in the first paragraph of Clause 3 enables the local Pharmacy Board to admit as a local chemist any person who has served articles and apprenticeship in any part of the Australian colonies; therefore this Bill enlarges the powers of the board and liberalises the conditions existing at the present time. Sub-clause 2 also is an enlarging clause, liberalising the provisions of the present Act. Under the present Act, by Section 27, no person has a right to have a license for the sale of poisons unless he is registered, or lives at least 20 miles from a registered practitioner or qualified chemist carrying on business. By the Bill that distance is cut down, and the limit of 20 miles is reduced to five miles. A further paragraph of this clause provides the definition of poisons, and gives a schedule of poisons contained in the old Act which are repealed, and a new schedule is adopted, which includes a number of poisons which are not included in the old schedule.

The clause divides the poisons into two classes. The first class are the more deadly poisons which are sold in very small quantities, and in connection with these poisons the old restrictions are retained. In regard to other poisons, which are not so deadly, such as carbolic acid and patent proprietary medicines containing poisons, less restrictions are placed upon the sale of these poisons, and there is less need. Provision is made for all the conditions that have to be observed, and this applies to poisons that come under the first part of the schedule. I have dealt with this Bill as far as I possibly can without having a technical knowledge, which one ought to have in dealing with pharmacy and poisons. I commend the Bill to the House, and ask members to pass the second reading of it.

MR. MORAN (East Coolgardie): I am desirous of doing a fair thing in supporting this Bill. We must recognise, in dealing with a subject which we do not understand well, that we have to take for granted that the member who introduces the Bill has been careful to take the opinions of experts in the matter. In enlarging the prohibitory powers, I want to be careful that we do not trench on any business which may use some of these poisons, especially in out-of-the-way places, such as mining fields. I believe there is a clause protecting mining chemicals, but I want to be sure that clause is sufficient to protect assay plant and that sort of thing. Whilst desirous of supporting the Bill, I am anxious to hear from gentlemen who know something about this matter—for instance, the member for North-East Coolgardie (Mr. Vosper), who is fairly well acquainted with a matter of this kind, and the member for Pilbarra (Mr. Kingsmill)—I want to hear their opinion, because I believe they are qualified to speak on the subject. I am anxious to see that justice is done, and I do not want the legislation to be too stringent.

MR. VOSPER (North-East Coolgardie): I intend to support the Bill, because, so far as I have been able to discover by perusing the Bill myself, and taking the opinions of chemists, this is likely to prove a useful measure. With regard to the point raised by the member for East Coolgardie (Mr. Moran), the paragraph in Clause 3 of the Bill

will, I think, meet all the requirements. Section 36 of the principal Act contains a series of poisons which are exempted from the operation of the Poisons and Pharmacy Act, and this Bill adds to the number, especially those poisons which are not used in small quantities in connection with mining and metallurgy. The tendency of the Bill is to enlarge the powers of the present Act. Clause 4, I think, is a particularly valuable one, because, unfortunately, it has become the practice here, which the Pharmaceutical Society have not the power to check, for firms to start branch pharmacy shops in various parts of the country, to have only one duly qualified chemist in their employ, and to keep the qualified chemist in Perth or some other large centre. In this way shops in various parts of the country are controlled by men who possess no qualifications whatever. To such an extent is this abuse carried on, that at Kalgoorlie and the Boulder, I am informed by chemists, there are nine chemist shops in those towns, and out of that number only two shops are controlled by duly qualified chemists. That means, as far as the chemists' shops are concerned, they are a menace to the public safety. A man may acquire a smattering of pharmacy and toxicology, and as long as the law allows unqualified men to have charge of drug stores, the public are exposed to very great dangers. I see the business of a pharmaceutical chemist must be carried on by the principal himself, or a qualified assistant, and the chemist must have his name painted over the door. At the present time it is customary for some firm, the "Timbuctoo Apothecaries' Company" or something of that kind, to have their name painted up, and it is hard to find out who are really the proprietors or who is the manager, or anything of the kind. Under this Bill it is proposed the name of the person actually in charge of the shop shall be placed in a distinct position outside the shop, much in the same way as the licensee of a hotel is obliged to have his name put up. That will settle the question of responsibility, and make it easier to carry out prosecutions under the Pharmacy Act, or to obtain information. Again, Clause 6 is important, for at present it is difficult to secure convictions under the Pharmacy

Act, because the excuse is often raised, as soon as a prosecution is initiated, that the individual charged is not the proprietor or manager, or the person liable or responsible; whereas this clause provides that the mere fact of a man being on the premises and dispensing drugs shall be *prima facie* proof that he is the person responsible. On the one side it will prevent the proprietor of a drug store from employing unqualified men, and on the other hand it will make unqualified men themselves chary about accepting appointments of this description. I think the principal value of the Bill lies in the schedule. The two tables of poisons given here are precisely the same as those given in the table of poisons under the Pharmacy Act of the old country, which was introduced after many years of patient investigation. The Bill is in accordance with the intellectual efforts of many great chemists, and the House may be assured that this schedule was decided upon by the Pharmaceutical Society of Great Britain not without considerable thought, and not without its value being fully assured by those who placed it on the statute book in England. All the more important poisons are included in the first part of the schedule, but I observe that in the second part there is no mention, except under the head of "patent and proprietary medicines," of a poison which does a large amount of harm and bears high rank for its effect. I refer to chlorodyne, which some people take habitually, drinking it. It not infrequently happens that people who take an overdose are killed by it.

MR. GEORGE : "Pain-killer" in the same way.

MR. VOSPER : Yes.

A MEMBER : Chlorodyne is a very useful medicine.

MR. VOSPER : I do not deny it, but I think chlorodyne may be included in the second part of the schedule, which includes those poisons which it is not so necessary to be as stringent about as the others. Chlorodyne is very deadly, and ranks very high as a destructive of human life. Part II. includes "patent and proprietary medicines containing any poison mentioned in Part I. of this schedule." I think that is a valuable provision. Some patent medicines contain a large amount of poison, and others a small amount.

There are two branches of chlorodyne which are proprietary medicines, the maker of one class of chlorodyne being "Collis Browne" and the maker of the other "Freeman." There are various compounds sold under the name of chlorodyne, sometimes compounded by local chemists, and it has never been shown by analysis that any two of them are alike, as the ingredients vary in almost every instance. According to the *Chemist and Druggist* newspaper, chlorodyne has, so far, defied analysis, the consequence being that any chemist who desires to make up chlorodyne does so according to his own free will, and the so-called chlorodyne depends a great deal upon the man who compounds it.

MR. GEORGE: Is morphia mentioned?

MR. VOSPER: Morphia is included in Part I., coming under "all poisonous vegetable alkaloids, and their salts." Chlorodyne might, with advantage, be given a place to itself, so that it should come under the operation of this Bill. With regard to the other and more harmless preparations, I will refer to the authority of Dr. Murrell, who says it frequently happens that a pill is covered with some indigestible material, and the patient takes it, the covering needing a long time to dissolve. A person may take a pill in the morning, in the day, and in the evening, and another the next day, and another the following day, and it takes three days for a pill of that sort to dissolve, the consequence being that the patient gets an accumulated dose of whatever the actual poison may be, and in some cases that proves fatal. There is every reason for including patent and proprietary medicines in a Bill of this kind. The Bill will not affect patent medicines which are harmless. Some patent medicines which are reported to contain poison are absolutely harmless, and others supposed to be harmless contain a large amount of poison.

A MEMBER: What about cough lozenges?

MR. VOSPER: Cough lozenges are not particularly harmful, as a rule, unless you take too many. Many of these patent and proprietary medicines, supposed to be harmless, will come under this schedule, and some supposed to contain poison will not come under it. I think the Bill commends itself to hon.

members. There is one thing I wish to point out, and that is in connection with the sale of "soothing syrups" given to children when teething and suffering from other illness. It is said by Dr. Murrell that 15,000 infants die annually in Great Britain from taking soothing syrups, which are based on opium and its alkaloids. Nearly every one of them contains morphia or opium to a greater or lesser extent. That also should be included in the paragraph in the second part of the schedule. I have great pleasure in supporting the Bill, and recommending it to the consideration of the Assembly.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): If there were no other clause of the Bill, Clause 2 is one which, had it been in existence three or four months ago, would certainly have saved one life. Hon. members will remember that a miner called at a chemist's shop at Mount Margaret to get a prescription made up. The chemist dispensing it mistook a bottle of strychnine for a bottle of a comparatively harmless powder, mixed it up in the prescription, and killed the man. The effect of this clause will be to prevent occurrences of that kind. Strychnine and arsenic must be coloured in every case. The accident to which I have referred was caused by the chemist during the course of the day changing the bottles, and forgetting he had done so, taking up the bottle of strychnine and thinking it the harmless bottle. The machinery provided by the Bill is really for the purpose of making the principal Act effective. There has been a great deal of difficulty in securing convictions whenever prosecutions have been taken under the principal Act. If these amendments are carefully carried out, they will, I think, prove very effective. Hon. members will see there are a lot of things affecting the occupations of chemists, and chemists must be protected, not only for their own, but for the public good. Men who have drug stores and apothecaries' shops allow people to suppose they are duly qualified chemists, when they are nothing of the kind, and if this Bill be passed it will put a stop to that kind of thing. The country by this legislation will have done its best to protect people against persons not duly qualified.

MR. GEORGE: Will the Bill prevent the sale at ordinary stores?

THE ATTORNEY GENERAL: It will stop the sale of drugs at ordinary stores.

MR. DOHERTY: You cannot do it.

THE ATTORNEY GENERAL: I can quite understand there may be cases where it may be hard. Holloway's Pills and all the patent medicines are exempt. The whole of the mischief is caused by people who have general stores fixing up the business of an apothecary or chemist with them, and that ought to be stopped.

MR. GEORGE: Will the Bill stop the sale of patent medicines?

THE ATTORNEY GENERAL: No.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse): Clause 2 says that arsenic shall be mixed with soot or some other black substance. Anyone who knows anything about the arsenical preparations sold in large quantities to horticulturists for the destruction of insect pests, knows there is a preparation called "Paris-green," which consists largely of arsenic.

MR. VOSFER: Mineral green, too.

THE COMMISSIONER OF RAILWAYS: The schedule says, "except green and other paints and pigments." Paris-green is not a paint, but is an arsenical preparation, and, in fact, is composed principally of arsenic. I think about 95 per cent. of it consists of arsenic, and it is mixed with something green, which of course distinguishes it from the ordinary arsenic. I want to have such a provision here that there shall be no mistake about it, because I am not going to have this preparation put into the hands of the ordinary chemist, and pay him 4s. or 5s. a pound for what costs only about 4d. We want to protect ourselves. I am quite in accord with this measure, if a Bill can be passed which will give greater safety to the public; but do not give the chemist a monopoly with regard to the sale of certain things of every-day use, which, after all, are protected in a measure by being coloured with some substance to make their use safe, and prevent people from using them for something else. That is the only precaution I wish taken. I want to see some protection given in such cases, because large quantities of these preparations are used by orchardists,

viticulturists, and others for the destruction of insect pests; and if I can be assured that there will be nothing in the Bill to prevent the sale of these substances by the ordinary storekeeper, or by other people who usually sell them, then I am in accord with the Bill; but if not, I shall take such steps as will prevent this measure from becoming law until I am assured that adequate protection will be given to purchasers of such chemicals, for it would be most unreasonable that they should have to purchase them through a chemist at a much higher rate than they now pay to the storekeeper.

MR. EWING: Does it follow that the chemist will charge more than the ordinary storekeeper?

THE COMMISSIONER OF RAILWAYS: Of course it does. I know I can purchase one of the substances to which I was referring at 4d. to 7d. a lb.; whereas if sold by a chemist it would cost 2s. to 5s. a lb., and perhaps twice as much. It is hard to say how much we should have to pay. With all respect to the profession, I say a chemist's business is a business in which I quite agree that profits should be made, but it is one of those businesses in which the highest profits are made in this colony.

MR. VOSFER: There are also heavy losses.

THE COMMISSIONER OF RAILWAYS: The chemists are not going to make those profits, if I can help it, at the expense of the people who have to buy chemicals in large quantities; therefore, I hope some amendment will be made in Committee, which will give adequate protection to those now engaged in selling such substances.

MR. JAMES: What is this particular drug used for?

THE COMMISSIONER OF RAILWAYS: It is largely used in orchards for the destruction of insect pests.

MR. JAMES: By Section 36 of the principal Act that substance is exempted.

MR. GEORGE (Murray): I can indorse almost every word that has fallen from the Commissioner of Railways, and I think this House will do well to pause before accepting the Bill placed before them, fathered by the member for East Perth (Mr. James). That hon. member, during the last few years, has brought

other Bills into this House dealing with matters of this sort, or with kindred professions; that is, dealing with those who treat us when sick in body; and I notice that all those measures have been brought forward practically in the interest of what cannot be termed otherwise than a "ring." We have heard of meat rings and other rings which have oppressed this country. There are parliamentary rings, which attempt to oppress members of this House; and I may tell hon. members, too, that in connection with this matter there is no more close ring in this colony than that which deals with questions such as the one now before us. We all know, or can easily get the information, that the bulk of the chemists' shops in Perth and Fremantle and other large centres are owned by medical practitioners; and the reason for such a state of affairs is that, not satisfied with the fees they obtain from those unfortunate enough to require their services, and who are thankful indeed to get such services—I am not saying a word against medical practitioners on that point—the doctors are desirous of getting not only their fair part of the cake, but the largest part of it if they can; and I look upon this measure as having been introduced with the idea of giving a little more out of that cake to that "ring" of which I have spoken. I cannot, of course, profess to deliver a lecture to this House upon the properties of the different chemicals that are enumerated in the Bill: if I did, I think hon. members would feel inclined to retire, and certainly would do so if they had any sense; but I would point out that while this exception is made in the use of cyanide of potassium when used for mining purposes, there are other people who use that substance besides miners, and in respect of such people there is no exception. In my trade we use fairly large quantities of cyanide of potassium for hardening various metals; and my trade would not come within that exception. I think my firm would be liable to the penalties; and one of the results would be, as has been so well pointed out by the Commissioner of Railways, that instead of being able to procure that substance in the needful quantity, we should have to purchase it in small quantities from a qualified practitioner, who might charge us as

much as 1s. or 2s. for what was worth only a farthing, or at most a halfpenny, in the ordinary way of trade. The words of the Commissioner of Railways should be well weighed by this House. West Australians have, during the last five or six years, turned their attention to the growing of fruit, planting fruit trees with the hope of a harvest, which hope is being realised. We know that the introduction of those fruit trees into the country has brought a number of diseases, and we also know that, apart from those imported diseases, there are diseases indigenous to this colony. Therefore it is absolutely necessary to use such a preparation as that to which the hon. member has referred, and other preparations as well; and it is necessary that the ingredients should be purchased in large quantities. All hon. members who have anything to do with orchards well know that there is a certain "scale" which can only be destroyed by enveloping the tree in a close covering of calico, practically air-tight, and by burning cyanide of potassium and other substances to carry out what is called the hydro-cyanic process, in order to kill the blight. Some orchards in my district have from 1,000 to 2,000 trees; and if orchardists had to purchase their chemicals through the medium of an ordinary chemist, and could not purchase them in large quantities, that state of affairs would impose such a tax on them that I am sure they would seriously consider whether they could still continue to grow fruit.

MR. DOHERTY: Such substances could be purchased from wholesale chemists.

MR. GEORGE: I know the hon. member wishes to help me in my remarks; but as a rule his observations are scarcely pertinent, and they are not pertinent to this particular case to which I am referring. Another thing I should like to point out is the great difficulty that hon. members must feel in regard to this Bill. Here is an amending Bill brought in containing all manner of references to the old Act. If we are to be asked to give a fair judgment in connection with this Bill, it is only fair that the Act which is sought to be amended should be printed, with the proposed amendments in italics, so that we can grasp the scope of the alterations. The present method is all very well for hon.

members like the member for East Perth (Mr. James), a legal gentleman whose business it is to study such matters—it is all very well for him, because he understands the effect of the alterations; but for members devoid of legal training, who are engaged in outside businesses, it is very hard that they should be asked to legislate on a matter of this sort, practically in five minutes, when we consider that the Bill as presented to the House would take perhaps the best part of a day to digest. I trust this measure will receive more attention than measures of this sort usually have in the House, and that we may rise to the full consciousness that it is desirable that an Act of this sort should not be passed. I trust that yesterday evening will be the last time that the Premier of this colony will appeal to the hon. the Speaker to try to burk discussion.

**THE SPEAKER:** That has nothing at all to do with the question before the House.

**THE PREMIER** (Right Hon. Sir John Forrest): This Bill is no doubt of great importance, and I must confess I have not given it much attention; but I see no reason why the second reading should not be passed, and the objections to the Bill dealt with in Committee. I think we must be careful not to allow a monopoly in the colony in regard to chemicals, because it is notorious that a chemist's shop is not the place to go to for cheap chemicals. Many medicines are sold at the same price, whether they are equally valuable or not. The ordinary bottle of medicine costs, I think, half-a-crown, though I do not know whether it is in some cases worth anything like that price; while in other cases it is no doubt worth more. But, apart from that fact, there are interests such as those spoken of by the Commissioner of Railways, the horticultural and viticultural interests of the colony, which certainly require protection in the matter of the chemicals they use. It would never do for people engaged in those pursuits to have to go to a chemist, in order to buy in considerable quantities what they require. My friend, the Commissioner of Railways, has just told me there is one article much used in horticulture, which is sold at 6d. per lb. by

the storekeeper, and which at retail chemists' shops costs 4s. per lb. To prohibit the sale of that substance by the storekeeper would be very bad for the horticulturist. Of course there are not very many articles of that sort, and the difficulty can easily be settled; but we must take care not to grant monopolies in these articles unnecessarily. If it had not been for members of this House, I believe the pharmaceutical chemists would have prevented the selling of any of these patent medicines except in chemists' shops; and I think it was the member for North-East Coolgardie (Mr. Vosper) who wanted to have their sale altogether prohibited.

**MR. VOSPER:** Yes; they are utterly worthless.

**THE PREMIER:** Well, I do not think such an enactment would be acceptable to the people of the colony; and although, perhaps, some proprietary medicines are not so good as represented, still they are very much appreciated by various classes of the community.

**MR. VOSPER:** Like many other frauds.

**THE PREMIER:** I believe that many patent medicines are very good; at all events, a great many people think so, and try them. I think we might allow the second reading of the Bill to pass, and if the hon. member (Mr. James) will name a day next week for consideration in Committee—perhaps Wednesday or Thursday—then we can have an opportunity of looking into the measure.

**MR. JAMES** (in reply as mover): The difficulty in the mind of the Commissioner of Railways is a difficulty which exists under the present law; because arsenic, strychnine, prussic acid, and other poisons are on the prohibited list to-day. But the law does not interfere with the cases mentioned by the Minister, because in Section 36 of the principal Act, which this Bill does not seek to alter on this point, it is provided that the Act shall not apply to

The sale of poisonous mixtures and fluids for the eradication of insect pests or diseases in fruit trees, grape vines, or other vegetation, nor to the sale of poisoned seed for the destruction of vermin, when duly marked as such; nor shall it extend to any sales by wholesale dealers.

**THE COMMISSIONER OF RAILWAYS:** I only wish to see the public protected.

MR. HIGHAM: What constitutes a wholesale dealer?

MR. JAMES: I should like the Commissioner of Railways to have a look at Section 36; and if he thinks that section will not meet the difficulty he has in view, of course we must make some other provision to secure clearness. That can be done in Committee.

Question put and passed.

Bill read a second time.

POLICE ACT AMENDMENT BILL  
(BETTING).  
IN COMMITTEE.

Consideration resumed from Tuesday, 19th September.

Clause 2—Betting prohibited on race-courses, recreation grounds, etc.:

An amendment had been proposed by Mr. James that all words in first five lines be struck out and the following inserted in lieu thereof:—"Every person betting or offering to bet, or crying or calling the odds on or near to any racecourse or any grounds, building, or premises where any fight, game, sport, or exercise is being or is about to be carried on, or on or in any street or public place, or any building, premises, or place to which the public are permitted on payment or otherwise to have access, shall be liable on—"

MR. HIGHAM moved that progress be reported. He regretted to have to ask this indulgence, but in common with many other members he desired to add amendments to those of which notice had been given.

MR. JAMES: With what object?

MR. HIGHAM: With the one great object of making the Bill reasonable and suited to the wants of the population of this colony. A recent decision by the Full Court in connection with betting had brought about another complication, and a majority of members of the House desired to introduce amendments which at the present moment had not been prepared. He was not a betting man, but he realised that the population of this colony, in common with the populations of other colonies, did bet, and it was desirable that provision should be made to control betting. He hoped that an adjournment of at least a week would be granted, and in the meantime amendments would be prepared, not only in this Bill, but also in connection with the

totalisator law. This was not a matter of such urgency that the measure need be pushed through the House this evening. He knew the member for East Perth (Mr. James) was anxious to get his amendments to this measure carried; but no harm could be done by waiting a week, when a Bill might be passed which would be satisfactory to the colony generally.

Motion—that progress be reported—put, and a division taken with the following result:—

Ayes	...	...	...	20
Noes	...	...	...	9

Majority for ... 11

AYES.	NOES.
Mr. Doherty	Hon. S. Burt
Mr. Ewing	Mr. Conolly
Sir John Forrest	Mr. George
Mr. A. Forrest	Mr. Gregory
Mr. Hassell	Mr. Holmes
Mr. Higham	Mr. Illingworth
Mr. Hubble	Mr. Robson
Mr. Lefroy	Mr. Solomon
Mr. Locke	Mr. James (Teller).
Mr. Monger	
Mr. Moran	
Mr. Morgans	
Mr. Pennefather	
Mr. Phillips	
Mr. Piesse	
Mr. Rason	
Hon. H. W. Venn	
Mr. Vosper	
Mr. Wallace	
Mr. Quinlan (Teller).	

Motion thus passed.

Progress reported, and leave given to sit again.

THE SPEAKER: When was it desired the Committee should sit again?

MR. HIGHAM: This day week.

MR. JAMES said he must oppose an adjournment for a week.

THE SPEAKER: Who was in charge of the Bill?

MR. JAMES said he was in charge of the Bill.

THE SPEAKER: Then it was for the hon. member to suggest a day when the Committee should sit again.

MR. HIGHAM said that in submitting the motion to report progress, he had in his mind an adjournment for a week.

MR. MONGER: Hon. members desired to bring forward a number of amendments, and it would be as well to have an adjournment for sufficient time to permit of these amendments being placed on the Notice Paper.

MR. ILLINGWORTH said he had thought he was in charge of the Bill, but now he was not quite sure about the



matter, because Mr. James seemed to have taken possession of the measure. He wished to point out, however, that the Bill had been before the House for a considerable time, and its consideration had been adjourned again and again at the request of hon. members, and the only conclusion he could arrive at was that there was an attempt to burk the measure.

SEVERAL MEMBERS: No, no.

MR. MORAN: Not at all. Personally, he was as anxious for the measure to pass as was the member for Central Murchison.

MR. ILLINGWORTH: The House should not consent to a lengthened adjournment, because the exigencies of business next week might prevent the Bill coming under consideration at all. He hoped the adjournment would not be extended further than Tuesday next.

MR. MORAN: While anxious to put down the evil of betting, yet in face of the decision in the Supreme Court during the last few days, and in view of the fact that a large portion of the population of the colony were interested in betting, it was not desirable that this measure should be rushed through. There was no reason whatever for the suspicion expressed that hon. members desired to burk the Bill, the only desire being to make the measure as perfect as possible. He hoped the House would absolutely wipe out all the "tote" shops, and generally regulate betting; indeed he would go further, and only permit those to bet who could put up a substantial financial deposit. There was not sufficient time between now and Tuesday to consider the measure, and he hoped that such an adjournment would be granted as would enable Parliament to make the Bill the most perfect of the kind in the Australian colonies.

MR. GEORGE: The discussion of the Bill might fairly be put off for something like a month. He did not approve of betting, and if hon. members were so desirous as they appeared to be to render Western Australia moral, they ought to go further and put down all those lotteries which took place at bazaars and on similar occasions. People were pestered in every-day life by school children who had lottery tickets to sell for various articles, and the principle of these lotteries was the same as that of the other

"sweeps" to which attention had been called.

THE SPEAKER: The question before members was as to what day the consideration of the Bill in Committee should be adjourned to, and there could be no discussion now on the Bill.

MR. GEORGE said he desired to move that the adjournment be for one month, and he would give reasons for that motion, if he were not ruled out of order.

MR. VOSPER: The Bill consisted of half-a-dozen paragraphs, but the Notice Paper contained a couple of pages of proposed amendments, which were really of far more importance than the Bill itself. Under the circumstances, would it not be better for the sponsors of the Bill to withdraw it for the time being, and draft a fresh measure embodying all these amendments? Betting should be regulated by the State, by means of licenses or something of that kind; and in order to frame amendments to meet his views, he required some time, and an adjournment for at least a fortnight was required.

THE SPEAKER: If the member for Central Murchison was in charge of the Bill, perhaps he would name a day to which he would like the consideration in Committee adjourned.

MR. ILLINGWORTH: On the understanding that there was no intention to burk discussion, but every intention to give assistance and make this a perfect Bill, he would name Tuesday week as the day to which the consideration of the Bill in Committee should be adjourned.

Question—that the Committee have leave to sit again on Tuesday, 3rd October—put and passed.

#### PUBLIC SERVICE BILL.

##### IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Interpretation:

THE PREMIER moved that after "Agent General" the words "the Auditor General" be inserted. There was a statute governing the appointment of the Auditor General, and although the salary was not fixed by statute it was well that the Auditor General should be exempt from the ordinary regulations governing the civil service.

Amendment put and passed.

**SIR JAMES LEE STEERE:** Certain officers belonging to the Houses of Parliament held office under statute, and it would be well that these officers should be exempted from the provisions of the Bill. The duties these officers had to perform were peculiar, and could not easily be done by persons suddenly appointed as clerks of Parliament. If that was so, it would be found very inconvenient indeed, and those occupying the positions of Speaker and President would have to tutor the officers and teach them their duties, which the Speaker and the President of the Council should not be called upon to do. He did not know how many officers should be exempt, but the principal clerk in each House should be, and he thought also the assistant clerks, because the assistant clerks were being educated to fulfil the positions of principal clerks in case of vacancies occurring. These positions could not be filled readily by persons in other portions of the civil service. He moved that after "Auditor General" the words "officers of Parliament" be inserted.

**THE PREMIER:** There was no objection to the insertion of the words, but he did not know what statute governed the appointment of these officers.

**SIR JAMES LEE STEERE:** The Constitution Act.

**THE PREMIER:** So far as he knew, there was nothing in the Constitution Act which governed the appointment of the clerks of Parliament.

**SIR JAMES LEE STEERE:** The clerks of Parliament could not be removed except by a vote of the House.

**THE PREMIER:** According to what clause of the Constitution Act was that?

**SIR JAMES LEE STEERE** said he could not state the clause just now.

**THE PREMIER:** All the officers of Parliament were appointed by the Speaker, or rather the Speaker recommended officers to be appointed; but he (the Premier) never knew of the appointment of an officer of Parliament in any other way than by the Governor.

**MR. LEAKE:** The officers were appointed by the Governor, but they could not be removed except by a vote of the House.

**MR. ILLINGWORTH:** The Civil Service Act he had formerly been familiar with was a huge failure, and he did not

want to see a similar Act in force in this country. The present Bill was framed on the lines of the Queensland Act. It seemed to him undesirable for the officers of Parliament to be under the control of a separate board; for these officers were amenable to Parliament, and could only be removed by a vote of the House. This Bill proposed to give powers to a board to take cognisance of the action of those named under it. Would Parliament allow a board to interfere with the officers of the House?

**THE PREMIER:** The Constitution Act provided that the Chief Clerk of Parliament could not be removed except by a vote of the House.

**MR. MORAN:** If it was intended that every clerk in connection with Parliament should be exempt from the Bill, then he opposed the amendment, as he did not see why all the clerks employed about Parliament House should be exempted. Members of Parliament were away for seven or eight months of the year, and these clerks should be under the control of the Civil Service Board. The Chief Clerk of Parliament was protected by the Constitution Act, but it was not wise to enlarge the scope of that Act by including all the junior clerks and petty officers around Parliament.

**THE PREMIER:** In the interests of the clerks themselves, he would say that so long as the clerks were under the Civil Service Board they would get the promotion under the Bill; but if the clerks of Parliament were excluded from the operation of the Bill, it would be a hardship to them. So long as the Chief Clerks of Parliament could not be removed except by a vote of Parliament, their positions were secure; but if the clerks were removed from the operation of the board, their chances of promotion were taken away. In the interests of the clerks themselves, we would be doing them injury by removing them from the operation of the Bill.

**MR. MORAN:** This Bill would not be as powerful as the Constitution Act; and if the Civil Service Board tried to remove a clerk, the board would not have the power.

**SIR JAMES LEE STEERE:** Would the Attorney General say whether the Chief Clerk of Parliament would be secure

under the Constitution Act, if this Bill was passed? The Attorney General, he thought, had given an opinion that if the Auditor General was made an exception in this Bill, the Bill would supersede the statutory provision made by the Audit Act. If this Bill was made subsidiary to the Constitution Act, then by the same reasoning this Bill would supersede the provisions of the Constitution Act, and the Chief Clerk would be removable.

**THE ATTORNEY GENERAL:** The Constitution Act made the position of the Clerk of Parliament unassailable, and he did not think this Bill would affect the Clerk of Parliament one iota, but it would affect the position of the clerk in regard to promotion. If the amendment were carried, the clerks would be outside the Civil Service Board. He understood the amendment was to include the Chief Clerk and the assistant clerk, but the Constitution Act only applied to the Chief Clerk. Except something was done, the Constitution Act would remain unimpaired by the Bill.

**MR. EWING:** The Clerk of the Assembly, besides his official duties, performed other duties which it was thought desirable he should perform. Clause 50 of the Bill would prevent him from performing the duties of clerk of the Barristers' Board, for instance.

**THE ATTORNEY GENERAL:** The clerk would have to get special leave to perform those duties.

Amendment put and negatived.

**MR. LEAKE** moved that the paragraph, "Any officer or class of officers excepted by the Governor from the operation of this Act," be struck out. The Governor, by the advice of the Ministry, could practically override the Bill, if this paragraph were passed.

**HON. S. BURT:** The paragraph was intended as a sort of safety-valve. In Queensland, Victoria, and elsewhere where such Acts were in vogue, it had been found absolutely necessary to have such a provision as this, in order to secure the services of men outside the board in special cases. Without it, there might be a square man in a round hole, or a round man in a square hole. It was introduced with a view of overcoming extreme difficulties, allowing the Governor at times to go outside the actual board and except certain officers from the provi-

sions of the Bill, because possibly cases might arise where the Bill would not work advantageously. He did not think we should be doing any better for the service and the people generally by altering our present position. Perhaps it would be well to leave the paragraph in the clause.

**THE ATTORNEY GENERAL:** The paragraph was aimed, he thought, at a class of persons not constantly employed in the Government service, but only from time to time, or perhaps only a few hours during the day.

**MR. GEORGE:** Did not such persons come under the former paragraph relating to persons employed on temporary business?

**THE ATTORNEY GENERAL:** No. The persons referred to were not temporarily employed, because they were in regular employ, but perhaps it might be only two hours or one hour a day.

Amendment put and negatived.

**MR. GEORGE:** Having gone through the Bill, he did not see any reference to pensions. He did not know whether this would not be a fitting opportunity for the Committee to consider the subject of pensions in connection with the Western Australian civil service.

**THE CHAIRMAN:** The hon. member could give notice of an amendment for a new clause.

**MR. MORAN:** Would it be competent to move a clause voting a sum of money for pensions?

**MR. GEORGE:** What he wanted was the abolition of pensions, which were a barnacle upon the ship of State.

Clause put and passed.

Clauses 3 to 5, inclusive—agreed to.

Clause 6—Recompense to members of board:

**MR. LEAKE:** The clause recognised a board of three gentlemen, and gave a good deal of money to them for discharging duties which he did not think would be very onerous. The chairman would get £800 a year, and each of the others £600. He moved that the word "eight," in line 4, be struck out, with a view of inserting "four" in lieu thereof. He could not see the necessity for these fat billets, and when comparing the duties of the board with the duties performed by other civil servants, the amount to be

paid to the members of the board was, he thought, out of proportion.

MR. GEORGE: There was the responsibility.

MR. LEAKE: The remark of the hon. member was one which he could not indorse.

HON. S. BURT: Eight hundred a year for the chairman of the board would not, in his opinion, be too much remuneration. It must be remembered the chairman of the board would have cast upon him the whole of the unpleasantness, the terrible burden, with regard to appointments at present cast upon five Ministers. As former Attorney General, he had had some experience of this, and would not undertake the duty of chairman of the board for the amount mentioned in the Bill. That gentleman ought to have £1,800 a year. It would be the most awful position a gentleman could ever be put in. One did not think the man would live twelve months: he would be worried to death.

THE PREMIER: The office would not be very pleasant, if one could judge by one's own experience, especially at the time of year when the Estimates were being prepared. One felt very mean to have to refuse applications from persons who might deserve some consideration, but the ways and means of the country would not permit the applications to be granted. One of the most unpleasant duties either the head of a department or a Minister had to carry out was the settlement of the salaries of officials. He did not think the salaries proposed in this Bill too high, though he could not shut his eyes to the fact that this meant £2,000 a year permanently fixed upon the tax-payers of the country.

MR. GEORGE: More than that, with the secretary.

THE PREMIER: Much more. About £5,000 would be the cost of the administration, with officers, clerks, messengers, printing, and all sorts of things. Members knew his view with regard to the Bill. Doubtless the Bill was a good one for a very large civil service, and the Government had acted loyally to the House in introducing it, as it had been asked for and promised. His own opinion was that we could do very well without it for a little longer, for instead of being an

advantage to the civil servants it would be a burden.

MR. GEORGE: It would be the better for the country.

THE PREMIER: In his opinion, such would not be the case. He believed there were no great instances in this country, and certainly not in his experience, where any serious wrong was done to anyone. If the heads of departments and Ministers failed at all, it was by the superabundance of kindness to those placed under them; not harshness, at any rate. Very few people suffered injustice, he thought. At any rate, their grievances were all listened to, even if they were not remedied. If we were to have this board we must pay the members, who would be responsible people. They would have to correspond with Ministers, and very often, perhaps, have to differ from them; and it was no use to have a man of very small pay to undertake such duties as those. Though he did not think the salary was too high, he wished there was no occasion to pay it.

MR. GEORGE: The salary was not too high. The House had a tendency to under-pay responsible officers. The chairman of the board must be independent of the influences which could be brought to bear on an official with a small salary. One thousand pounds or twelve hundred pounds would not be too much. The position of the chairman would be altogether different from that of a Minister, for a Minister had departmental duties to perform, while the chairman had merely to deal with the qualifications of officers, and with the regulated increases of salaries provided for in the Bill. The chairman must have large experience, for by the Bill he was empowered to inform any Minister that such Minister's department was over-manned or under-manned, and also to reduce the salaries of over-paid officers. The chairman's salary should, therefore, be equal to that of the manager of a large mercantile concern. A properly constituted board would be a great saving to the colony, for the Government in their retrenchment had retrenched many officers whose services were of great value, while retaining others who should have been retrenched.

MR. EWING: Why should the chairman receive £800 and the other members £600? The members would act jointly

as a board, and no distinction should be made.

MR. GREGORY: Reduce the chairman's salary to £600.

MR. EWING: No; better increase the others to £800.

THE PREMIER: The chairman of a board always received more than the other members.

MR. EWING: No; each member of the New South Wales Civil Service Board received £1,000 a year.

THE PREMIER: Not so in Queensland, where the chairman received £1,000, and the other members £800.

MR. CONOLLY: The chairman was in a similar position to the Chief Justice.

MR. EWING: True; but he was not therefore entitled to a higher salary.

MR. GEORGE: The chairman would have much office work to do.

MR. EWING: There would be a secretary and a staff. The junior members of the board must also be good men.

MR. MORAN supported the clause as drafted. He trusted that the words of the Premier, indicative of the right hon. gentleman's lack of interest in the Bill, would not damp the ardour of Government supporters. The country had demanded this reform, and most hon. members had promised it at the last two general elections. The present uncertain method of appointing civil servants was highly disadvantageous to the colony, and it was time that Ministerial or parliamentary patronage was abolished. How could a Minister give the same attention to civil service appointments and promotions as a board? The Bill would make civil servants a disciplined army, would place them under strict rule, and would give every man of ability a chance of entering the service.

SIR JAMES G. LEE STEERE: It was incumbent on him to speak on this question, for, while addressing his constituents, he had advocated the appointment of such a board; but, after hearing the arguments used, and considering the cost to the country which the board would involve, he had altered his opinion, and did not intend to support the Bill. It did not appear that the board would have any effect in reducing the number of civil servants, if their numbers were at present too large. Apparently the course pursued under similar Acts in other

colonies was for the head of a department to make a requisition to the board to the effect that he wanted a clerk, engineer, or other officer in his department; and all that the board could do would be to select a person to fill the vacancy. The board could not go through a department and reduce the number of officers, unless such reduction were suggested by the head of the department. The good derivable from the Bill was not so great as to counterbalance the expense to which the country would thereby be put; and that was his principal objection to the measure.

MR. DOHERTY agreed that the Bill was somewhat premature. He intended to move that the Chairman do leave the chair.

MR. MORAN: Was the hon. member in order?

MR. DOHERTY moved that the Chairman do leave the chair.

MR. MORAN: The hon. member was a fine specimen of a democrat!

Motion put and negatived.

MR. LEAKE moved that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 6.27 until the next Tuesday.

#### Legislative Council,

Tuesday, 26th September, 1899.

Question: Roads Boards Conferences—Question: Registration of Firms Act—Paper presented—Municipal Loans Validation Bill, second reading, in Committee, reported—Executors' Commission Bill, second reading—Bills of Sale Bill, second reading resumed and concluded—Patents, Designs, and Trade Marks Bill, second reading—Roads and Streets Closure Bill, Committee postponed—Adjournment.

THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.