

Legislative Council.

Thursday, 11th February, 1915.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bill:

- 1, Licensing Act Amendment Continuance.
- 2, Stamp Act Amendment.
- 3, Postponement of Debts Acts Amendment.
- 4, Esperance Northwards Railway.

BILL — VERMIN BOARDS ACT AMENDMENT.

Report Stage, etcetera.

Report of Committee adopted.

Bill read a third time, and returned to the Assembly with amendments.

MOTION—FOOD AND DRUG REGULATIONS, TO DISALLOW.

Debate resumed from the 9th February on the motion of the Hon. A. G. Jenkins "That Regulations 3, 4, and 5 of the Food and Drug Regulations, 1913-14, made under 'The Health Act, 1911 and 1912,' laid on the Table of the House on 12th January, 1915, be disallowed."

Hon. J. E. DODD (Honorary Minister—South) [3.5]: I reply to the mover of this motion with great diffidence, because I realise that no one in this House is less fitted to reply on a question of this kind than I am. If this discussion does nothing else, it may possibly lead to some reform in the method of Ministerial replies to such abstract questions as have been raised. All members, I think, will agree with me that some of my Ministerial colleagues are much bet-

ter qualified to reply to such a question as whether whisky is good or bad, than I am; and I feel sure there must be quite a number of members in this Chamber who possess much greater ability than mine for speaking about whisky.

Hon. R. J. LYNN: What do you mean? By experience?

Hon. J. E. DODD (Honorary Minister): Possibly by experience. However, there are a few phases of this matter upon which I may be able to throw some light. One aspect of the question I regret having to deal with, and that is, how far the interests of various legal attorneys of companies are going to be taken into consideration in this Chamber. We are, I think, getting perilously close to the subordination of public interests to private interests in some of the debates which have taken place here. That position has almost been reached in the case of two or three issues which have been before the House recently. The question now seems to be whether Mr. R. S. Haynes, K.C., is henceforth to conduct the business of the Legislative Council, or whether the members of the Legislative Council are to continue to conduct the Council's business. The present is not the first occasion on which the learned gentleman to whom I refer has been behind a matter that has come before this Chamber. Indeed, it is not the first occasion even in this session. On at least two previous occasions, I believe, Mr. Haynes has been the prime mover of the discussions which have taken place in this Chamber.

Hon. A. G. JENKINS: Is not he entitled to have his views placed before Parliament?

Hon. J. E. DODD (Honorary Minister): I am not saying that he is not so entitled, but I do say we are getting perilously near to that time when the private interests of a barrister and his clients are to be placed before the public interest.

Hon. A. G. JENKINS: Thanks, very much.

Hon. J. E. DODD (Honorary Minister): I think I may say that had it not been for the interests of Mr. Haynes and

his clients, nothing would have been heard of the matter here.

Hon. A. G. Jenkins: Nothing would have been heard of it but for the ridiculous regulations.

Hon. J. E. DODD (Honorary Minister): We have heard a good deal about a fee that was paid to Mr. Mann. As is well known, that fee was paid 12 months ago. Why was nothing said about it previously to the present time?

Hon. A. G. Jenkins: Everybody thought it was paid to the Government.

Hon. J. E. DODD (Honorary Minister): Nothing was said about it until Mr. Haynes was appointed attorney for the Scottish Whisky Distilleries and the Scottish Whisky Exporters' Association. I think hon. members would do well to consider how far they are going to allow the private interests of individuals to be intruded on the notice of this Chamber. I desire to repeat emphatically that nothing would have been heard of the subject here in any way whatsoever, had it not been for those private interests. In further confirmation of that contention I wish merely to point out that on the 28th January Mr. Haynes made a statement in the public Press, which statement he wound up by referring to a sum of £2,100 that had been paid towards the expenses of Mr. Mann's tour of investigation, and of this conference with chemical experts in Great Britain. Then Mr. Haynes sent a letter to me, as administering the Health Department, asking whether the regulations could be suspended for a period of three months. The letter was placed before Cabinet, which did not approve of the suspension. Mr. Haynes asked for a reply by the 2nd February. He received that reply on the 3rd February; and, later, the reply was confirmed by letter. I find that on the 3rd February—one day after the receipt of the Government's reply by Mr. Haynes—the following questions were asked by Mr. Jenkins in this House—

1. Was Mr. Mann, the Government Analyst, granted leave of absence last year?
2. If so, on what terms?
3. Was the sum of £2,100 paid by the

Scottish Whisky Exporters' Association for Mr. Mann's tour of investigation received by the Government or by Mr. Mann? 4. If by the Government, what amount thereof was expended; if by Mr. Mann, has he rendered any statement to the Government of the expenditure of same?

These questions were asked the day after Mr. Haynes had been informed that Cabinet could not approve of the suspension of the regulations. Following on those questions, further questions were asked, on the 9th February, regarding the sum of £2,100 which had been advanced to Mr. Mann. All these facts, in my opinion, go to show conclusively that the questions I have mentioned were brought before the House simply by reason of the Government's refusal to agree to the suspension of the regulations. Were those questions asked in the public interest, or were they asked in the interest of Mr. Haynes's clients, or were they asked with the idea of trying to discredit Mr. Mann as regards the investigations which he had made?

The PRESIDENT: I must ask the hon. member not to impute motives.

Hon. A. G. Jenkins: Mr. Mann could not be more discredited than his own reports have discredited him.

Hon. J. E. DODD (Honorary Minister): I try not to impute motives, but I think that in the circumstances I am justified in drawing attention to that aspect of the matter.

Hon. A. G. Jenkins: Of course, I have the right of reply.

Hon. J. E. DODD (Honorary Minister): I shall certainly not endeavour to traverse the whole of the speech made by Mr. Jenkins. A very large portion of that speech consisted merely of copious extracts from the memorial, and from the reply by Mr. Mann. The memorial and Mr. Mann's reply have been printed, and—despite what has been alleged—a copy has been sent to every member of Parliament.

Hon. A. G. Jenkins: Any way, it has not been received.

Hon. J. E. DODD (Honorary Minister): The copies were posted the day

after publication, and that was something like a fortnight or three weeks ago. If any hon. member has not received that paper, I do not know where the fault lies, but it certainly does not lie with the medical authorities. Perhaps it is just as well to give a short *resumé* of the whisky investigations. It was in 1905, at the request of the Inspector of Liquors in this State, that the Government undertook an investigation into the chemistry of whisky. That, it will be observed, was back some nine years ago. As a result of those inquiries, the conclusion was arrived at that the establishment of some chemical standard by which the proper labelling of whisky could be regulated and also controlled, was desirable in the public interest. The English investigations, after a good deal of controversy, led to the formation of a Royal Commission which sat in England in 1908 and 1909. The conclusions of the commission were not considered satisfactory by the authorities here, namely, the advisory board, the Medical Department and Mr. Mann, the chief analytical chemist, and a special Government paper reviewing the whole of the position was issued early in 1911. It was taken into consideration by the advisory board under the Health Act, and the result was the drafting of these regulations, setting up standards for whisky, which have caused all the trouble. The regulations were first made public on the 1st March, 1912, were further revised and gazetted on the 1st November, 1912, and came into force in June, 1913. Under these regulations the whisky distillers of Great Britain made representations to the Government, representations which were in strict opposition to the regulations. After a good deal of correspondence and discussion the Government agreed to the request of the Scottish Whisky Exporters' Association that the Government Analyst should visit Great Britain and further investigate the question on the spot in order to determine whether or not the proposed standards were practicable. The Scottish whisky exporters agreed to advance £2,100 to enable the Government Analyst to make his investigations. The money

was not taken from revenue by the Government, but was advanced by this association in order that some agreement might be arrived at between them and the Government. In consequence Mr. Mann was sent Home, and his investigations extended over a period of 14 months. We have heard a lot about this "big fee," but Mr. Mann had to take an assistant with him and conduct his investigations over a period of 14 months, and therefore I do not see that the fee was such a terribly large one after all.

Hon. V. Hamersley: Was his official salary going on all the time?

Hon. J. E. DODD (Honorary Minister): The report has been issued and sent to every member of Parliament. It was carefully considered by the Pure Foods Advisory Committee, who have gone fully into the question since the return of Mr. Mann, and have advised that his recommendations should be given effect to. Consequently some modification was made in the existing regulation, and that has been gazetted. Those are the regulations which Mr. Jenkins is now seeking to have disallowed. It is as well to know where we are in this matter, because the regulations which Mr. Jenkins is asking the House to disallow are a modification of the existing regulations, and if they are disallowed the existing regulations will stand, notwithstanding that they are rather more strict than the modification.

Hon. W. Kingsmill: Are they observed?

Hon. J. E. DODD (Honorary Minister): The Government have never sought to observe them, owing to the fact that investigations were being made; but the Government believe that the regulations can be observed, that it is quite possible that the idea of the advisory board, as embodied in those regulations, can be carried into effect. And although that old bogey has again been raised, as it always will be raised when reforms are mooted, namely, that we are going to stop the importation of whisky altogether, I do not think this bogey need be feared even if we enforce the old regulations. It is something like three

and a half years since those regulations were framed. During two years of that time their operation has been suspended to enable the whisky exporters at Home to produce evidence against them. That is a brief *resume* of what led up to the whisky regulations, the reasons why they were first gazetted; and the reason why the modification has been made. The proposed modified regulations do not come into force until next July, but the whisky exporters association want the time further extended until October. Mr. Jenkins made some derogatory statements regarding the advisory board. All through his speech runs a tirade which if not entirely abusive contains a certain amount of abuse, and such words as "absurdities," "nonsense," "ridicule," "rubbish," and terms of that character have been applied to the conclusions arrived at by the Government Analyst. The hon. member did not go out of his way to abuse the advisory board altogether, but he led the House to believe that the advisory board is composed of gentlemen who have no knowledge of the matter under consideration. The object was to show that it was Mr. Mann and Mr. Mann alone who was seeking to bring about these reforms. That is a very unfair attitude for Mr. Jenkins to take up. The advisory board consists of Dr. Hope, chairman, who is Commissioner of Public Health and is recognised as being fairly high in his profession. He has a plentiful supply of commonsense and a good deal of administrative ability. I do not think any one would question the qualifications of Dr. Hope to sit upon an advisory board of this description. Then there is Dr. Atkinson, who is said to be simply a bacteriological doctor and to be all right in his own particular sphere, but in no other. But Dr. Atkinson possesses a master's degree of science. Mr. Mann himself is a Fellow of the Institute of Chemistry, which is the highest known qualification—

Hon. A. G. Jenkins: How did he get it; did he get it by examination?

Hon. J. E. DODD (Honorary Minister): I presume he did.

Hon. A. G. Jenkins: I say he did not.

Hon. J. E. DODD (Honorary Minister): I do not know whether the method of getting into these positions is like ours, one of popular election.

Hon. A. G. Jenkins: In my reply I will tell you how he got it.

Hon. J. E. DODD (Honorary Minister): Mr. Mann is a Fellow of the Institute of Chemistry, which is the highest known qualification in analytical chemistry. I have never heard any doubts thrown upon Mr. Mann's qualifications. I have had to criticise Mr. Mann's work pretty severely at times, but I have never heard any doubt thrown upon his qualifications. If Mr. Jenkins can throw any I would like to hear him. Then there is Mr. McFarlane, a well-known business man in the city. We do not say he has any particular technical qualifications, but if we tried to select for this board gentlemen of purely technical qualifications we would have Parliament asking why some commonsense could not be exercised in their selection. Mr. Allnutt, and his successor, Mr. Mills, are well known in business, and are properly qualified to take a commonsense view of things. Now we are told by Mr. Jenkins that these men are simply dummies, that Mr. Mann has only to pull the strings and these gentlemen are willing to act as he desires, that Dr. Hope, Dr. Atkinson, Mr. McFarlane, and Mr. Mills are there simply to give their adherence to anything Mr. Mann may direct them to do. The whole thing is absurd and constitutes a reflection on the members of the advisory board. For something like four years they have been closely studying this question, trying to arrive at some conclusion; and now that they have arrived at it we find a motion seeking to disallow the regulations which embody their opinions. In this memorial a great deal has been made of the traditional methods of distilling whisky. It is said that the present methods have been in existence for a hundred years. Surely the very fact that the Scotch distillers are endeavouring to hold to that which has been in existence for a hundred years, without seeking any improvement, should be one good reason why re-

gulations dealing with reforms should not be disallowed. Mr. Jenkins quoted a great deal of the correspondence covered by the report, and inferred from the dates of the correspondence that it represents all the negotiations that took place between Mr. Mann and the association. That is entirely wrong. The correspondence extends over a period of only a couple of months, whereas Mr. Mann was in England quite a long time, and was for over eight months continually negotiating with the association and continually making investigations and conducting analyses into the various stills and distilleries in Scotland and also to some extent in Ireland. To say that the negotiations conducted by Mr. Mann are simply those which are on record in the paper we have before us is a wrong assumption to make. I do not know whether Mr. Jenkins has been led astray by those behind him in this matter. It must be patent to all that Mr. Mann did not go Home and stay there for 14 months only to enter into negotiations at the very last moment with those whom he was sent Home to deal with. The hon. member has also asked why a standard was fixed for Scotch whisky and no standard fixed for Irish. Mr. Mann's report says that the general composition of the Irish whisky is different from that of Scotland and he goes on to say—

I therefore propose for the present that a tentative standard be established for Irish whisky distinct from that for Scottish whisky, and that this standard be for Irish Pot Still Whisky. I am not going to quote the figures because very few will understand what they mean, but he says he proposes to establish a standard for Irish whisky somewhat different from Scotch whisky. Mr. Mann went Home at the expense of the Scottish distillers, and not of the Irish distillers, and he states in his report as follows:—

There is not any association among the Irish distilleries. My visits to them were matters of direct arrangement with the various distilleries, and I alone took samples during my inquir-

ies. As the facts were given to me by the various distilleries under the seal of confidence, I feel that it would be improper for me to give publicity to the results of my work, and I can only give the general conclusions at which I have arrived.

The hon. member seemed to question the genuineness and sincerity of the reasons given. I think the best reasons in the world were given. The samples obtained were obtained in confidence, and Mr. Mann went home primarily to deal with Scottish whiskies. It may be asked, and no doubt will be asked, as to why this standard has been fixed at all; why we could not go on dealing in whisky the same as in the past. I may say that since the Health Act has been passed a great deal of power has been given to the Health authorities to deal with impure foods, and with that object in view they fix certain standards for various articles of food, and now they have commenced to deal with various spirits and liquor. Mr. Jenkins stated that no standards had been fixed for beer or lemonade or anything in that direction, and he wanted to know why that was so. I would point out to the hon. member that standards have been fixed, and he has been grievously misinformed when he makes a statement of that kind. If the hon. member looks at the *Government Gazette* of the 17th July, 1914, he will find that standards were fixed for quite a number of articles and drinks—for ice cream and lemonade and beer, and when the hon. member makes that statement he is evidently not as well informed as he might have been. Then Mr. Jenkins makes a statement that the public take what they require and not owing to the work of the blenders. If we are to follow out a principle of that kind we may as well say we are not going to fix a standard for anything for human consumption, because the public do not know what they are taking. That is really the gist of Mr. Jenkins' statement, that we should leave it to the public to judge what they should eat and drink. The House I am sure is not going to follow such a principle as that, or why

should Parliament have passed the Health Act? It certainly is a question for the Health Department of the State to decide what standard should be fixed for solid and liquid foods. I would just like to draw attention to what has been said regarding the eminent scientific gentleman who has spoken in opposition to the standard raised by Mr. Mann. Mr. Jenkins went to a great length to explain the high place that this gentleman occupied. He stated that Dr. Schidrowitz is one of the eminent gentlemen in Great Britain to-day in dealing with the question of whisky, and one of the greatest analytical chemists. I do not know that I dispute that, but I think that I may point this out, with reference to Dr. Schidrowitz that he has always been in the pay of the distillers, the Exporters' Association, and I say emphatically, he is not in the same position to give an unbiassed view as a man in a position occupied by Mr. Mann as Government Analyst.

Hon. A. G. Jenkins: You say Mr. Mann is not telling the truth.

Hon. J. E. DODD (Honorary Minister): Dr. Schidrowitz has been associated for the last 10 years with every attempt that has ever been made to prevent the legitimate control of the whisky trade, and he has been retained and paid by the big Whisky Associations in order to place their views before the various commissions. Yet we in this Chamber are asked to take the opinion of a man of this kind as against a man who, by nature of his position, could take an impartial view. I believe Dr. Schidrowitz was sent to America when the Commission sat there, and he was paid by the whisky trade in order to place their views before the Commission, and he has been specially retained in Great Britain by the trade. What reliance is this Chamber going to place on the attitude of a man of that description? It must be apparent to everybody, that a man was being paid an immense salary in order to uphold the commercial interests of the association, is a man who is going to do the best he can for that association, and who has no thought whatever or soul whatever above the in-

terests of that association. A man who is being paid an immense salary by this association to study their interests, do you mean to tell me that his word is to be taken in preference of that of Mr. Mann?

Hon. W. Kingsmill: No soul beyond that.

Hon. J. E. DODD (Honorary Minister): No soul beyond the particular interests concerned. As far as that particular interest is concerned, it is going to be placed above everything else. What are the interests of the people of Western Australia or Great Britain to me? If he did otherwise, the hon. member himself would be the first to condemn him if he did not look after the interests of those who paid him, and he seeks the condemnation of members of this House. We are asked to take the word of this man in opposition to the word of a man in the Government service of this country. Perhaps it is necessary to state that Mr. Mann was not the nominee of the present Government; but has been in the service of the country for many years, so I think that is a point we should bear in mind in dealing with such a matter as this. If a man is paid a big retainer for his association, he is not going to study the interests of this country when they come in conflict with the views he represents.

Hon. A. G. Jenkins: Give us something about Dr. Tatlock.

Hon. J. E. DODD (Honorary Minister): I may say in regard to Dr. Tatlock he is also retained by the association; but I do not know that it is in the same way as Dr. Schidrowitz. After all I do not know that Dr. Tatlock holds the qualifications that the hon. member seeks to lead the House to believe that he does. When the hon. member quotes these things, it is for the hon. member to state what a man's qualifications are and to prove that they are such as he states they are. It is not altogether a question for me to say that he has not those qualifications. It is easy for anyone to say in the discussion of a motion of this kind, that Mr. So and So is an eminent scien-

tist and has said something. What are the views of Dr. Tatlock?

Hon. A. G. Jenkins: They are in print.

Hon. J. E. DODD (Honorary Minister): He is a scientist, but we are given very little of his qualifications. There are one or two other matters referred to by members to which I wish to draw attention. Mr. Jenkins made some reference to the Commonwealth standard of whisky, and spoke of the Conference of Analysts in 1913. Here again the hon. member has been misinformed. The Government Analyst had discussed this matter at the conference in regard to the standard of foods.

Hon. A. G. Jenkins: I said in my remarks that I believed the conference had been held, but that I was not sure.

Hon. J. E. DODD (Honorary Minister): That conference met to discuss uniform standards for foods and drugs. It reported as follows—

That it is not desirable for this conference to fix definite standards for spirits pending experience of the standards recommended by the Western Australian regulations.

Hon. W. Kingsmill: They had to suspend those regulations for three years.

Hon. J. E. DODD (Honorary Minister): They have been suspended to allow of further investigations being made. That is what the report states here.

Hon. W. Kingsmill: And now they will not.

Hon. J. E. DODD (Honorary Minister): Those regulations have been proclaimed already in South Africa, precisely the same as here, and there is nothing to show that they are not working well there.

Hon. A. G. Jenkins: The old adage, "Fools rush in."

Hon. J. E. DODD (Honorary Minister): Whenever it is suggested that any reform is to be made you will find the old Conservative up against it every time. It is not a question of rushing in, but a question of fossilised institutions in opposition. Referring to the South African standards Mr. Jenkins questions the accuracy of Mr. Mann's statements, but had he inquired he would have known

on what authority the statement was made. It was not a portion of Mr. Mann's report at all; it was a quotation from a letter.

Hon. A. G. Jenkins: Received from whom?

Hon. J. E. DODD (Honorary Minister): I do not want to give the name, but I have no doubt that if Mr. Jenkins inquires he can ascertain.

Hon. A. G. Jenkins: When a man makes a public statement from a letter he should give the name of the writer publicly.

Hon. J. E. DODD (Honorary Minister): There may be reasons why the name should not be disclosed; but if the hon. member desires to see it I have no doubt Mr. Mann will be only too pleased to allow him to do so.

Hon. A. G. Jenkins: I do not want to see it. I want the House to see.

Hon. J. E. DODD (Honorary Minister): If you did see, I think you would be surprised.

Hon. W. Kingsmill: Why all this mystery?

Hon. J. E. DODD (Honorary Minister): There is no mystery about it.

The PRESIDENT: I must ask the Honorary Minister be permitted to make his speech without interruption.

Hon. J. E. DODD (Honorary Minister): Then again, Mr. Jenkins desires to know which individual distillers or merchants differed from the opinion of the Whisky Association. I do not see that that is a matter which should very greatly concern us.

Hon. A. G. Jenkins: Your analyst relied upon it.

Hon. J. E. DODD (Honorary Minister): It should be a sufficient answer that it has been raised. It has been stated that the regulations will prohibit the importation of many whiskies into the State. That is another matter which I am not inclined to speak freely upon because I do not feel qualified to speak on the subject of bad whisky at all. Now it has been placed before this Chamber it will probably throw some light on the criticism of Mr. Mann by Mr. Jenkins when he says that Mr. Mann took the average

of his samples instead of taking individual samples.

Hon. A. G. Jenkins: I said nothing of the sort.

Hon. J. E. DODD (Honorary Minister): The reason for this is explained by Mr. Mann in his report, and appears both to the Board and the Government a sufficient answer.

Hon. A. G. Jenkins: On a point of order, I think the Honorary Minister should withdraw. I never said anything of the sort. What I complained about was that he took samples from certain distilleries instead of samples of all the standard whiskies.

Hon. J. E. DODD (Honorary Minister): It is explained in the report that many whiskies sold throughout the world under well advertised brands are mixtures, the object being to make the blends uniform in character and to overcome the slight variations which occur in whisky from time to time. In other words the whole process of blending is a process of averaging the characters and effects of a number of different whiskies. No standard, therefore, which is based upon anything but a consideration of the average composition of whiskies could possibly be fair or practicable. The only real point of difference between Dr. Schidrowitz and Mr. Mann's report is in regard to the average composition of whiskies. On this point (since Dr. Schidrowitz and Mr. Mann agree in the results of their analysis), I think the view of the Advisory Board is perfectly correct, and the Government support this view. Moreover, no sounder proof of the accuracy of this standard could be adduced than that which is produced in these papers. I may say that practically every important brand on the market has been analysed by Mr. Mann, and Mr. Mann states that when this analysis is compared with the composition of the blends as disclosed by him to the proprietors, no single case has come to his knowledge in which a blend would be inaccurately classified or labelled under the regulations. This to my mind is conclusive. If the standards were wrong, blends could not be thus accurately classi-

fied, and there is no reason why they should not declare their true composition. The hon. member (Mr. Jenkins) sets himself up as an authority on the analysis of whisky against a man of Mr. Mann's calibre and against the advisory board, but I do not think this House is prepared to accept him as an authority in opposition to those mentioned. I disagree with the contention of the hon. member when he implies that he himself can set up a standard against the officers I have mentioned and against the opinions of scientific men.

Hon. A. G. Jenkins: I did not. I said Dr. Schidrowitz and Dr. Tatlock did.

Hon. J. E. DODD (Honorary Minister): So far as the opinions of Dr. Schidrowitz and Dr. Tatlock are concerned, I do not think they are in any way hostile. Referring to the correspondence which Mr. Jenkins has drawn attention to, I may emphasise the further point that it was not until after Mr. Mann's visit to London that the correspondence occurred with the representative of the whisky association. During the whole of the time he was in London he was continually in touch with the association and visited a number of distilleries. The only conclusion which can possibly be arrived at is that the Scottish association desired to have a report framed simply in regard with their own wishes. I do not know that I can add very much to what has been said, but I would point out to the House that members will possibly place themselves in an invidious position as they did some time ago in connection with the food and drug regulations. It will be remembered that this House disallowed those regulations and almost immediately afterwards a report was issued of the select committee of the Imperial Parliament recommending regulations precisely similar in character. It is quite possible that if those regulations be disallowed something similar may occur as investigations are now proceeding in England on the question of the standardisation of whisky. The advisory board and the Health Department have not been hasty in the decisions they have arrived at with the object of bringing about

pure foods. It is possible there have been some mistakes made with regard to regulations, but it is beyond question that without these food and drug regulations there would not have been on the market so pure medicines as we have to-day. Mr. Jenkins in the course of his speech wanted to know something with regard to stopping the importation of whisky altogether. The object the Government is seeking is to fix a standard for whisky that will enable a better article to be sold. Inferior spirits and inferior drinks of all kinds which are on the market to-day constitute one of the greatest factors affecting the public health, and if anything can be done to regulate that matter I think we must take the necessary action. We are seeking to make it possible that the community shall be supplied with purer foods and drugs. As regards the question of stopping the importation of whisky, I have already pointed out what would be the effect of the disallowance of these regulations. They are only a modification of the existing regulations, and if these be disallowed the old regulations stand.

Hon. A. G. Jenkins: I pointed that out.

Hon. J. E. DODD (Honorary Minister): It has been urged that we cannot possibly enforce the old regulations, but I am assured on absolutely good authority that those regulations can be enforced. Mr. Mann endeavoured to meet the Scottish Whisky Association by making a slight modification of the regulations, but he was not prepared to bind the Government and to bind the State. So much has been made of the fee paid to Mr. Mann that we might ask whether or not the Scottish Whisky Association paid that fee to tempt Mr. Mann. But we find that Mr. Mann, after having been to the Old Country and having conducted his investigations, returned here and still stands to the position he took up when he went away. Is that a reflection upon Mr. Mann's integrity and honesty? I am sorry that Mr. Jenkins spoke of the Government Analyst in the way that he did. The remarks were totally undeserved. Mr. Mann is looked upon as

a gentleman who has a great deal of scientific knowledge, and when we find that he is held up to ridicule and his investigations spoken of as absurdities, we might ask by what standard Mr. Jenkins is judging Mr. Mann. We might ask what are Mr. Jenkins' qualifications to judge gentlemen of the ability of Mr. Mann. I hope that the House, for its own sake, will not disallow these regulations and I think in the public interests members would be wise if they hesitated long before passing the motion for disallowance.

Hon. W. KINGSMILL (Metropolitan) [4.5]: I do not wish in the slightest degree to qualify for a reputation for eccentricity or to appear at all peculiar when I say I propose to look at this question from the point of view of the general public. It seems to me that this is, as the Honorary Minister has said, another patent medicine regulation and that the Government, in pursuance of their policy, are interfering in a matter in which they have no right to interfere. There is a distressing ailment known to science as chorea, where a patient suffers from inability to stop still. It is known more popularly as St. Vitus' dance and if ever there was an instance of political St. Vitus' dance in the history of Western Australia, or indeed in that of any of the States, it has been displayed by the present Government. I may be pardoned for quoting scripture in these surroundings, but their very unusualness may bring conviction to the minds of hon. members. There was a gentleman in scripture whose strength was to sit still. If the Government would only learn sometimes their strength to sit still they would save a lot of money and inconvenience to themselves and obviate also a lot of worry.

Hon. J. E. Dodd (Honorary Minister): This regulation was introduced by a previous Government.

Hon. A. G. Jenkins: The previous Government refused to gazette it.

Hon. W. KINGSMILL: It is a matter of unconcern to me whether this was initiated by the previous Government

or not. It appears to me to be a counsel of perfection to be aiming at the impossible. I am not going to question Mr. Mann's qualifications. All I desire to question is his discretion and the discretion of the advisory board. This is the second occasion on which Mr. Mann and the advisory board have dashed in where angels have feared to tread. It seems to be a habit of theirs and they can always find a complacent Minister quite willing to give way to these fads of theirs. Of course, the conference of Government analysts would invariably support the scientific aspect in any case and disregard the wishes of the public. I have no doubt that if these regulations are put into force, unless the Honorary Minister gives an assurance, as he suspended the others over two years ago—

Hon. J. E. DODD (Honorary Minister): No one gave an assurance.

Hon. W. KINGSMILL: If the Minister would give the assurance I would not have any objection to passing the regulations. If he will not give it I will vote for their disallowance, as I voted for the disallowance of the patent medicine regulations which caused such a tremendous amount of inconvenience, discomfort and suffering to the people in remote parts of the State. I do not pose as a judge of whisky but in the course of a chequered career I admit having taken whisky which would make any hon. gentleman's hair stand on end. It is a peculiar thing that in the back blocks of some of the States, more especially in the back blocks of New South Wales, and I see by the look in Mr. Cornell's eye that he can bear me out, whisky is of an absolutely terrible description. But these parts of the world are not distinguished by the anaemic appearance of the inhabitants. I do not mean to say that because of that we should encourage the sale or the drinking of bad whisky, but the Government, with their good intentions have rushed in with the object of bringing about inconvenience to the consuming and the commercial public. With regard to Mr. Mann, I have known him for many years, I am glad to say, and I know that his qualifications are very

high. I dare say there was some question as to how he obtained his diploma of Fellow of the Institute of Chemists. I have a shrewd suspicion that he obtained it as the result of an original research into the stock poisons of (his State. If not, it ought to have been for that, because this original research was admirably carried out and remains as a monument to his ability. I question, therefore, only Mr. Mann's discretion and we may find a great deal of fault with that. I am not questioning Mr. Mann's qualifications so I may be allowed to say a word or two on behalf of those unfortunate gentlemen who have incurred the wrath of the Honorary Minister, Doctors Schidrowitz and Tatlock. I venture to say that it does not matter whether a man of the eminence of Dr. Schidrowitz is receiving a big salary or not. We cannot buy that man's scientific soul with money. It was wrong and ungenerous on the part of the Minister to speak of that gentleman as he did. Furthermore, he knows that Dr. Schidrowitz or any other scientific man deals only in scientific facts, not matters of opinion. As the Minister says, the results of the analyses which have been obtained both by Mr. Mann and Dr. Schidrowitz are practically the same but the deductions drawn are vastly different. I venture to say that Dr. Schidrowitz has just as much right to draw deductions as Mr. Mann. I am afraid these Government departments are rather too apt to look simply at the scientific aspect of affairs and to neglect the practical side, and that, I think, is what has been done in this case. There is one aspect of the case which has not been dealt with in Mr. Mann's report or anywhere else, and that is the pathological evidence with regard to the effects on the human frame of standard whisky as against non-standard whisky. In both Mr. Mann's and Dr. Schidrowitz's reports the pathological evidence is lacking. We are led to believe that in most cases these substances are not deleterious to the human frame. Why, then, these regulations? The regulations, I confess, do not pretend to protect the health of the public. If the Minister has the

courage of his convictions why does he not stop the importation of alcohol because it is deleterious? It is the alcohol, and not the accompaniments, which is dangerous to the human frame. If the Minister is going to act simply and solely in the interests of the general public, why does he not stop the importation of what is, after all, the deleterious substance, and that is the whisky itself?

Hon. H. Millington: Would you support him if he did?

Hon. W. KINGSMILL: Certainly not, because I have not his convictions. The hon. gentleman has compared the regulations with the regulations governing the sale of milk. I have never heard that whisky is a vehicle for the conveyance of disease. I venture to say, with regard to the effect on the public, that milk is a very much more deadly drink than whisky. For one victim that whisky might claim milk can claim ten, and it is absolutely necessary that a substance which does convey disease and is known to have disease, as milk is, should be subjected to the keenest scrutiny, and I am sure hon. members will agree with me in that respect. I congratulate the Government on what they have done for the milk supply of the State. That is one instance where their intentions have resulted in a happy issue. The Honorary Minister talks about ice cream and all sorts of delicacies. What has been the result of the regulations with regard to ice cream? Simply that no one will sell it now. If we go into a shop the lady behind the counter will tell us that she does not supply ice cream, that she only supplies vanilla ice or water ice. That is the result of the complicated regulations in regard to ice cream. If we pass this regulation the whisky exporters of whom we have heard such a great deal will side step them. The name of whisky is not absolutely and entirely indestructible. That which we call a rose would by any other name smell as sweet, and no doubt whisky would have the same savour in the nostrils of the thirsty wayfarer under a ny other name as the present one. A great deal has been made

of the generosity of the fee paid to Mr. Mann. I do not feel inclined to cavil at this, but I congratulate him on the generosity of those people. It is a peculiar fact that all people who deal in liquor are disposed to be generous, if not lavish and it is somewhat of a tribute to Mr. Mann's capability that they have thought it worth while to pay 2,000 guineas to him in order that he might take what I am sure must have been a most delightful trip to the old country, surrounded by all those things he loves best, because I understand his soul is never satisfied unless he has retorts and such things round about him. I take it as a distinct compliment to his ability that those whisky exporters should have thought him worthy of such a gigantic fee. As to whether they got value for it or not is not for me to say. After reading through the report which I received in fairly decent time, I think there is a sort of underlying hint of disappointment in the last letter. I fancy this is so. I do not think they expected Mr. Mann to report altogether as they wished. This is a body of men who I am sure are decent men, and the Honorary Minister will agree that even if a man be a distiller of whisky he may still be honest at heart.

Hon. J. E. Dodd (Honorary Minister): That is so.

Hon. W. KINGSMILL: I am sure they thought that Mr. Mann had up his sleeve—if analysts wear sleeves—some method for standardising whisky, which would revolutionise the whisky trade and make their position secure against the adulterator, because after all to the honest distiller of whisky a standard would be very valuable if it would protect him against those who make bad whisky. It is not the sole idea of the distillers, who, I understand, like any other artists take a pride in their work, to cajole the public into drinking bad whisky under the pretence that it is good. They wish to create a good reputation for good whisky, and they undoubtedly thought Mr. Mann would be able to help them to set up a standard which it would be possible for them to use throughout the world. I understand not from any in-

side information, but I quite believe it to be a fact, that the makers of good whisky are very anxious that a decent standard should be established. Apparently Mr. Mann failed to establish what they considered a good workable standard, and I must confess, without attributing all the bad motives I can think of to these people, that their opinions should weigh somewhat heavily with this House. If we pass these regulations, or refuse to disallow them—I am speaking, I believe, on behalf of the general public, and not on behalf either of the scientific gentlemen or of the whisky distillers—our refusal to disallow these regulations, I say, would result in a very great dislocation both to the consumer and to the supplier. That being so, it would be a dangerous experiment, and I must risk earning the epithet of being a member of the fossilised institution which the hon. gentleman sometimes applies to us. I must run that risk, and I repeat that I think the evidence in favour of these regulations is not nearly sufficient for this House to allow them. Furthermore, if we return to the old regulations, of which these are a modification, it may be just as well for the hon. gentleman and his colleagues to modify them, perhaps in some other direction which would make them more workable, and I think we shall still continue to exist under them. During the two or three years in which these regulations have been suspended, I have yet to learn that any great mortality has occurred which can be traced directly to being caused by whisky, nor have the public been less happy or healthful. Bearing in mind the lack of evidence that these regulations are necessary, or that if they are required that they will work satisfactorily, and remembering that gentlemen whom I do not place in the same category as the hon. member, gentlemen like Drs. Schidrowitz and Tatlock, have said these regulations are practically unworkable, bearing all these things in mind I feel constrained to support the motion for the disallowance of these regulations.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.21]: This seems to be a

matter of some importance, and the responsibility is thrown upon us to decide it, so that in spite of heat both natural and imported we have to give as intelligent a vote as we can. I do not know that we could collect together a body of public men in this country less competent to deal with a chemical question. I wish to make a complaint to the Minister. If there is on the Notice Paper one subject which in the discussion does not call for any vituperation or personal criticism, it is this one. It is a highly technical question, and yet for the second time I have been called a fossil. I also wish to complain about the distribution of copies of these papers. I obtained my copy only by searching and asking for it, whereas it should have been specially brought under the notice of members as a matter of very considerable importance. I saw dozens of copies of these papers lying in another place unopened, and yet notwithstanding a dearth of copies here, the responsibility is thrown upon this House to disallow these important regulations. I am not surprised that Mr. Jenkins is somewhat annoyed at the way in which this matter has been dealt with, particularly as this is the last day on which these regulations can be disallowed. Is that a proper way to deal with a matter of such importance?

Hon. J. E. DODD (Honorary Minister): Whose fault is that?

Hon. A. SANDERSON: It is not my fault. It was only by specially searching and asking for these papers that I was able to obtain a copy of them. There were dozens of other copies lying in this building yesterday, not even opened.

Hon. J. E. DODD (Honorary Minister): That is not our fault.

Hon. A. SANDERSON: If I had no other reason to offer for disallowing these regulations, I should certainly vote against them becoming operative on that ground alone. I am not making any complaint against the Minister personally. It may be the system which is at fault. Assuming for the moment that I had the responsibility in my own hands of deciding this matter and knowing

something about the question of the standardisation of whisky, and having the opinions of two chemists, one retained by the whisky distillers, and one retained by the Government, I should say, without casting any reflection on either of them, we might discount their opinions on the subject. It is common knowledge that the subject of the standardisation of whisky has been dealt with not only in Western Australia but in England and in the other States of the Commonwealth, and the conclusion arrived at by scientific people is that at present it is not possible to do what Mr. Mann suggests should be and can be done. I refuse to discuss the question on equal terms with Mr. Mann. I do not doubt for a moment that he is a highly qualified chemist, but so is Dr. Schidrowitz, and surely in the circumstances it was the obvious course for the Minister in charge of the department to obtain a more or less independent opinion. Without making the slightest claim to the most elementary knowledge of chemistry, I can say the question has been discussed considerably. Every day columns have appeared in the London papers on the question "What is whisky?" and the subject has been discussed from the point of view of the public, the chemist, and the whisky distiller, and the distinct impression left on my mind is that they could not arrive at a decision. If they have arrived at a decision, I hold my own opinion on the question of chemical analysis, and I say that in certain substances in liquor especially, there seems to be something that defies chemical analysis. There is no more delicate instrument to analyse a liquor than the human palate. After having had the opinion of the greatest chemists and experts in England, it has been found impossible to arrive at a satisfactory basis for the standardisation of whisky. In these circumstances, why set Mr. Mann against Dr. Schidrowitz or *vice versa*? One is the chemist appointed by the distillers, and the other is the chemist appointed by the Government. Apparently they have not been able to agree. I ask hon. members, who have not made up their

minds, to consider the fact, that as far as we know at present it has not been found possible by the eminent chemists, who are totally independent of the Health Department or whisky distillers, to set up this standard. I do not know that it is worth while going any further into the matter. It is an interesting subject, and apparently a very important one, and that is the only reason why I have ventured to trespass on the time of the House at this hour. It must be important, or 2,000 guineas would not have been offered in connection with it. Are we going to put up with that kind of thing, and are regulations to come down that members have not had an opportunity—certainly not through their own fault—of considering, and which, if they are not disallowed by 12 o'clock to-night, absolutely become regulations. This is the position as I understand it from Mr. Jenkins. It is not treating us fairly. We all ought to have more time to consider this technical and somewhat lengthy report. The Minister introduced some extraneous matter with which it is not necessary for me to deal, except the reference to South Africa. Some hon. members have doubtless been to South Africa. The Minister has quoted the instance of South Africa having adopted regulations similar to these as a reason why Western Australia should adopt them. That is the line of argument; whereas England and the other States and New Zealand have not adopted them. The only comment I can make, simply as a traveller or visitor to South Africa, is that I have never been in a country where the liquor is so inferior in quality or more expensive to buy than it is there. It certainly does not appeal to me that the example of the South African Union—assuming that what the Minister says is an accurate statement of the position—is one that we ought to follow here. I shall vote against these regulations being put on the statute-book, and I trust that Mr. Jenkins will find a majority with him.

Hon. D. G. GAWLER (Metropolitan-Suburban) [4.33]: I would just like to say a few words to show my reasons for voting as I intend to do. I propose to

support my hon. friend's motion. I would like to point out that the motion to a certain extent involves two things, namely, the regulations themselves, and, according to the trend of it, a certain amount of censure upon Mr. Mann for the part he has taken. It has been suggested that Mr. Mann has received a big fee, and the circumstances under which he has received it have also been placed to his discredit. I wish to say that as far as I am concerned, I blame Mr. Mann in no respect whatever for that. If he has received a big fee and if he has received it while on his holiday on full pay—and we are not told whether that was so or not—if there is any censure it should be on the Government. I do not blame Mr. Mann for taking a big fee if he can get it. The matter appeals to me very much as it apparently has appealed to the hon. Mr. Kingsmill, namely, from the point of view of the public. I, as a member of the public, indulge in whisky, and many of my friends indulge in it also. I have not heard any complaint with regard to the whisky drunk in this State. Of course there are some bad whiskies that are sometimes sold in this State, and poisonous whiskies, too, and there are those which are deleterious, and no doubt contain something injurious to the person drinking them. Surely matters like this, however, can be dealt with by ordinary regulations and followed up by prosecution. The primary duty of the board controlling these matters is to see that the public comes to no harm. I do not think it is the duty of the board to interfere with what, after all, is largely a question of taste on the part of the public, and that seems to me to be what they are going to do as a result of these present regulations. It resolves itself into a fight between experts, and I think that between these experts the public is going to fall to the ground. One expert says that the standard should be based on such and such ingredients, and another says something to the contrary. Between the two, I think the public will get very little satisfaction. I should like to have seen a

question like this—and it has undoubtedly proved itself to be a big question—referred to a select committee.

Hon. A. G. Jenkins: It has been referred to a royal commission.

Hon. D. G. GAWLER: I understand there are further reports to come from somebody within the State. If that is so, it is a reason for postponing these regulations until we have had such report.

Hon. J. E. Dodd (Honorary Minister): No further investigations are being held in regard to these particular whiskies, but only with regard to Irish whisky.

Hon. D. G. GAWLER. At any rate the authorities do not seem to have arrived at any proper understanding as to what shall constitute whisky. My own idea is that the public are in no danger whatever with these regulations standing. I propose to vote for the motion.

Hon. J. CORNELL (South) [4.38]: As other hon. members have given reasons why they are going to cast their vote in a certain direction, I do not think it would be out of place for me to do likewise. My remarks will be as brief and concise as possible. I would like to say in passing that if whisky was as hard to drink as the scientific discourse upon the standardisation of whisky has been to listen to, there would be no need for these regulations.

Hon. W. Patrick: Do not make it any harder.

Hon. J. CORNELL: Is there need of the regulations as to the standardisation of food, and what effect will they have upon the general public? Those are the two main points. First, as to what effect will they have on the general public, a question which has been gone into both by Mr. Kingsmill and Mr. Gawler. I think the same arguments might be brought up now as were used in regard to the restrictions that were placed on the general public in health matters. If it is logical to lay down by health regulations what some people shall do when they come into contact with other people, it is just as logical for the Government to say, to the best of their ability,

what is good and what is not good for the people to take.

Hon. D. G. Gawler: There is no suggestion that these regulations will make whisky any less injurious.

Hon. J. CORNELL: I venture to say that there is not 95 per cent. of the general public who give consideration to what is good from the health point of view, and from the point of view of public health generally. There is one point which has crept into this debate. Mr. Jenkins has said, why not fix the standard set up by the Commonwealth? That also brings me to a point made by the hon. Mr. Kingsmill, why does not the Honorary Minister stop the importation of alcohol? The suggestion put forward by Mr. Jenkins and Mr. Kingsmill is not capable of consummation. Mr. Jenkins has recognised that full well. It is a function which has been handed over to the State, namely, the importation of articles of consumption or otherwise to the Commonwealth. All that the State can do is to stop the sale, but they cannot stop the importation, of any such goods. As far as the Commonwealth fixing the standard is concerned, the Commonwealth Parliament has by legislation tried to standardise food and other articles of consumption. It is well known that in the celebrated high court ruling this decision was arrived at—that they could fix the standard of goods that should come into the Commonwealth but immediately they came into the Commonwealth they lost all control. These goods could be adulterated, passed on, and sold to the public. That is one of the powers which has been asked by two referenda, of the people of Western Australia on behalf of the Commonwealth Government, namely, the power to place a standard on foodstuffs, and the conditions under which they should enter the Commonwealth, and follow them up to the last man who sells them. I think it should be a Commonwealth matter, and that the Commonwealth should have have power to deal with this question. We are faced with the position that the Commonwealth have no power to say

what shall be sold in any of the States. I say that the State should consider it. So far as the scientific side is concerned, I am not prepared, nor am I qualified, to give an opinion except to say that no scientific theory has been advanced which has not been combated. The only true results will be found in the actual application of the scientific theory. I ask myself the question, has the standardisation of food and other commodities any application as a factor for good? That is the only question I have to ask myself. I am not supposed to work out the standard or anything else. If the standard fails it is all the more of an incentive to try and bring it to perfection. These are the reasons why I intend to vote against the motion.

Hon. A. G. JENKINS (Metropolitan—in reply) [4.42]: In replying to the remarks of the Honorary Minister I wish to refer to the somewhat personal note that he imported into them in regard to myself. These remarks came, I think, with exceedingly bad taste from him. I have had to bring in the personal element a little. I was bound to do so as to qualifications, and I could not avoid it in comparing Mr. Mann with the scientific men I have mentioned. But there my personal note ceases. I do object to the Honorary Minister's suggestion, by innuendo, that legal gentlemen in this House have no right to bring before this House matters of public importance. The hon. gentleman suggested that we should look with the greatest concern upon local attorneys for companies bringing matters before the Chamber. Let me tell the hon. gentleman that I am not a legal attorney for the company at all. I hold no brief for them, and I have not the slightest interest or concern in any one of them.

Hon. J. E. Dodd (Honorary Minister): Mr. Haynes has.

Hon. A. G. JENKINS: Mr. Haynes may be interested. The Honorary Minister inferred that, because I was a legal member of this Chamber, I was holding a brief for those gentlemen.

Hon. J. E. Dodd (Honorary Minister): Mr. Haynes says definitely that he intended to move in Parliament.

Hon. A. G. JENKINS: Mr. Haynes was no doubt quite right in moving. When he placed the facts of the case before me I saw what a great injustice was going to be done, and I considered that there was a matter that was going to hold the State up to ridicule, and when he placed the facts before me I had no compunction in trying to move the House to set the regulations aside. To-day I am more than pleased that the tone of the debate gives me reason to hope that I shall be successful. There is no occasion, simply because Mr. Mann has made himself a laughing stock in the analytical world and has dragged the Pure Food Advisory Board into ridicule, why he should drag Parliament into the same category. Fortunately, however, here we have the power to decide whether these regulations shall be allowed or disallowed; and I shall be pleased indeed if I am instrumental in bringing about their disallowance. As regards Mr. Haynes, I have no doubt that gentleman will be thoroughly able to hold his own in any argument with the Honorary Minister, either privately or publicly or through the Press. I desire to point out, however, that I made no personal attack on the members of the Pure Food Advisory Board. I said simply that in my opinion two of the members of that Board were not qualified to standardise whisky. Dr. Hope, I said, was a very capable administrator. I have always held that opinion of him, and believe I always shall hold it. I said, further, that Dr. Hope was not an analytical chemist. Dr. Atkinson I spoke of as an excellent bacteriologist, and I think that is the designation by which Dr. Atkinson desires to be known. Beyond that, I said, I did not know what Dr. Atkinson's qualifications were. Referring to Mr. Mann, I said that he, as the analytical chemist sitting on the board, was bound to find other members of the board very much disposed to attach weight to his opinions. I stated that two members of the board were absolutely incompetent to give an opinion on the subject of the standardisation of whisky, and that two other members would, no doubt, be strongly swayed by

the opinions of Mr. Mann. I made no personal attack whatever on this gentleman, and it is not fair of the Honorary Minister to charge me with having done so. The Honorary Minister further objected to my characterising some of Mr. Mann's opinions as inaccurate, ridiculous, and absurd. If remarks are inaccurate, what other term but inaccurate can I apply to them? If they are ridiculous, what other term but ridiculous am I to find for them? And if they are absurd—

Hon. J. E. Dodd (Honorary Minister): You said they were rubbish.

Hon. A. G. JENKINS: If they are rubbish, what other term would the Honorary Minister desire me to apply to them but rubbish? Would he wish me to describe Mr. Mann's statements as perfectly correct when I hold an opinion directly contrary? The choice of terms afforded by the English language is wide and far reaching, and possibly other adjectives might have fitted the case, but the terms I applied to Mr. Mann's contentions are perfectly apposite, even if somewhat expressive. The Honorary Minister says that the Pure Food Advisory Board have been considering these regulations for four years. I should like to point out that Royal Commissions in England and in America have been considering this subject for 24 years, without having been able to arrive at a conclusion. Yet these gentlemen can arrive at a conclusion in four years. I would have expected the Honorary Minister to give the House at any rate some evidence from a medical authority or a scientific authority in support of Mr. Mann's contentions. However, no such authority has been adduced. Surely, if it existed, a competent authority in support of Mr. Mann's theory would have been brought forward. The fact of its not having been brought forward, I submit, we may accept as proof positive that it does not exist.

Hon. J. E. Dodd (Honorary Minister): South Africa has had these regulations.

Hon. A. G. JENKINS: That may be so; but, when I asked the hon. gentleman to produce his authority for that asser-

tion, he said he would give it to me privately. I do not want it privately. In referring to the attainments of the scientific gentlemen opposed to Mr. Mann, I said that Dr. Schidrowitz was considered the most eminent man in his profession, and that Dr. Tatlock also was a man of high eminence. Those are the persons we have to compare with Mr. Mann. The Honorary Minister said Mr. Mann was this and that. I do not wish to attack Mr. Mann, but I have to point out that he holds no diploma. The Honorary Minister says Mr. Mann is a Fellow of the Institute of Chemists, but it must be borne in mind that the Government Analyst holds that distinction as a courtesy only, having passed no examination to obtain it. The distinction was conferred on him in a complimentary manner because he was the Government Analyst of Western Australia. If we are to consider qualifications, and if the Honorary Minister seeks to uphold Mr. Mann's qualifications as a scientist, I desire to make plain to hon. members the real nature of Mr. Mann's scientific qualification. I said before that I did not consider Mr. Mann showed sufficient courtesy to the exporters' association at Home, and I repeat that statement. He says that he was negotiating with them for eight months. But his report does not state that. One would have expected to find that correspondence had passed between Mr. Mann and those gentlemen at any rate some time prior to a month of his anticipated departure. Evidently none passed. If any were in existence, it would have been given to the House to-day. I have little further to add. It is a matter of regret to me that the Honorary Minister should have seen fit to refer to me in the way he did, but that is a matter for the hon. gentleman's own good taste. Accordingly, I leave the matter to himself. I hope, however, that these regulations will be disallowed. In my opening remarks I informed hon. members what would be the result if the regulations were not disallowed. The old regulations cannot be carried into effect unless the Government and the Pure Food Board decide to prevent absolutely

the importation of whisky into Western Australia.

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

Ayes	..	..	..	17
Noes	..	..	..	4

Majority for .. 13

AYES.

Hon. J. F. Allen	Hon. W. Kingsmill
Hon. C. F. Baxter	Hon. R. J. Lynn
Hon. H. Carson	Hon. R. D. McKenzie
Hon. E. M. Clarke	Hon. W. Patrick
Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. G. M. Sewell
Hon. A. G. Jenkins	(Teller).

NOES.

Hon. J. E. Dodd	Hon. J. Cornell
Hon. J. M. Drew	(Teller).
Hon. H. Millington	

Question thus passed.

BILL—GOVERNMENT ELECTRIC WORKS.

Assembly's Message.

A Message having been received from the Assembly notifying that it had agreed to amendments Nos. 1 and 2 requested by the Council in the Bill, but disagreed with amendment No. 3, the Message was now considered.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

No. 3—Clause 13, add the following words:—All by-laws so made—(a) shall be published in the *Gazette*; (b) from the date of such publication, or from a later date fixed by the order making the same, shall be of the same effect as if they were contained in this Act; (c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. Notwithstanding any publication thereof, no by-law shall continue to have any force or effect if the same is dis-

approved, either wholly or in part, by resolution of either House of Parliament within thirty days after such by-law has been laid before Parliament, if Parliament is so long in session: Provided that if Parliament is not in session for thirty days after such by-law has been laid before Parliament, then such by-law shall not continue to have any force or effect if disapproved by either House of Parliament.

Hon. J. E. DODD: This measure differs somewhat from other Bills in connection with which a difficulty has arisen regarding regulations. The Commissioner of Railways is working under the Railways Act and under the Tramways Act, in respect of both of which measures the old method of making by-laws and regulations and of disallowing them is in force. This is another measure, which places the electric works under his jurisdiction, and it would be extremely inadvisable to make the procedure different from that obtaining under existing Acts.

Hon. D. G. GAWLER: I hope the Committee will insist upon pressing the amendment, with modifications which I propose to move. The existing Acts referred to by the Honorary Minister deal only with the running of the tramways and railways, but this will deal with the charges to be made for the supply of electric current. There will scarcely be occasion to make regulations dealing with operations within the five-mile area. The Government will be entitled to supply electricity under agreement outside that area, and any such operations carried on with the consent of the local authorities will require to be governed by regulations properly made. If we are to have regulations under a Bill passed by this House it is only logical that this House should have power of reviewing those regulations. I ask the Committee to insist upon the amendment with certain modification which will remove the cumbersome aspect of the amendment. I therefore move an amendment—

That the amendment be insisted upon with the following modification: Strike out all words after "Gazette" in the

original amendment and insert the following: "(b) shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. (c) If either House of Parliament passes a resolution disallowing any such by-law, of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law has been laid before it, such by-law shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or the omission of anything in the meantime. This subsection shall apply notwithstanding that the said fourteen days or some of them do not occur in the same session of Parliament as that in which the by-law is laid before it."

Hon. R. J. LYNN: I hope Mr. Gawler will neither press his modification nor insist upon the pressing of the amendment. The Bill provides that the Government may do certain things within a five-mile radius. That is all the Government can do. The Government are not in a position to do anything further except with the consent of the local authority. This proposed amendment nullifies the effect of the Bill outside the five-mile radius. No regulations will be necessary under the Bill. The Fremantle Municipal Council supplies electricity to half a dozen local authorities beyond its jurisdiction, simply entering into agreements with those local authorities. No regulations are required.

Hon. J. J. HOLMES: What about the area within five miles?

Hon. R. J. LYNN: The Perth City Council have an absolute monopoly within the five-mile radius, and the Government can only step in and supply any other local authority if the Perth City Council refuses to fulfil the prescribed obligation. There is no necessity whatever for rules and regulations, and therefore we should not press the amendment. There is no value in it.

Hon. H. P. COLEBATCH: Appar-

ently Mr. Lynn has lost sight of one feature of the Bill. The Bill gives the Commissioner power to frame regulations of such wide scope that it is highly desirable that this House should have the right to disallow such regulations. It is true the Commissioner cannot go outside the five-mile radius without the consent of the local authority, but it is probable that the Commissioner will get the permission of the local authorities to establish electric light works and supply current direct, in which case he will have power to frame regulations prescribing scales and charges, and so we should have an opportunity of reviewing those regulations. The hon. member says there is no need for this power to frame regulations. If that is the case the proper course would be to knock it out; but since we give the Commissioner large powers of framing regulations it is advisable that we should retain our right to disallow those regulations.

Hon. Sir E. H. WITTENOOM: Once the Commissioner gets the consent of any outside authority to initiate works he must make regulations to carry them on. I cannot see why there is this repeated opposition from another place to the clause. It is almost a resentment of this House having anything to say in regard to regulations. It is time this House was recognised as part of the constituted Parliament. We have power to accept or reject Bills, and if we have that power surely we ought to have the power to say whether we will accept or disallow regulations made under those Bills. If regulations are made bona fide there can be no objection. There seems to be a resentment against this House for putting this clause in Bills, and yet it is a most reasonable provision.

Hon. R. J. LYNN: Would any local authority enter into an agreement without consulting the ratepayers, and there must be some agreement before the Government can make any regulation, they must get the consent of the local authority.

Hon. D. G. GAWLER: The Bill gives the Commissioner power with the consent

of the local authority to construct and maintain works. That has nothing to do with regulations. If the regulations are not consented to by the local authority they cannot be made.

Hon. J. CORNELL: I am sick and tired of this wrangling on the question of regulations, and the sooner we overcome the difficulty the better. The only possible way out of the difficulty seems to be to follow the system laid down by the Federal Constitution: the Houses meet in conference and settle the question.

Hon. J. F. ALLEN: Local bodies are well able to take care of themselves, and they can do better than if the regulations have to be submitted to Parliament. No local body would give power to the Commissioner to come in unless they were properly safeguarded. The more liberty that is given to local bodies the better results ultimately will be obtained.

Hon. V. HAMERSLEY: Nearly all acts have a provision by which regulations may be drawn up, and we should not take away the power of Parliament by giving to one individual the power to draw up regulations. The railway system is a bugbear to us, because the Commissioner can make regulations which need not be submitted to Parliament, and if we do not take care that will happen in other cases.

Hon. J. E. DODD: There will be two Acts under which the Commissioner is to carry out his administration, and it will be an anomaly if he has to deal with one set of regulations under one Act and another set of regulations under another. If the amendment be carried the Bill may possibly be dropped. It would be foolish to carry the amendment seeing that it will not attain the object sought by the hon. member. I am not going to enter into an argument as to the rights and wrongs of this matter except to say that as it takes two Houses to make laws, it should take two Houses to nullify the effect of those laws.

Hon. D. G. Gawler: It takes only one House to disallow.

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

Ayes	..	..	..	9
Noes	..	..	..	8

Majority for 1

AYES.

Hon. D. G. Gawler	Hon. W. Patrick
Hon. V. Hamersley	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. H. P. Colebatch
Hon. R. D. McKenzie	(Teller).

NOES.

Hon. J. F. Allen	Hon. R. J. Lynn
Hon. C. F. Baxter	Hon. G. M. Sewell
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	(Teller).
Hon. J. M. Drew	

Question thus passed; the Council's amendment as modified insisted on.

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

BILL—STATE CHILDREN ACT AMENDMENT.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment and the report adopted.

Read a third time and passed.

BILL—INDUSTRIES ASSISTANCE.

Assembly's Message.

The PRESIDENT: I have received Message No. 32 from the Assembly acquainting the Council that there is a difficulty in the way of consideration by the Assembly of Message No. 27, in which a request is pressed or repeated. The Assembly therefore request that the Council do further consider Message No. 27 in regard to the Industries Assistance Bill.

Sitting suspended from 6.43 to 7.30 p.m.

Hon. W. KINGSMILL (Metropolitan-Suburban [7.30]): I wish to move that a Message be sent in answer to Message No. 32 received from the Legislative Assembly. Perhaps it will shorten matters if I read the Message I propose should

be sent, and which I hope this House will endorse. I move—

That the following Message be forwarded to the Legislative Assembly:—
In reply to Message No. 32, relating to the Industries Assistance Bill, the Legislative Council, disregarding for the moment its undoubted right under the Constitution to press or repeat requests for amendments to Money Bills, desires to direct the attention of the Legislative Assembly to the fact that the Bill in question, as it does not contain any clause appropriating any part of the Consolidated Revenue or imposing taxation, cannot be said as coming under the provisions of Sections 66 and 67 of the Constitution Act of 1889, and therefore is not subject to the provisions of Section 46 of the Constitution Act Amendment Act of 1899. Indeed, so far from containing such a proposal, Clause 25 of the Bill explicitly states that any expenditure under this measure shall be made the subject of legislation, appropriating the necessary funds at some future date. It is worthy of note also that if, as appears probable, such expenditure is to be made from loan funds, it is clear from Section 66 of the Constitution Act of 1889 that the measure authorising the same cannot be considered a Money Bill. Under these circumstances the Legislative Council requests the Assembly to give further consideration to its Message No. 27.

I think the proposed message deals with every aspect of this case. I have noticed with a good deal of regret that in the last three years or so, and more particularly in the last two or three years, a growing tendency has arisen in another place to treat all manner of Bills as Money Bills. It has become the custom to treat a Bill as a Money Bill if the passage of the Bill means that the country is to spend any money. I venture to say if that system is pursued to its logical issue, every Bill that is introduced into either House is a Money Bill, because I can scarcely imagine a measure becoming an Act, the administration of which did not or would not put the country

to some expense. But if we take the definition laid down in our Constitution with regard to those Bills which shall by law originate in the Assembly, and that I take it is meant to be the definition of a money Bill, we find it is simple and easily understood. The definition of which I speak is found in Section 66 of the Constitution Act of 1889, and is as follows:—

All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly.

That is to say, those Bills which originate in the Assembly and can only originate in that House are undoubtedly the Bills which are meant to be Money Bills. The next section of the same Act provides for the introduction of those Bills by what is known as Message. It reads as follows:—

It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty, or impost, to any purpose which has not been first recommended to the Assembly by message of the Governor during the session in which such vote, resolution, or Bill is proposed.

It is very evident that these two sections, coming the one after the other, relate absolutely and entirely to the same class of Bill—those are money Bills. Section 46 of the Constitution Act Amendment Act of 1899 is as follows:—

In the case of a proposed Bill, which, according to law—

That is the law I have just explained—must have originated in the Legislative Assembly, the Legislative Council may at any stage return it to the Legislative Assembly with a message requesting the omission or amendment of any items or provisions therein: and the Legislative Assembly may, if it thinks fit, make such omissions or amendments, or any of them, with or without modifications. That provides the procedure which shall be adopted in the case of money Bills as

between the two Houses, but I venture to say I shall be able to show that that procedure does not enter into the question at all, because the Bill we are now considering will signally fail to get past the first section I have read, namely Section 66 of the Constitution Act of 1889. I will read that section again:—

All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly.

Now I ask hon. members "Does this Bill appropriate any part of the Consolidated Revenue Fund?" The answer must clearly be—"No, it does not." Then I ask—"Does it impose, alter, or repeal, any rate, tax, duty, or impost?" Again the answer is undoubtedly—"No, it does not." I take it that any part of the Consolidated Revenue Fund can be appropriated only once; if it is appropriated under this Bill, then it would be entirely unnecessary to bring in any legislation to appropriate it later on, and yet we find that Subclause 1 of Clause 25 of this Bill reads:—

All advances under this Act shall be made out of such moneys as Parliament may appropriate to the purposes of this Act.

Not only does this Bill not appropriate any part of the Consolidated Revenue but it explicitly states, in the body of the Bill, that it does not do so.

Hon. Sir E. H. Wittenoom: It anticipates your objection.

Hon. W. KINGSMILL: It says, in effect that any appropriation necessary for the purposes of this Act shall be made in another piece of legislation later on, and as an appropriation of the same part of the Consolidated Revenue Fund—if this money is to come from Consolidated Revenue—can be made only once, I venture to say that Consolidated Revenue is not appropriated under this Bill. The Bill signally fails, therefore, to pass Section 66 of the Constitution Act of 1889. There is another point which is worthy of consideration. We have not been taken into the confidence of the Government to the extent of learning from their repre-

sentatives in this Chamber whether the advances to be made under this measure are to be made entirely out of loan moneys or out of loan moneys and revenue. I suspect very strongly that they are to be made out of loan funds. If this is so, again this Bill fails to be entitled to be considered as a money Bill. Hon. members will notice that the wording of Section 66 of the Constitution Act of 1889 is peculiar. It alludes only to one sort of fund. It says "All Bills for appropriating any part of the Consolidated Revenue Fund," not the General Loan Fund.

Hon. J. Cornell: What would be the position if the money were appropriated from both funds?

Hon. W. KINGSMILL: If the money were appropriated from Consolidated Revenue, that would make it a money Bill. The other point, therefore, we can afford to disregard. It is an undoubted fact that by a direct and simple and word for word interpretation of our Constitution, this House has exactly the same powers with regard to loan Bills as the other place has. I do not know whether that was an oversight or not, but, whatever it was, that is undoubtedly the law. Bills dealing with the appropriation of Consolidated Revenue are money Bills. Bills dealing with loan funds, being expressly and explicitly left out of this section cannot, therefore, be regarded as money Bills. This is a very peculiar state of affairs, and if, as I suspect, the appropriations to be made in future legislation are to be made from loan funds for the purposes of this measure, then again this Bill fails to be a money Bill. Again, in order to prove this point more fully, let me point out other Acts which govern this same definition of money Bills, for instance the Commonwealth Constitution. The corresponding section of the Commonwealth Constitution expressly provides for Bills not appropriating money of the Consolidated Revenue Fund only, but in part money of the Consolidated Revenue Fund "or other moneys." These words, so expressly used in the Commonwealth Constitution Act, are obviously absent from

our own Act. Therefore the only inference to be drawn is that our Constitution Act does not constitute loan Bills Money Bills. I do not know whether that is due to the fact that when this Act was framed this happy country had no national debt, but if so, that dreadful error has been admirably and fully repaired since. For the reason, therefore, that this Bill, as hon. members will, I think, agree, is evidently not a money Bill, I think it would be wise to ask the hon. members of another place to reconsider their decision. This is not the first time that has been done, because away back in 1902 we had a somewhat similar occurrence, the only difference being that objection was taken at an earlier stage. The record of this will be found in the votes and proceedings of the House for the year 1902, and the messages which passed between the two Houses were as follows.

Mr. Speaker,—In reply to Message No. 26 from the Legislative Assembly, returning the Railways Act Amendment Bill, on the grounds that the Legislative Council had not the power to make the amendments but should have suggested them to the Legislative Assembly under "The Constitution Act Amendment Act, 1899." The Legislative Council informs the Legislative Assembly that the Bill in question is an amendment of "The Railway Act, 1878," which cannot be looked upon as a Bill coming under the provisions of Section 46 of "The Constitution Act Amendment Act, 1899." The clause as amended by the Legislative Council affected only the machinery provided for the purposes of carrying out the provisions of the Act. If the Legislative Council accepted the position taken up by the Legislative Assembly, they would, for example, be precluded from making amendments to the Constitution Bill, as the arguments set out in Message No. 26 from the Legislative Assembly would equally apply in the case of that message. The Bill and the schedule of amendments are returned herewith.

To this the Assembly returned the following answer:—

Mr. President,—In reply to Message No. 19 from the Legislative Council, returning the Railways Act Amendment Bill with amendments made therein by the Legislative Council, the Legislative Assembly acquaints the Legislative Council that, in accordance with the provisions of Section 66 of the Constitution Act, this Bill was required to originate in the Legislative Assembly, and Section 46 of the Constitution Act Amendment Act, 1899, extended the powers of the Legislative Council by permitting them, in the case of a Bill which by law must originate in the Legislative Assembly, to return the Bill to the Legislative Assembly, suggesting any omissions or amendments which they may desire to be made therein, and the Legislative Assembly may, if it thinks fit, make such omissions or amendments, but no power is given to the Legislative Council to make such omissions or amendments themselves. The Legislative Assembly will always be willing and desirous of considering any amendments suggested by the Legislative Council when transmitted in accordance with the provisions of Section 46 of the Constitution Act Amendment Act. The Railways Acts Amendment Bill when transmitted to the Legislative Council, had endorsed upon it the notification that the Governor had by message recommended that an appropriation should be made by the Legislative Assembly for the purposes of the Act, thus showing that it was an Act which must by law originate in the Legislative Assembly. The Bill and the schedule of amendments are returned herewith.

If any precedent is wanted, there is a precedent. I bring it forward as an example that the Assembly have seen the errors of their ways on a former occasion. In this case the amendment as requested by this Chamber does not in any way affect the clause which can come within the scope of the Constitution Act. It could not, because there are none.

But granting for a moment that in an extremity Clause 25 might be supposed to come within that section, this amendment has nothing to do with Clause 25. Therefore, for the reason set forth in these two messages, if for no other reason, the Legislative Assembly could very well withdraw from the position taken up. Acting on the rules of common sense, acting on the law laid down in our Constitution, acting on the precedent which is afforded by the incident which took place between the two Houses in 1902—acting on all those reasons, I say that it is incumbent on the Assembly to reconsider our message and treat this Bill as it should be treated, not as a money Bill, as its description does not fall within the scope of a money Bill.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [7.51]: The hon. Mr. Kingsmill has argued this question from the point of view of the Legislative Council, as to whether this is or is not a money Bill. I do not object to that, but I do resent his statement on behalf of the Government, that during the last three years there has been a growing tendency to treat all Bills as money Bills, whether or not they deal with the spending of money. There is no authority for saying that has been the practice only during the past three years. A similar attitude has been adopted throughout. I have gone as far back as 16 years ago, and all along similar action has been taken. Even on motions in connection with which an appropriation might become necessary the Assembly has taken exactly the same attitude as it has taken to-day. In 1905 Mr. English, the then Premier, introduced a motion to the Assembly for the purchase of the Midland Railway—

Hon. W. Kingsmill: The procedure is laid down in the Standing Orders with regard to motions.

The COLONIAL SECRETARY: And be moved—"That this House approves the purchase from the Midland Railway Company of the Midland railway, including all buildings, lands, rolling stock, machinery and effects of the company

in Western Australia, and 2,350,000 acres of land, free of all encumbrances, for the sum of £1,500,000." That was a simple motion with no provision for an appropriation. The Government would have had to come down with a Bill asking Parliament for authority to spend the £1,500,000, but what was the result? Action was taken by Mr. Moran, who raised the point that the motion should have been preceded by a Message from His Excellency the Governor, and the Speaker of that day (Mr. Jacoby) upheld the objection. In 1894 Mr. Moran tabled a motion—at that time Sir James Lee Steere was the Speaker of the Legislative Assembly—to the effect that with a view to encouraging the procuring of water on the goldfields by private enterprise, the following regulations should be adopted; and Mr. Moran submitted certain regulations which he desired to see enforced. The Speaker allowed Mr. Moran to finish his speech and then said—"I am quoting from *Hansard* in order to show that this is not a practice which has been recently adopted, but a practice which has been followed for many years." Sir James Lee Steere then said—"I did not like to interrupt the hon. member's speech, but I wish now to give a ruling on the motion. These regulations brought forward by the hon. member for Yilgarn deal with the spending of public moneys, and as there has been no message from the Governor asking the House to make the necessary appropriation for this purpose, it is not in order, and therefore this debate cannot continue longer. Therefore, I must move that this discussion is out of order."

Hon. W. Kingsmill: But this Message deals with a Bill not with a motion.

The COLONIAL SECRETARY: The principle is just the same.

Hon. W. Kingsmill: It is not.

The COLONIAL SECRETARY: This Bill, I will admit, does not deal with the question of an appropriation, but the same principle is involved. In 1895 a petition was brought before the Legislative Assembly in regard to the case of Mr. John Maher, a contractor, in which the House was asked to recog-

nise that an injustice had been done to him. On that occasion the Speaker ruled as follows:—"This petition is most distinctly not in order, for the simple reason that the only redress the petitioner prayed for would be the granting of some monetary compensation. I can see no other form of redress he could have. I am decidedly of opinion that the petition cannot be received by this House." And there are several other references of a similar character in connection with such matters. The principle is the same whether it be a motion or a Bill. I hope, in connection with this measure, and in view of the fact that there is a joint select committee of both Houses sitting with a view to removing these difficulties, so effectively as to prevent their cropping up in the future, the House will be prepared to waive its rights on this occasion. In another week, I dare say, the report of the joint committee will be available and I have no doubt that provision will be made therein with a view to the prevention of a recurrence of similar difficulties in the future.

Hon. W. KINGSMILL (Metropolitan—in reply) [7.56]: I want to remove any misconception there may be in the minds of hon. members in regard to this question as affecting motions and Bills. If there is no other difference, there is this difference, that Bills are explicitly exempted under our existing legislation, while motions are not. I know that the Colonial Secretary is dealing with a theory which has been running riot in the minds of members of the Legislative Assembly that that House has certain rights which have come to be known as inherent rights.

Hon. C. F. Baxter: Did you say incoherent rights?

Hon. W. KINGSMILL: Possibly, but they call them inherent rights. I know where the phrase comes from. It comes from the Mother Country where they have no written Constitution; where whatever rights they have are the result of practice and not of law. It is not so with us. The position is essentially the same—if I may without presumption quote a legal instance in the presence of

lawyers—as the difference between the common law of the Empire and the Statute law of one of the Dependencies, such as Western Australia. Where a subject is not covered by Statute law, the common law of the Empire governs; but where Statute law specifically provides for the treatment of a subject, then the subject comes under Statute law, which overrides the Common law. This theory of inherent rights is quite correct in the mother country, where they have no written Constitution, but here it must fall to the ground. As I have pointed out, the Colonial Secretary is quite right in regard to motions, but there is not the slightest connection between motions and Bills.

The Colonial Secretary: What is the difference?

Hon. W. KINGSMILL: The difference is this, if there is no other difference, that what Bills may originate without a Message and in this Chamber, and what Bills may only originate with a Message and in the other Chamber is laid down by law. That law makes no mention of motions.

Hon. J. Cornell: It mentions resolutions.

Hon. W. KINGSMILL: Section 66 of the Constitution Act is what I am quoting, and this Bill does not get past Section 66, much less does it come within the province of Section 67. It cannot survive the test of Section 66. It explicitly states that whenever an appropriation is needed it will take place at some other time, and as money cannot be appropriated twice that will be the appropriation. The arguments which have been used by the Colonial Secretary are like the flowers that bloom in the spring; they have nothing to do with the case. If the Assembly has been wrong for 16 years it is nearly time they were set right, and they have been wrong in making Loan Bills Money Bills.

The Colonial Secretary: They are a charge on the revenue; interest has to be paid.

Hon. W. KINGSMILL: And that interest is appropriated, and the hon. member knows it. This House will be foolish

if at this period of its existence, when it stands higher in the estimation, not only of its own electors, but the electors of the State, it waives any of its rights or gives away any of its privileges.

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

Ayes	..	..	..	14
Noes	..	..	..	4
Majority for 10				

AYES.

Hon. C. F. Baxter	Hon. R. J. Lynn
Hon. E. M. Clarke	Hon. W. Patrick
Hon. H. P. Colebatch	Hon. G. M. Sewell
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. R. D. McKenzie
Hon. A. G. Jenkins	(Teller).
Hon. W. Kingsmill	

NOES.

Hon. J. E. Dodd	Hon. H. Millington
Hon. J. M. Drew	Hon. J. Cornell
	(Teller).

Question thus passed.

BILL—LUNACY ACT AMENDMENT.

Message received from the Assembly notifying that it had considered the Council's further amendment to amendment No. 6 of the amendments made by the Assembly, and had disagreed with it.

BILL—DIVIDEND DUTIES ACT AMENDMENT.

Message received from the Legislative Assembly notifying that it had made the amendment requested by the Legislative Council.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.
Title—agreed to.
Bill reported.

BILL—COAL MINES REGULATION ACT AMENDMENT.

In Committee, etc.

Resumed from the 10th February;
Hon. W. Kingsmill in the Chair; Hon. J. Cornell in charge of the Bill.

Clause 2—Amendment of Section 21:

Hon. J. CORNELL: I have consulted the member of another place who introduced the Bill and he informed me that it was not drafted by the Crown Solicitor. The Bill was drafted by himself, and it was then referred to Mr. Robinson, K.C., M.L.A., who approved of the drafting. Mr. Jenkins, a member of this Chamber, has also gone through the Bill and has approved of the drafting. The object of the clause is to amend an error in the parent Act, which consists of a numeral having been dropped out. That error, I may mention, has been allowed to exist for 13 years.

Clause passed.

Clauses 3, 4—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time and *passed*.

**BILL—MIDLAND JUNCTION
TRADES HALL.**

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [8.15] in moving the second reading said: This is a Bill to make it lawful for the Midland Railway Company of Western Australia, Ltd., to transfer a portion of Swan Location 16 containing about 36 perches for the purpose of a trades hall. In 1886 John Waddington contracted with the West Australian Government to build a railway from Midland Junction to Walkaway and Parliament gave him power to resume land for the purposes of the railway. The Act was passed in 1886 and was entitled the Guildford-Greenough Flats Railway Act, and it gave power to John Waddington to resume land for the erection and construction of workshops, station sidings, goods and carriage sheds, warehouses, depots, wharves, station yards, and approaches thereto respectively, and such land so taken on the completion of the railway was vested and granted to the contractor in fee simple to be used for railway purposes and no other. Since then he assigned to the Midland Railway

Company and they have been using the lands for railway purposes in accordance with the Act. Some time ago the company were approached by the trades hall officials of Midland Junction with a request to allow them to have 36 perches of this land for the purpose of a trades hall. The manager of the company wrote to England and obtained the consent of the directors to the transfer. Upon investigating the provisions of the Act, however, it was found that the land had been resumed for railway purposes only, and could not be used for any other purpose without the sanction of Parliament. Parliament having made the stipulation in the first place, it was necessary to obtain the consent of Parliament to legally transfer the land to the trades hall. The trades hall people are ready to build on this property and are anxious to have the transfer legalised. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate; reported without amendment and the report adopted.

Read a third time and *passed*.

**BILL—VERMIN BOARDS ACT
AMENDMENT.**

Assembly's Message.

Message from the Assembly received and read notifying that it disagreed with the Council's amendments.

House adjourned at 8.21 p.m.