

Clause 16—Amendment of Sections 45 and 87 of Licensing Act, 1911:

Mr. GEORGE: Would any alterations which had been made to the Bill necessitate alterations being made in these sections?

The Attorney General: No.

Clause passed.

Clause 17—agreed to.

Schedules. Title—agreed to.

Bill reported with amendments and the report adopted.

House adjourned at 2.12 a.m. (Friday).

Legislative Assembly,

Friday, 5th December, 1913.

	Page.
Dissent from Speaker's ruling	3412
Question: Fremantle Harbour, Deepening ..	3412
Bills: Electoral Districts, 3R.	3412
Initiative and Referendum, 2R.	3415
Local Option, 3R.	3413
Permanent Reserves Rededication, Com. 3R.	3413
Roads Closure, 2R., Com.	3415
Illicit Sale of Liquor, 2R.	3422
Fremantle Improvement, Council's pressed requests	3430
Pearling Act Amendment, 2R., Com., 3R.	3431
Plant Diseases, Com.	3431

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

DISSENT FROM SPEAKER'S RULING.

The ATTORNEY GENERAL (Hon. T. Walker): As announced on the preceding evening, it had been his intention to give notice of dissenting from the ruling of the Speaker; but as the occasion for his motion had been removed by the effect of the subsequent vote of the Committee, and as it was late in the session, he had resolved to wait until a similar occasion should arise at some future time.

QUESTION—FREMANTLE HARBOUR, DEEPENING.

Mr. CARPENTER asked the Minister for Works: What steps have been taken to procure the necessary plant for deepening the entrance to and portion of Fremantle Harbour to 36 feet, in accordance with plans submitted, and when will the work of deepening be commenced?

The MINISTER FOR WORKS replied: The Agent General has been asked to obtain quotations for a modern bucket dredge on information supplied by the Engineer-in-Chief whilst in England. Plans of drilling and blasting, preparatory to dredging, are now under consideration.

BILL—ELECTORAL DISTRICTS.

Third Reading.

The ATTORNEY GENERAL (Hon. T. Walker) moved—

That the Bill be now read a third time.

Mr. ELLIOTT (Geraldton) moved an amendment—

That the Bill be recommitted.

His object was to move the following amendment to the Bill—

Clause 4, Subclause 2: Strike out the words "one-fifth" occurring in lines 12 and 13 and insert "one-fourth" in lieu thereof.

The ATTORNEY GENERAL (Hon. T. Walker): The motion could not be accepted at this late stage of the session, seeing that so much time had already been spent in debating the Bill. He would be perhaps more willing to concede the point to the hon. member if there had been more time. He had not known of the hon. member's intention to move the motion until arriving at the House this afternoon. Moreover, the hon. member would have an opportunity of making the amendment in another place.

Hon. J. MITCHELL (Northam): The Attorney General was wrong in saying the hon. member would have an opportunity of amending the Bill in another place. The hon. member was a member

of this House, and desired to move the amendment himself. Of course the Attorney General, if he wished, could prevent the hon. member from exercising an undoubted right, by refusing to agree to the motion. It had been known to Ministers last evening that the hon. member desired to have the Bill recommitted.

The MINISTER FOR LANDS (Hon. T. Bath): The question of the advisability of recommitment entirely depended upon the probability of the amendment being agreed to. In this case the Government had definitely committed themselves in the Bill to the marginal allowance of one-fifth, a practice adopted elsewhere. In the circumstances it would be scarcely wise to take up time in recommitting the Bill when the amendment could not be accepted by the Government.

Amendment put and negatived.

Question put and passed.

Bill read a third time and transmitted to the Legislative Council.

BILL—LOCAL OPTION.

Read a third time and transmitted to the Legislative Council.

BILL—PERMANENT RESERVES REDEDICATION.

In Committee.

Mr. Holman in the Chair, the Minister for Lands in charge of the Bill.

Clause 1—agreed to.

Clause 2—Change of purpose of reserve 9286:

Hon. J. MITCHELL: Would the Minister for Lands state the nature of this change?

The MINISTER FOR LANDS: This particular area had been previously a reserve for park lands and had been vested in the Kalgoolie municipal council. It had been found to be the most suitable site for the storage reservoir in connection with the Goldfields Water Supply, and the municipality had agreed that it should be handed over. When the change was made and the reservoir was completed the reserve would be vested in the

Minister for Water Supply, Sewerage, and Drainage.

Clause put and passed.

Clause 3—Change of purpose of portion of reserve 2101:

Hon. J. MITCHELL: It was understood that although this was a change of purpose, the same authority would control the reserve.

The MINISTER FOR LANDS: This particular area represented portion of a park lands reserve at Greenmount, and it was required for gravel purposes. The park lands reserve, although within the territory of the Greenmount roads board, was at present vested in the Midland Junction municipal council and it was now proposed, owing to the suitability of this area which it was sought to excise in order to make a gravel reserve of it, to vest it jointly in the Midland Junction municipal council and the Greenmount roads board.

Hon. J. Mitchell: How many acres is in it?

The MINISTER FOR LANDS: The area was not shown on the plan, but it would be about 150 acres, and it was proposed to excise 16 acres 2 roods 30 perches.

Hon. J. MITCHELL: As the land would still remain with the local authority of the district and there would be left a sufficient area for park purposes, he had no objection to the clause.

Clause put and passed.

Clause 4—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and transmitted to the Legislative Council.

BILL—ROADS CLOSURE.

Second Reading.

The MINISTER FOR LANDS (Hon. T. H. Bath) in moving the second reading said: This measure represents the various road closures which, as in the case of the rededication of reserves, are left until the end of the session in order to make the Bill more embracing. I may say at

the outset that in Committee I propose to delete the clause dealing with the first road closure, that in connection with the lands which are included in the area reserved for the purpose of markets. My reason for doing this is that it will be the duty of the Works Department at a later date in laying out the plan of these works to make alternative provision to some of the roads that are proposed to be closed, because public access must be given to the subway and also to the station. In view of that fact there is no special urgency for this matter at the present time, and I propose to take the opportunity in Committee to delete this portion from the Bill. In regard to the road closure in the municipality of Bunbury, this represents the closure of a right-of-way in an area which has been purchased for a school-site at South Bunbury, and as the whole of the land will be required in connection with the erection of that building, it will be necessary to include it in this Bill in order to secure the closure. Then in the Cue municipality there are two small road closures representing a very small area of land. These closures are due to the fact that in surveying the Cue post office site it was found necessary to slightly adjust the boundaries, thereby including small portions of the streets which form two corners. The first closure in the Geraldton municipality represents the closure of a public road which at the present time divides the recreation ground. The municipality has fenced the whole in as one block and has requested that the road referred to shall be closed and included in the recreation ground. To that request no objection has been raised. The second closure in the Geraldton municipality is in order to straighten Crowther-street near the north-east corner of the rifle range, as it is necessary to close a small portion of the street added to the rifle range and to add a similar portion to the street on its eastern side. Then the closure in the municipality of Albany is a readjustment of streets which was made as a result of the Surveyor General making an amended subdivision of certain blocks in that locality. The previous

subdivision was unsuitable, and it was found that better access could be given and the blocks could be more conveniently subdivided by an amendment of the whole subdivision. This was first recommended by the district surveyor and afterwards approved by the Surveyor General and represents an improvement in that particular portion of Albany. To this also no objection has been raised. I move—

That the Bill be now read a second time.

Hon. J. MITCHELL (Northam): Although this Bill would appear to be more or less a formal matter, it is always an important one. I am glad the Minister intends to strike out part of the schedule, because on examination of the plan I think it would have been absolutely wrong if he had gone on with the closure of streets before making provision for access to the station and to provide landowners who are within the locality with proper access to their blocks. I hope, however, the building of the markets will not be delayed in any way by the failure of the Minister to put the Bill through this session. It is important that these markets should be built and a small matter like this should not be allowed to stand in the way. In looking at the plan of the Geraldton road to be closed, I notice that a small portion is to be taken and added to the rifle range. It seems an extraordinary thing that a small piece of land should be needed for that purpose, but I suppose the rifle range when it is built, if it has to be on and include a part of this road, will not be a danger to the people of the district?

The Minister for Lands: The road will still be the same width. Something will be taken from one side and added to the other.

Hon. J. MITCHELL: Is the rifle range there now?

The Minister for Lands: Yes.

Hon. J. MITCHELL: Then if the rifle range is there now that alters the position. The Minister was good enough to show me the plans, which gave me more idea of what it is intended to do than I would otherwise have had, as from the Bill itself members would know really

nothing of the intentions or understand what the measure aims at. Of course these streets are unknown to members, situated as they are in different towns throughout the State. I have no intention of delaying the passage of the Bill as the Minister intends to withdraw the roads closure as relating to the city of Perth.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Holman in the Chair, the Minister for Lands in charge of the Bill.

Clauses 1, 2—agreed to.

Schedule:

The MINISTER FOR LANDS moved an amendment—

That the first portion of the schedule, relating to the city of Perth, be struck out.

Amendment passed; the schedule as amended agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—INITIATIVE AND REFER- ENDUM.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: The measure which I have the honour to introduce this afternoon is far-reaching in its nature and is one effecting reforms in government. It is the first Initiative and Referendum Bill in that joint capacity that has been introduced in any Legislature of the Commonwealth, but it is not altogether new legislation. It is not introduced for the first time in the world and, in fact, I may say there is a long series of experiments and experience. It has been found to work well wherever it has been tried. It has been introduced not only in Switzerland but it has been introduced in America and has worked well.

Mr. Elliott: What part of America?

The ATTORNEY GENERAL: It was introduced in South Dakota, in Utah,

Oregon, Nevada, Montana, Oklahoma, Maine, Missouri, Michigan, Arkansas, Colorado, Arizona, New Mexico, California, Nebraska, and Washington, so there is quite an extensive sphere of operation already. It is in vogue in Saskatchewan, one of the provinces of Canada, and in reference to it in that part of the world the report for 1912-13, relating to the self-governing dominions, prepared in the Dominions Department of the Colonial Office, says—

Of the Statutes passed in the first session of the third Legislature of Saskatchewan the most important is Chapter 2: "An Act to provide for the initiation and approval of legislation by the electors," which introduces a new principle into the legislative methods of the Canadian Provinces. Under the Act every Act of the Legislature of Saskatchewan shall take effect only on and after the nineteenth day after the close of the session during which the Act is passed, unless a contrary intention is expressly declared in the Act, but this provision does not apply to any Act granting supply. If a contrary intention is declared in the Act, the reasons for this intention must be recited in the preamble, and if passed by the Legislative Assembly its operation shall none the less be deferred unless it receives a two-third majority of the members voting upon the third reading, and in the case of every such third reading an affirmative or negative vote of all the members present shall be recorded.

It goes on then to deal with the substance character and operation of the Act and says—

The coming into force of Chapter 2 is dependent, under Chapter 3 of the statutes, on the taking of a vote of the electors of Saskatchewan, which is to be carried out on the lines, so far as applicable, of an ordinary election. In case the majority of the votes polled are in favour of the bringing into force of the direct Legislation Act and the number of votes so polled is not less than 30 per cent. of the total number of votes upon the voters' list in Sas-

katchewan, the Lieutenant-Governor in-Council shall proclaim the date of the coming into force of the Act, otherwise the Act shall not be proclaimed and shall not come into force.

I have quoted that at some length because it denotes the importance of this legislation, and the recognition of its importance by the Home Office. It is regarded as the introduction of a new principle in British legislation. We, I suppose, are the second following that line among British communities. As I have pointed out, the principle is in operation in all the States I have mentioned of North America and has been for a long time in vogue in Switzerland. In fact America was the first country to apply the initiative to the constitution of the Government. But the proposals of the Bill are not entirely new even in this part of the world itself. We have provision for the referendum in our municipalities. There is a certain percentage of ratepayers who can call for a reference to the people in certain events by virtue of the provisions of our municipal Acts, and, not only so, we have applied the principle even in the Commonwealth Government. Hon. members are already aware of the operations of the referendum, but the new part of the Bill is the initiative and it is that part upon which I wish to dwell. I may say that where it has been tried the longest, where the largest experience of it has been had, there they have found it to be not only to the benefit of the party using it, but to the benefit of the whole country. "Switzerland" says Ambassador James Bryce "is the most successful democracy the world has ever seen," and the late Professor Frank Parsons in his publication "The City for the People" gives this further testimony—

Fifty years ago Switzerland was more under the heel of class rule than we are to-day. To-day the country is the freest and most peaceful in the world. What has wrought the change? Simply union and the referendum. Union for strength, referendum for justice.

This testimony we could not lightly reject, coming from such an able source and after experience under observation. In 1863 and a few years following that date in Switzerland six of the leading cantons adopted the initiative and referendum, and to-day direct legislation is practised in all the Swiss cities, most of the communes, 21 of the 22 cantons, and in the Federal Government itself. That, I think, should be a recommendation to this Chamber. If the experiment had been tried in a small locality, if its operations were limited in area or limited in circumstances we might doubt its virtues, but when it has been tried in all the cities as a municipal experience, when it has been tried in 21 out of 22 of the cantons, and the Federal Government itself has accepted it, we have some warrant for adopting it. It is no novelty of a dangerous or untried character. In Canada, in addition to the Legislature of the province I have mentioned, they have the advisory system in many of the Canadian cities, and in British Columbia it was adopted in 1902 so far as the towns were concerned; in Ontario, in 1903; in Toronto the referendum has also been used for purposes similar to what we use it in our municipal Acts. Now, what is this initiative that we are proposing? It means the granting to the people of the right directly to legislate. There are those who think that it alters the most sacred principles of representative Government. In this Parliament the people elect representatives who are supposed to think for and frame laws for the people and on behalf of the people, not as mere deputies, but as conscious entities with reasoning powers and reflection and with the aim of the betterment of the people. There are those who therefore imagine that the introduction of direct legislation would be inharmonious with our system of representative Government, but I want to inform this House that representative Government, even in its best form, in the form we understand it under the British flag, in British Parliaments, is only an expedient, only a convenience. It is no denial of the principle of direct legislation upon

which it is founded. Originally all acts of the people of a legislative character were direct. One has only to read the history of political institutions by the best authorities to find that in olden days, even in Britain, all the people, all the citizens, all the subjects of the King had the right to gather when he was making his laws and to advise him. They directly participated in Acts of Government and in Acts of legislation, but as events ran on, as distances became an important factor in Government, as population grew, and as the gathering of the whole population became almost an impossibility, it became necessary for the people to send representatives, and therein is the origin of that writ which directs the sheriff, or, in our days, the returning officer, to permit of the election of representatives of the people to certain shires, towns, countries, or boroughs, as the case may be. It was owing to distance that we had representative Government, and in actual working it has been found to be possible that representative Government can exist conjointly with and, as it were, be a part of the system of Government in which direct legislation can have its part. I submit that it is rightly so, because after all what are we but merely the voice, the delegated will of the people. It is our duty to keep in touch with them, to express their views and to carry out their aims and ideals. It is that that we are sent here for. If there can be found any means by which the people themselves can do it directly, and become their own law-makers, why then it is so much the better. That is the object of this Bill to-day. It is to enable the people to directly participate in the making of the laws, not indirectly, not through the agency of representatives alone, but directly from themselves. This Bill proposes that any law framed and which by petition is backed up by 15 per cent. of the electors can be brought into this Chamber, or into the other Chamber, and passed into law by us. If we take it up, or if we neglect to take it up under certain conditions prescribed in the Bill, it can be referred to the people for their vote

upon it, and if by a bare majority they themselves declare that that Bill shall become law, it shall receive the Royal assent and it can be placed upon the statute-book as if it had been passed by Parliament.

Hon. J. Mitchell: Are there no restrictions?

The ATTORNEY GENERAL: We do not allow them to deal with appropriation. We have provided that they shall not be permitted to have a say in matters pertaining to the appropriation of moneys for the carrying on of the government. But all other great questions can be arranged in this form. Those who will draft their Bills will be called promoters. There is a certain process they have to go through: they have to place their matter before the Chief Electoral Officer, the Bill has to be advertised in the *Gazette*, and petitions have to be signed in a safeguarding manner, if I may use the expression. All the signatures have to be witnessed, and it must be demonstrated that they are all bona fide electors who must be upon the roll. And these witnesses attesting signatures must be approved by the Chief Electoral Officer, and then the signatures thus obtained are forwarded to the Governor, and 30 days after the receipt of the petition he must transmit to the Speaker of the Assembly and to the President of the Council, a copy of the petition and of the Bill. Once it is here it can be taken up as an ordinary Bill, as this Assembly takes up Bills from the other Chamber, or as it takes up Bills introduced by the Government or introduced by members. If it goes through both Houses, and is proved good, it becomes law in the ordinary routine, but it may so happen that neither House will pass the Bill. It comes here and is, so to speak, a dead letter. It does not receive the sanction of the Chamber. Then comes in the application of the other principle, the application of the reference back to the people. It has to be submitted once more for the people's judgment. If they approve it by a majority of votes at the ensuing elections, then it is put upon our statute-book. If they reject it it fails, as any other measure

might fail. Not only can the people initiate that form of law-making, not only can they send a completed Bill to us, but they can send to us a project for a law, that is to say, they can suggest to us that laws should be framed dealing with any particular interest or ideal existent in the State. They might desire that these Chambers should be run without a Speaker or that the Speaker should be elected every day from the House, or perhaps that all land should be held on the leasehold principle. But they do not give the details of the measure, they only make a proposal that a law should be introduced dealing with that particular subject, defining of course the object and aims of the measure, but not framing it, and they can send that to us. A measure of that kind only requires the signature of ten per cent. of the electors. Then when it reaches this or the other Chamber, by resolution the Chamber may direct some member, perhaps of the Government, perhaps a private member, to take charge of the suggested law, if I may so call it. Then if that Bill passes through this Chamber and also passes through the other Chamber it is entitled to receive the Governor's assent, and to become law like any other measure. It may so happen, however, that the law as they propose it, and as it has been framed, goes through this Chamber and reaches the other Chamber, where it is allowed to lapse, or is sent back to this House with amendments that we cannot accept. Then if this House is in session we can, in three months, send back that Bill, and if the other House again refuses to pass it, it is submitted to the people for their ratification, and if the people endorse it it becomes law. I may thus describe it: that the initiative is that part of direct legislation which corrects the omissions of the legislature: the referendum is that part of direct legislation which corrects the errors of commission on the part of the Legislature. A Bill may also be brought to us direct from the people for our consideration. Members of this Parliament generally must approve of all the details or

all the principles of the Bill submitted. They have then their right as members of Parliament, to suggest alterations, and not only to suggest them, but to make them, to pass amendments and alter the Bill submitted directly from the people. In that case the referendum would be upon two Bills. There would be the original Bill sent by the people and there would be the Bill as amended by Parliament. Whichever Bill received the largest majority of votes would be the Bill to receive the Royal assent, and would become law in consequence. The machinery for carrying out this important work is entrusted to the Electoral Office staff. Important labour has to be performed by the Chief Electoral Officer, and I want hon. members to remember, too, that the duties are placed not only upon the Electoral staff for carrying out the provisions of the Bill, but also upon the Speaker and the President of the Assembly and the Council respectively. In the event of Bills not being properly dealt with by either House the Speaker or the President may issue his warrant for the reference of the Bill to the people, but finality does not rest there. Every machine is in order, so to speak, for expressing to the fullest the rights of the people. No caprice of the Speaker, no mere whim of the Electoral Officer, can go unchallenged. We provide, in cases of a dispute arising from any doubt as to the conduct at elections or the validity of the writ, that we shall have a court where the matter can be decided on behalf of the people. That court is the Court of Disputed Returns, presided over by a judge. Not only have the people the right to send to us legislation in this form, but they have the right to review what this Legislature in its representative capacity has effected. We have passed a Bill, and it has to all intents and purposes become law. But the people have learnt of this law and, fearing its effect, being opposed to it, are not, as now, helpless in the matter. If within 100 days after the passing of that Bill they present a petition to His Excellency requesting that Bill to be submitted to the people, and

if the formalities necessary to that petition have been fully complied with—if it be, in a word, a genuine petition, then, even though the Governor has assented to that Bill, the Bill is, by a vote of the majority of the people upon a referendum, repealed. That is the effect of it. If it be a Bill not having yet received the Governor's assent, then it shall not be assented to. So that the measure provides that not only shall the people be able to initiate legislation, but they shall be able to prevent bad legislation; that is to say, bad in the eyes of the people. I will admit that it is far reaching, that it is a new thing in this Chamber; but I can see no logic, no sound argument against it. If they have the right to vote directly for us, why should they not have the right to vote directly for the law?

Hon. J. Mitchell: They know more about us than about the law.

The ATTORNEY GENERAL: I very much question it. I submit it is because they know so very little about some members before election that we have the strange incongruities, not only in this, but in other Legislatures, which we sometimes behold. But let us look at it from another point of view. A candidate stands on a platform seeking election to this Chamber. He does so, not upon his own merits, his personal qualifications; these may enter into it, but no candidate stands up and describes his physical, or mental or moral qualities as entitling him to be their representative. What he does upon the platform is to say, "If I am returned I shall advocate this and that and the other thing. I shall give my support to the law called so and so; or I shall endeavour to have a repeal of a law now existing." And if he be a man of fertile genius and moderate attainments he will have an enormous platform of measures which he is going to introduce or advocate or support, and measures which he is going to oppose, and if possible have blotted out. What can the ordinary elector vote for in that conglomerate program? Which is the thing he attaches most importance to? And will not very often an elector vote for a representative, not because

he agrees with all the measures which the candidate advocates, or with all the items of the program, but because, all things considered, that candidate will more fully carry out the ideals held by the elector than will any of his rivals in the candidature? The elector gets the best he can. And the representative system is imperfect in another way. It is said that Parliament is just what the people make it; the assumption being that the people can take the particular idol they wish for and put it into the House. But that is not so. At the best in any election, even where there is a big choice of candidates, all that the elector can do is to choose the one that, in his eyes, is the best of the group. But the best of the group may be far short of the elector's ideal, may be very imperfect from the elector's conception of what a member of Parliament should be. Still the elector cannot get the man he wants. There is a group offering and no others are available. He must take one of the group offering, or none, and there is no one of the group he would select if he could help it. But, as he must have one, he votes for the best out of the job-lot, so to speak. I am putting it in an extreme form to show the force of the argument. It prevails in all contested elections. There are very few representatives who come up to the ideals of the electors. What is the result? The one selected, when he gets here, votes for those measures which come in as Governments introduce them, not as he would like them. He cannot take command of the Legislature; he cannot stop the business and introduce his particular measures if the business of the day and the rights of the other members will not permit. The consequence is he is subjected to all species of limitations, and the high ideals and lofty hopes which he had on entering are dejected by the depression of failure before the session is over. The consequence is the best representatives cannot adequately serve the people in the way they could wish. And in the meantime, if we are carrying on our business in a line that seems to us our business in a line that seems to us well, the people at large say, "There is

too much neglect of this or the other great principle." Why should they not bring our attention to it? Why not be able themselves to bring that Bill to pass through the stages necessary to render it law? What is there wrong with that? We can still exercise all our faculties, all our judgment, our powers of criticism, our suggestive constructiveness. Every power we now have will still be ours. But we educate and train the people so that the judgment of the more skilled or matured of members of the two Houses may be put to the people and the people can endorse that matured suggestion. It has not been found in any sense to interfere with the full rights of representative government wherever it has been tried. I want to give the testimony of one whose experience and knowledge of the world will in no sense be doubted. President Woodrow Wilson had an interview which was reported in the *Outlook* of 26th August, 1911. President Wilson said—

For 15 years I taught my classes that the initiative and referendum would not work. I can prove it now; but the trouble is they do. Back of all reform lies the means of getting it. Back of the question "What do you want?" is the question "How are you going to get it?" The immediate thing we have to do is to resume popular government. We are cleaning the house, and in order to clean the house the one thing we need is a good broom. The initiative and the referendum are good brooms.

Ex-President Theodore Roosevelt is equally emphatic and instructive in his "Charter of Democracy" address delivered on 21st February, 1912, before the Ohio Constitutional Convention. He said—

I believe in the initiative and referendum, which should be used, not to destroy representative government, but to correct it whenever it becomes misrepresentative.

There is a world of wisdom in that utterance. It is not to supplant, it is not to destroy, it is not to displace representative government, but it is to keep repre-

sentative government in touch with the aspirations of the public, to keep representative government as a part, the living, the sentient, the sensitive part of the great body politic. It is for the purpose of bringing into this Chamber, with its closed doors, the views of the living people; that is the purpose of it. When we fail to do a thing the people outside shall bring to us the very means and instructions for doing it. When we have done the thing that is wrong in the eyes of the public—committed an act detrimental to their purpose, their happiness—then they can say, let us have a voice upon that, let us directly consider it, vote upon it and so correct the error you have committed. Another authority—and I must have some authority for a matter so important—United States Senator Jonathan Bourne, in a speech delivered in the Senate said—

The initiative and referendum is the key-stone of the arch of popular government; for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate because it encourages the study of principles and policies of government, and affords the originator of the new ideas in government an opportunity to secure popular judgment upon his measure. The referendum prevents misuse of a power temporarily centralised in the Legislature.

Again, Governor Francis E. McGovern, of Wisconsin, in his message to the Legislature in 1911, urged the passage of an initiative and referendum measure, and its submission to the people, and in doing so used these words—

The great task of the time is how to make and keep the Government fully representative of the people. Powerful forces are constantly at work to prevent it. This is the initial problem which must be solved before real progress along any other lines is possible. There is the reason for us bringing in that measure to-day. True, we claim to be representatives of the people, but are we always sure that we do represent the people, that is to say, not merely in the

capacity of agents or deputies, but as feeling as if we were part of the people themselves, that their thoughts, their instincts, their aspirations, touched us and aroused those sentiments in ourselves? Permit me to give one or two illustrations that may convey my meaning, which is very delicate, more clearly. It was said of the great reformer in France, Turgot, that he was covered with the skin of the people, to prick the people was to draw blood from his veins. In another sense I may take the illustration of the strings of a violin attuned in perfect accord, or the machines of the wireless telegraph. The sympathy existing between the two machines attuned in perfect accord is such that the motion or activities of the one will, by sheer sympathy, so to speak, stimulate and cause to work the other. Are we so attuned to the people outside, that as their feelings work, as their aims, dreams, purposes, and ambitions of life work, we feel them, so that they set us in motion, and we can tell just exactly the state they are in? Or, is it not often a fact that the people outside do not feel at all, are not *en rapport* at all with us, are oblivious of the work we are doing, are careless, disregarding, of it? There is no element of sympathy between us and their common activities of life. And does it not happen also that great social forces are at work, dynamics are playing in the community of which we, in the isolation in which we are sheltered here by four walls of a building, are absolutely unconscious? Changes are working, there are aims and stimuli urging the people with almost revolutionary force to claim reform, and we are utterly unconscious of it. We are not attuned in perfect accord. That message to the legislature expresses it perfectly—"The great task of the time is how to make and keep the Government fully representative of the people. Powerful forces are constantly at work to prevent it." And it is perfectly true. I can perhaps give an illustration that every member of the House is conversant with. A man stands on a platform addressing an enormous audience, and

the audience are sympathetic with him. I guarantee to say if they are, that audience through him will make the speech to themselves. They will stir every nerve within him. They will arouse his imagination, quicken his memory, powerfully stimulate his powers of comparison, analogy, and synthesis, and they will speak their thoughts to themselves. The speaker will catch and feel their ideas. On the other hand, let them be cold, irresponsible and callous, dead as it were, and then the speaker has to thresh out every sentence he utters. It all falls dead, and he feels dead in the process of delivery. That harmony that exists between the speaker on the platform and his sympathetic audience is precisely the harmony that should exist between the legislature of the country and the electors outside, so that we do hear what they are hoping for beyond these walls. And that is the purpose of the Initiative and Referendum, to bring them in direct touch with us so that we are naturally part of them, acting with them and for them, and they through us. Governor Hiram W. Johnson of California, in his inaugural address before the legislature, used these words—

I commend to you the proposition, that, after all the Initiative and Referendum depend upon our confidence in the people and their ability to govern. The opponents of direct legislation, however they may phrase their opposition, in reality believe the people cannot be trusted. We who espouse these measures do so because of our deep rooted belief not only in the right of the people to govern, but in their ability to govern.

I submit that is exactly what we are demonstrating to be the correct position every day of our lives. Take this Assembly in this Chamber, is it not direct from the people? Are not all ranks of the community represented in it? I ask these questions because it was an old-time belief that only a certain privileged section of the community had the capacity to govern and to rule. It is the marvellous genius of the Anglo-Saxon race that from the lowest stratum of society

up to the most skilled and cultured sections of the community, there is evidenced an inherent capacity to govern. In every city we find scores of forms of governing going on. It is not only that we have our Parliament, but we have our conferences, we have our associations, we have our municipalities, we have our progress committees, we have our improvement committees, and in every direction government is going on, so that in the most untrained and unskilled of ranks we find people with a capacity to govern; and it is remarkable to-day that even as we travel in our trains, or in our tramcars, or upon our boats, or as we walk in the streets, at every little gathering, we will find groups of people debating great national questions, and everyone capable of taking an intellectual view of the case. The hour has passed when political feelings and conceptions have to be forced on the people, when the people had to receive their political, as they received their other faiths, dogmatically, when they had to have them thrust upon them. Now the people think, and before a law gets passed in this Parliament, the people on the platform, the people in their multifarious gatherings, the people with their admission to the columns of the Press, the people in their daily meetings in life have discussed those problems and rendered them ripe for legislation. We have always followed and never led, as representative governing bodies, the people. We have allowed the public outside to mature their thoughts, to put them into form and shape them into practical legislation before we ever dared to put a Bill into draft and move its reading for the first time. Now, the people who can shape our policy for us, and write for us our ideas in that airy form which has no responsibility about it can surely in a responsible form, with their names on paper, with their advocacy on the platform, give us the law they have matured and which is ripe for consideration. Therefore, there is no offence in the measure before us to the system of British government.

Already in the British Dominions the principles I am advocating have been adopted. They have been more or less approved, certainly not censured, by the Home authorities themselves. Therefore, I can see no crime, no wrong, no injustice, no disastrous innovation, in desiring their introduction in Western Australia which is the foremost democratic State of the Commonwealth, and, in my belief, the foremost State in reformatory legislation for the good of humanity under the British flag or in the whole world. I move—

That the Bill be now read a second time.

On motion by Hon. J. Mitchell debate adjourned.

BILL—ILLICIT SALE OF LIQUOR.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker), in moving the second reading, said: This is a measure that will require no strong advocacy to drive the necessity for it home to the minds of hon. members present. It is within the knowledge of everyone of us here that the illicit sale of drink has been a growing evil for some years past.

Mr. Taylor: And is still growing.

The ATTORNEY GENERAL: It is still a growing evil, and a most dangerous one. Everyone who believes in the value of the licensing laws, who believes in the regulation of the liquor traffic, who believes in the State having supervision over the quality of liquors and the hours of sale, and the other elements connected with the wholesale use or abuse of drink, must admit the necessity for this measure. I myself have witnessed spectacles that are abhorrent and shocking in some of the outback townships that are growing up, where it is impossible that an hotel can exist. I have seen and learned of scenes that one can scarcely believe to be possible amongst civilised human creatures. It is not only that the drink is sold without a license to the detriment and injury of the community, but it is because there can be no testing or watching the kind of liquor

that is sold, and the bad spirits and imperfect alcohol that are vended in some of the outback districts are not only a fraud upon honest persons, but are deleterious physically and mentally. Men have been driven to the committal of crime by the nature of the beverage they have imbibed. The want of proper quality has not only ruined health, but has ruined morals in the worst sense of the word. The object of this Bill is to try and overtake those who are engaged in illicit drink traffic at the present time. It is true that under the Licensing Act certain powers are given to the police and we repeat some of them in this Bill. We are desirous of making the measure as complete as possible, and therefore we have taken over from the Licensing Act whatsoever serves the purposes of this Bill. The chief aim of the measure is to give the police further powers than they had under the existing laws. We are aware that a policeman at the present time may know a sly-groggery is proceeding in a certain quarter, but unless he can go there at a time and obtain admission when people are actually drinking and sales are being effected, he is utterly helpless to obtain a conviction when he brings the proprietor of the place into court. The law as it stands requires that there shall be absolute proof that liquor was kept on the premises for sale and actually sold upon the premises. It is by no means an easy task to prove that and so a number of these sly-grog selling institutions have remained in perfect immunity. There is scarcely an outback camp or place where settlers are beginning to congregate and make their homes but we find a sly-groggery, and in some parts I believe there are travelling sly-groggeries. Carters have their vehicles filled with alcohol in all its forms, and if asked where they are going, they say they are delivering orders, that they are delivering the liquor to the persons who have purchased it. It is known that this is only a subterfuge, only a pretext, and that the grog is intended to be delivered some sly-groggery, and thence distributed amongst the residents. That is an evil that demands a remedy in common jus-

tice to our fellow creatures. We provide that a policeman when he has suspicion that a sly-groggery exists anywhere shall be able to go to a magistrate and get a warrant, and that he shall be able to search for and seize the liquor, and then it is for the person owning that liquor to come into court and show that he got it lawfully and was using it lawfully, and if he cannot do that then the liquor is forfeited, and simultaneously with the forfeiting of the liquor, in the same court, and at the same time, the man can be charged with having illicitly sold intoxicating liquor, and if the charge can be proved against him, he can be very heavily punished. The Bill goes further than that, and if after a conviction there again be suspicion, then, within six months of the conviction, without any warrant at all, the police can enter upon the premises and search for liquor. We drive the nail home in another way very directly; we not only make the seller responsible, but the buyer too. If, in a case such as I have just mentioned, we find in the sly-groggery a number of people drinking, actually in the act of consuming this drink, it is in the power of the policeman to arrest everyone without going through the process of service of a summons and the consequent delay. It is necessary, of course, to take drastic steps if we are going to effect any good in this direction, and it is in this way that the Bill aims at getting not only at the seller, but at the buyer of these illicitly sold intoxicants. We provide, too, the power that when we find one of these carters in an outback district taking the grog apparently for delivery, to make him show us the orders, and he must have every packet labelled. He must have a buyer for every article he has in his conveyance which is the vessel of an intoxicant, and, if we find on investigation that here be any falsehood there, it is met with a penalty. So we are taking every possible precaution to be able to reach the offender. The Bill has one other purpose: It seeks to annihilate the wine shops that are in existence in Perth and other parts in connection with confectionary and fruit shops, and which are really

blinds. In some instances, of course, they are respectable restaurants that do a respectable trade, and they will be exempt. Properly conducted restaurants and eating houses where that business is carried on legitimately, having been certified accordingly by the Commissioner of Police, will receive a license and be able to sell, but the Bill makes it imperative that no wine shall be sold in any premises where any other business is carried on. If there be a fruit shop, there shall not be in connection with that fruit shop a wine license. If it be a general lolly shop or casual eating house, not bona fide, there shall be no wine sold upon those premises. Wine shall only be sold on premises devoted purely to the business of a wine saloon, or, of course, under the ordinary general licenses as are now authorised by the law. I think, without straining the point or stressing it any further, that the reform ought to be obtained. The Bill is not only a wise one but absolutely necessary for the welfare of our prospectors, miners, and settlers outback. It is a measure which we can discuss more fully in Committee.

Mr. George: The farmer does not get a chance of drinking nowadays, he has not got the money.

The Minister for Lands: They get through a good deal of sly-grog in some places.

THE ATTORNEY GENERAL: If the hon. member went out to some of the new settlements where people are extensively engaged in clearing, he would find the evil was positively shocking. I beg to move--

That the Bill be now read a second time.

Hon. J. MITCHELL (Northam): I hope the Attorney General will not expect us to do more than deal with the second reading of this Bill to-day. It is an important matter, and the measure has only just been placed in our hands. We have not had time to read it. I believe the Bill will supply a long felt want. There is no doubt about it that liquor is being sold, that sly-grog selling is rampant throughout this State, there is far too much of it, and it is not a bit of use people trying to deal with

liquor selling at the hotels if this sort of thing is allowed to continue. There is not a member in this House, I take it, who will object to any provision in a Bill to legitimately attain that end. That is no doubt the desire of the Attorney General, but possibly some clauses in this measure will need to be amended. I notice particularly in the clause in which reference is made to the carrying of liquor that possibly the samples of commercial travellers will be affected, but in Committee I think we can go into such matters carefully and deal with them in detail. I, in common with other members, will try and help the Attorney General make the measure as perfect as possible. I have heard a good deal of illicit liquor selling lately, and I have been sorry that our police officers have not been able to succeed in their prosecutions. I am also sorry to hear of the kind of liquor, the bad liquor sold in some of our industrial settlements. It is a crying shame that various Governments have had to admit from time to time that they have been unable to deal successfully with the evil, but I doubt whether their failure has been altogether due to the existing law or to the matter of getting evidence against these people, because it can be easily understood that people who deal from sly-grogeries would be inclined to help to keep the sly-grogeries going and not likely to become informers. In some other directions people are perfectly willing to inform, in directions where the offence is very much less than selling bad liquor to our workmen. I had an opportunity the other day of discussing the question of selling Western Australian wine at some of our timber mills, and I was staggered to find how openly the trade has been done and how extensive it is, also how difficult it is to get convictions. Apparently the sly grog seller is shielded generally by the men who frequent his shop, and in an industrial part especially it is difficult with so many scouts out to get a conviction. We know the evil has extended lately to some of our agricultural districts to some extent. Woodcutters on the goldfields, I believe, are being supplied in open defiance of the

law. Liquor is carted about openly, I am told, and supplied to the men there, large quantities of it. Notwithstanding that this is done so openly, apparently under the law to-day, or the administration of the law to-day, the evil cannot be stopped. If the Attorney General's Bill would have the effect of putting down sly-grog shops and dealing with the sale of illicit liquor, then I think he will have achieved something of which he will have reason to be proud. There are some clauses which will want explaining and some which will perhaps want amending a little, but, so far as we are concerned on this side of the House, we want a perfect Bill and one which will relieve the country of this trade which I believe is more harmful than that done by the different hotels, which are under the supervision of the liquor inspectors.

Mr. LANDER (East Perth): I am going to support the Bill and I hope that when it is carried into law there will not be any unnecessary delay in putting its provisions into operation. What I have seen in the wheat areas during the past 12 months is a standing disgrace. Sly grog selling is being carried on openly in many places at the present time. I myself have been a witness of it at Bruce Rock and Trayning and I have seen drunken men in these places as the result of the liquor which they obtained at the sly-groggeries. The roads boards in these places have petitioned the Government to take action but nothing has been done. I do not know why the Government do not take some drastic action in this direction. It surely would not be very much trouble to make an effort to eradicate this evil.

The Minister for Lands: The Commissioner of Police has asked for the introduction of this Bill to assist in that direction.

Mr. LANDER: The police have power at the present time to take action against these offenders but the difficulty is that they do not put the law into force on business lines. What is the use of hanging up a red lamp when one is about to make a raid, so as to give a warning of approach. This is what is always being done instead of going about it on different

lines in order to have no difficulty in securing a conviction. Great injury has been done to men through the consumption of the liquor which is sold at these sly grog places. Last night we heard many members speaking about the injustice which was likely to be done to the publicans but why not do something to stamp out the evil of sly grog selling? The people who run these shops generally are those who are too lazy to do any other kind of work. They carry on this illicit trade and live on it because of the weakness of others. It is the duty of the House to see that the Bill is carried into law as quickly as possible, and then I hope the Government will lose no time in seeing that the authorities will act promptly. We want the bench also to impose a heavy penalty and not make the option, imprisonment "up" to six months. The fine should be £50 "or" six months.

Mr. George: Why not £50 and six months? That would be better.

Mr. LANDER: It ought to be specified that the alternative shall be six months. I repeat that the police should even now take prompt action to suppress this evil. It is easy to catch the sly grog sellers but the police ought to go about it in a proper way, not as they have been doing in the past. The position is that there are too many officers and they are all weak-kneed, and they are blind to things that are going on. Why does he not put the existing law into force?

The Minister for Lands: There have been scores of prosecutions.

Mr. LANDER: There should have been hundreds of prosecutions, if they cared to go about the business in a proper way, but it seems to me they are indifferent. I can give illustrations of what is going on even in the hon. member's own district. I went there into a sly-grog shop and I had a ginger ale, and there was a constable in uniform there who had whisky. I spoke about it at the time and said that if I could have taken action I would have done so, but the answer I got was "I don't care a d— for you; you have no power to do anything." I came back and reported the matter, but,

of course, the warning had been given and that was enough. What is the good of giving these people warning first and then attempting to catch them afterwards? The existence of this sly-grog trade is due to the indifference and apathy of the officials. I call it cowardice and nothing else. It is not fair to have this sort of thing existing where there are struggling settlers. They cannot carry on in these places because as soon as the farm hands get their cheques they go on the drink. I have also seen this happen at the timber mills, and the member for Forrest can bear me out in this. Carts laden with liquor are taken around and the timber workers buy the liquor from the hawkers. In one of the timber districts there was an Indian hawker who carried whisky round in a cart and supplied the men. The police know that this goes on and I do not know why it has not been stopped in the past. It is a fact also that on every pay day at these mills the hawker goes into the bush and fires a gun, and then he does a roaring trade. The police know of this but they are blind. It is a pity that some of our Ministers have not the courage to deal with these matters. We want the law enforced. We do not want the police to go around with a red lamp in front of them and warn offenders of their approach. I hope the Bill will be passed into law as quickly as possible and that the sly-groggeries throughout the State will be wiped out.

Mr. McDOWALL (Coolgardie): I am very glad indeed that this Bill has been introduced, because there is no doubt that the sly-grog business is a great evil. The member for East Perth (Mr. Lander) has mentioned a number of instances where liquor was carted round to the workers inland, and I am sorry to say that this is done in a portion of my constituency. Liquor is conveyed by cart to the workers on the Kurrawang wood line and the evil there has been continually going on. Men get their cheques and practically get rid of all the money by purchasing liquor from the hawkers. The result is that the wives and families frequently have to go short. I have no de-

sire to say more because, as the Attorney General mentioned, the Bill can be better discussed in Committee. I hope the measure will be endorsed by all members and that the Government will be assisted in every possible way to suppress this illicit traffic in liquor.

Mr. A. E. PIESSE (Katanning): I congratulate the Attorney General upon the introduction of this amending measure. There is not the slightest doubt about it that there is a necessity for amending legislation of this kind to give the police greater power to cope with the illicit sale of liquor. I was surprised to hear the serious allegations made by the member for East Perth against the police force. I am sure that the Commissioner of Police is only too desirous of putting down this traffic. From my experience of the police force I do not think that there should be such a wholesale condemnation of them.

Mr. Lander: I did not charge the whole of the force.

Mr. A. E. PIESSE: The hon. member made rather a general charge but I am pleased to hear that he does not make his accusations against the whole of the force. The amendments proposed in the measure will greatly assist the police in the execution of their duty. The difficulty in the past has, in my opinion, been to obtain convictions. There are all sorts of tricksters engaged in this trade and a number of them go about in carts. My idea is that the real difficulty in securing convictions is brought about by the fact that we have not sufficient police to cope with the evil. I shall be only too pleased to help the Government to pass this measure but I think some of the penalties are rather severe. I have not, however, had the opportunity of looking through the various clauses, but in Committee no doubt we will have more time to consider them. I am also pleased to notice that provision is being made for the better control of the Australian wine trade. There is not the least doubt that greater restrictions should prevail in regard to these wine licenses, the holders of which carry on other businesses. I do not wish to say that some of these other businesses

which are carried on are not carried on in a proper manner, but it does seem to me that there is a great multiplicity of Australian wine licenses, even in Perth, and I maintain that where wine is sold or spirituous liquor is sold we should see, as far as possible, that the premises are used exclusively for that purpose. In some instances we might be doing an injustice to individuals by taking away the licenses already granted, but in Committee we will have some explanation from the Attorney General as to how many of these licenses exist and as to what it is proposed to do in the cases of those holders of wine licenses who are likely to be deprived of their licenses.

Mr. GEORGE (Murray-Wellington): I have read this Bill through carefully and I think it is a good one. Perhaps in Committee we may find it necessary to alter some of the clauses a little but the object of the Bill will, I think, meet with the approbation of every hon. member, and also with the majority of the people. There is not the slightest doubt there has been and there is to-day an enormous traffic in sly-grog, not only so far as the timber districts are concerned, but in the mining districts, and practically throughout the State where there is population.

Mr. Lander: And it is carried on openly.

Mr. GEORGE: What I am afraid of is that the police force is not sufficiently numerous to be able to cope with the evil. I know they are not sufficiently numerous to deal generally with the protection of persons and property. I desire to see this evil knocked on the head, but unless the Attorney General can see his way to increase the number of police he will not achieve the object he has in view. The member for Forrest will agree with me when I say that in his district and in a portion of my district this evil is carried on. There have been prosecutions and convictions but these have not had the effect of stamping out the evil. When the member for East Perth mentioned that the penalty should be £50 or six months I interjected that it should be "and" six months. I would like to see not only the monetary penalty provided

for, but imprisonment as well. The penalty of imprisonment should be made, and it should not be within the province of anybody to exercise clemency. I am not speaking as a teetotaler, but as a temperate man. I think the biggest curse that attaches to this particular evil from which we are suffering, namely excessive drinking, arises from the fact that inferior and poisonous liquor is allowed to be sold throughout the country. That is the cause of a great amount of the drunkenness we have at the present time. I would like to draw the Attorney General's attention to a matter which anyone travelling around where there are fairly large bodies of men congregated must see. On a Saturday night, and other nights as well, people will go down to the places where they can get liquor in the country towns. They get as fully tanked up as their pockets will permit if the publican thinks he is not likely to be found out, and the man who has already had too much liquor is allowed to go off with a dozen bottles of beer and get into the train and drink it all the way along his journey. At Brunswick on Saturday night they get into the Collie train and a regular fusillade of empty bottles is maintained along the journey. That is the reason why I say I do not think the police force can carry out their duties fully, even under the existing law. The same thing can be seen at the railway refreshment rooms, where liquor is supplied to the same class of purchaser. The other night I came away from Bunbury and saw at least a dozen men who had had too much drink. But they were not too drunk to be supplied with numerous bottles of beer, and all the way along the journey to my place you could hear the bottles thrown out as they were emptied. If that sort of thing can be done where there are licensed houses and licensed refreshment rooms, what, may I ask, can be done in regard to these sly-grog shops? In connection with railway contracts in Victoria, particularly that of the Watts River, quite a trade was done in liquor, and three or four drays were constantly carting drink on to that job. The police could do practically nothing. They got a petty conviction of £15 now and then,

but what was that when a man could make double that amount on a single load of beer? I think one of the best means of getting at these sly-grog people would be for the wholesale dealer in liquor to supply to the department a weekly return showing the quantity of stuff he was sending to the several buyers at various stations. It would then be very easy indeed for the police to follow up a consignment, and if an excessive quantity was sold to an unlicensed person they could call upon him to show cause for having so much in his possession. As the law is at present there is nothing to prevent any merchant sending an unlimited quantity of grog to an individual, but if a return had to be put in each week to the police they would be on to the sly-groggeries immediately. When the line was being constructed from Pinjarra up to the hills, as the member for Forrest (Mr. O'Loughlen) probably knows, cartloads of stuff were regularly sent along that line, including all kinds of liquor. When prosecutions were made conviction was evaded by the plea that they had orders for it. But we know that there was a lot of stuff consigned to people who had no license whatever. It was not a matter of a single case of beer, but dozens of cases, and the same, too, with regard to whisky. If by a return this sort of thing was brought under the notice of the police and they could say to these men, "What are you doing with a dozen cases of beer and a dozen cases of whisky—you have no license,"—if they had the right to follow up these consignments I am satisfied that they would knock a great deal of this sly-grog selling on the head. As far as Australian wines are concerned, other members perhaps can speak with more authority than I, but I do think that this part of the Bill dealing with Australian wine sales in the city of Perth—it is very thinly disguised that many of these places could be better described as places of assignation—if this goes through I think a good deal of good will be done in Perth, and probably in other big towns as well. But I would like the Attorney General, who seems to be really in earnest in this, to take note of the sugges-

tion I make, that all these large sellers of grog should be compelled to put in a return showing to whom they were sending their stuff, and the person to whom it is consigned should be compelled to show cause for having more than a reasonable quantity in his possession. On the question of selling to a drunken man, we should look into it, but I am satisfied that we have not sufficient numbers in the police force to carry out their duties in this respect.

Mr. Lander: On the Merredin platform last Tuesday week they had an opportunity to carry out their duty, notwithstanding which they did not do so.

Mr. GEORGE: The hon. member is exceptionally favoured in noticing things that other people do not see. I speak of the police force with a knowledge of 23 years and, as far as I know, I believe they carry out their duty conscientiously.

Mr. Lander: The great majority do.

Mr. GEORGE: But they are handicapped by the fact that they are too few to be able to carry out their work thoroughly in so large a State as Western Australia: not only in regard to this, but the same thing obtains in regard to injury to persons, and the protection of property. I am glad to support the Bill.

Mr. E. B. JOHNSTON (Williams-Narrogin): I am pleased that the Government have introduced the measure. I think that when it is placed on the statute-book the Government and the Commissioner of Police will see that it is more strictly enforced than has been the existing law. It is the duty of the police force to put down the illicit selling of liquor wherever it is taking place in Western Australia. After a short residence on the goldfields I must say that the way in which the foreigners have been able to evade the existing law and carry on sly-grog shops on the mining leases is a public scandal.

Mr. Lander: Could not the police put it down if they were in earnest?

Mr. E. B. JOHNSTON: This Bill will give the police increased powers. There will be heavier penalties, and I hope we will secure an absolute reform and have

these sly-grog shops, particularly those conducted by aliens, swept away.

Mr. Lander: And we must shake up the Britishers, too.

Mr. E. B. JOHNSTON: I speak of the aliens particularly, because I have seen aliens do it far more openly than any Australian would think of doing. In regard to the latter part of the Bill, I would have been pleased if the measure had proposed to do away with Australian wine shops altogether. No doubt it will be a great reform if the Government succeed in carrying this measure, and having wine sold only in shops set apart for the purpose, and in which fruit and other goods will not be supplied.

Mr. Turvey: There will not be sufficient trade in Australian wine alone.

Mr. E. B. JOHNSTON: It is, I believe, the best wine produced, but it is a bad thing that young people should be able to go into fruit shops and be supplied with a glass of wine to drink.

Mr. O'Loghlen: How do you know they are?

Mr. E. B. JOHNSTON: We know it very well, and I am sure the member for Forrest realises that. I hope the Government will succeed in carrying this measure, and altogether stopping wine from being sold in fruit and confectionery shops.

Mr. O'LOGHLEN (Forrest): I suppose I must join in the chorus of praise of the Government for having introduced the Bill. I realise the necessity for the Bill, and it appears to me a striking contrast, which ought to appeal to the Minister, to have to come from the high and lofty ideals which he was speaking about just before introducing the measure, down to the degrading subject which necessitated the introduction of the Bill. I listened very carefully to the Minister's speeches on both Bills. In regard to the necessity for this, probably no one in the Chamber realises it more than I do. Unfortunately, in the district which I come from, the hawker of liquor—very often a licensed hawker, I am sorry to say—plays greater havoc than any other individual in the community. We have down there monthly pays, when 3,000 or

4,000 men receive their pay, and at the different camps these cartloads of liquor are brought along. This Bill is not going to stop that. I do not see how we can possibly stop it. The hotel-keeper on the main line has a license to purvey liquor and sell it on or off the premises, if he has an order. It is difficult to get at the evil. We find cartloads of liquor going to the mills, sometimes three or four every day. It is not the men I am pleading for in particular, but the women and children, who have to suffer most; because after every pay day very many of the workmen lose a couple of days, and consequently the pay at the end of the month is pretty small. I do not see how we are going to avoid it.

The Attorney General: Clause 6.

Mr. O'LOGHLEN: No, I have looked through that. I am afraid it will not get at it as effectively as we wish. There is a good deal in the suggestion made by the member for Murray-Wellington (Mr. George), namely, that in all these places, particularly in the centres where big consignments of liquor are sent from the metropolis—if we could find out who takes delivery of it at the other end it would do more than all the police force combined to stop this traffic.

The Attorney General: We have that power.

Mr. O'LOGHLEN: Well, if it can be applied I believe it will strike at the root of the matter. The difficulty is that the publican has to consign to somebody else who does not hold a license; and in some districts there are trainloads of liquor going out to such people. The store-keepers see an opportunity of making a few pounds, and if they can avoid the law it is human nature for them to do it.

Mr. Turvey: Have you reported them to the police?

Mr. O'LOGHLEN: I have reported them, but the police say they are powerless. A policeman does not think it part of his duty to act as an informer, and he will not touch this business if he can keep out of it. In some cases where they did attempt to handle this evil they found that the law did not give them the necessary power. As a rule I am not one

to give the police too much power; but this is such a serious matter that I believe in giving the police all the powers we reasonably can. For that reason I will support the second reading of this Bill. There are some very drastic provisions in it which will have to be altered in Committee. For instance, I am not satisfied that there is so much damage caused by the sale of wine in fruit and confectionery shops.

Mr. Allen: You ought to be.

Mr. O'LOGHLEN: Well I am not convinced yet.

Mr. Allen: You should see what takes place in Perth.

Mr. O'LOGHLEN: I do not think the people of Australia will be great wine drinkers; and in the city there are so many opportunities of getting liquor outside of the wine shops that the people who want drink are going to get it, even if we exclude the wine shops from the city altogether. It is not only in the country but also in the city that the sly-grog evil is rampant. The police officers will tell hon. members of wholesale sly-grog selling taking place in the main streets, particularly on Sundays; and they seem powerless to prevent it. They have caught some of the offenders, but the penalties which were imposed were farcical. If this Bill will give extra powers to the police and provide for heavy fines upon those who are selling grog on the sly it will do something towards eliminating the sly grog seller in both the country and the city; and if the Bill does that the Attorney General can very well come along next session with another Bill to compel holders of publicans' licenses to pay a double license fee. They will be very willing to do that, I should think, because every licensee is grumbling of the effects of the opposition from the sly grog seller. I believe this Bill will be the means of bringing in more revenue to the State from a trade which is going to be carried on no matter what attempts we make at reform. I, therefore, have pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

BILL—FREMANTLE IMPROVEMENT.

Council's pressed requests.

Schedule of nine amendments pressed by the Council now considered.

In Committee.

Mr. Holman in the Chair; Hon. W. C. Angwin (Honorary Minister) in charge of the Bill.

Hon. W. C. ANGWIN: It was to be regretted that the Council persisted in these amendments; but as this was a Bill of so much importance to the town of Fremantle, and its failure to pass even in its present form, might be a grievous loss to the town, he was going to move that the Council's amendments be agreed to. As the Bill provided for 12 months in which to enable the municipal council to carry out the provisions of the measure, it might be necessary to amend next year one or two of the clauses, because the Legislative Council had made one or two impossible alterations. The Bill as drafted provided that a new roll should be prepared and revised in accordance with the provision of the Second Schedule, and whilst the Council had left that clause in the Bill they had struck out the Second Schedule, and therefore it was impossible to prepare the roll in accordance with a schedule which was not in the Bill. The Bill had also provided for the method of taking the vote; but whilst a clause in the Bill provided that the vote was to be taken in accordance with the Third Schedule, the Council had struck out the Third Schedule, and, therefore, there was no method in the Bill or in the Municipalities Act by which the municipal council could take this vote. However, seeing that the property owners had the opportunity of voting in regard to the raising of the loan if the municipal council decided upon the purchase of the land, they might not enforce the provisions in the Bill in regard to the taking of a vote as to whether the purchase should take place or not. The municipal council might be able to enter into negotiations and get the value of the land fixed as closely as possible, and then the owners could demand a poll as to

whether the loan should be raised. In those circumstances they might not demand the first poll. If the property owners took only the one poll instead of two the Bill would be workable. He moved—

That the requested amendments pressed by the Legislative Council be made.

Question passed; the Council's amendments made.

Resolution reported, and a Message accordingly returned to the Legislative Council.

BILL—PEARLING ACT AMENDMENT.

Second Reading.

Hon. W. C. ANGWIN (Honorary Minister) in moving the second reading said: Hon. Members will see that this Bill practically speaks for itself. When the Pearling Act of last year was passed, provision was made that in the case of a person convicted for a period of two years or more, the sentence could be made with or without hard labour; but if the sentence was for a shorter term the magistrate dealing with the case had no power to order hard labour. The position now is that a number of the aliens in the crews of the pearling boats find it of great benefit to do something against the law and get convicted and sent to gaol, because they are kept there for a period of six months, they are fed equally as well as on the pearling boats, and they do no labour whatever. It is thought that instead of keeping these people in gaol doing nothing, which is not conducive to the best interests of the persons themselves or of the pearling industry, the law should be amended. Therefore this clause is to give the magistrates power to impose hard labour in connection with short sentences as well as long ones. I move—

That the Bill be now read a second time.

Mr. MALE (Kimberley): The Minister has sufficiently explained the Bill, and it is hardly necessary for me to speak on

it. When the Pearling Act was passed last session this particular portion was omitted by accident and not by intention, and when the magistrate came to administer the Act he found that this power was not contained in it. At the request of the pearlers, I put the question before the Colonial Secretary who at once referred it to the department, and he found that a mistake had been made in the drafting of the original measure. The Minister at once promised to get the matter put right. I have much pleasure in supporting the second reading.

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—PLANT DISEASES.

In Committee.

Resumed from the 23rd October; Mr. Male in the Chair, the Minister for Lands in charge of the Bill.

Clause 4—agreed to.

Clause 5—Power to prohibit the introduction into the State or specified portions thereof of things likely to introduce diseases:

Hon. J. MITCHELL: It was provided in Subclause 1 that the Governor might by proclamation prohibit the bringing into the State either generally or from any specified State, country, or place of certain things. Was not this asking us to legislate beyond the power of this Parliament, as the Commonwealth Government had control of imports?

The MINISTER FOR LANDS: The question was one about which it might be possible to raise a legal doubt. No doubt the member for Northam had in mind almost exclusively the possibility of bringing in these products by the ordinary ports. It might be possible to deal with them coming over the border. Unless we had some provision of this kind, where there was no Customs officer or authority

of the Commonwealth to decide, we would be in a very parlous position. The Solicitor General advised that the power might be inserted in the Bill, and he (the Minister for Lands) thought it was necessary to have it. The Committee could very well allow it to remain in the Bill and other people to question it if they would. It would be absolutely essential to issue proclamations at any time in the future as we had done in the case of apples and pears in this State with the concurrence of the Commonwealth authorities.

Hon. J. MITCHELL: It was a pity to legislate where we could not enforce legislation. If there was a Commonwealth law it must prevail. The only effect of this clause would be to confuse importers. It seemed absolutely wrong that we should legislate against the powers we possessed. It was wrong to confuse our people and a law of this sort could have no avail. It might be very well if the importation of all plants from outside was under the control of our Minister, but the Commonwealth law was against it. It was inadvisable and undesirable for the Minister to take powers that were beyond him.

The Minister for Lands: It is in the existing Act also.

Hon. J. MITCHELL: It was probably an old provision before the Commonwealth legislation. The matter should be looked into and the words struck out if necessary in another place.

The Minister for Lands: It cannot do any possible harm.

Hon. J. MITCHELL: It would do harm because it would confuse our people. The excuse that a provision would do no harm was a very common one in this Chamber. The Committee had no right to pass legislation which would be *ultra vires*.

Mr. ELLIOTT: The question for decision appeared to him to be not whether this clause would do any harm, but whether it would do any good. It would be bringing the law into disrepute if we passed a provision which we knew perfectly well we would have no power to enforce. It was vicious legislation to bring in a provision of any sort merely

on the plea that it would do no harm. The harm would be in bringing the law into disrepute. The question was whether it would do any good.

Hon. J. MITCHELL: Would the Minister have the clause altered if he found his (Mr. Mitchell's) contention was right?

The Minister for Lands: I do not propose to delete it but I will have further inquiry made.

Clause put and passed.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 6—Power to appoint ports of entry, quarantine stations to prohibit export in certain cases, and to revoke or vary proclamations:

The MINISTER FOR LANDS moved an amendment—

That Subclause 2 be struck out.

This dealt with the prohibition of the export from the State of plants, fruits, goods, etc., infected with San Jose scale. He was moving this amendment in deference to the wishes of the orchardists throughout the State, who claimed that the enactment of this provision would seriously militate against the export of fruit, and that it would mean a serious loss to many of those who were counting upon export during the forthcoming season. At the same time, the Commonwealth prohibition would operate quite apart from this measure, were it not for the fact that for a period of 12 months the Commonwealth had decided to waive the regulations and allow discretion to the officers in this State as in the past season. The Fruit Industries Commissioner when in Melbourne recently waited on the authorities there at his (the Minister's) desire, and this officer was firmly convinced that the clause should be retained. The Commissioner thought that orchardists would do well to realise that they could not count upon a continuation of the relaxation of the provision, and unless they took rigorous measures to cope with the pest, they would find the Commonwealth authorities would be adamant

against a request for waiving the provision from year to year.

Mr. GEORGE : Having had conversations with a number of orchardists who would have been affected by this provision, he did not think there was one who was not alive to the fact that proper measures had to be taken to deal with the pest. What was felt, however, was that assuming a small proportion of the trees in an orchard were affected, another portion of the orchard which might be absolutely free would come under the embargo and fruit from the clean portion of the orchard could not be exported. That had been at the bottom of the agitation on the part of orchardists in the Bridgetown district. It was satisfactory to know that for this season the embargo was to be lifted. During the coming year, the officers of the department should take steps to make fully known to orchardists what might be expected if they did not make determined efforts to eradicate the pest. Assistance might be given by the Government to enable the orchardists to deal with it.

Mr. TURVEY : It was satisfactory to find the Minister moving this amendment. During the second reading stage he (Mr. Turvey) had stated that he would move in this direction if the Minister did not do so. The orchardists of the State were alive to the necessity for taking effective steps to cope with the pest. There was one point, however, in regard to which the orchardists were not in accord with the officers of the department, and that was as to the time at which the trees should be sprayed. There were prosecutions last season, but they were not altogether because the orchardists did not spray, but because they did not spray at the right period.

Mr. GEORGE : With regard to the spraying, it was useless to fix any particular date for carrying it out. There were orchards in the South-West where preparations were made for spraying early in the season, but the operation could not be carried out because of the weather conditions. It was not possible, therefore, to fix an arbitrary date. Considera-

tion had to be given to the weather conditions.

Mr. A. N. PIESSE: The amendment was a welcome one and would receive his support.

Amendment put and passed, the clause as amended agreed to.

Clauses 7, 8—agreed to.

Clause 9—Power of entry and search:

Mr. A. N. PIESSE: This clause provided that any inspector might at any time enter into a house or structure. An amendment might be made here to provide that the premises entered were not premises used as a dwelling.

The Minister for Lands: There might be added "used for the storage of fruit."

Mr. A. N. PIESSE: It should be made clear that an inspector should not enter a dwelling house. He moved an amendment—

That in line 2 after "structure" the words "used for the storage of fruit" be added.

Amendment passed, the clause as amended agreed to.

Clause 10—Steps to be taken by inspector when orchard infected:

Mr. A. N. PIESSE: Provision should be made for an appeal from the inspector's order to the Minister.

The MINISTER FOR LANDS: The appeal to the Minister existed, without being specified in the clause. If an inspector ordered certain steps to be taken, any person considering himself aggrieved thereby could appeal to the Minister.

Mr. GEORGE: The daily penalty of £5 was somewhat drastic. If the orchard was in a remote district and the owner was appealing to the Minister, this penalty might amount to something very considerable. In a case of contumacy £5 would not be too much, but to enable an appeal to be made to the Minister there should be a specified interval between the order of the inspector and the commencement of the penalty.

Mr. A. N. PIESSE: Instead of giving the inspector power to order "particular" steps to be taken we should make it "reasonable" steps. He moved an amendment—

That in line 6 "particular" be struck out and "reasonable" inserted in lieu.

It might be sufficient, perhaps, if the Minister would give an assurance that provision would be made for appeal.

The Minister for Lands: An appeal to law will be provided at the end of the Bill. As to the appeal to the Minister, it already exists.

Mr. A. N. PIESSE: The penalty should be suspended during the hearing of the appeal.

The MINISTER FOR LANDS: Measures to cope with diseases of fruit trees required to be prompt, and the instructions given by the inspectors had to be specific. An outbreak of codlin moth in any district called for prompt measures of suppression, for one infection might mean the introduction of the disease throughout the whole State, unless promptly dealt with. If the work of the department was to be held up while letters were passing, the damage would be done and all the efficacy of the inspection would be nullified.

Mr. A. N. Piesse: Who issues orders at the present time for grubbing an orchard?

The MINISTER FOR LANDS: The inspector. It was the need to have power to act promptly in desperate cases which made the measure necessary. If it were found that any inspector was using his power to harass an orchardist without justification the remedy would be for the Minister to take action against such inspector. On the other hand, the power to act promptly was absolutely necessary.

Mr. TURVEY: Sufficient provision for prompt action was made in Subclause 4. If the inspector required an owner or occupier to take steps necessary to eradicate a disease the inspector would ask that the steps be taken within a very limited period, and if the owner or occupier failed to carry out the remedial measures according to the inspector's instructions, then the inspector could carry out the work at the expense of the owner or occupier. That being so it was asking rather too much to impose a daily penalty of £5. A lump sum penalty of, say, £10 would be quite sufficient.

Mr. GEORGE moved an amendment—

That after "time," in line 1 of Subclause 2 the words "which shall not be less than seven clear days from the date of such requisition" be added.

That would give the owner of the orchard an opportunity of appealing to the Minister. There were inspectors and inspectors, and however fair a man might desire to be his knowledge might be circumscribed. He would not do anything to enable an orchardist to escape his liabilities, but seeing that there was a daily penalty of £5 it was only fair that the owner should have an opportunity of placing his case before the authorities of the department. Then if the inspector was upheld it would not matter if the penalty was £5 or £10 a day so long as it was in the interests of the State.

The MINISTER FOR LANDS: The reason for the clause was that the present Act had been found insufficient, and it would be a retrogressive step to give less power than existed under the Act. The Act provided for a penalty not exceeding £100, but in this case, as in many cases where it was necessary that things should be done promptly in order to prevent more serious consequences, a daily penalty was provided instead of the one drag-net penalty. He had been too strongly impressed by the recommendations of the Fruit Industries Commissioner and the chief inspector to accept anything less than the parent Act.

Mr. A. N. PIESSE: The member for Murray-Wellington should not press the amendment, because it was necessary that eradication should be done as speedily as possible, but he thought that the daily penalty of £5 should be deleted. A sufficient penalty was provided in Subclause 4.

Mr. GEORGE: The reason for the amendment was to give the orchardist an opportunity to appeal.

The Minister for Lands: If the old Act has proved ineffective it is not much use to amend it by making it more ineffective.

Mr. GEORGE: The ineffectiveness of the old Act might be due to the fact that the inspectors had not displayed sufficient

backbone. There was no knowing where a daily penalty was going to end. Spraying measures, for instance, were subject to the weather, and other conditions, and orchardists differed in regard to the variety of spray to be used for different diseases. The amendment would enable a man, in the case of his receiving such drastic instructions as could be given under the Bill, to appeal to the higher authorities in the department. If seven days was too long the time could be made three days, but seven days did not seem too long, especially in the case of orchardists at Albany and other places distant from the capital. There were orchardists who had had more experience than the inspector, and in the case of the inspector giving an instruction at variance with their experience, surely they should have the opportunity of appealing to the head of the department.

The Minister for Lands: They can appeal, and if the Minister upholds the appeal, whoever would think of imposing the penalty?

Mr. GEORGE: This was refusing the hard-working man the right of appeal that was given to even the ordinary criminal.

The Minister for Lands: Every day the Minister is dealing with appeals against the decisions of officials.

Mr. GEORGE: But the orchardists should be able as a right to state their case to the Minister.

The Minister for Lands: It is the right of everyone without it being stated here.

Mr. GEORGE: Then what was the objection to setting it forth in the Bill, so that the inspectors might know that the persons affected had the right of appeal?

Mr. TURVEY: Orchardists had the right of appeal at the present time, and he personally had brought men before the Minister when they desired to protest against some action which had been ordered by the department. It would be preferable to strike out the daily penalty.

Hon. J. MITCHELL: There should be a possibility of appeal from the inspector to the Fruit Industries Commissioner, and a clause should be inserted to give a

right of appeal from the acts of the commissioner as authorised in various clauses. That would meet the objection, improve the Bill, and save the Minister a good deal of trouble.

The MINISTER FOR LANDS: In regard to the question of appeals to the Minister or the Fruit Industries Commissioner, that operated every day. It operated in connection with every department. A considerable portion of a Minister's time was taken up in dealing with letters in the nature of appeals. It was done every day as an ordinary act of routine of a responsible Minister who must be accessible to the public. There was no need for it to be specified in the Bill. It would be a peculiar form of human nature if the Minister or his officers were going to set out deliberately to injure the orchardist. If at any time a person considered himself aggrieved and was able to demonstrate that he had been treated with undue severity there would be no question of this penalty, and no question of his grievance being righted by the Minister whom he could always approach, either personally or by communication.

Mr. GEORGE: The Minister appeared to be refusing to the man working honestly on his orchard the same right as was given to any litigant in our courts.

Amendment put and negatived.

Mr. A. N. PIESSE moved an amendment—

That the words "daily penalty, £5" be struck out and a "penalty, £10" inserted in lieu.

It would be much better to fix a penalty other than a daily penalty. There were inspectors and inspectors; some were capable men, but very few had a full knowledge of orchard diseases and pests. It was too big a power to fix a daily penalty of £5 for disobedience of any order.

The MINISTER FOR LANDS: If it had been proposed to reduce the daily penalty from £5 to £3 there would be no particular objection, but if the member for Toodyay would think for a moment he would see that a daily penalty was necessary, not that anyone was likely to suffer under it, but in order to indicate

what might happen if a very necessary order was disobeyed. For instance, codlin moth might find its way into a closely settled apple district like Mt. Barker or Bridgetown. An order would be served on the orchardist in whose orchard this pest was found, but he might say "I am not going to give effect to the order, you can bring the law against me, you can summon me," and while we were waiting to secure a penalty against him there was a possibility of the disease spreading.

Mr. Turvey: Could not the department do the work themselves?

The MINISTER FOR LANDS: We did not want to be forced into the position of having to carry it out ourselves. No doubt in the case of 90 per cent. of the orchardists the provision of a daily penalty was not necessary, but it should remain more in the nature of a warning than of a corrective. A daily penalty was just as necessary in this regard as in the case of the Health Act where instructions were given that a dairy should be cleaned up.

Mr. George: That is a different thing altogether.

The MINISTER FOR LANDS: It is a very similar thing in relation to a possible outbreak of disease.

Mr. A. N. PIESSE: In the old Act there was no such thing as a daily penalty, and in outbreaks of codlin moth the inspectors worked under what powers they had and prevented the spread of the pest. It was a pity the Minister would not agree to abolish the daily penalty. He (Mr. Piesse) was loth to agree to a £3 daily penalty, which would be very little relief compared with £5.

Mr. GEORGE: The amendment submitted by the member for Toodyay would have his support. There did not seem any necessity to specify this daily penalty, as surely Subclause 4 was strong enough in showing what could be done. The Minister pointed out that he did not want to do the work but preferred that the orchardist should do it. The State, however, could well afford that the department should be fitted up with the necessary plant in case an emergency should come about. Personally he did not think

it would come about, as he did not know any orchardist who would be such anarrant ass as to shirk carrying out a necessary order.

The Minister for Lands: Take the case of Chinese gardens and neglected trees in them.

Mr. GEORGE: Chinese went in more for vegetables; but where any trees existed the Minister could deal with them under Subclause 4. That subclause gave arbitrary power to carry out the work, and although the Minister was not desirous that the department should enter upon too much of this work, if there was a case of emergency, no matter what the expense to the department, the work must be done if the orchardist would not or could not carry it out.

Mr. TURVEY: The amendment would receive his support because where it was essential that prompt action should be taken sufficient provision was contained in Subclause 4, and in the case of the serious outbreak of such a pest as codlin moth, it would be infinitely better that the department should carry out the work. In the case of a daily penalty that would amount to a considerable sum, and sometimes it might strike home to the innocent orchardist who perhaps had been negligent through lack of knowledge.

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

Ayes	11
Noes	17

Majority against .. 6

AYES.

Mr. Allen	Mr. Monger
Mr. Elliott	Mr. A. N. Piesse
Mr. George	Mr. Turvey
Mr. Harper	Mr. Wisdom
Mr. Lefroy	Mr. Moore
Mr. Mitchell	(Teller.)

NOES.

Mr. Angwin	Mr. McDonald
Mr. Bath	Mr. McDowall
Mr. Bolton	Mr. Mullany
Mr. Carpenter	Mr. O'Loughlin
Mr. Chesson	Mr. Taylor
Mr. Gardiner	Mr. Walker
Mr. Gill	Mr. A. A. Wilson
Mr. Hudson	Mr. Underwood
Mr. Lander	(Teller.)

Mr. GEORGE moved an amendment—

That Subclause 4 be struck out.

The reason why he moved the amendment was that, seeing members opposite or a number of them who had voted on the previous amendment without knowing what they were voting on—

Mr. GILL: Was the hon. member in order in saying that members opposite did not know what they had voted on?

Mr. Carpenter: It is a piece of impertinence.

The CHAIRMAN: The hon. member must not reflect upon hon members.

Mr. GEORGE: Very well. With regard to Subclause 3 on which a vote had been taken members had decided that the right of appeal which was given even to the lowest criminal would be denied to the orchardists.

The CHAIRMAN: Order! The hon. member must not reflect on a vote taken by the Committee.

Mr. GEORGE: It was only being used as an argument.

The CHAIRMAN: The hon. member could not pursue that line of argument.

Mr. Bolton interjected.

Mr. GEORGE: The hon. member said that he (Mr. George) was insulting. That remark should be withdrawn.

Mr. Bolton: I said nothing of the kind; go and get your brains brushed.

The CHAIRMAN: Order!

Mr. GEORGE: The subclause which had already been passed by the Committee covered all that could reasonably be expected from people who were carrying on this work. These people could be ordered to do certain work, whether they differed from the inspector who gave the order or not, even though their experience might be wider than that of the inspector. If they did not carry out the order they would render themselves liable to a penalty. Even though they might appeal to the Minister the penalty would remain, therefore there was no necessity to give the department the arbitrary power which was contained in Subclause 4. There was no desire to reflect on the *bona fides* of inspectors. These gentlemen in any industry could only be guided by the extent of their experience. Amongst the orchardists in

this State there were men whose lives had been spent in their work, and they could give points to the inspectors, yet these people were deprived of the right of appeal. The House was to be congratulated upon its wisdom in deciding that this penalty should be incurred, and on declaring also that the orchardist should not only have to incur this daily penalty but that he would be put in such a position that his place might be entered upon or even destroyed, without having any redress. This was the attack made upon a body of hard working men who had put in years of toil and who had to wait for some years before they got a return. The calibre of hon. members opposite was such that they supposed he (Mr. George) was pleading his own cause instead of that of the orchardists of the State. When they spoke from a platform to plead the cause of humanity they would feel themselves meanly thought about if they were considered to be pleading their own cause instead of that of the people they represented. Hon. members should not interfere with the work of those who got little return for their outlay. Instances could be given of men who had spent eight and ten years of their lives in orchards, and their work had to be thrown away because they had not taken necessary precautions, not because they had failed to bring to bear knowledge and experience, but because nature itself had introduced a disease for the eradication of which a remedy had not yet been found. Professor McAlpine, of Melbourne, had been endeavouring for a considerable time to discover the origin of bitter pit in apples, but so far without success. There were instances where after many years of hard toil the first crop of apples had to be thrown to the pigs. Therefore the least the House could do was to see that the man who was working hard, and honestly and earnestly, should have the same right of appeal which was given to the criminal.

Hon. W. C. Angwin (Honorary Minister): That is the man this clause protects.

Mr. GEORGE: If the hon. member had been in the Chamber a little while before he would have heard the arguments.

Hon. W. C. Angwin (Honorary Minister): I heard them.

Mr. GEORGE: Then it was to be regretted the hon. member was not a practical man in connection with this particular work or he would know that what he had interjected was not correct.

Hon. W. C. Angwin (Honorary Minister): I cannot expect to be like you; you are practical in everything.

Mr. GEORGE: It would not be difficult to be more practical than the hon. member.

Mr. Bolton: Do not go kite flying so much.

Mr. GEORGE moved an amendment—

That Subclause 4 be struck out.

Mr. O'LOGHLEN: One not knowing the hon. member and listening to his hysterical outbursts might really think he meant it. The hon. member had pointed out that orchardists affected by the penalties would have no opportunity of appealing to the Minister. As a matter of fact they would have such opportunity and would get justice from the Minister.

The Minister for Lands: He has been told that scores of times to-night.

Mr. O'LOGHLEN: Yet the hon. member had inferred that the Minister would not give justice. In the administration of the Health Act penalties were imposed, not to encourage people in wrongdoing but merely to put them in the right in the interests of the public. The same thing was applicable under this provision. It was in the interests of the community that an orchard pest should be wiped out as quickly as possible. The object of the daily penalty was to make the orchardist get to work at once. The subclause should be retained.

Mr. TURVEY: The member for Murray-Wellington (Mr. George) was not pleading the cause of the orchardist when he moved the deletion of the clause. It was ridiculous for the hon. member to say he was doing anything of the sort. Where an orchardist was so indifferent

to his neighbours and the welfare of the industry generally as to neglect to take steps for the eradication of a disease it was imperative that the department should have power to step in and carry out the necessary work. If there was one pest more serious than another with which the orchardist had to cope, it was the pests of neglected orchards. In the event of the introduction of a bad orchard disease it would be infinitely better that the inspector do the remedial work than that it should be left to the orchardist. The orchardists of Western Australia would not thank the member for Murray-Wellington if he succeeded in carrying the amendment.

The MINISTER FOR LANDS: The member for Murray-Wellington had no voice in the desires of the orchardists of the State in his attempt to delete the subclause. This measure had the support of the Orchardists' Association, for although members of that association might differ about one or two small details in the Bill, still, generally speaking, they cordially approved of it and recognised the necessity for it.

Mr. GEORGE: Although approving of the principles in the subclause, he had moved its deletion because the Minister was so obstinate in regard to the penalty, refusing to accept an amendment for its reduction. While an appeal was being made to the Minister the daily penalty would be going on.

The Minister for Lands: No, the penalty could only be imposed by the court and before the court the orchardist could state his case.

Mr. GEORGE: Surely some less expensive method than reference to a court could have been devised for the mere imposition of a penalty.

The Minister for Lands: Before a penalty can be imposed he has to be prosecuted by the department. What else would you have?

Mr. GEORGE: Having entered his protest, he would withdraw the amendment.

Mr. CARPENTER: It was satisfactory to know that the hon. member had

at last confessed to an ulterior motive in moving the amendment. One day the hon. member was the larrikin of the Opposition, and the next he was insulting members of the Committee by telling them that they did not understand what they were discussing.

Mr. GEORGE : It was necessary to enter a protest. He was not a larrikin.

The CHAIRMAN : The hon. member must withdraw.

Mr. CARPENTER : In accordance with the direction he would withdraw. On the next occasion we had the hon. member working himself up into mock heroics, putting crocodile tears into his voice—

Mr. GEORGE : Again it was necessary to protest. He had put no crocodile tears into his voice.

The CHAIRMAN : The hon. member was at liberty to proceed.

Mr. CARPENTER : Putting crocodile tears into his voice to make people believe he was the only champion of the fruitgrowers. Yet when challenged by the Minister the hon. member had to admit that he did not know the meaning of the subclause. A short time ago he (Mr. Carpenter) had attended a large meeting of fruitgrowers discussing the Bill, and there had not been a single protest raised against this clause. With that knowledge he could afford to ignore the mock heroics of the member for Murray-Wellington, who perhaps was guilty of neglecting his own orchard, perhaps had a little fruit fly himself and was feeling a little pressure from the inspector ; and who nevertheless had the effrontery to tell the Committee that the fruitgrowers knew more about this than the inspector, and therefore the inspector ought not to be allowed to dictate. The hon. member was one of those who allowed his orchard to get into a state of disease.

Mr. George : Will you dare say that outside ?

Mr. CARPENTER : He would say it with the greatest pleasure.

Mr. George : Say it outside and I will serve you with a writ to-morrow.

Mr. CARPENTER : The hon. member had been pleading his own cause.

Mr. George : I have not.

Mr. CARPENTER : When the hon. member had contended that the inspector ought not to be allowed to dictate—

Mr. George : You should not make lying statements.

The CHAIRMAN : Order ! The hon. member for Murray-Wellington must withdraw.

Mr. George : I withdraw the words "lying statement."

Mr. CARPENTER : The remark made about the member for Murray-Wellington was quite justified, and as soon as the inspector reached the hon. member's orchard he would put him through his paces. The object of the clause was to prevent men like the member for Murray-Wellington becoming a menace to the fruit-growing industry of the State.

Mr. GEORGE : The hon. member for Fremantle had made a statement which he had not the pluck to make outside the House before witnesses, or he would receive a writ straight away. There was no fruit-fly in his (Mr. George's) orchard. His orchard had been inspected last week by Inspector Jefferson who had given him a clean certificate and said that everything had been done that could be done. Would the hon. member accept that statement ?

Mr. Carpenter : I doubt it.

Mr. GEORGE : If the hon. member would make the statement outside the House he would get a writ at once, but it was doubtful if it would be worth while doing that because the hon. member probably had not a cent. He was not pleading his own case. He was stating that, although the latter provision was received by the orchardists as being necessary, there was a feeling that the previous portion of the clause was too drastic and it was asked that there should be an opportunity for an orchardist, whose experience was as wide, or wider than that of the inspector, to appeal to the Minister or the Fruit Industries Commissioner.

The Minister for Lands : They have the right to-day and exercise it every day.

Mr. GEORGE: Yet the Minister said he was going to put a clause in the Bill to give them the same power as they now had to go to the courts.

The Minister for Lands: I say they have the right to appeal through the Commissioner to the Minister and they do it.

Mr. GEORGE: While that penalty was going on surely the daily penalty should not be enforced.

The Minister for Lands: Before the penalty can be collected the offender must be prosecuted.

Amendment put and negatived; clause put and passed.

Clauses 11 to 13—agreed to.

Clause 14—Power to require owner or occupier of orchard to take steps to prevent spread of disease.

Mr. A. N. PIESSE: In the event of both the owner and the occupier failing to comply with an order, who would the department proceed against for the recovery of the expenses?

The MINISTER FOR LANDS: Sub-clause 2 provided that in the event of notice being served on both the owner and occupier they should be jointly and severally liable to perform the requisitions thereof, and in the event of the inspector having to cause the work to be done the expense should be recoverable from the person or persons guilty of the default. The expense would be recovered from either or both, according as the case might be adjudged. The clause differed from the Act in regard to the liability of the owner, and this had been more particularly necessary on account of the difficulties where orchards had been leased in the metropolitan area, and the "no savvy" attitude of the Chinese occupier had prevented the carrying out of the Act.

Hon. J. MITCHELL: The clause provided that even where an orchard was perfectly clean, if it was thought advisable to have something done to make a barrier between clean orchards and diseased orchards, the owner of a clean orchard could be required at his own expense to carry out that work for the protection of the other orchards. The Min-

ister had no right to penalise a man who had his orchard clean unless he compensated him for the damage done.

The MINISTER FOR LANDS: This provision had been inserted to enable the department to deal more particularly with the fruit-fly. At the present time the department had no power to compel an orchardist to clean up fallen and decayed fruit unless the fruit was affected with a specific disease. That power was taken in this clause.

Hon. J. MITCHELL: The clause went further than the Minister had explained, and gave power to do everything that the Bill otherwise empowered the Minister to do. It would enable the Minister to order the owner of clean trees to grub them at his own cost, and if he did not do it the department would grub the trees and charge him for the work. That could be done on the order of an inspector. In certain circumstances such action might be necessary, but there should be compensation.

The Minister for Lands: You are not going to get any compensation clause in this Bill.

Hon. J. MITCHELL: Then the Bill could not become law. A provision of this sort was absolutely unfair unless compensation was paid. Considerable damage and loss might be occasioned to one owner in the interests of all other owners in the district.

The MINISTER FOR LANDS: A very similar power had been exercised under the existing Act since 1898, and there was no provision for compensation under that measure. This Bill had been introduced for the protection of the fruit growers, and there was nothing to be gained by the Government incurring the expense of carrying out the provision of the measure if it was not to be welcomed by those engaged in the industry. If the representations were such that difficulties were to be placed in the way of this measure, then he would wash his hands of any responsibility and would not pursue it. What he was seeking to do was for the orchardists, and he wanted to do it not only with their concurrence, but their hearty concurrence.

rence. This was an important measure, and he had discussed it more than once with the Fruit Industries Commissioner and the chief inspector, and they had pointed out that if anything whatever was to be done to cope with the fruit-fly this power in the Bill was necessary.

Mr. GEORGE: There was no intention on the part of the member for Northam or any other member, so far as he knew, to block the Bill. All that was desired in discussing the measure was to try and improve it, and if there were positions created in the Bill that would be irksome surely the Minister could listen to arguments in connection with them. With reference to what had been said on a previous occasion about fruit-fly in his own garden, might he be permitted to explain the position. Some two years ago the manager of the place went for his holidays and brought back with him from Pinjarra a case of peaches infested with fruit-fly. He (Mr. George) was not informed of the matter until two months afterwards, and then he discovered a late peach tree had the fruit-fly. Every bit of fruit was destroyed and the part fenced around, and ducks and fowls put there, since when there had not been a trace of it.

Progress reported.

House adjourned at 9.20 p.m.

Legislative Council,

Tuesday, 9th December, 1913.

	Page
Papers presented	3441
Leave of absence	3441
Bills: Evidence Act Amendment, 3R.	3441
Boulder Lots 313 and 1727 and Kalgoorlie Lot 883, Revesting, 2R., Com.	3441
Money Lenders Act Amendment, 2R., Com.	3442
Factories Act Amendment, 2B.	3451
Land and Income Tax, 2R. amendment six months	3460
Local Option, 1R.	3460
Electoral District, 1R.	3460
Pearling Act Amendment	3460
Permanent Reserves Rededication, 1B.	3460
Fromantle Improvement, Message	3460
Esperance Northwards Railway, 2R., rejected	3468
Companies Act Amendment Bill, Select Committee	3443
Select Committee, Capt. Hare's retirement	3443

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Annual Report of the Surveyor General for the year ended 30th June, 1913. 2, Annual Report of the Charities Department for the year ended 30th June, 1913. 3, By-laws relating to system of Valuation—Dundas Roads Board and Northam Roads Board. 4, Return of buildings rented for school purposes (ordered on motion by Hon. W. Kingsmill). 5, Annual report of the Department of Agriculture and Industries. 6, Annual report of the State Charities Department.

LEAVE OF ABSENCE.

On motion by Hon. M. L. Moss leave of absence for six consecutive sittings granted to Hon. R. J. Lynn on the ground of urgent private business.

BILL—EVIDENCE ACT AMENDMENT.

Read a third time and *passed*.

BILL—BOULDER LOTS 313 AND 1727 AND KALGOORLIE LOT 883 REVESTING.

Second Reading.

Hon. J. E. DODD (Honorary Minister) in moving the second reading said: This is a short Bill introduced to validate