THE PREMIER: There was no objection.

Motion passed, and progress reported.

MR. MORAN: The conduct of the House having been taken out of the hands of the Government, did the Premier propose to reconsider his position?

ADJOURNMENT.

THE PREMIER moved that the House at its rising do adjourn until half-past 7 o'clock this (Wednesday) evening.

MR. MORAN: It was his intention to enter a protest against adjourning until half-past 7. He was prepared to be in his place at half-past 4. Members had brought the Government to their knees at last, and if members were prepared to be here at half-past 4, the business of the House should be gone on with at that hour. There should be no adjournment until half-past 7, as it meant delaying the business. What was the use of putting forth our best efforts to have a fight on this matter, if members were not prepared to come back at the usual hour?

MR. TAYLOR called attention to the state of the House.

Bells rung and quorum formed.

MR. PIGOTT: In fairness to the Premier, he would like to state that he suggested to the hon. gentleman some time ago that the House should adjourn until half-past 7, and for that very reason he must support him in his motion that the House adjourn until that time.

MR. MORAN: Why did not the leader of the Opposition say that this arrangement had been entered into? The Premier obstinately refused a recommittal, and now there was some understanding between both sides of the House. He did not know whether it was part of a general understanding.

MR. PIGOTT: If the hon. member would sit down he would explain.

MR. MORAN: The hon. member could not speak again. If, however, he wished to make a personal explanation, he (Mr. Moran) would sit down. His contention was that we might, with justice, have come back here at half-past 4 and gone on with the work. If there were sufficient members in the House who felt like he did they would fight the Bill at every stage, and fight it vigorously and strenuously. We had a whole lot of work to go through this session. We had the Budget proposals of the Government, and everything else. He was not here to stonewall or to object to the understanding arrived at by both sides of the House, except to say that he did not think these understandings should be so readily entered into. The House ought to meet at half-past 4.

MR. PIGOTT: With regard to the nasty insinuation thrown out by the member for West Perth about his having approached the Premier with regard to the adjournment of the House being part of a proposed compact, he denied that absolutely. He spoke to the Premier on this matter in the ordinary way which might be expected of him at any time. He thought that members had done enough work for the present, and that the respite from now to half-past 7 was well deserved.

MR. MORAN: An arrangement of this sort should be notified to all sides of the House.

Question (adjournment to 7·30) passed, and the House adjourned at 7·14 a.m. until the evening.

Legislative Council,

Wednesday, 9th September, 1903.

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

PRAYERS.

URGENCY MOTION—KIMBERLEY LEASES, MR. COPLEY.

HON. W. MALEY (South-East): I desire to move the adjournment of the

House, to call attention to certain statements which have been made by the Colonial Secretary in connection with a matter of public importance relating to dealing with land in the Kimberley district. Speaking here on the 23rd July, the hon. gentleman produced a statement purporting to come from the Lands Department, which the Minister described as a report of the Lands Department. It read thus:—

> The pastoral leases in the vicinity of Napier Broome Bay were portion of the country explored by Mr. Surveyor Brockman, which was thrown open to application for pastoral lease on the 1st July, 1902. Applications were made as follow:—387/98, R. T. Smith, 250,000 acres; 388/98, Rosco and Parker, 250,000 acres; 389/98, H. Gunter, 250,000 acres; 390/98, F. Johnson, 250,000 acres. No premium was paid, as these were the only applications for the land and were approved in the ordinary manner.

In introducing this report, the Minister remarked that the applications did not overlap any others. No mention in that report was made of any application from Mr. S. W. Copley. We were led to believe that the department dealt with these applications in the ordinary manner, that there were no conflicting interests, and that the case was simply passed through without any trouble or anything of the kind. On the 20th August certain questions were answered by the Minister in this House. I asked: "If Mr. S. W. Copley applied for 2,000,000 acres of pastoral lease in the Kimberley Division, thrown open for selection on 1st July, 1902; if the land applied for adjoined the reserve for breeding remounts, close to Napier Broome Bay; if any other person or persons made application for any portion of the said 2,000,000 acres; the names and addresses of such other person or persons." The answer I received was in every instance "Yes," and the names are given: A. Cameron (Collie), R. T. Smith, Frank Johnston, John Rosco and William Parker, Henry Gunter, care of E. A. Griffiths, Kalgoorlie. I asked if the applications of Mr. Copley and those persons were referred to the Selection Board, and I was informed that those applications were so referred to the Selection Board. The answers to those questions were placed in juxtaposition, and the statements produced here by the Minister for Lands go to show that the first statement made was absolutely incorrect; and as that was produced by the Minister and read here in support of a position he had taken up in this House, I shall await with some interest an explanation by the Minister on this subject, and I hope it will be satisfactory to the House. If the explanation is not satisfactory, if the Minister is not prepared with a clear elucidation of what appeared to be a mystery, then I say this House is being used for a distinct purpose of misleading the public and of hiding something which it is to the interests of certain persons not to have known. Speaking previously on the same subject which has given rise to the remarks and to everything that followed, I mentioned that four parties, named Smith, Gunter, Roscoe and Parker, and Frank Johnston, applied for land. Each of those parties applied for a block of land. I think I am correct in saying their blocks overlapped those of other people, and each of these parties was granted 250,000 acres of some of the finest ground in the vicinity of Napier Broome Bay. On the 10th January, 1903, five months after the promoters got the land, they registered a company called "The North-West Australian Land and Cold Storage Company, Limited." The only properties of the company were the leases numbered as follow: 387/98, 388/98, 389/98, and 390/98. As members know who deal with land, when applications are received in the Lands Department they are at once numbered, and these applications being numbered as has been shown in the statement read in this House, and the same numbers appearing on the articles of association of the company, it follows as a matter of course that there was no obstruction in the way. These applications were received and numbered, and these same numbers are on the articles of association of what was formerly "The North-West Australian Land and Cold Storage Company, Limited," and the leases have since been transferred to "The Rhodesia Cold Storage and Trading Company, Limited." I may say that the remarks of the Minister in introducing the first statement were quite uncalled for and quite unnecessary, and I think if I know anything of his character no one would

deplore those remarks more than himself.

THE COLONIAL SECRETARY: I do not see anything to deplore.

HON. W. MALEY: When the hon. gentleman brings down to this House a certain statement and on another occasion he brings down another, there is something to be deplored, and that hon. gentleman goes out of his way to attack another member of this House who is doing his duty to the country. I say that if the hon. gentleman is what I take him to be, he will feel some regret at what he has said in this House and what he has done. I trust I shall not have occasion for some time to deal with a matter as I have had to deal with this. It has been a duty to me, not self-imposed, but a duty I felt I had to carry out, and I trust I shall have the support of the House. I move:

That the House, at its rising, adjourn until Thursday, 10th September, 1903, to draw attention to certain conflicting statements made in this House by the Colonial Secretary in respect to matters of public import.

HON. J. W. HACKETT (South-West): I second the motion *pro formâ*.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): With reference to the motion, I think I may, without being accused of attacking the hon. member, assert that I have not been treated with that courtesy and with that consideration which I do not personally claim, but which I would like to claim for the position I occupy in this House. I think that the least the hon. member might have done was to have given me some little notice that he was going to move this motion. He had an opportunity half an hour before the House met of giving me this notice, but he said absolutely not a word about it. Whether this was done with the object of rendering me less capable of defending myself when he made these animadversions upon statements which I had made in this House or not is not for me to say; but I must assert that it is—again I hope I may say this without attacking the hon. member—open at least to that construction. Fortunately, and purely accidentally, I had on the table of my room the statement furnished me by the Lands Department which the hon. member says clashes with the answers to the questions which he asked. Those answers were supplied to me by the Lands Department. He almost seems to think that I have been inclined to draw on my imagination on this question. I can assure him through you, sir, that nothing is farther from being the case. All the information I have given before this House has been forwarded to me direct by the Lands Department, and if there is any clashing—I am sorry to say I was not able to follow exactly where the clashing occurred, from the hon. member's speech—if there was any clashing, the officials of the Lands Department who supplied me with the information are to blame, and not I myself. I shall have much pleasure in showing the member for his edification the statement given to me, and he no doubt has a copy of the questions with the answers I gave to him. With regard to my making an attack on the member, I think if he will be fair he will acknowledge that whatever attack was made—I think I said at the time I did not propose to make an attack—was not on this question, but on another question about the Premier Downs Syndicate——

HON. W. MALEY: I shall deal with that later on.

THE COLONIAL SECRETARY: Of which the member explained he was the honorary agent. The information I supplied to the House was given to me by the Lands Department. I will bring under the notice of the Lands Department the allegations of the hon. member, that they have given information which has tended to mislead, and I shall ask for an explanation, which no doubt will be forthcoming. More than that I cannot say.

HON. W. MALEY (in reply): I have not suggested, let alone said, that the hon. member drew on his imagination. I was careful to read to the House a statement made by the Minister on a previous occasion; so that the Minister's remarks are quite wide of the mark. With reference to the Premier Downs Syndicate, of which I have the honour to be a member, the attack on which I had no occasion to reply to previously, I shall take the first opportunity on the first occasion of giving the Minister all he wants to know of the Premier Downs Syndicate of which, I say again, I am proud of being a member, and which the Government attacked

simply because of negotiations that took place between a servant of the syndicate and the servants of the Government, which did not meet with approval. Similar things have been adjusted every day by the Minister in his department. I thank hon. members for their attention, and I ask leave to withdraw the motion.

Motion by leave withdrawn.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Fremantle Harbour Trust, Regulations. Board of Management Perth Hospital, Annual Report.

Ordered, to lie on the table.

QUESTION — RABBIT-PROOF NETTING FOR SETTLERS.

HON. C. A. PIESSE asked the Colonial Secretary: 1, If the Government is prepared to supply rabbit-proof netting to settlers. 2, If so, upon what terms of security, and at what cost per mile.

THE COLONIAL SECRETARY replied: 1, The Government will be prepared at an early date to supply rabbit-proof fencing to settlers. 2, The regulations under which such netting will be supplied are now being dealt with by the Crown Law Department. The cost of the netting is estimated to be about £24 10s. per mile, plus freight and insurance.

QUESTION—LAND APPLICATIONS, PRIORITY.

HON. C. A. PIESSE asked the Colonial Secretary: 1, If the Government intends to treat all applications for Government lands in priority from the time they are handed in and accepted by any authorised land agent. 2, If not, why not.

THE COLONIAL SECRETARY replied: No; not generally; but it is proposed, as an experiment, to declare one or more districts in which applications shall be so treated.

QUESTION—LIQUOR LICENSE, BOULDER.

HON. J. M. DREW asked the Colonial Secretary: 1, If the Government is aware that a few months ago a publican's general license was granted by the Boulder Licensing Bench for a building in Burt Street, Boulder City, having only 18ft. frontage, and containing only four bedrooms, two bar parlours, and one bar. 2, If the Boulder Licensing Bench has been appointed under Part II. of the Wines, Beer, and Spirit Sale Act, 1880, Amending Act, 1893. 3, And if so, will the Government consider the question as to whether it would be wise to re-appoint the same justices to the licensing bench after their present term of office expires.

THE COLONIAL SECRETARY replied:—1, Yes; 2, Yes (East Coolgardie Bench, not Boulder); 3, The granting of the license was within the discretion and power of the Bench, and the Government does not feel that there is any need to take such a course as is suggested.

MOTION—AGRICULTURAL AND PASTORAL SETTLEMENT, GREAT SOUTHERN DISTRICT.

HON. C. A. PIESSE (South-East) moved:

1, That with a view to the farther extension of agricultural and pastoral interests, the country east of the Great Southern Railway should be at once examined and reported upon by a competent officer of the Lands Department, and that such examination and report should embrace all land west of the rabbit-fence lately erected from Burracopin on the Kalgoorlie Railway, to Starvation Harbour, and thence along the coast to Albany. 2, That in the interests of mining, an officer of that department should accompany the party.

The motion was an important one, and to a great extent spoke for itself. The object was the extension of settlement. In the report of the Under Secretary for Lands members would notice a map, on the issue of which he desired to congratulate the Lands Department, showing the pastoral lands in green, and it would be noticed that there was a remarkable absence of pastoral leases in the area he had named in the motion. The boundaries of the area were—the goldfields railway as far as Burracoppin on one side, the rabbit-proof fence on another side, the coast on another side, and the Great Southern Railway on the western side. Within that boundary there were something like 17 million acres of land, of which he thought he was safe in saying about 12 million acres were simply no-man's land, for the reason that there were no means of getting to it and of examining

it. The Lands Department had no information to give in reference to that land. There was a track running through the area known as Holland's Track, which was travelled about once in 12 months, not more, perhaps not so often, by men prospecting. There was one other track, which kept so near to the coast that it was not of very great help, leading to the Phillips River Goldfield, and which cut through a portion of this country. It was the duty of the Government to have an examination made of the country to give information to those desirous of settling on this land so that they might examine it to see if any portion of it would suit them. The object he had would be met if an officer of the Lands Department like Mr. Brockman, of the Survey Department, who went over the Kimberley country, could be spared for a few weeks to go through this land. With him there should be an assistant—a classification officer—such a man as Mr. Thompson, who had had experience of coast country and inland country, and his idea of what the capabilities of that portion of the country were would be valuable. Then there should be an officer of the Mines Department in addition to the Land Department officers. A party made up in that way to inspect the country and report on its capabilities with a view to settlement would be of value. It was necessary to have an exhaustive report on the matter, for the Government had gone to the trouble of putting up the rabbit-proof fence, and it was the duty of the Government to get a return as soon as possible from the area inside the fence. He was quite safe in saying, after allowing a good margin indeed for the portion touched and reached, that between the Great Southern railway from the coast and from the Kalgoorlie line there were 10 to 12 million acres of land which could be described as no-man's-land. Even in the portion which had been touched from the Great Southern railway and other places, there was country which was unknown. No one could get information from the Lands Department about this country. Some time ago he (Hon. C. A. Piesse) wrote asking that an officer of the Lands Department should report on the land between Tamworth to where the land enters the sea. Silver-grass country was always known as wheat-growing country, and within 10 miles of the coast there was a large quantity of this land. The department should have information of this country at their fingers' ends so as to be able to impart it to intending selectors. It was surprising that no pastoral areas had been taken up in this country. He did not bring the motion up in the dark, as it were, for during the last two years the sandalwood cutters had been going long distances into this country, and several had reported that there was good country 100 miles from the Great Southern Railway. From one man he received a statement which he had no reason to doubt. This man did not know exactly the extent of country, but he said there was a good area of jam and York-gum country. Some of the earlier sandalwood teams which had been out in this district had dropped oats about, and these had spread all over the country, in some places they were up to a man's waist. In the surrounding country there were large areas of saltbush. Altogether the reports which had been received from this country at different times were of a most encouraging nature. It was to be hoped the motion would be passed with a view of having an examination of the country made which would enable a valuable report to be placed in the hands of the department. So far as reference was made to mining in the motion it was known, if the fence was true, that the Phillips River goldfield was inside the boundary of the area he named, and it was also known that the country intervening between the Phillips River and Southern Cross had not in any way been properly prospected. It would be a wise step if a capable officer connected with the Mines Department accompanied officers of the Lands Department through this country. His desire was to see that we should receive some return from this land which would benefit the State generally. The report obtained would show some justification for having put the rabbit-proof fence so far out. There was a tremendous area of good country, and it was desirable to go to a little expense to have it inspected.

THE COLONIAL SECRETARY (Hon. W. Kingsmill) moved that the debate be adjourned till the next sitting.

Before replying to the hon. member, it was necessary to discuss his motion with the Minister for Lands.

Debate adjourned.

AUDIT BILL.

RECOMMITTAL.

On motion by the COLONIAL SECRETARY, Bill recommitted for amendments.

Clause 33—Duty of paying and certifying officers:

THE COLONIAL SECRETARY: It was necessary to provide for certain forms of receipt. In the Railway Department, for instance, when large gangs of men were paid, each man produced a ticket as a proof of identity, and received his wages; but his signature was not obtained, the head of the party signing for all his men. Subclause 6 as drafted apparently made it necessary for each man to sign. Much time would thus be occupied, and the present system worked well. He moved that the words "or as prescribed by regulations" be inserted after "private," in line 1, and that the words "in writing," in line 4, be struck out.

Amendments passed, and the clause as amended agreed to.

New Clause—Exemptions:

THE COLONIAL SECRETARY: Dr. Hackett had called attention to the fact that the Bill as it stood would cause much inconvenience to a number of public bodies, such as the Acclimatisation Committee; and to obviate this it was necessary to empower the Governor-in-Council to exempt from the operation of the Bill any board or trustees appointed by statutory authority either before or after the commencement of the new Act. He moved that the following be inserted as Clause 71:—

> The Governor may exempt from the operation of this Act any boards or trustees appointed by or under the authority of any statute passed before or after the commencement of this Act.

HON. J. W. HACKETT: The new clause was absolutely necessary if much unforeseen inconvenience was to be avoided. For such a body as the Karrakatta Cemetery Board to pay its revenue into the Treasury and have it re-voted by Act of Parliament would cause endless trouble.

HON. G. RANDELL: Whether there was any other method of meeting the difficulty was not obvious; but Dr. Hackett would doubtless admit that this method was unsatisfactory and dangerous, and seemed to indicate that the Bill had not received due attention from the Government. Under the new clause things might be done which would not meet with the approval of the public or of Parliament. Some other method should have been devised by which, preferably in the Bill itself, such bodies could have been exempted without the interference of the Governor. The necessity for the new clause seemed to indicate something radically wrong in the construction of the Bill. Why not postpone the clause, to ascertain whether this highly objectionable proposal was necessary? Our laws should be constructed so that we could not play fast and loose with them.

HON. J. W. HACKETT: To what means were employed to exempt the institutions mentioned, he was indifferent. If better means than this could be found well and good. But the Governor would not have power to exempt every institution or body of trustees, but only those appointed by statutory authority; and we might assume that in passing a statute appointing any such body, whether corporate or sole, provision would be made for duly protecting the revenue intrusted to it, as had always been done in the past. All municipalities, for instance, could be safely exempted from the operation of the Bill, because the Municipal Act made ample provision for the audit of municipal accounts.

THE COLONIAL SECRETARY: The form of the amendment had not been hurriedly decided on, the Crown Solicitor having given it considerable attention. It applied only to bodies or trusts created under statute; and all statutes past or future, creating such bodies, provided or would provide for proper audit of accounts.

HON. G. RANDELL: Then why exempt any?

THE COLONIAL SECRETARY: If not exempted, all their revenue must be paid into the Treasury, and reappropriated by Act of Parliament before it could be available for their purposes.

HON. J. W. HACKETT: The Acclimatisation Society was an instance. That committee received funds and, under the Act, it would be necessary that all their receipts should be paid into the Treasury, to be returned only by vote of Parliament. Such a position would be intolerable. In the Act appointing the Acclimatisation Committee, and vesting the Zoological Gardens in their hands, occurred Section 6, which provided that on the 1st of August in each year a copy of the financial statement of the committee should be forwarded to the Colonial Treasurer, certified to by the President of the Society and the Auditor General, so that ample authority was provided in the Act appointing the committee. The Government would only give exemption in cases where public funds were assured.

HON. G. RANDELL: The matter had only occurred to him a few minutes previously, or he would have argued it more fully. However, he was now convinced from the statements of the Colonial Secretary and Dr. Hackett that the Bill had not received that careful consideration it should have received, or the institutions it affected would have been mentioned in the Bill.

Motion passed, and new clause inserted.

Progress reported, and leave given to sit again.

Ordered, that the Bill be returned to the Legislative Assembly, with a request that amendments be made as suggested.

LUNACY BILL.

RECOMMITTAL.

On motion by the HON. J. W. HACKETT, Bill recommitted for amendment of Clause 169 and to add new Clauses 20 and 173.

Clause 169—Governor may make regulations:

HON. J. W. HACKETT moved that the following paragraph be added:—

Such regulations, so far as they directly concern the welfare and conduct of patients, shall be plainly printed and displayed on the walls of every hospital for the insane.

Amendment passed.

New Clause—Voluntary patients:

HON. J. W. HACKETT moved that the following be added as Clause 20:—

The superintendent of a hospital for the insane, or the proprietor of a licensed house, with the written consent of two justices, may receive and lodge as a boarder, for the time specified in the consent, any person who is desirous of voluntarily submitting to treatment, but after such time (unless extended by farther consent) such boarder must be discharged. The intending boarder must himself apply to the justices for their consent. A boarder may leave a hospital for the insane or a licensed house by giving 24 hours' notice to the superintendent or proprietor of his intention to do so.

The clause provided for persons suffering from temporary dementia being able to submit themselves to hospitals for treatment.

Question passed, and the clause added.

New Clause—Penalty for defilement of the insane:

HON. J. W. HACKETT moved that the following be added as Clause 173:—

If any person having the care or charge of any patient in any hospital for the insane, licensed house, or reception house for the temporary treatment of the insane, or any attendant therein has, or attempts to have, carnal knowledge of any female patient, he shall be guilty of a misdemeanour, and on conviction shall be liable to imprisonment with or without hard labour for a term not exceeding two years, with or without whipping, and the consent of such patient shall be no defence to the charge.

It was probably an unconscious omission on the part of the draftsman of the Bill, or that gentleman might have thought that the clause was covered by other clauses. It would, however, be well to accept the clause from the English legislation on the subject.

THE COLONIAL SECRETARY: There was no objection to the clause, but it was not absolutely necessary. Provision for punishment of offenders was already included in the Criminal Code; but there would be no harm in including it in this Bill in order to better call the attention of asylum attendants to it.

Question passed, and the clause added.

Bill reported with farther amendments, and the report adopted.

NOXIOUS WEEDS BILL.

IN COMMITTEE.

Resumed from 11th August.

Postponed—Clause 7—Notice to be served on occupier of infested land:

THE COLONIAL SECRETARY: There was in preparation an amendment to the Bill, defining and placing on the

shoulders of the Government liability to keep certain of their lands free of noxious weeds. As that amendment was not ready he moved to report progress.

HON. J. W. HACKETT: Did the Government propose to deal with municipal lands?

THE COLONIAL SECRETARY: The Government did not, but the matter could be dealt with in Committee.

HON. J. W. HACKETT: Did the hon. the Minister not propose to deal with municipalities?

THE COLONIAL SECRETARY: Clause 12 provided that roads should be cleared by occupiers.

HON. J. W. HACKETT: That did not apply to streets of municipalities.

THE COLONIAL SECRETARY: If the hon. member would prepare an amendment in the direction he desired, he (the Colonial Secretary) would be perfectly prepared to accept it. The Bill had been held up in order that the Government might consider their specific liability on their own lands, and for that reason the clause had been postponed. He would be pleased to consider any amendment any member had to bring forward in the direction indicated, but this was a matter which practically affected the Government. As to municipalities, the Committee were dealing, as it were, with a third party to the Bill.

HON. J. W. HACKETT: Take the case of St. George's Terrace. No occupiers on the side of that could go into the middle of it or to the gutters and channels and clear out the weeds. The City Council would not permit them to do so. Such a proviso as that referred to should be prepared by the Government draftsman. In the streets of Perth there were noxious weeds, and seeds were being blown all over the country. Probably there were 50 municipalities which would suffer in this way, and it was the duty of municipalities to keep the roads clean. They did not do it in Perth.

SIR E. H. WITTENOOM: Would the leader of the House see that a clause was prepared giving the definition of "owner"?

THE COLONIAL SECRETARY: The hon. member could do that. In another place, when a member had an amendment to propose he put it on the Notice Paper, and when the time came to propose it he did so. It seemed to be the practice in relation to this House that all amendments to all Bills were prepared by the Government. He scarcely thought that was as it should be. He understood that the Parliamentary Draftsman was willing to offer any aid in his power to any member to put an amendment which he had into legal phraseology, and tell him where to put it in the Bill; but he (the Colonial Secretary) did not think the Parliamentary Draftsman should go farther than that. In the present case there was an omission of the definition of the liability of the Government with regard to clearing ground of noxious weeds. He was perfectly willing to have that amendment prepared, and it would appear on the Notice Paper to-morrow; but he thought that Dr. Hackett and Sir Edward Wittenoom were both ready and willing to prepare the amendment they desired to be put into the Bill, and which he (the Colonial Secretary) would be perfectly willing to consider.

SIR E. H. WITTENOOM: The method pursued was purely out of consideration and courtesy to the Government. They asked the hon. gentleman to get the Draftsman to prepare an amendment which would meet their wishes and the hon. gentleman's wishes. If the hon. gentleman wished them to draft an amendment they would do so.

HON. J. W. HACKETT: This was a Government Bill, and they believed it would eventually be a perfect measure and a credit to the Government. It was for the advantage of the country and the Government that the Bill should be a workable one, but he was quite certain that, if those two matters were not attended to regarding the Government land and the municipal land, whether streets or deserts, the measure would be useless, and not be likely to be read a third time. In regard to amendments, he was willing to accept his hon. friend's suggestion, but they would require a little time. He would consult the Parliamentary Draftsman on the matter. Longer time than till to-morrow should be afforded.

THE COLONIAL SECRETARY said he had no objection to allowing a little longer time. There was no doubt about the kindly consideration given to the Government. The Government would

have a certain amount of diffidence in proceeding upon such a course as would rob members of the credit of useful amendments moved.

HON. G. RANDELL: The only reason he could see why the amendment should not be agreed to by the Government was that they might not agree with the principle, otherwise he thought it was the duty of the Government to assist members in this direction.

THE COLONIAL SECRETARY: There was some doubt as to whether the provisions of the Bill as at present constituted did not meet the case raised by Dr. Hackett. If they did, there was no reason for the amendment. If they did not, perhaps there was some slight need for the amendment which the hon. member wished to insert in the Bill. He would ascertain that.

HON. J. W. HACKETT: Would the hon. member have the consideration postponed until Tuesday?

THE COLONIAL SECRETARY: Yes.

Progress reported, and leave given to sit again on the next Tuesday.

PEARLSHELL FISHERY ACT AMENDMENT BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: This is a Bill which has been brought down for the purpose of amending the present laws relating to pearlshell fisheries, and it deals with an industry the importance of which I think has only lately been fully realised by the inhabitants of this southern part of the State. It is a Bill which in common with many others provides for a consolidation of the law. Members will see that four Acts will be wholly repealed by this measure, two partially repealed, and the regulations which were made under the Immigration Restriction Act of 1897 will disappear, so that by this addition to the statute-book that somewhat bulky volume will suffer a very appreciable and I hope much-appreciated decrease in size. The main point of the Bill under discussion —one of the main points at all events— is the provision that the Government shall obtain from an industry which has been very profitably worked by those engaged in it for some years past a little more revenue than is at present obtained, more especially because the industry of pearling, like the industry of mining, is dealing with what may be called a finite asset of the State. The timber industry, again, is another which is dealing with a finite asset. That is, by the vigorous prosecution of the operations of pearling, as by the vigorous prosecution of the operations of mining, the source of wealth which the State possesses now is gradually disappearing. There is very little doubt, with regard to pearling operations as at present carried out in the majority of cases at all events, that the pearl-bearing areas on our coast are gradually being depleted. That is so of our mining areas, and it is so to a great extent with our timber areas. It is only reasonable that in the case of those finite assets those who work them should pay to the State something proportionate to the profit of working them. At present from an industry which has a yearly turnover, or which had a turnover last year, of £177,600—not a very inconsiderable sum, composed of pearlshell to the value of £137,600 and the value of pearls estimated, and I think this is a low estimate, at £40,000—the Government only receive as direct revenue £223. I think members will agree with me that this sum is somewhat disproportionate. It is not proposed to heavily tax this industry under the Bill which we have at present before us, but we assume that we shall receive in fees and licenses from the operation of this measure about £1,400 altogether; and when we consider that this £1,400 will be divided amongst boats to the number of 223, which number is being increased daily, and when we consider that the people engaged in the industry number, I suppose, now close on 2,000—during last year there were 1,680 employed—when we consider that this small sum of £1,400 is to be borne by so large a proportion of the population as this, I do not think, nor is it urged by those people who will have to pay the revenue, that the demands of the Government in this respect are at all exorbitant. The Bill provides, amongst other things, for the licensing of divers. Hitherto this has not been done. Now we propose that divers shall pay an annual license

fee of £1 for the privilege of carrying on their occupation.

SIR E. H. WITTENOOM: Does this only apply to the northern pearlshell fisheries?

THE COLONIAL SECRETARY: The portion of the Sharks Bay fisheries are explicitly saved in the Bill itself. The measure also provides for the licensing of the ships connected with pearling, and instead of an annual fee of £1 being charged as at present it is proposed that these ships shall pay an annual fee of £4. It also provides, and I know this is the cause of some anxiety, for the licensing of beach-combers. A portion of the Bill will be to a great extent under regulations. We have a provision which used to appear in the Mining Act of consolidated miners' rights whereby an employer could take out a consolidated miners' right irrespective of the personality of the people employed. It is proposed to apply this same system to beach-combers. I may explain to those members who are not aware of the technical pearling terms, that beach-combers are those people not using boats for the purpose of obtaining shell, but who at the low spring tides walk about the reefs which have already been laid bare by the tides, or on which water is only shallow, and prosecute their search for the shell in this manner. In past years a large proportion of the shell was won in this manner, but as years have gone on the shallower portions of the coast have become depleted of pearlshell, and this does not give so large a revenue as in the past. All classes of natives are engaged in this work. Let us take the case of a station I know in the North. That station has upon it, I suppose, about 300 natives, most of whom, practically all of whom, are under agreement. The system has been to send, say, 20 or 30 of these natives out beach-combing. It is good for the natives; they enjoy it, and it serves as a sort of holiday for them from the other occupations in which they are engaged on the station. When these 20 or 30 have had their holiday they come back, and their place is taken by another 20 or 30, in the case of a station such as that. As a matter of fact, it is proposed that beach-combing licenses shall be granted for the number of natives who are usually employed at the work, and such a license can be taken out. I do not suppose that every native to the number of 300 will be engaged in beach-combing.

SIR E. H. WITTENOOM: The license admits of a change of personality.

THE COLONIAL SECRETARY: Yes; it is practically on the same footing as the old style of consolidated miners' right under the Mining Act of 1895. Then again it is proposed to prevent the holding of an interest in a ship, shell, or pearls, by Asiatics. Again, another very important part of the Bill is that dealing with the licensing and conduct of the business of pearl buyers. Members who have paid a visit to the centre of our pearling industry must be aware, and those who have talked much to pearlers must be aware, that a large proportion of the pearls which are obtained from our waters do not become the property of those persons to whom the boats belong, whereby the pearls are won; and most ingenious devices are resorted to by the coloured men employed on the boats for the purpose of obtaining and secreting the pearls and getting rid of them after such theft. It is with a view of dealing with this difficulty, and of providing, if possible, that a greater percentage of the pearls shall be obtained by the lawful owners that certain clauses are introduced into the Bill, that pearl buyers are to be licensed, the annual fee being fixed at £10. Certain clauses of the Bill are to deal with the question which will I hope result in the pearling industry ceasing to be as just now I said it was, one of the finite assets of the State. These clauses provide that under certain conditions exclusive licenses for cultivating, and in due course gathering the shell, may be granted to persons in the northern portion of the State, as is the case in the southern portion.

SIR. E. H. WITTENOOM: The term?

THE COLONIAL SECRETARY: The term is 21 years.

SIR E. H. WITTENOOM: Too short.

THE COLONIAL SECRETARY: With the usual conditions, I take it, of a renewal. I do not think that too short, but if the hon. member does, and moves an amendment, I am prepared to consider it. Then again there are certain clauses relating to the labour employed in the industry, and dealing with the

method of shipping and the signing on of those persons engaged on the ships by which the pearlers prosecute their industry. In this connection special care has been taken that in no way shall the legislation now proposed to be introduced clash or interfere with that lately placed on the statute-book of the Commonwealth. Again, another important question which is raised in the Bill is that of enabling persons engaged in pearling to provide for their own hospital accommodation. This is done now to some extent at Broome, but there is no system about it, and it is purely voluntary. It will be no less voluntary under the present Bill, but I hope more system will be observed; and there are special clauses in the Bill providing that the Colonial Treasurer shall spend the money received from the men engaged in pearling in the erection and maintenance of hospitals, so that the institutions will be of use to these men. Again, it is proposed under the Bill to prescribe the size under which shell shall not be taken for the purposes of sale, and this is done in order that we may to the greatest possible extent preserve the waters from depletion of shell which we have at our command. In this respect the Bill follows the legislation with regard to the subject of pearling now in existence in Queensland. The Bill also gives the Governor power to close any banks or any area of water from the operations of pearling. Certain sections of the Merchant Shipping Act, with regard to the proper accommodation for crews of vessels engaged in pearling and as to discipline aboard the ships, are also embodied in the Bill, as they have been in former Acts. Altogether I think that the Bill, over which a considerable amount of trouble has been taken, is a good one. The services of several men acquainted for years with the industry of pearling have been brought into requisition, and the advice of a gentleman, than whom there is no better authority on the working and necessary provisions of any legislation with regard to pearling—I refer to Mr. Warton, the Resident Magistrate at Broome—has also been availed of. So far as I understand, those engaged in pearling who have become acquainted with the provisions of the measure seem to be satisfied with it, even though it may impose on them a little more taxation than they are at present called upon to pay. Still they recognise that with the profits—and they are large profits—which they obtain from the prosecution of the industry they should be asked to pay a little more than they do at present. I think it is scarcely necessary for me to go through the Bill clause by clause. I have touched, I think, on pretty nearly all the subjects on which the Bill makes any alteration, or indeed which finds a place within its provisions. I would like to point out to members that after Clause 15 they will find a clause which is in erased type, because that clause will be added in the Assembly. It is a clause imposing taxation which will find its way into the Treasury chest, therefore the provision cannot be inserted in this House. It will be advisable for brackets to be inserted at either end of the clause, and no doubt the Clerk of Parliaments will attend to that clerical alteration. Members will find one of the most interesting parts of the Bill contained in Clauses 17 to 23, dealing with exclusive licenses, and which embodies the provisions of the Sharks Bay Fisheries Act in this respect. I do not think there is any other specific point on which I need touch until the Bill gets into Committee. I have to tell members, as I have already told them, the Bill has been very carefully prepared, and I think in most respects meets with the approval of the majority of those engaged in the industry. It is a Bill wanted both because of the necessary consolidation which it will carry out, and the new principles it introduces into the management of the industry. I have much pleasure in moving that the Bill be read a second time.

On motion by Sir E. H. Wittenoom, debate adjourned.

FERTILISERS AND FEEDING STUFFS ACT AMENDMENT BILL.

SECOND READING.

The COLONIAL SECRETARY: (Hon. W. Kingsmill), in moving the second reading, said: This Bill is introduced largely for the benefit of the agricultural community; and shortly stated, its principle is that where a

farmer buys a fertiliser or a food-stuff which purports to be a certain article, he shall be assured that it is that article and not anything else. It has been found necessary to introduce measures of this sort in South Australia and New Zealand, and indeed on our own statute-book an Act of 1895 somewhat imperfectly set forth the objects which are now fully, and I hope more forcibly, set forth in this Bill. While introducing this measure there is one proviso I should like to make, and one form of leniency I should like to claim from members. If they wish to know anything about citrate soluble phosphates, which phrase means bicalcic phosphate calculated as tricalcic phosphate, then instead of asking me, as it were, "on the hop," will they be good enough to give me notice, that I may consult the Government Analyst and may obtain from him, in what I may term a soluble form so that it may be more easily assimilated, the information they demand. One of the most important clauses of the Bill is Clause 4, which provides that the brands of fertilisers shall be registered. The Fertilisers Act of South Australia provides a certain charge for this registration. Here, on the other hand, it is not proposed that any such charge shall be made, and in this we follow the procedure of New Zealand. The man who registers a fertiliser may be a maker or the vendor, and must put in writing firstly the brand of such fertiliser, and secondly the percentage of fertilising agents it contains. Those particulars are to be subsequently published in the *Government Gazette*, so that farmers may have an easy way of finding out the fertilising properties of any brand of fertiliser they may wish to obtain. Clause 6 provides that should the manufacturer of a fertiliser find it advisable or necessary, for trade or other purposes, to amend what I may term the strength of his fertiliser, he shall be allowed to do so, and that such information, too, shall be made public. Clause 8 provides what is, I think, already in operation, that the seller shall give an invoice certificate to the buyer, which certificate shall show the percentage of fertilising properties in the fertiliser sold. I understand that in some cases this is now done; but it is thought necessary to put it in the Bill, that it may be done in all cases. It is farther provided that every such invoice certificate shall be a warranty of the quality of the article bought. Clause 10, containing nothing new, has a place in our existing Act of 1895, and also in similar legislation in the old country. At the first glance, Clause 11 would seem calculated to work a hardship to a *bona fide* seller of an article which he believed to contain a certain percentage of fertilising properties, and which turned out not to contain them; but if members will read the clause in conjunction with Clause 23, they will find there specified what may and what may not be accepted as a proper defence to such a charge. Clause 23 shows that it will be advisable, after the passing of this Bill, for all persons in this State who are dealing in imported fertilisers to get warranties from those wholesale people outside the State with whom they deal, as to the strength of the fertilisers imported. Clause 13 gives the Governor the power of appointing inspectors for carrying out the purposes of the Bill; and clauses 14 and 15 give those inspectors certain powers for taking and examining fertilisers. In Clause 15 it is provided as a protection to the seller that three samples of the fertilisers shall be taken, as the Licensing Act or the Health Act provides with regard to liquor, so that check analyses may be made to prevent mistake. In Clause 16 it is provided that where an analysis is made of a certain brand of fertiliser, and the result of such analysis is likely to be of use to the public—may act, indeed, as a note of warning to the public—publication of such analysis may be made in the *Government Gazette*. Clause 17 provides a penalty for refusing to permit the inspector to take samples. Clause 18 gives to the buyer the right of demanding an analysis, and Clause 20 provides that the fee for such analysis may be fixed by regulation. Clause 19 is a machinery clause dealing with the legal aspect of cases brought into court in pursuance of this Bill. Clauses 20 and 21 are machinery clauses; and the first provides that when an analysis is made, if the result shows that the seller is in fault, then the cost of such analysis shall be borne by the seller, and not by the buyer who demands the analysis. Clause 21 provides a penalty for tampering with

samples. Clause 23 I have already referred to, which protects the vendor who sells *bona fide* an article which he believes to be good, and which he purchased as good.

HON. G. RANDELL: Can he recover damages outside the State?

THE COLONIAL SECRETARY: I do not think he can; but it will be advisable and necessary, and I think not difficult, for the vendors of fertilisers inside the State to obtain with the fertilisers warranties as to their composition and fertilising strength. The remaining clauses are, I think, mostly machinery clauses, with the usual clause at the end giving power to the Governor to make regulations for certain purposes.

HON. J. W. HACKETT: Why add all those words at the end of Subclause 2 of Clause 30, which are all surplusage by the Interpretation Act?

THE COLONIAL SECRETARY: They are not very necessary, but they seem to have a mollifying effect. I think their addition is a matter of policy with the Parliamentary Draftsman. Members are pleased when they see in bald print that they are to have an opportunity of revising such regulations.

HON. J. W. HACKETT: Why not insert the words in all Bills?

THE COLONIAL SECRETARY: The hon. member has probably noticed that since attention was called to the matter in this House the words have appeared in all Bills. I think the Bill is a good one. It is designed and brought down for the benefit of one of our most important industries, and will doubtless meet with a cordial reception from the representatives of that industry. I move the second reading.

HON. E. McLARTY (South-West): I feel sure that for the want of such a Bill many frauds have been perpetrated in the past. Producers sometimes purchase fertilisers of very little subsequent use; and a man ought to know, when he goes to the expense of purchasing fertilisers, which are certainly very necessary in Australia, that he is getting what he pays for. I think the value of the Bill will largely depend on its administration, and I hope that when passed it will not become a dead letter, but that its provisions will be most strictly enforced.

Question put and passed.

Bill read a second time.

PICTURE OF THE KING.

THE PRESIDENT (Hon. Sir George Shenton): I have much pleasure in informing hon. members that I have received a letter from the Agent General, stating that the picture of His Majesty the King has been forwarded to him by the Colonial Office and shipped to Western Australia. I hope to receive it in the course of the present month.

ADJOURNMENT.

The House adjourned at 6·16 o'clock, until the next Tuesday.

Legislative Assembly.

Wednesday, 9th September, 1903.

THE SPEAKER took the Chair at 7·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR MINES: Royal Commission on Public Service, Seventh Progress Report. Fremantle Harbour Trust, Regulations. Perth Public Hospital, Report to 30th June, 1903.

Ordered, to lie on the table.

QUESTION—EX-DETECTIVE EGGLESTONE, COMPENSATION.

MR. BATH asked the Attorney General: 1, Whether compensation was paid to ex-Detective Egglestone. 2, If so, what amount. 3, Why.