The engine, he was informed, was not working at all satisfactorily. How was it that some firms had influence and could supply this engine, when the work was a disgrace, as he has been informed, and unsatisfactory, and when the engine was practically useless, as the launch could not run as far as Claremont and back without stopping for several hours on the river. That reputable firms were debarred from having a say in the tenders was unsatisfactory, and the responsible Minister should say how this occurred. When the papers were produced he (Mr. Holman) intended to go fully into the matter; because if such a state of affairs existed in a small matter, it might exist in bigger matters. He trusted there would be no opposition to the motion, and that there would be some explanation why this firm could supply this engine without tenders being called.

MR. TROY seconded.

THE MINISTER FOR MINES: As the member was desirous of getting full information, and as the Minister controlling this department was absent, the hon. member should not object to the adjournment of the debate.

MR. TAYLOR: If the debate were adjourned, the motion would become an Order of the Day, and the member for Murchison might not get an opportunity of having the matter brought on again.

THE MINISTER FOR MINES: The Government would have the motion brought forward.

On motion by the MINISTER FOR MINES, debate adjourned.

ADJOURNMENT.

The House adjourned at 10·39 o'clock, until the next day.

Legislative Assembly,

Thursday, 2nd August, 1906.

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

PRAYERS.

ADDRESS-IN-REPLY, PRESENTATION.

THE SPEAKER left the Chair, and proceeded with hon. members to Government House to present the Address in Reply to His Excellency's Speech at the opening of the session.

At 5 o'clock the SPEAKER resumed the Chair, and read a reply from His Excellency as follows:—

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

I thank you for your Address in reply to the Speech with which I opened Parliament, and for your expression of loyalty to our Most Gracious Sovereign.

FRED. G. D. BEDFORD, Governor.

QUESTION—MINES INSPECTOR, KALGOORLIE.

MR. SCADDAN asked the Minister for Mines: In view of the lack of knowledge displayed by the Inspector of Mines at Kalgoorlie when giving evidence before the Coroner's inquiry into the sad death of John Richard Phillips, as reported in the Press, will he take such action as will educate Inspectors of Mines up to a full sense of the grave responsibilities that rest on their shoulders in these sad occurrences?

THE MINISTER FOR MINES replied: I am of opinion that the Inspectors of Mines have a full sense of the responsibilities that rest on their shoulders in the discharge of their duties, and before taking any special action in the case referred to I must be in possession of full particulars.

QUESTION—HOSPITAL COOK, PERTH.

MR. BATH asked the Premier: 1, Were applications invited in England for

the position of cook at the Perth Hospital? 2, Has the appointment been made? 3, If so, who was the successful applicant? 4, Was he resident in Western Australia or selected from outside the State?

THE PREMIER replied: 1, Applications were invited by the board for two duly qualified female cooks. 2, 3, and 4, No appointments have yet been made. The chairman informs me that the board have been unable to get satisfactory female cooks in the State, and have therefore decided to advertise in England.

QUESTION—RAILWAY CONSTRUCTION, DELAY.

MR. COLLIER asked the Minister for Railways: 1, Was the delay in the construction of the wood line to Mt. Monger caused through the Government having supplied useless and worn-out rails to the Firewood Company? 2, Does the Government intend to take steps to see that the work is carried out at the earliest possible date, so that a number of prospectors may not be compelled to abandon their leases?

THE MINISTER FOR RAILWAYS replied: 1, I am not aware of any unnecessary delay, but am in receipt of the following communication from the local organisation through the member for the district, Mr. Walker:—

Mount Monger Progress Committee.

To Hon. H. Gregory, Esq.,
Minister for Mines and Railways.
July 27th, 1906.

Dear Sir,—I have been instructed to convey the thanks of our district to you for the courtesy you have extended to our representatives, and for the manner you have pushed the line on to our district, which is now absolutely assured, as the steel is laid within four miles of the terminus.—(Sgd.) THOS. B. HANSEN, Secretary.

2, It is anticipated the line will be laid to the terminus within from two to three weeks.

BILL—MINES REGULATION.
CONSOLIDATION AND AMENDMENT.
SECOND READING MOVED.

THE MINISTER FOR MINES (Hon. H. Gregory): In moving the second reading of this Bill, I do not think it necessary to say anything in regard to the necessity for its introduction. The Bill was brought before the Assembly during the term of the late Government; then again in 1905, consequent on the delay in parliamentary proceedings, it was found impossible by the Rason Government to bring the measure forward in that session. It is thought desirable to bring the measure forward early this session. The Bill is not only to amend the present regulations, but also to consolidate the existing Acts. It will be seen this Bill consolidates the Act of 1895 with the Mines Regulation Acts of 1899 and 1904, also the Sunday Labour in Mines Act 1899. I think it is wiser in bringing forward an amending measure, seeing that the Act has been amended on several occasions, to bring forward a consolidating Bill, so as to have all the provisions within one statute. I hardly think it necessary on this occasion to urge both sides of the House to assist in passing a Bill making provision for the safety and health of the men who are compelled to work underground. Under no circumstances should this be looked on in the slightest sense as a party measure; and I look for assistance from all sides, to send this Bill out, as far as possible, a perfect measure. I look especially for assistance from the members for Ivanhoe and Hannans, who I know are particularly earnest in regard to the provisions of the measure. I ask especially the very kind consideration and earnest attention to the Bill, the chief object of which is to insure greater safeguards and to make the work of the miner more free from danger and more healthy and wholesome than has been the case in the past. It will be admitted, and I feel satisfied there are a few points on which my friends opposite and I shall differ, that, taking the whole of the Bill, it is a very fair effort to try and give the greatest safeguards to the working miner, without unduly harassing the mining industry. I do not want to go into details or through the various clauses of the Bill. In regard to the appointment of inspectors, we explicitly state that the inspectors shall be under the control of the State Mining Engineer. That has been the administration for some time past, but I want to point out that for some few years there was no system whatever in regard to the various inspectors: each inspector

could frame his own line of policy, and was not compelled to report to the department. And, as I said before, each one framed his own line of policy, and we had different systems pertaining to the different parts of the fields. Under this Bill it is provided that all inspectors shall be under the control of the State Mining Engineer, who himself shall be responsible to the Minister. There are several small changes in the Bill, but I do not intend to go into the details of them now. There is one clause, however, I wish to refer to. By Clause 19 it may be thought we do not desire that every mine shall be compelled to have a manager. A slight alteration is made in the provision there, for we want the Bill to be as complete as possible. It is compulsory for any man having a prospecting show, when there are only one or two persons working it, to register a manager of that mine. Under the new provision, it will be necessary only that the manager shall be registered after notification has been sent to the owner of the mine by the inspector that a manager is necessary, and thereafter a manager shall be kept in control of the workings of the mine. In reference to accidents, there is a great portion which is new in the Bill and worthy of consideration. The next important matter is in regard to the changes made as to engine-drivers' certificates. It will be noticed that when the Machinery Bill was passed through this House certain sections of the Mines Regulation Act were repealed, and no provision was made for the necessity of having certificated engine-drivers in charge of any winding machinery on a mine which might happen to be driven by any other motive power than steam. That was a great mistake. But, fortunately, by an Order-in-Council the late Minister was able to give instructions to provide that the repeal should not take effect; and it has not taken effect yet. Still, at the same time the Machinery Act does not provide for the holding of certificates by persons in charge of any machinery which has any other motive power than steam. Therefore, Clause 32 makes a provision which is necessary; so that if a person be placed in charge of a winding plant, the motive power of which is electricity, air, gas or oil, the necessary certificate shall be held. I wish to point out that there is a new subclause which will provide—and it is also a slight amendment of the Machinery Act—for giving to the Minister, upon the recommendation of the inspector, the power to grant a permit to a person to work such machinery, should he, in the circumstances, think it advisable to do so. The member for Leonora (Mr. Lynch) will remember bringing certain questions before me in relation to this; and during the past six months I have had a great number of appeals from people who are working small propositions outside the big centres. They have pointed out that they have, possibly, a small pumping plant on which they cannot afford to keep a certificated engine-driver employed. Most of those members from the goldfields who represent outside districts will know that there are numerous cases in which men find it impossible to pay the cost of having a man employed who possibly may be only required as an engine-driver for an hour, or two hours, per day. So that in this clause power is given to the Minister, but on the recommendation only of the inspector, to grant permits, not in the case of a winding or driving plant, but for the purpose of working these small steam pumps, or for work of that sort. As to the general rules, it is hardly necessary for me to point out all the changes made in them at the present time. I have all the changes marked, and I promise members that when we come to them in Committee I shall have great pleasure indeed in pointing out where any change has been made, so that the House will know exactly where the various amendments are being made as distinguished from the old rules.

Mr. Taylor: Would it not be as well to give us some idea in your speech?

The MINISTER FOR MINES: There are really so many that we cannot deal with a Bill like this clause by clause. It would be impossible almost for me, without taking a great amount of time, to point out all these amendments. I may refer the hon. member, for instance, to Rule 26 in Clause 33, where an important provision, is made near the end of that rule. Members will possibly remember that some time ago on one of the mines at Kalgoorlie some men were employed in the rise near the winze, and in that winze there was an accumulation of water.

When they broke through, this water was found to be full of poisonous gases, which suddenly rushed through and the men were suffocated. This clause provides:—

> No rise shall be allowed to approach within ten feet of any portion of a winze in which there is a dangerous accumulation of water, unless such winze is first unwatered by bailing or pumping or by means of a bore from the rise.

We have taken special care to make as far as we can in the framing of this Bill—without, as I said before, unduly harassing the industry—such provisions as will prevent the recurrence of such deplorable accidents as that. Then, again, in Rule 11, with regard to signalling in mines, we know that the signal stands at the bottom. Although a signal can be sent from the bottom of the shaft to the engine-room, it is contended by a great number that it is impossible to have a signal from the engine-room down again to the bottom of the shaft. That was insisted upon in the old Regulations. Members will see that by Subclause (*b*) this is still compulsory unless exempted in writing by the Minister as being impracticable. If it can be shown at any time that it is impracticable, the Minister may grant exemption from the provisions which make it compulsory to provide a signal line from the engine-room back again to the bottom of the shaft. I think that is a wise provision to have made, and I hope it will be concurred in by members. Then if members will look at Rule 41 they will see that a special provision is made, which is entirely new, dealing with the testing of ropes. That, I think, is a particularly important rule. But there are many other rules, not probably equally as important as those I have suggested, but still a great number of amendments, and I promise that when we come to them at the Committee stage I will point out to members where there is any difference between the old rules and the present Bill. I will point them out so that they may have every opportunity of discussing them and making any alterations. My only object in making the alterations has been to provide greater safeguards; and I think that when these alterations are pointed out members will approve of them. With regard to inquests, while I was in Kalgoorlie recently it was pointed out to me that no visit was made by the jury to the scene of the accident, and the Miners' Union thought it essential, in the event of a fatal accident, that the jury should visit the scene of such accident. We make a provision here which gives the jury the power, if they so desire. We do not make it compulsory on them to visit the scene, but if they so desire they may apply to the coroner, and then the coroner must give instructions that they shall visit the scene where the accident occurred. In connection with the hours of labour in mines, members will see that there are provisions in the measure; but it is a moot question whether there should be any such provisions in this Bill at all. Should the Arbitration Court deal entirely with the hours a man shall work, either on the surface or underground, in mines, or should there be special provisions placed in the Mines Regulation Bill? But they have been in the Act before, and I want members to look upon these clauses as simply defining the maximum number of hours any man shall be employed in a mine; not the minimum; because under the Arbitration Court award no man is allowed to work more than 47 hours underground. But whether we leave Clauses 39 and 41 in the Bill at all I think matters very little, because the general tendency has been to try and have men working underground a less number of hours than in the past. My object in putting the clauses there at all was simply for the purpose of making a maximum number of hours which a man may be employed underground in ordinary circumstances. In a case of special emergency, that would not count; if there were an accident, for instance. If there were a big fall of earth and men were in danger, no one would object to a man working more than 48 hours underground for the purpose of rescuing some person. I have put this in the Bill simply for the purpose of quoting a maximum number of hours a man can be employed. There is a new clause, Clause 41, which deals to a great extent with the provisions of the Sunday Labour in Mines Act. We know that there are certain classes of plant on the Kalgoorlie Goldfields, and that no matter how much we may desire to stop Sunday labour, it is

essential for the well-being of the industry to allow these furnaces and smelters to work continuously; Saturday, Sunday, and Monday these machines have to be kept at work. We all recognise, and I think we are all equally desirous, that every man should get a holiday occasionally. Therefore I have provided in Clause 41 of this Bill that no man shall be employed for more that 13 consecutive days in a fortnight. Every fortnight he has to have a day off; and we make it an offence both on the part of the employer and the employee if the latter works for 14 days consecutively in a fortnight. We do not want to close down those plants on Sunday—I may say I am speaking now particularly of the big mines at the Boulder—because if they stopped on Sunday they would have no chance of getting a start on Monday, and it would be Tuesday before they got started again. The desire is to ensure that these men shall have one day off. Then we deal with the question of employing no man in responsible positions in a mine or underground unless he understands and intelligibly speaks the English language. I do not desire to make any apology for bringing in this clause. I do not want any person or any member to think for a single moment that I desire to make the slightest attack against the employment of foreigners in mines. This is not an attack on the Italian, the Austrian, the German, or the workman of any other nationality; but where men are placed in responsible positions in a mine, or working underground, it is essential for the welfare of the men employed there that those men shall understand a common language. [Interjection by MR. ILLINGWORTH.] I am not making it apply to men about the surface of a mine, or men who are employed, say, on the cyanide vats, or on any work which would not be likely to cause any injury to fellow-workmen. We have no desire to attack these men at all.

MR. SCADDAN: What about those mills where the batteries make so much noise you cannot hear yourself speak?

THE MINISTER FOR MINES: We provide that no person shall be employed as manager, under-manager, platman, pitman, shift boss, engine-driver, or leading hand of any sort, unless he is able not only to speak the English language but to read it also. I hold that it is dangerous to appoint anyone a platman who cannot read English. He is supposed to understand the signals; the other men's lives are dependent on him, just as if he were the engine-driver; and I think it necessary that where men's lives are in danger we should insist on reasonable precautions being taken. Every man employed in these responsible positions must be able to speak and read English. And we go farther, by providing that no man shall be employed underground in a mine unless he can speak the English language. I hardly think it necessary to discuss the details of this clause, as I did last year; but I should like to refer to one incident by way of illustration, because there are many new members in the House, and the clauses of the Bill differ considerably from those introduced last year by my friends opposite (Labour members). One incident is almost threadbare in the recollection of the older members of the House. On one occasion Mr. Deeble, an inspector of mines, was walking underground in a mine, when suddenly a man rushed out and grabbed him. The inspector resented this action, and they started to quarrel; when all at once a third man appeared, and cried, "For goodness' sake get away quickly. He is trying to tell you that they are firing a shot in the face." The foreigner did not understand a word of English; and I think this points clearly, if anything can point clearly, to the necessity for underground workmen understanding the language of the country.

MR. TAYLOR: Illustrations quite as striking have for the last six years been advanced in this House by members on the Opposition side.

THE MINISTER FOR MINES: I do not think any more striking illustration can have been advanced. This is an illustration that has appealed to me; and if anyone will read the report of the Royal Commission which investigated mining conditions, he will find a dozen reasons. As I was saying, the provisions of the Bill differ from the Bill of last year, which provided that one man in every seven employed underground need not necessarily understand a word of English, and that with the consent of the

Minister for Mines it was not necessary for any of them to understand English. I wish to make it clear that my desire on this occasion is not to direct a blow at the employment of the foreigner. I find that a great many of those foreigners are as good men as we; and I have no objection to, and will make no protest whatever against, their employment. If I found they were coming to this country in such numbers as to menace the welfare of our own men by robbing them of work, then it would be time to consider the advisableness of special legislation to deal with such influx of foreigners. But no matter what anyone may say, that condition does not obtain at the present time, though I hold that there is a need for this clause, which, I hope exceedingly, will be accepted by members generally. In respect of Sunday labour in mines, I wish to tell the House that I am slightly undecided in regard to the clauses in question. I anticipated that voluminous evidence would have been prepared, and that I should have been able to place before members what would be our exact position if we stopped on Sunday the batteries which the Sunday Labour in Mines Act permitted to work. Owing to an unfortunate accident to the State Mining Engineer, which has compelled him to remain in his room for the past few months, the evidence which is being accumulated on this subject by the Chamber of Mines is not yet forthcoming; but I hope that before we go into Committee we shall have that evidence produced here, so that we may place it before members, who will then be able to decide whether in the circumstances we should insist on stopping all those batteries on Sundays, or whether we should leave them to work on Sundays subject to the rights which have been secured to the workmen under Clause 41.

Mr. Illingworth: They do not work on Sundays at Bendigo.

The MINISTER FOR MINES: No, they do not work at Bendigo; but I think there are special reasons for allowing them to work here. We have at present some 6,000 workmen employed on the Kalgoorlie belt. As to the output I have not had figures specially prepared, for in the absence of the evidence I desire, I think it best to leave this question until I have had a conference at Kalgoorlie, not only with the Chamber of Mines but with the Miners' Union, with a view to settling this question. I think we may well leave out of consideration all the statistics in respect of it, till we come to the Committee stage, when we can deal fully with this serious matter. The passing of the Bill of last year would at once have closed down those batteries, and the output of the mines must then have been reduced by between 15,000 and 20,000 tons a month I am speaking approximately, because I have not on this occasion worked out the figures. I quote from memory from figures which I prepared last year. This would necessarily mean putting off 600 or 700 men, and materially reducing the output of the State. When drafting this Bill my first intention was to alter the phraseology of Subclause 1 of Clause 46, thus preventing the batteries from working, and then to add to the clause a proviso postponing its operation for a period of 12 months or even two years, so as to enable the companies to make provision in the interim, if they so desired, to keep up the monthly output at its present figure. I know that none of the members opposite will urge that these batteries should be stopped, if he feels that the stoppage would do considerable injury to a number of men at present employed. We cannot afford at the present moment to throw even 500 workmen upon the labour market; and if any action is taken we should give ample time to the various companies before making the change.

Mr. Collier: It is only a matter of increasing the plants.

The MINISTER FOR MINES: But they cannot be increased within 12 months; and what if the companies refuse to increase them? Members who know anything about the Kalgoorlie mines know that many of them would have exceeding difficulty in putting many more head of stamps on the areas available. The surplus areas are fairly well taken up with machinery; and it would be almost impossible to increase the crushing capacity of a mill there by another 20 or 30 head of stamps. However, I wish members to understand that I have an open mind on this matter. I wish to get evidence from the Miners' Union as well as from the Chamber of

Mines; and when I get that evidence and can place it fairly and fully before members, I hope we shall be able to frame a clause which will give satisfaction to the industry as well as to the House. The clauses providing that underground workmen must be able to speak the common language will apply to coal mines as well as to gold mines. After the second reading of the Bill I intend to visit Kalgoorlie, where I shall have a conference with both parties—the Chamber of Mines and the Miners' Union—to collect the fullest evidence I can, not only as to Sunday labour in mines, but as to all questions affecting mine working, and to bring that evidence before members so that we may deal with it exhaustively in Commitee. As to Sunday labour, I have inserted a special clause which provides that in no circumstances whatever can an inspector give a permit for the breaking or the raising of ore on Sunday. Members know that some little friction resulted from this work being permitted on Sunday. I should like to point out that though I did recently give such a permit, it was given with the expressed stipulation that the Sunday work was to be done with a view to granting the workmen a holiday on another day; and the Sunday work was approved conditionally on the miners agreeing to such work.

MR. SCADDAN: The permit was a law without a penalty. You granted that permit before the holiday was given; and the result was, the people could please themselves afterwards, and they did.

THE MINISTER FOR MINES: An application was sent to me on a Thursday, asking that the men should be allowed to work on Sunday, and to take a holiday on the following Monday or Wednesday. The permit was granted on condition that both sides concurred.

MR. COLLIER: How could the miners come to a decision when they did not know of your permit till half-past four on Saturday afternoon?

THE MINISTER FOR MINES: The hon. member knows that his statement is incorrect, because he saw the file containing the telegram which was sent away on the Thursday, if my memory serves me rightly.

MR. COLLIER: On the Saturday.

THE MINISTER FOR MINES: I cannot agree with the hon. member as to that.

MR. COLLIER: The statement is absolutely true.

THE MINISTER FOR MINES: Anyhow, that will not affect this question. I wish it to be clearly understood that the inspector shall not have the power to give a permit to work on Sunday in mines, for the purpose of raising or breaking ore. And I think that this clause will to some extent satisfy hon. members.

MR. TAYLOR: Will the inspector be able to grant a permit for mullocking?

THE MINISTER FOR MINES: Yes; in certain circumstances. One other provision is for the supply to the department of plans of mines. In the past the law provided that all mine-owners should be compelled to keep plans, but there was no provision that they should send copies thereof to the Mines Department. The Bill provides that every person working a mine shall be compelled to send once a year to the department proper plans of his workings; and in the event of the property being abandoned, the department will always have a copy of the plan, so as to give any person who desires to take up the proposition a full description of the work done thereon. It is no use for us to wait for plans till the lease is abandoned; for in that event the plans may be destroyed. If we wait till after the abandonment of the property, we shall probably never get the plans at all. The Bill, I should like to point out, differs to some extent from the Bill introduced last year, which made provision for special rules in mines. I cannot see any need for special rules. Neither the Miners' Union nor any large mine had any desire for them; the Chamber of Mines had no desire for them; therefore special rules seemed to me altogether unnecessary. Members will find that the Bill does not make special provision for several matters such as bullion reserves and special inspection of mines. The reasons why these do not find a place within the scope of this Bill is that I believe their proper place is in a Mining Act and not in a Mines Regulation Act. They deal more with the administration of a mine than with the general working of a mine; and these provisions will be found in the new Mining Bill to be pre-

sented to the House. Last year we made provision for local publicity of mining developments to be given; but I hardly think that such provision should be in a Mines Regulation Act. There is also the question of the limitation of bullion reserves. There is no necessity for that in a Mines Regulation Act. I did not disagree with a clause in that connection being put in the Mines Regulation Act Amendment Bill of last year, because it was the only Bill to be brought forward last year; but now that we are bringing forward two Bills, the proper place for clauses dealing with this subject is in a Mining Bill, and not in a Mines Regulation Bill. I was hopeful that we would be able to place on the table regulations dealing with the question of the ventilation of mines, but this has been rendered impossible at present. It is my intention to try to bring forward special regulations dealing with the transfer of residues from filter presses and cyanide vats to the underground workings of a mine. There must be some special regulation preventing any mine-owner dumping this poisonous material directly into the mine, and special regulations dealing with this subject will be framed before this Bill gets through the House. I think it highly necessary to have some regulation dealing with the period that must elapse between the time these residues leave the filter press or cyanide press and the time they are used for mullocking up stopes. I have issued instructions that if at any future time it is found that men are being poisoned from this cause, the extremest measures that can be taken under the Mines Regulation Act shall be taken by the department against those who offend. I think it will be admitted that the new features of this Bill should more than satisfy the miner. Every precaution, so far as I can judge, is taken to preserve his interests and safeguard his welfare, and to render him more immune from danger without introducing harassing restrictions against the mine-owners. Where we found it was essential to place harassing restrictions on mine-owners, I do not think members will say that I have been in any sense afraid to include them in the Bill. The special features of the Bill of course will be in the general rules. I think I can with every safety commend them to mining members of the House; and I ask for their assistance on this Bill, because we do not want it to be dealt with as a party question, since it deals with the welfare and betterment of men in an employment so unhealthy as that of a miner.

On motion by MR. BATH, debate adjourned.

ASSENT TO BILL, SUPPLY.

Message from the Governor received and read, assenting to the Supply Bill.

BILL—FREMANTLE RESERVES.

MUNICIPAL POWER TO SELL.

SECOND READING.

Debate resumed from the 31st July.

MR. G. TAYLOR (Mt. Margaret): I secured the adjournment of the debate with no desire to oppose the measure, but only to ascertain a little more concerning the object of this Bill. I have made inquiries, and so far as they have gone I am satisfied that there is necessity for the measure, and that it will to a large degree facilitate the improvement of a recreation reserve at Fremantle. I had no desire to offer any opposition to the second reading of the Bill in moving the adjournment of the debate. There is need on measures of this kind for members to get the fullest information, and I hope the Ministers will furnish all the information necessary on such measures, because it is a dangerous procedure for Parliament to pass such measures until members are fully seized of the whole of the circumstances surrounding them.

THE MINISTER FOR WORKS (Hon. J. Price): I can assure the hon. member that on this side of the House we do not misunderstand the motive that induced the hon. member to move an adjournment of the debate; but so that the House will not have any misconception on this question, I shall deal with the events that led up to the introduction of this Bill. Some four and a-half years ago the Fremantle Council desired to carry Church Street through to Stephen Street. Church Street is the southern boundary of the old cemetery, and three blocks lay in between. The owner of one of the blocks, the late Mr. E. Davies, sold it to the council for £450. The

other two blocks belonged to the Government; and the Government gave this land for a connection between those streets, stipulating that any land over and above that used for the road should be devoted to municipal or recreation purposes. When the road was made through these blocks it left two strips on either side, some 40 to 50 feet wide. I think members will agree that these blocks were too small to be used for the purposes of recreation, for though they are of considerable length, the small depth renders them useless for this purpose; but 200 yards from the recently connected streets is a recreation reserve of 10 acres; and the council now asks for permission to sell the two strips on either side of the connecting road and to apply the proceeds, anticipated as £700, to the improvement of this reserve. I believe it is a reasonable project that no member will oppose.

MR. A. E. DAVIES (South Fremantle): I desire to support the second reading of this Bill, and to say a few words in explanation for the benefit of members who may be inclined to oppose its passage. The Fremantle Municipal Council is asking for power to sell these small reserves in the best interests of the people of Fremantle, and not because it wants to sell reserves that in later years may become valuable to the town. These reserves were originally procured by the council for the purpose of continuing Church Street through to Stephen Street; and now that the width of that street has been taken from the reserves, it leaves two narrow strips on either side which are practically of no use to the people of Fremantle for recreation, or for any other purpose. Therefore the council, in the opinion of the ratepayers, is taking the right course in asking Parliament for power to sell these reserves so that the proceeds may be applied to improving reserve 1351, which is a most valuable reserve. It is in the same locality, and is a reserve that really ought to be improved for public recreation purposes. It is in the same street as these two strips, and is only about 15 chains farther south. Consequently it will be to the great advantage of the people who live in the south portion of Fremantle if they can get this larger reserve improved. I therefore trust that members will see their way clear to support this harmless Bill in every detail.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

BILL—BILLS OF SALE ACT AMENDMENT.

SECOND READING.

AMENDMENT, SIX MONTHS.

Resumed from the 19th July, on Mr. Gordon's amendment.

MR. C. A. HUDSON (Dundas): I cannot understand the opposition raised to this measure, especially from business people in this city and members of this House who are also business men. It seems to me a very simple measure, and the principle involved can be expressed in a few words. The question is really whether or not a man should be permitted to dispose of his personal assets and so deprive his creditors of an opportunity of obtaining payment of the debts owing to them. It has been set up that great inconvenience will be caused by the fact that a person desiring to borrow money must, before he can give security for the loan, give notice to his other creditors of his intention to part with his assets. I cannot see any objection to such course being taken as the giving of such notice. The notice is absolutely, to my mind, essential to honest trading and dealing. At the present time a man may have four or five creditors varying in amount—I will take the figures quoted, say £2,000—and for a small sum he may get rid of all his assets without any apparent dispossession. He may remain in control of the goods and in apparent possession of the personal chattels. And not only the personal chattels that he has at the time of the sale, but he may be dispossessed of his future assets, because they may be included in the bill of sale although obtained subsequently on credit from merchants carrying on business in the city or elsewhere. I consider, before a man should be entitled to give a bill of sale, especially when he may be giving it for

future assets, he should give some notice to the persons to whom he is indebted. If he is not otherwise indebted there is no hardship. There can be no hardship in preventing a man from doing a wrongful act, and it would be a wrongful act for a man to be permitted to defeat his present creditors by dispossessing himself of his assets.

MR. GORDON: Does not the present Act provide for that?

MR. HUDSON: No.

MR. GORDON: I will show you that it does.

MR. HUDSON: I know the hon. member has had considerable experience of ten-and-sixpenny bills of sale, and knows more about the matter than I do. It was a regrettable oversight on the part of the Attorney General when introducing the Legal Practitioners Bill that he did not insert a provision so that such a person as the member for Canning, who has had such experience in the preparation of bills of sale, could come under it. I cannot see the harm to the borrower, and there is no harm to the lender because he will have greater security in the bill of sale. A bill of sale being registered, a man may then be in a better position to repay a loan. The man who is likely to suffer is the usurer, and I would support any Bill which would have the effect of clipping the wings of such birds of prey. The question of the legal profession in this matter is one of greater importance than any argument which has yet been raised in connection with the measure. During the discussion on the Legal Practitioners Bill the Attorney General used some strong language directed in general to those who spoke derogatorily of the legal profession. I quite agree with the language used on that occasion, but disagree with him in directing his remarks entirely at this (Opposition) side of the House as he appeared to do on that occasion; because I believe there are members on this side of the House who have the greatest regard for the legal profession, and we may gather from observations and from remarks during the debate that some of the members on this side are considering the ways and means of bringing up their sons to that profession. The member for Canning said that the Attorney General was bringing in this Bill for the benefit of the lawyers and not the general community. That argument is fallacious and cannot have such a bearing; indeed it will have the effect of preventing commercial immorality and will be of benefit to the State. I shall support the Bill.

THE ATTORNEY GENERAL (on amendment): In attempting to reply to what has been put forward by the member for Canning in support of his amendment, I find myself at once in a difficulty from the fact that practically no reason whatever has been set up for the rejection of the Bill at the hands of the House. We have been told on the authority of the member for Canning himself that this is not a good Bill, and that it is going to prove a hardship. Any member can say that, however ignorant he may be, and although he may have reached the stage of ignorance that some members apparently have proved themselves worthy of. We expect some reasons to be advanced why a Bill should be rejected, and in this case I regret to say that no attempt has been made on the part of the mover to prove that the Bill is not a good one, and he has taken upon himself the responsibility of moving that the Bill be discharged from the Notice Paper for a period of six months without giving any reason whatever.

MR. GORDON: Those remarks were without prejudice.

THE ATTORNEY GENERAL: No doubt the member's remarks were not only without prejudice but without sense. This Bill, as I stated on moving the second reading, has been adopted by every House elected on popular representation in the Commonwealth of Australia. It is true that it is the law to-day only in Victoria and Tasmania, but if we examine the history of it, it will be found it was adopted by the Lower Houses, the Houses in which the wishes of the people are to be found more accurately represented than in the other Houses, in the other States of the Commonwealth. I think that alone should make us consider the Bill very carefully on its merits. When we find that the measure has been adopted throughout the breadth of a large continent such as Australia, we expect to find that it has some merits,

and I am prepared to point out its merits. This Bill, as a matter of fact, actually passed our own Parliament twice. First of all it was introduced by Mr. James as a private member, and was passed through all its stages. The reason of its rejection appears in *Hansard*, because at the end of the session it went up with a large number of Bills to another place, and in the general rush that takes place at the end of the session, that Bill with some other Bills, was thrown overboard. It came in at a later date and again received the sanction of the House without division. It is an extraordinary thing, if this Bill is the vile creature the member for Canning says it is, that it should on two occasions have received the approval of the House, without any protest being made against its passing, and at that time it was brought forward by a member of the House with the democratic tendencies that Mr. Walter James has been rightly credited with.

MR. TAYLOR: Perhaps he had more persuasiveness.

THE ATTORNEY GENERAL: I do not know, after all, that it was due to the persuasive powers of the member, but to the intrinsic value of the Bill itself. That is the history of the measure in this State. What it intends to achieve is to prevent anyone giving undue preference to any one creditor, to the total exclusion of all other creditors who before that time had given him credit without security. It has been stated that the man who has to give notice will have to suffer much damage by reason of it being advertised. As the law stands to-day when a man gives a bill of sale he has to register it in the Supreme Court. Under the new law a man has to register within seven days. Under the law as it stands to-day he has to register at the end of seven days. Therefore the damage to his credit is only a question of seven days.

MR. JOHNSON: You must realise there will be hardships under the Bill.

THE ATTORNEY GENERAL: I admit in all cases, not merely with this law, that it can be shown there will be hardships to some individuals, and it is only a question whether the hardships are more than compensated for by the benefit the public will receive. And if I were asked, "Will not this Bill prove a hardship in some individual cases?" I have to acknowledge it will, because in common with all laws it must, naturally. I want to point out the benefits it confers far outweigh any suggestions of that character.

MR. JOHNSON: Is it not possible you may magnify the benefits as you say the member for Canning magnifies the objections?

THE ATTORNEY GENERAL: It is difficult to carry on a conversation, and the member will have an ample opportunity of pointing out his views later on. I would like to tell the House that I had inquiries made from the Official Receiver as to any knowledge on his part of cases which I might inform the House of to illustrate the position of the law and the terrible grievances it is possible to inflict on the community under it. Without giving the names, I have a return mentioning certain cases, and I will use alphabetical terms to identify the parties. On the 17th September a certain individual gave a bill of sale for £10,000 over all his assets. On the 8th of the following month bankruptcy proceedings were commenced, and an application was made to the court for the purpose of setting aside the bill of sale. In the first court the trustees in bankruptcy were successful, but the decision was upset by the Full Court. The result of that case was this. The unsecured creditors, people who had all given credit before the bill of sale to the extent of £4,170, were completely set on one side and one man collared everything. Numbers of little people gave the person credit to enable him to carry on to that large amount, and all these were swept out and one individual who managed to get a bill of sale shortly before the man's going bankrupt thus took all the assets. [MR. LYNCH: The money-lender.] I am simply giving illustrations. Here is another illustration. On the 15th November an individual made an assignment of his estate in favour of one creditor. In the following April bankruptcy ensued. It was found impossible to set aside the deed. By this transaction unsecured creditors to the extent of £370 received not a single penny, and all were small creditors. Members who have had experience know that it is not the small creditors who get the bills of sale: the unsecured creditors are invari-

ably people with small means. On the 21st January a certain individual borrowed £480 on a bill of sale, the case occurring this year? Bankruptcy proceedings commenced on the 24th of the following month. The position was that the unsecured creditors totalled £2,020, and they did not receive a single penny, and one preferential creditor for wages to the extent of £125 received nothing at all. That is to say, this bill of sale holder not only took away from the ordinary creditors money due to them to the extent of £2,000 odd, but also deprived a wages man of £125, although he had a preference under the law on the assets if any. One individual, by means of this bill of sale, was enabled to get possession of every penny of the man's property. I have here at least a dozen cases, and they are all on similar lines. [MR. GORDON: Three cases.] I have a dozen cases. I do not wish to be interrupted. For obvious reasons which the House will understand, it is not desirable that I should give the date or the name. I am not using this for the purpose of injuring these individuals, but as an illustration of the necessity for changing the law. For obvious reasons I remain silent on the question of the names and date, so far as it is possible to do, whilst illustrating my argument. I do not desire to weary the House, but let me assure members that this collection of cases was made within an hour or two by the Official Receiver, from records he looked up; and he assured me he could give me any number if it were necessary to bring them forward for the purpose of enabling the House to understand the real position of affairs in this land to-day.

MR. FOULKES: I would like to hear what you have to say on the point as to whether some of the debts incurred by the various debtors arose after the bill of sale.

THE ATTORNEY GENERAL: They are all prior debts.

MR. FOULKES: They had taken place before the bill of sale was given?

THE ATTORNEY GENERAL: Yes; all the sums I have read out were sums advanced.

MR. GORDON: Were they contemporaneous advances, or debts?

THE ATTORNEY GENERAL: They are for money lent, or for the value of goods supplied prior to the date of granting the bill of sale. The member for Canning imagines he can not only instruct the member for Northam (Honorary Minister), but every other member of the House. I submit that after all there are limits to the amount of instruction a man is capable of receiving, even at his hands. What I want the House to consider is this: to whom are they going to extend consideration? They have the people who have given generous credit to a person and enabled him to carry on his trade or business, and on the other hand they have the individual himself who says, "Do not pass the measure, because you will handicap me; you will make it somewhat more difficult for me to obtain money when it comes to the pinch, and I have to give a bill of sale on my property." Members have to consider the case of those who have given credit without taking security. I submit it is far more important to protect those creditors, without whom it would be impossible for the debtor to reach that stage. It would be impossible for him to carry on. A man of Shylock tendencies would have demanded a bill of sale; but because men have been generous to the debtor and enabled him to trade, a member says, "We will be entirely blind to your equitable rights; we will only look to the protection of the individual who borrows money, and let the law stand whereby he can practically cheat you out of every penny you are giving credit for." I submit that a position of that kind, when properly sized up and thought out, can admit of only one answer, and that is that it is the duty of the House not to allow an individual to practically prey on the generosity of the community and make every use he can of it under the shelter of the law which this House has it within its power to alter and shape in such way that no longer can that state of affairs continue to exist. Under our existing law, anyone entering into a bill of sale and residing in Perth, need not register that bill of sale for seven days, but it operates from the day of execution. Supposing a member of this House were to-day to pledge his assets under a bill of sale, it would operate as from to-day, but he will not be bound by law to register it for seven days if he lives in Perth.

MR. TAYLOR: Fourteen days outside.

THE ATTORNEY GENERAL: Fourteen days outside Perth, and 30 days if more than 200 miles away; and if it be an English bill or a bill outside the State, 21 days after it can arrive by the ordinary post. Members have to remember that during all that time the debtor remains in apparent possession of all his assets. He is the owner of them, and as far as people know, there is nothing in the world to touch them or reduce their value, whilst all the time there is this bill of sale waiting to be registered, and the moment it is registered it relates back to the day of its making. The position is such that no business man is safe, and particularly in the case of foreign firms. If there is one illustration in regard to the present system, it is the position of a man who, having obtained local credit to the fullest extent, then seeks credit elsewhere, and immediately it is demanded grants a bill of sale, and the first thing the local creditor knows about it is when he sees a notice of the registration of that bill of sale, when it is absolutely hopeless on his part to do anything to recover the money due to him, even to the smallest extent. Is it desirable that we should perpetuate a system of that character? Is it desirable that we should enable local people to be victimised merely for the purpose of extending credit to those who least deserve consideration, because they start their careers by being decidedly blind to their obligations to those who have lent them money, given them assistance, or rendered services for which they have become indebted to them. I do not think it is necessary to farther elaborate this argument. It seems to me that the merits are on one side, because I take it that even if the position suggested by the member for Guildford (Mr. Johnson) be a fact and we do impose a certain disability upon the individual, it is one we have the right to ask him to bear, and he has only to bear it when his position is such that the granting of a bill of sale in some measure is an act of injustice on his part to people who have already trusted him. And under those circumstances I feel absolutely safe in leaving the issue to the House.

MR. W. D. JOHNSON (Guildford): I should not have risen to speak on this question had not the Attorney General misunderstood me when I was rude enough to interject whilst he was speaking. My desire was to draw attention to the fact that there were disabilities under this Bill or that the Bill would cause disabilities to a certain section of the community. I desired to point out this in order to show the Attorney General that even in this measure there are two sides to the question, and I wish to emphasise it in order to try and convince him that when there are two sides to a question any member has a right to protect one side, even though he magnifies the side he tries to protect. I do not like getting up and lecturing the Attorney General, but I feel that this evening he has been guilty of undue severity towards the member for Canning (Mr. Gordon) in relation to the amendment that the Bill be read this day six months. The hon. member may be magnifying the side he desires to protect, but he may think that the Attorney General is making too much of the other side. I am prepared to agree with the Attorney General and support the passage of this Bill. I realise that it is to protect the small trader; but whilst I am prepared to do that and whilst I will do it on other occasions, I am prepared to admit that the member for Canning brings forward strong arguments when he states that with a Bills of Sale Act of this description we may work an injury to certain people. The hon. member in his speech mentioned one or two cases where hardship would be inflicted, but I agree with the Attorney General that those cases are in the minority, and consequently we have to look to the great section of the community and endeavour to protect them. Therefore I support the second reading of the Bill. But again I trust that the Attorney General will recognise in this House that there are two sides to every question, and that every member has a right to voice his own opinion.

MR. G. TAYLOR (Mt. Margaret): Whatever doubt there may have been in my mind as to the necessity for this measure, I think the Attorney General this afternoon has put forward arguments that are practically unanswerable. I have before me the report of a meeting of the Chamber of Commerce, Perth, at

which they pointed out the necessity for this measure, and that it has been introduced into Parliament on previous occasions. When they saw the new Ministry, they interviewed the Attorney General as to the necessity for the introduction of this measure, and at that gathering they congratulated the Attorney General on his promptness in bringing the measure forward. I read this report. While I am not in the proud position of the member for Canning (Mr. Gordon) in having been very much associated with bills described by the member for Dundas, and so am not capable of speaking as the member for Canning is, yet I would point out that if this Bill will protect those who I suppose I am safe in saying are more credulous than the gentlemen who make it a profession to obtain bills of sale, it will do good. There are people in our community who are always willing to lend a person money when they see that person is endeavouring to make a comfortable living in the country, and they do not ask for any security at all. It is possible for a person in that position, who has the confidence of people, to obtain money perhaps in somewhat large quantities, as has been pointed out by the Attorney General this afternoon; and when the individual who has raised that money desires a farther loan he goes with his property and gives a bill of sale over it. The object of this Bill is that there shall be a respite of seven days before the registration of the bill of sale. That will protect in the first instance those who assist a person without having any security other than the gentleman's own honour in the matter. I think that unless the member for Canning and the member for Dundas can bring forward some very strong arguments in favour of the amendment, the House will in its wisdom see the necessity of placing this Bill on the statute-book. When the Bill is in Committee I may desire to make some alterations, but I have no wish at this stage of the second reading to oppose the measure. The Attorney General deserves credit from members, more especially lay members, for the clear and candid manner in which he laid the position before the House this afternoon. I will support the second reading.

At 6·30, the SPEAKER left the Chair.
At 7·30, Chair resumed.

MR. J. C. G. FOULKES (Claremont): The member for Guildford (Mr. Johnson) was right in telling the House that there are two sides to this question, as there are in most cases. I admit that the existing Act has resulted in great hardship and heavy losses to various traders, and has given rise to many fraudulent practices. Therefore this Bill has my support, because I think it is an attempt to remedy defects in the law which have been found since the Act was passed. But I think that even this Bill will not be able to protect traders against losses occasioned by their giving too much credit. The bill provides that no bill of sale shall be legal until seven or 14 days' notice of it has been given, and certainly this will be ample notice to every creditor. But the result will be that every trader and other creditor will be of opinion that until he receives notice of an attempt to register a bill of sale, a debtor has to be considered solvent. Consequently, after the passing of the Bill, debtors will be able to secure more credit than is given them now. Many creditors decline to give credit to some people, on account of the fear of a bill of sale being registered to prevent recovery of the debts. Hence traders do not make so great losses as they would were it not for the defects of the existing Act. Pass this Bill, and traders will, so long as a debtor refrains from registering a bill of sale, consider him solvent; and the tendency will be to give the dishonest debtor greater facilities for incurring debts than he can have at present. I anticipate that in a few years traders will make application for an amendment of the law. Certainly the existing Act needs some amendment, which we can deal with in Committee. I am informed that the banking institutions have one objection to the Bill. They think it will prevent agriculturists and pastoralists from obtaining advances from banks. I believe that bankers are of the opinion that bills of sale in respect of agricultural and pastoral stock should be exempted from the operation of this measure. With these matters we can deal in Committee. I will support the second reading.

Amendment (six months) put and negatived.

Question (second reading) passed.

Bill read a second time.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the ATTORNEY GENERAL in charge of the Bill.

Clause 1—agreed to.

Clause 2—Notice of intention to register bill of sale:

MR. HUDSON: Subclause 2 provided for seven days' notice in Perth; whereas in the parent Act a bill of sale must be registered within seven days. Either curtail this notice or extend the term in the principal Act. One could not allow the seven days' notice to expire, and then register the bill.

THE ATTORNEY GENERAL: A subsequent clause defined a reasonable time within which the instrument must be registered; and a Judge, on being satisfied with the reasons for omitting to present it for registration, could make the necessary order for extending the time. True, Subclause 2 provided that in Perth and other easily accessible places the times during which the caveat ran and in which registration must be effected were equal in length; but no difficulty would arise. If no caveat were lodged, the notice would take effect on the seventh day, and to apply for an extension would be needless. If a caveat were lodged, the person presenting the bill of sale would take the necessary action to discharge the caveat, and the court would grant him an extension to enable the application to be heard. Otherwise, we should have to provide for a very short notice. In Victoria and Tasmania 14 days' notice was needed. The Bill specified seven, so as to place the least hindrance in the way of genuine transactions, and to protect creditors against bogus transactions.

MR. HUDSON was not opposing the clause, but drew attention to the need for a consequential provision in a subsequent clause. As the Bill stood, a bill of sale might be given on the 10th of the month, and notice of intention to register given on the same day; and when the seven days' notice had expired the time for registration would have expired, and the person presenting the bill would incur the expense of an application to a Judge for an extension. This was an anomaly.

THE ATTORNEY GENERAL: The necessary provision would be made.

MR. GORDON moved an amendment—

That the words "seven days," in line 4 of Subclause 2, be struck out, and "one day" inserted in lieu.

The Attorney General had already clearly and concisely stated that any person wanting a bill of sale was desirous of obtaining the money as quickly as possible, and that in all probability the money was required for business purposes. Business purposes might mean speculation or the chance of a bargain, and if a man had to wait seven days before he could get the money he would miss the bargain. Also it might happen that the debtor wished to consolidate his debts, that is to say, that if he owed £100 he would ask one creditor to whom he owed £25 to advance him another £75 on a bill of sale for £100, so that he might liquidate the debts of his other creditors to the extent of that £75; but owing to a period of seven days being required, the other creditors would see that he had given a bill of sale and would lodge caveats. Of course the man from whom the debtor borrowed the money might protect him if the other creditors demanded a guarantee, but there was a possibility of injustice being done. For instance, a creditor for £5 might lodge a caveat and claim £7 10s. In that case the procedure was that the whole matter had to go before a Supreme Court Judge for settlement, and while the debtor was fighting for his legitimate rights the other creditors would say, "Hallo, he is in the court; we will issue summonses to get our money before the lawyers get it all." The difficulty an honest man would be placed in could be recognised. If he fought the claim he would in consequence be pulled down by the other creditors he honestly intended to pay, because the creditors would go to no trouble knowing the man could pay more than twenty shillings in the pound, and immediately the debtor got into the Supreme Court they would writ him and oppose his bill of sale. Either the debtor would be compelled to pay the creditor lodging a caveat for an unjust claim, or he must fight the caveat, go into court and have

all his other creditors down on him. Another matter to be considered was that the average amount of bills of sale in this State was not over £300. So the cost of fighting caveats that might be lodged would run into a lot of money, while in the case of a man advancing cash in order to enable the debtor to meet his liabilities to other creditors, that man would have a right to demand, say, 5 per cent. for the extra risk he would take. The Attorney General had said that a bill of sale was almost the last resource of a man; but by this Bill the hon. gentleman sought to close every resource to a debtor. The existing law afforded ample protection to creditors. It was provided in Section 32 of the Act that if a man gave a bill of sale to one creditor, the bill of sale was not valid until three months after registration, so that other creditors were protected, because they could lodge caveats and upset the bill of sale.

THE ATTORNEY GENERAL: The hon. member had not cited the section correctly.

MR. GORDON: Did not the Act provide that if a man gave a bill of sale while owing other money, it was not valid against his other creditors?

THE ATTORNEY GENERAL: Certainly. It was valid for a contemporaneous advance.

MR. GORDON: That meant in the ordinary sense of the word a cash advance.

THE ATTORNEY GENERAL: If the hon. member read the section he would see that it was not cash. It could be for the price of goods sold and delivered.

MR. GORDON: What was the difference? One could not understand the Attorney General trying to mislead the House. The hon. gentleman had already claimed that he (Mr. Gordon) had talked nonsense, but was careful to occupy three-quarters of an hour in trying to prove that he (Mr. Gordon) was wrong and that he (the Attorney General) was right. Now the hon. gentleman was trying to mislead the House. The Attorney General went to great extremes to counteract his (Mr. Gordon's) nonsense. A case had been cited of a man who gave a bill of sale for £10,000, making a man a preferential creditor and going right away from the State. In future that man would not give a bill of sale, but would simply sell straight out and go away just the same. If a man was going to be a rogue, he would be a rogue. The same thing would happen under the Bill before the House as under the law at present. In fact, all the cases cited by the Attorney General could take place under this Bill. Members should realise how many honest men would be inconvenienced by bringing this measure into law. The member for Claremont could only cite one case where roguery had been committed.

MR. FOULKES: Many cases could have been cited. The one cited was the only one he remembered at the time.

MR. GORDON: The many cases referred to by the hon. member would extend over a number of years. Not one per cent. of the bills of sale registered here were fraudulent. Ninety-nine per cent. of the bills of sale were given by honest men who happened to be in a corner. We were now asked to run the risk of ruining 50 per cent. of the persons giving bills of sale in order to get at one rogue, though under this Bill the rogue would do just the same as he had done in the past. He (Mr. Gordon) felt confident of his position in this matter, that the measure would do a great injustice to men struggling to make their way in the world. He was rather inclined to believe that the flattery dealt out by the Chamber of Commerce to the Attorney General had blinded the hon. gentleman's foresight, and thrown a glamour over him so that he could not realise the big harm this Bill, if it became law, was going to do to the community.

THE ATTORNEY GENERAL had listened to what was absolutely a second-reading speech. The hon. member, when he moved an amendment against the second reading, had not even ventured to challenge the decision of the House, but allowed the question to pass on the voices. Now the hon. member was anxious to reopen the whole question.

MR. GORDON explained that he had been under the impression he had the right to reply before the amendment was put, and had in consequence reserved some of the points he now raised for his speech in reply.

THE ATTORNEY GENERAL: The hon. member should have been aware of the forms of the House, and should know that in Committee only details were dis-

cussed. However, in the circumstances there was no objection to the hon. member having adopted the course of making another second-reading speech. If we adopted this amendment of the hon. member and reduced the period to one day, it would deprive the Bill of any possible utility. The period elsewhere was fourteen days; but in order not to unduly hamper the man about to borrow, the period was now reduced. The member for Canning had said it was possible for a creditor to make an unjust claim against any person notifying his intention to give a bill of sale; but under a section of the Act provision was made to meet a case of that sort, and if a person entered a caveat without reasonable cause and refused to immediately withdraw it, such person was liable to pay to the debtor compensation. Machinery was provided to meet the case, and a penalty was imposed. Precaution was taken against any abuse of that character. The hon. member's argument was whether we were to consider those who gave the debtor generous support without security, or the man whose Shylock tendencies enabled him to get the whole of the assets of the man to whom he made an advance. Under Section 31 of the Act if a person who intended to give security over his assets obtained from a man to whom he gave the security money at the time, that security could not be shaken in any way. We all knew that once a man had given security there were hundreds of ways in which he could account for the way in which he disposed of that money. He could have spent it in this way, or that way, or might have gambled it. The man who had the bill of sale had all the property. A man who had obtained credit from a tradesman found himself up to his neck in debt. Then he obtained credit from a big man, but before the big man would give any credit at all he obtained a bill of sale over all that the borrower had, which gave him the right to wipe out all prior creditors. That was the evil we were attempting to cure, and the evil which the Committee no doubt thought should be cured. If the amendment were carried it would rob the Bill of all its utility. The amendment amounted to a motion that the Chairman leave the Chair. The member practically had invited the House to reject the Bill, and as that point had already been settled and the Bill had been adopted without division, the appeal of the member, he was sure, would not be given any greater consideration than was the amendment on the second reading.

MR. GORDON: If a man obtained goods and gave a bill of sale, the goods went into the store, and the other creditors would have a chance of getting some of those goods. If a man obtained cash under a bill of sale, the other creditors would have seen the bill of sale registered, and could sell him off at once. They could put a writ into him unless he paid them. The man would have to show his creditors what he had done with money obtained. If he did not do so he could be put in gaol.

THE ATTORNEY GENERAL: Seven days was the least time prescribed by law in which to register.

MR. GORDON: The Attorney General meant that if a bill was not registered within seven days it was invalid. A man who had taken a bill of sale had seven days in which to register that bill. Say for argument it was the eighth day; business people would know of the bill of sale, and would go to the man and ask for payment of their accounts. We had machinery in the present Act providing that a man should go to gaol if he could not show what he had done with the money obtained.

MR. MALE: The member for Canning had said that seven days was the time within which a bill had to be registered. That could not be right.

MR. HUDSON: That was only within the city of Perth.

MR. MALE: In the same clause 14 days were allowed, but that would not give sufficient time to enable people to get bills of sale registered.

MR. GORDON: The time went up to 30 days under the principal Act.

THE ATTORNEY GENERAL: The time ran up to 90 days.

Amendment put and negatived.

MR. BATH: In regard to the time for lodging notices provided by the clause, or for giving notice of intention to register, 14 days appeared to be the longest time. How would this apply to such outlying districts as Pilbarra, Kim-

berley, or Mt. Margaret? A person could not get a letter in the time.

THE ATTORNEY GENERAL: Notice must be given after the person had filed the proposed bill of sale in the Supreme Court; then the time began to run. Supposing some person at Pilbarra gave a bill of sale affecting property in Pilbarra, it was sent to the central office, and as soon as it was presented the 14 days began to run. During the 14 days it was open to any tradesman to enter a caveat. People in outback places had some protection by the information which they would receive from the capital. For the purposes of ordinary business we must assume that there must be some means made available for protecting interests by a person in Perth acting for another in the country. During the 14 days a person could receive advice and enter a caveat. Members might say that was inadequate protection in cases of that kind, but we had to make it as adequate as the circumstances of the case would allow. We could not make it sufficiently long for a man in Pilbarra to communicate by post, and then to have a reply, and farther to send his caveat down by post.

Clause put and passed.

Clauses 3, 4—agreed to.

Clause 5—Time within which bill of sale may be filed:

MR. HUDSON: A slight anomaly existed here. A bill of sale under the principal Act had to be registered within seven or 14 days. This might be interpreted to mean 30 days after registration; it might be taken to mean that in a negative sense. That might lead persons to suppose that they had 30 days after the expiration of the notice to register, whereas under the principal Act it was not so.

THE ATTORNEY GENERAL: The difficulty arose from the fact of the seven days during which the notice must run before the applicant was entitled to register a bill of sale, and the seven days provided by the principal Act; the length of time from the date of execution of the bill of sale being the same made it somewhat difficult for the applicant to have it registered. The same difficulty might arise where 14 days' notice had to be given, where under the principal Act a person was obliged to register a bill of sale within 14 days of the date of execution. He would recommit the Bill for the purpose of inserting a clause by way of amendment of the principal Act to overcome the difficulty.

Clause put and passed.

Clause 7—agreed to.

Clause 8—Caveat to be notified to mortgagor, who may summon caveator:

MR. FOULKES: The Attorney General might consider some points that might arise under Clauses 8, 9, and 11. There was a provision in Clause 8 that the grantor might summon the caveator before a Judge of the Supreme Court to show cause why the caveat should not be removed. When notice to register a bill of sale had been given, some of the creditors would have claims against the debtor for fixed specified amounts with regard to which there could be no dispute. But there might be some claims by creditors about which there might be some genuine dispute. Clause 9 gave the Judge power to say that a bill of sale should not be registered "until the debt for which he shall be found to be a creditor be satisfied." The debtor or person who wished to register a bill of sale might justifiably refuse to satisfy a claim made, and no provision was made in Clauses 9, 10, and 11 to meet a case of that kind. Clause 11 provided that any person not a creditor of the grantor who entered a caveat without reasonable cause for considering himself to be a creditor was liable to pay the grantor such sum by way of compensation as the Judge upon the hearing of the summons might deem just and might order. That was very little protection, however, to the grantor of a bill of sale, because he supposed all a creditor had to say was that he had reasonable cause for considering himself to be a creditor. And a person who wished to give a bill of sale might have reasonable cause for disputing the debt. No provision was made in regard to finding out whether a debt was honestly due or not. A man might be a creditor for a certain amount but not the whole sum named. There was no provision for a Judge to make an order for a trial, and if a case had to be tried it would mean time. It would be impossible in some instances to try a case at short notice.

THE ATTORNEY GENERAL: If a person had lodged a notice of caveat because he was a creditor for a certain amount he would go before a Judge in chambers and would have to tender proof of the fact. A Judge would not make an order staying a bill of sale if a caveator, having named a large sum, only proved that a small amount was due. If it appeared that there was a *bona fide* debt, the Judge would be prepared to make an order staying the bill of sale. On the other hand, if a Judge was not satisfied of that, we could rely on his making no order. We must place the matter in the hands of somebody to determine, and in what better hands could it be placed than those of a Judge of the Supreme Court?

MR. HUDSON did not think there was anything in the objection of the member for Claremont. Clause 9 seemed to be quite clear. The Bill was word for word so far as these clauses were concerned with the Victorian Act. The Victorian Acts were consolidated in 1890. These provisions had been in operation in Victoria for about 20 years, and only one case was reported as having gone to a Judge; so we might take it that the circumstances mentioned by the member for Claremont were very unlikely to arise. The amount involved was provided for in the order of the Judge. The Judge would find that one was a creditor, and then would make an order that the bill of sale should not be registered until the amount to which the caveator was entitled was paid.

MR. DAVIES moved an amendment to strike out the words "secured or" in Subclause 3. He failed to see that a creditor who was secured or satisfied had a right to enter a caveat against a debtor forbidding him to get a loan on any other securities he might have.

THE ATTORNEY GENERAL: The reason for the insertion of these words was that they referred to a security of an inferior character to that granted under a bill of sale. There were many other forms of security. There were preferential claims for wages; but if the whole of the assets of the debtor were seized under a bill of sale the men who had these claims would get nothing. The object was to place everyone on the same footing. The security might be only partial.

MR. FOULKES: Having had the assurance of the member for Dundas that these clauses were exactly the same as those in Victoria, and having had the hon. member's explanation, he (Mr. Foulkes) was quite satisfied that no injustice would arise from what he had pointed out just now.

Amendment negatived, the clause passed.

Clause 9—Judge may order registration to be stayed, or remove caveat:

MR. HUDSON suggested that provision should be made to extend the time within which a bill of sale might be presented for registration. His reason for proposing the addition was that it might save the duplication of applications for extending the term for registering a bill of sale. Under the principal Act certain procedure would have to be taken, and we might obviate this by having it under the one order. Perhaps if the Attorney General would recommit the clause we might be able to put it in order.

THE ATTORNEY GENERAL: The whole Bill would be recommitted, with a view to inserting clauses to remove the difficulty mentioned by the hon. member. It was not desirable that the Bill should contain any provisions already in the principal Act, of which Section 13 gave a Judge discretion to extend as he thought fit the time for registering any bill of sale.

Clause put and passed.

Clauses 10 to end—agreed to.

MR. GORDON would move on recommittal to insert a new clause, amending Section 12 of the principal Act by striking out "fifteen," in line 3, and inserting "five" in lieu. Under the principal Act a bill of sale could not be given for less than £30. The new clause would make the minimum £5.

MR. HUDSON would move on recommittal a new clause which would allow the court to uphold a bill of sale, even though it contained omissions or misdescriptions, if the court were satisfied that these were accidental or inadvertent, and not liable to mislead. Under the principal Act a bill of sale must contain certain particulars, and this provision was strictly construed. In England many bills of sale were upset owing to accidental omissions or misdescriptions

of one of the parties to the bill, or of the attesting witness.

THE CHAIRMAN: The Bill was to be recommitted. Hon. members desirous of inserting new clauses should place them on the Notice Paper.

Schedules (four), Title—agreed to.

THE CHAIRMAN: Several times to-night members seemed reluctant to refer to clauses other than the clause immediately under discussion. So long as no amendment was made, members were perfectly in order in referring to any clause necessary for the argument.

Bill reported with amendments.

BILL—POLICE OFFENCES.

CONSOLIDATION AND AMENDMENT.

SECOND READING.

Resumed from the 31st July; the ATTORNEY GENERAL in charge of the Bill.

MR. T. H. BATH (Brown Hill): During discussson on the Bills of Sale Bill, I was somewhat amused to observe the rather arrogant attitude of the Attorney General towards members who then had amendments to move. And seeing the course he has adopted on that measure and on others discussed this session, notably the Legal Practitioners Amendment Bill, it is certainly amusing to find that on this measure, a Bill to amend and consolidate the Police Offences Acts, he has been more accommodating in moving the second reading. In fact, I think that the title of the Bill should be entirely altered to "A Bill for an Act to assist the Attorney General to avoid the necessity for making up his mind on many matters which are contained herein;" and the preamble should read somewhat as follows: "Whereas it is inconvenient for the Attorney General to accept responsibility for his legislative measures, and whereas it is desirable that the Legislative Assembly should make up his mind for him, and thus protect him from inconvenient criticism, therefore be it enacted"—etcetera. The most objectionable feature in connection with this measure is the attitude adopted by the Attorney General in his second-reading speech. Although by virtue of his office he is in a position of responsibility, although he is there to take the responsibility not only for his administration but also for the legislation he introduces — at least he ought to do so while party government is as at present constituted—we find him introducing certain provisions, and taking the extraordinary course of telling members that they can please themselves whether or not they reject those provisions, and that if they do reject some of them they will do so in consonance with his wishes. It has always been the practice in this as well as in other Parliaments that, when a Minister introduces a measure of this importance, he accepts at least some responsibility for its provisions. Of course if, on discussion in the House, members express views which he perhaps may not have thought of, yet which recommend themselves to his approval, then he adopts them in the Bill. But practically speaking, a Minister, when he brings in a Bill, takes the responsibility for it. We have also seen a still more extraordinary feature in the Attorney General's conduct: that is, he justifies the attitude he has taken up by the statement that he has found certain drafts left behind by previous Attorneys General; and that he has incorporated those drafts in the Bill, not because they commend themselves to his approval, but out of consideration for his predecessors. Now I will agree with him that his predecessors were men of ability, and notably the gentleman he mentioned, who is now Agent General of this State—a very worthy and estimable man. But as regards responsibility to this House, we can say in the words generally used when a sovereign dies, "The king is dead." I shall not say, "Long live the king," because if the Attorney General continues to adopt the inconsistent attitude which we have noticed in regard to many of his measures, members will not be desirous of wishing him long life in that position. Of course it would be very convenient for the Attorney General if the House were willing to accept his suggestion, if members would take the responsibility for the clauses embodied in this Bill and would remove the burden from his shoulders. And particularly as regards this measure would that course be very convenient for the Attorney General. When first he sought the suffrages of the electors of Kalgoorlie he was, in the course of his campaign, the darling of a number of

people who will be adversely affected by the provisions of this Bill. He had the united support of the pencillers of the footpath, those who follow up racing, and a large number of other people whom the measure will adversely affect. And last night, when I heard the member for Swan (Mr. Gull) state that the Attorney General did not know where he was, it struck me that the remark was particularly true; that the hon. gentleman has been following the example of the Honourable Preserved Doe, whose fame is trumpeted in Lowell's *Biglow Papers*, who declared that he was an eclectic, and as choosing t'wixt this and that was a plague to him, he left the side which looked liked losing, but while there was doubt he stuck to both. It appears to me that as regards the provisions of this Bill, the Attorney General is desirous of sticking to both. What is the position? To those opposed to many of the offences which the Bill seeks to penalise—to gambling, for instance—the Attorney General will be able to say: "I introduced a Bill containing proposals for preventing those offences, and imposing penalties on people guilty of them;" and to the other side, who will say "We helped you into Parliament, and now you introduce a Bill which will take away our livelihood," the Attorney General will reply: "I introduced a Bill, but I was very careful to tell the House I did so only because some of its provisions had been drafted by previous Attorneys General, and that those provisions did not meet with my support." So, if the House is willing to allow him to occupy the position, he can in this way relieve himself with respect to criticism from either one side or the other. This has not been the attitude he adopted on less important matters than the clauses which are contained in this Bill, because we had an altogether different attitude, as I said before, on the Legal Practitioners Bill. Then we had the Attorney General using party discipline for all it was worth; and when an attempt was made to carry out liberalising conditions, in consonance with views often expressed by that Attorney General whose example he has sought to follow in this Bill, he used all the arguments and all the weapons of party warfare to oppose those liberalising conditions being inserted. If the hon. gentleman is desirous of doing away with party government, let the House discuss a Bill on its merits; but we are not going to have any convenient interpretation of such a proposal, in the shape of doing away with party government when it suits the convenience of the Attorney General, and having it used with all its effectiveness and force in other provisions about which he is not so much concerned. In regard to the Bill itself, it is largely a consolidating measure, and there is a great number of provisions contained in the Bill, and there is a great number of innocent and trivial acts which occur every day in the lives of the people and which are constituted as offences under this Bill. I will quite admit that many of these provisions are contained in previous measures, and that the Bill as we have it submitted to us contains a great many clauses which were embodied in the Police Offences Act of 1892; but that fact should not commend the measure to the good graces of this House without due consideration of many of these clauses; because I would like to remind members that the 1892 Act was passed only two years after Western Australia had emerged from the position of a Crown Colony to one enjoying responsible and representative government. Without intending any offence to the people who were in authority here at that time, I say it was a difficult matter for them to get rid of the old Crown Colony atmosphere, to get rid of the old magisterial opinions that made almost every innocent act of the population an offence which was punishable in some form or another. It is no argument in favour of many of the provisions of this Bill that they happen to have been contained in some previous legislation, at least in the legislation passed in 1892. The Attorney General has stated, in support of the powers sought to be given to justices and to the police authorities under this Bill, that we must trust to administration being wise, and that we must give to administration wider powers than are likely to be used. I say that is an absolutely dangerous precept to put into practice. Rather the converse should be the case. We should avoid as far as possible restricting the liberty of the subject, restricting the

liberty of the people, unless there is good and substantial ground for such liberty being restricted. In fact the idea should be that there should be no restriction of liberty except to prevent the liberty of others from being assailed. Supposing the argument of the Attorney General were to be carried into effect in regard to what is regarded as an important matter in all British communities—that is the liberty of the Press. If we were to say that we must give to administration wider powers, that we must give powers to restrict the liberty of the Press over and above what is absolutely necessary, we would, I think, be aiming a death-blow at the liberty of the subject in Western Australia. Rather is it better to maintain to its fullest possible extent the liberty of the Press, because we know that the main body of the Press will exercise a wise discretion in the use of that liberty and that power; and even the strength of that argument and that contention is not destroyed by reason of the fact that some few papers may abuse the liberty given them, and may carry it even to the extent of license. There are only two or three matters in the Bill which I propose to deal with in this second-reading speech. When we come to many of the provisions in Committee, if the Bill does get into Committee, we can deal with them as they arise during Committee progress; but there are two or three matters in particular in which I think the powers which are sought to be given under this Bill will not lead us farther on the road to civilisation, but rather will cause us to lapse farther into barbarism, or at least into that condition of things that existed when the people enjoyed only a modified liberty at the pleasure of kings or their feudal lords. In the first place, I desire to refer to those clauses which deal with the powers of the police and those charged with summary jurisdiction in regard to the offence of soliciting. The attitude in regard to this is one which I think is not at all in consonance with our modern ideas as to the position of woman in relation to man. I think the clause as it stands rather relapses into those days when woman was regarded as a chattel and slave, rather than fit to be placed in a position of equality with man. I say that it is cruel and absolutely opposed to the dictates of humanitarianism that we should give to the police the power to harry and pursue from pillar to post these unfortunate people, as it is proposed to do in this Bill. If we are going to attempt to deal with this matter under this measure, there are those who make the unfortunate profession of these people possible who should be also assailed. If they are to be brought under the majesty of the law, I say it is wrong to harry these women and to allow the men to go free, to allow the man to be, as it were in the eye of the law, a respectable individual, or even, may be, a pillar of society, when the person who is placed in the unfortunate position she is by his passion is pursued and harried by the powers of the law. I say that this is absolutely opposed to the modern dictates of humanitarianism and civilisation. If we are going to use the power of the law to deal with the one, then the power of the law should also be invoked to deal with the other. But, to my mind, there are things which are not taken into consideration in this measure which have a great deal to do with moulding the career of these people. The social conditions to which we are subject have as much effect in determining this as their own personal inclinations; and we should set ourselves to the task of trying to deal with the root of these evils and thus destroy the necessity for these things, rather than attempt to deal with them as we are attempting to do in the legislation we are introducing to-day. In spite of all the legislation which has been introduced, and in spite of the repressive measures carried in every civilised community in the world, to-day the evil goes on increasing. Although pages and pages of books have been written, although commissions and committees have sat and discussed the question, we are no nearer arriving at a solution than they were a hundred years ago. When we recognise that the greatest minds of the universe have practically faced the question without bringing about any logical or sensible conclusion, is it not fallacious and absurd for us to attempt to deal with it in the repressive measures adopted in this Bill? The same argument applies to a large degree with regard to the gambling evil. It is

no new thing, either in Western Australia or in other British communities, to see legislation introduced for the repression of gambling. From the earliest times in the history of England they have had measures for the purpose of trying to root out the gambling evil. In the time of Henry VIII. a measure was introduced for the repression of gambling, compared with which the proposals in this Bill are not a circumstance. It was one of the most drastic measures that could possibly be introduced, one in which the penalties were very severe. The same attitude was adopted then as is adopted to-day. The law was for the suppression of gambling among the poorer people. In the time of Henry VIII. the people in the higher grades of society were excluded from the provisions of the proposal for the suppression of gambling. But severe as they were, and although the provisions were attempted to be enforced, gambling has increased in intensity in the old country, as it has increased everywhere where measures have been introduced for the repression of gambling. I have made a study of this question. I have looked at every possible authority, and I have tried to secure information as to the result of repressive measures; but the fact remains to-day that there is no tabulated information or no work which gives information on the measures which have been introduced in various countries for the express purpose of repressing gambling, that at the same time gives any idea of the results that have accrued. We do know that in some countries, such as Great Britain, where legislation has been introduced of great severity, it has not had the effect supposed by those who introduced it; and the fact remains that gambling flourishes even more extensively than it did before such legislation was introduced. I have come to this conclusion, that it is impossible for us really to touch the evil by the introduction of a few clauses in a Bill of this kind. If the community in Western Australia were to spend thousands of pounds in securing information from the very highest authorities and in securing the most searching investigation into the result of gambling legislation elsewhere, and also in regard to the other matter I have touched on to-night, it would be money well spent, and it would be much better to have a scientific investigation before we attempt to introduce piecemeal legislation of this character. I recognise, and I have no sympathy with, the sentiment that says of gambling that because it has existed it is desirable that it should go on in the future; nor with those who say that human nature is of such a character that there is no hope of repressing it. And I am not one of those who range themselves with the Pharisees and say, because they have not been bitten with the mania, "I am free from any blame in this matter." Rather have we got to say that, in the development of our social character, no individual in the community can get rid of his share of the responsibility for the social conditions and social evils that exist to-day; and if he is to do his duty to the community, he must with all his strength, energy, and earnestness do his part, so far as lies in his power, to remove those evils from our doors. There can be no question that the summing up of the effects of gambling as stated by Judge Capron, of the United States, are precisely true. He says:—

> Gambling, as a general evil, leads to vicious inclinations, destruction of morals, abandoning of industry and honest employment, loss of self-control and self-respect.

We have also to recognise an even more potent evil, and that is the destruction of the principle of unselfishness that lies at the root of our social improvement. That is where gambling is having its most injurious effect in destroying the spirit of unselfishness, and without that spirit of unselfishness we can hope to make no progress towards a better and juster civilisation. There is another matter embodied in the Bill, one which perhaps may not have been noticed by members, because it is contained in one clause of the measure, but it is one that, if carried by the House, will destroy one of the safeguards the result of which is largely responsible for English liberty to-day. I refer to the proposal embodied in Clause 41 to this effect:—

> Upon complaint on oath by any police officer that he has reasonable cause to believe that gold is to be found on or is concealed in any premises, and that the tenant or occupier, or reputed tenant or occupier, of such premises will not be able to prove to the satisfaction of the magistrate that such gold was lawfully obtained, any justice may, by warrant under

his hand, authorise any police officer to enter and search such premises, and arrest, search, and bring before any justice any person found therein to be remanded for trial before a magistrate, and to seize and carry away all gold, machinery, plant, or records found on such premises.

The principle underlying the issue of a search warrant in England to-day is that a police office who seeks a warrant has to satisfy the justice of the peace or magistrate who issues the warrant that he expects to find there gold or some other article, which is the result of an absolute offence committed against the Acts which are embodied here, offences which are dealt with by this statute. The position here is, that he has not first to have a definite offence to go to a magistrate with before he can secure a warrant. All he has to say is that he expects to find gold there, and after the issue of the search warrant he may be able to prove the gold has been stolen. This may lead to the greatest possible menace to the liberty of the subject, under a provision of this kind. It is one of the easiest things in the world for an informer or person of malicious turn of mind to go to the premises of another person against whom he has a grudge, to plant gold there and then to give information to a police officer to cause a search warrant to be taken out by the police officer for a search of the premises. And if the gold is found, the person cannot give a reasonable account of how it got there by reason of the fact that it has been placed there by some other person. This is not an imaginary case by any means.

THE PREMIER: That will apply to anything besides gold.

MR. BATH: Yes; I will refer to that. This is not an imaginary case, because in America, where they have a system of private detective forces invested with very extensive powers, almost similar powers to those of ordinary police officers, those private detectives have absolutely committed offences, deliberately commit crimes and offences at the behest of their employers. We have also seen instances where they have used their powers for the purpose—where they have acted in this way—of being retained in their positions. We must recognise that this thing is possible before we pass such a clause as this at the behest of a small section of people. This clause has probably been adopted because of a publication which has been issued by the Chamber of Mines. They desire that gold should be regarded as an altogether different thing from other articles which are stolen. A more erroneous provision could not be introduced. It is opposed to all the provisions of British constitutional history, and should not be applied to the offence of the theft of gold. They wish that no appeal should be granted to persons accused of gold stealing; they wish a provision of that kind, and they go further and advocate the introduction of a clause practically similar word for word to the clause introduced by the Attorney General in the Bill. They go on to say, limitation may be necessary in ordinary cases, but it is out of place in gold stealing: the theft of gold stealing is on a different plane from the stealing of other articles such as pearls and so forth. It is absurd to ask members of the House to pass special legislation to deal with this matter. It is a strange thing that this sensational statement should, without a tittle of evidence to support it, be made coincident with the introduction of a proposal of this kind, made at the behest of a small body of men in the Chamber of Mines. The House will do well to look closely into this proposal, and will do well to strike it out altogether. I do not desire at this juncture to refer to other provisions of the Bill. I wish to repeat that in the course adopted by the Attorney General in bringing in this Bill, in trying to shelve his responsibility on the House and trying to justify the introduction of clauses to which he himself says he is opposed, because they were adopted by previous Attorneys General, he is doing something which is not in consonance with the procedure which has guided the conduct of affairs in this State. I do not see why the House should take on the responsibility of making up the Attorney General's mind for him. Just for the purpose of giving the Attorney General an opportunity of getting off the fence and having the courage of his opinions, I move—

[AMENDMENT]

That the word "now" be struck out, and "this day six months" be inserted in lieu.

MR. TROY (Mount Magnet): I second the amendment.

THE ATTORNEY GENERAL (Hon. N. Keenan): The Leader of the Opposition, who has just addressed the House, takes up the attitude that if in any way a responsible Minister holds out to the House his willingness to accept any amendment which may on discussion appear worthy of acceptance, if he does not say "This is the Bill: swallow it if you want it as a whole, or if you do not, reject it," the hon. member says that Minister is attempting to shirk his responsibility. And yet on other occasions who complained more bitterly than he at the position he himself charges me with taking up, of refusing to accept amendments suggested by himself. Therefore I venture to say the member who has adopted this attitude cannot be taken seriously when he makes statements of this character. What is the position in regard to this Bill that I took up? When introducing it I properly informed the House that this was a consolidation; I pointed out that this is a measure which consolidates a number of existing legislative measures and amendments, and I pointed out too that the number of Acts that it did consolidate was six absolutely and three partially. I have pointed out on the same occasion, and I submit it is the proper course for me to pursue, that some of these clauses are absolutely debatable. I indicated a particular clause which although it had been adopted elsewhere, adopted by two Australasian States and now by the Imperial authorities, nevertheless is a clause that may be very well questioned, and I myself was not prepared to tell the House it is so important and vital that members should accept it merely because it is included in the measure. I think I was more than justified in paying some tribute to those who were working at this measure before it became my privilege to touch it. It might have been within my province to take the credit for working at this consolidation alone, to have told the House that I had gone through these Acts and given up my time to a very large extent to the service of the country. It might have been an easy thing for me to take that credit; but would I be entitled to do so? Anyone in my place who desires honestly to inform the House what he has done would inform the House that a large portion of the work had been received ready-done by my predecessor. The credit that is due to him is to be diminished to that extent, that he has a large portion of his work done for him and given ready to his hands. I hope and I feel sure that although the Leader of the Opposition could not look at it in that light because he refuses to look at anything except in the light of malignant criticism, many members in the House understood my remarks in the spirit in which they were made, and will resent the interpretation placed on them by the Leader of the Opposition. What is the attitude of the Leader of the Opposition? He tells the House there are many things to which he has taken serious exception in our existing laws, because although he covered some ground there was not a single clause in this Bill, which is a new clause, to which he offered any exception whatever excepting one clause which he referred to in regard to search warrants, Clause 41. That is the only clause, being a new clause, to which he took exception. All the other portions of the Bill are a codification of existing laws.

MR. BATH: I stated that I would deal with the clauses in Committee.

THE ATTORNEY GENERAL: Yes; and in order to deal with them in Committee the Leader of the Opposition offers the advice to the House to reject the measure summarily! Is that a sensible position for a man to take up who has responsible duties to discharge; and is that how he discharges them? He tells the House, including his own followers, that there are many anomalies in the existing law, and he wants to get rid of these anomalies; therefore the way to go about it is to refuse to read the measure a second time and deprive ourselves of any chance of doing what we allege wants to be done. Surely the member takes up a most curious attitude, and must expect a refusal at our hands. I venture to say, although we do sit on opposite sides of the House, there is one strong link between all members, and that is common sense, which is wholly opposed to action of that kind. When the hon. member wishes to discuss a Bill, we

should not follow his advice because that will inevitably prevent the House from considering the measure.

MR. BATH: You are not courageous enough to administer the Acts on the statute-book to-day.

THE ATTORNEY GENERAL: The hon. member was allowed a long time to state his exceptions to the Bill before the House, and he has not exhausted himself yet. Still whilst I am on my feet I shall ask him to allow me to address the House. He interjects that we are not courageous enough to put into force the provisions on the statute-book to-day. Let me tell him, as I said to the House before, that these provisions are only put into force when circumstances require it. The force of law is always a force that is dormant. Its application arises only when strict necessity warrants it; and when my friend, if I may presume to call him my friend, tells me that the law in force which is given to the Executive is far in excess of what is normally required, he is entirely shutting his eyes not only to the necessities that he must see around him, but to all the teaching of history which he may at any time have read. Under normal conditions we must exercise the least possible restraint. Indeed, if possible, we should exercise no restraint at all; but we must have the power when abnormal conditions arise to put that restraint into force. Let me state that one of the wisest chiefs of the police force that ever existed in the city of London had one theory, and one theory only, and that was that a policeman should never be observed on the scene at all until it was absolutely necessary, and that when it was necessary he should be there in such force that he should be immediately in a position to let the law take effect. That was a most wise theory. We should do nothing to show the iron hand, because to do that is to evoke opposition. But we must have it; otherwise it would become impossible to deal with circumstances which arise. But allow me to deal with the objections raised by the member for Kanowna (Mr. Walker), and then by the member for Leonora (Mr. Lynch), who after all addressed themselves far more seriously to the Bill than did the Leader of the Opposition, especially in that neither ventured to suggest that, in order that they might be able to accomplish their object, they would remit this present measure to oblivion, and establish firmly the existing law. The member for Kanowna dwelt on the fact that there was no necessity for this present measure. The necessity arises from the fact that there are nine measures which magistrates are called upon to administer. We all know that a magistrate is not a trained lawyer, and I venture to say it would puzzle almost a trained lawyer to administer nine Acts in the police court, if he were called upon to do so. It is not fair to ask a bench consisting of magistrates in a merely honorary position, who discharge duties wholly foreign to the rest of their lives, to search through nine different statutes in order that they may be sure they are administering the law in the way in which it was framed by the Legislature. It is the duty of Parliament to consolidate that law into one single Act, and to render it possible for any person on the bench, who wishes to carry out the duty, to do so in a way that will reflect credit on himself and be a benefit to the country. That is the reason for this measure. It is, in the first instance and almost in the whole instance, a consolidating measure; and as to the new clauses I have dealt with, and shall shortly cover again, I would point out to members that they are such as well deserve consideration on an occasion when we are amending our statutes, and therefore in a position to place them on our statute-book. There are a number of clauses in this measure which were alluded to and made the subject of a great deal of hilarity, but which simply refer to local governing by-laws in force. As members will see if they look at that portion of the Bill, these clauses will no longer apply when the local bodies have framed their by-laws. The whole of Part III. is simply framed for the purpose of supplying rules governing every-day life in those localities where there are no local bodies to frame their own by-laws. And the moment a local body comes into existence and has framed its by-laws, all that portion of the Bill becomes *ipso facto* suspended. The consequence is that in this part of the measure there are provisions which, as everyone knows, exist in all municipal

by-laws. Everyone knows that provision is made whereby one is not allowed to fire a cannon within a certain distance of the street, unless on special occasions.

MR. BATH: You cannot fire a gun on the ordinary road.

THE ATTORNEY GENERAL: If the hon. member will read the Bill he will find that is not the case. The clause reads:—

> Any person other than persons acting in obedience to lawful authority, who discharges any cannon or other firearm of greater calibre than a common fowling piece within three hundred yards of any dwelling house within any city or town to the annoyance of any inhabitant thereof, after being warned of the annoyance by any inhabitant, shall be liable to a penalty of five pounds.

MR. BATH: I am speaking of Clause 11.

THE ATTORNEY GENERAL: Let us see what Clause 11 is. It says:—

> Any person who, without lawful excuse, discharges any firearm in any public place, or points any firearm at any other person.

There is a definition of a "public place."

MR. BATH: Every road.

THE ATTORNEY GENERAL: Yes; every street in which people are walking.

MR. BATH: It means every country road, too.

THE ATTORNEY GENERAL: Let us have country road if the hon. member likes. Is not a man to be restrained from discharging firearms on a country road?

MR. BATH: Every member goes out shooting.

THE ATTORNEY GENERAL: When the hon. member goes out shooting, he apparently shoots the passengers and not birds in the bush. I say it is very useful to have a provision of that character. Would it be possible to imagine any community at all in which we should not have some rule of that kind? We must have some rule whereby the streets are preserved. If we had no provision made to prevent people who use the street from discharging firearms, undoubtedly we should deprive those lawfully entitled to walk there of the pleasure of so doing, and even of the right, because no man is called upon to undergo unnecessary danger. The same clause points out that it is an offence to point a firearm at any other person. Does the hon. member suggest that is not wise? [MR. BATH: No; I do not.] Still we find him inviting my attention to Clause 11. That is the whole of Clause 11. To go back to the member for Kanowna and his criticisms, he dwelt strongly on those clauses of the Bill dealing with convictions for drunkenness. I admit that there are new provisions in this measure, but they are ones for which I am prepared to take the whole and entire responsibility. These new provisions relate to what are known as aggravated circumstances in connection with drunkenness. Those aggravated circumstances are, if a person is found in a public place, or on licensed premises, and is guilty of any riotous or disorderly behaviour while in a state of drunkenness, or is drunk while in charge in a public place of any carriage, horse, cattle, or steam or other engine, or is drunk when in possession of any loaded firearm. Again I suggest that when we go into Committee we can discuss this matter, and possibly members may point out that in some way that clause goes a trifle too far. I am prepared to assert that it does not go too far. Surely a man who is drunk and guilty of disorderly and riotous behaviour in a public place must be held to be guilty of more than an ordinary act of drunkenness. Again, a man who is in charge of a horse or steam or some other engine in a public place and who is drunk, is a source of absolute danger to everyone who has a right there; and again, the circumstances are aggravated. Again, a man who whilst drunk is in possession of a loaded firearm is, it cannot for a moment be questioned, guilty of some offence which is far more serious than that of being merely drunk under the conditions set out in a preceding clause. Farther, in this Bill I have introduced a power to the magistrates when cases of drunkenness come before them to send a person not to the prison but to the hospital. Let me point out that I have taken power which does not exist to-day. It frequently happens when sentences are imposed upon persons convicted of crimes, and they are sent to prison, that representation is made that if they were sent to some home of peace, or some place where their characters could be reformed, it would be far better. And in that case it is beyond any question it would be far better. But if we send them there we have first of all to entirely remit their

sentences. Therefore they would then be free to walk out at any time. I feel sure that the member for Mount Margaret (Mr. Taylor) in administering his department must have found the same difficulty. If we remit the sentence, what happens? The person becomes absolutely free, and although he may be sent to a home, or a female may be sent to a home, she can leave the next day. We have no power over her person. Therefore, I have made provision that although they may go to these homes, they shall still remain in lawful custody, and we can make them stay there. We shall be able to remit their sentences in connection only with the locality, so that instead of their being sent to gaol and possibly being under circumstances where they may be contaminated by criminals, they may be sent to some reformatory where an agency for good will possibly bring about an improvement; and in order that they may stay there, we make provision for their remaining in custody whilst there. Again I take the whole responsibility of that provision, and in spite of the hon. member, I say unhesitatingly I believe the House will accept it. The member for Kanowna dealt with the fact that some of these provisions violate what he described as the first principles of British law. Those principles are that an accused person is always supposed to be innocent until he is proved to be guilty, and that the whole onus of proof lies on the prosecution. The clauses to which the member for Kanowna referred are not ancient, but were adopted by the Parliament of 1902, in which some members of the present House sat.

MR. BATH: We opposed them. We did not justify them in the least.

THE ATTORNEY GENERAL: I am not saying whether they opposed them, but pointing out that the clauses were before the Parliament in 1902. Furthermore, I am aware that some of the members sitting opposite to me did approve of them. However, it is beyond question that Parliament approved of them; and what do we find to-day? Have we had a single case since then in which it has been alleged that any injustice has resulted? The measure has been in operation four years, and has a single case occurred? Remember, moreover, that the measure has been very accurately watched, and every case has been accurately scanned, I have no doubt, by many persons. And, again I ask, has a single case occurred in which injustice can be said to have taken place?

MR. HOLMAN: What clauses are you referring to?

THE ATTORNEY GENERAL: I am referring to Clauses 37, 38, and 39.

MR. TAYLOR: They are taken from the Police Act.

THE ATTORNEY GENERAL: Yes; 1902.

MR. HOLMAN: If you had read the debate, you would have seen there was injustice.

THE ATTORNEY GENERAL: There was only one case that I heard of, which was a bogus one. It was during the *régime* of Mr. Daglish; and Mr. Hastie, having gone into it, satisfied himself there was no ground for the appeal made to him as Minister for Justice, and he dismissed it without any question of its being a fully justified procedure on the part of the magistrates.

MR. HOLMAN: This was a case of two men brought back from Nannine to Peak Hill; and the charge was dismissed.

THE ATTORNEY GENERAL: The hon member may know of a case; but there is not a single one on the file, and I have never heard of one, though I live in a district where such cases would be likely to arise. The hon. member cannot expect to prevent charges being made and not sustained. My point is that the law has never led to a miscarriage of justice. It cannot lead to a miscarriage of justice until an innocent man has a penalty imposed on him by order of the court.

MR. HOLMAN: Those men suffered some days' imprisonment, and had to pay their own expenses there and back.

THE ATTORNEY GENERAL: That is a kind of injustice that may arise in consequence of any clause in the Bill. A charge is brought under a certain section, and that charge is not sustained. But the main point to remember is that not a single case of injustice has arisen by reason of a conviction by a magistrate, which conviction, on subsequent investigation, appeared not fully warranted by the circumstances of the case. The clause was adopted because larceny is the taking away without lawful authority of some-

thing from the possession of someone else. In regard to the offence of larceny, it would be wholly impossible for any person to swear that the gold was his property; and these clauses are merely an amplification of a section which hon. members will find in our Police Act of 1892, and also in the English Act from which it was taken, whereby, when a person is in possession of something which there is reason to believe he has not lawfully obtained, he is called upon to account for having it in in his possession; and if he accounts satisfactorily the matter ends, and if not, he is guilty of an offence. Members will recollect Section 69 of the Police Act of 1892; and that section is taken almost word for word from the Imperial statute; so it is not correct to say, as the member for Kanowna (Mr. Walker) says, that this is something wholly novel to existing law. It simply applies an old section in a workable manner to gold-stealing, the section having already been applied to street offences in Section 69 of the principal Act passed in 1892, and being the law for a great number of years in Great Britain, under different statutes. But the most important point in regard to the clause is the one which I first mentioned—that not a single case has occurred during any of these years where a man has been convicted and punished under it so as to involve a miscarriage of justice. Surely, in these circumstances, no person in the House has a right to say that this law must be exceptionally opprobrious, so opprobrious that it must be swept off the statute-book. Let me farther say, it will be utterly impossible to prevent the offence of unlawfully taking gold from a person rightly entitled to it unless the offence be dealt with under the provisions of such a section. If we tried to deal with it in any other manner, the attempt would most infallibly break down, because no man can swear to gold as being his absolute property. I had a case of an old alluvial worker who had gold stolen from him. His shammy bag was taken from him while he was asleep. In the first instance, a charge of larceny was laid, that is a charge under statute law of stealing. When the plaintiff was in the box he stated that the gold was his; but he was cross-examined, and was handed another piece of alluvial gold of very similar character to that found on the accused. The prosecutor was asked to swear as to which piece was his. The member for Mount Margaret (Mr. Taylor) knows how impossible it is, unless the gold is peculiar in shape, for a man to swear to it. The prosecutor broke down and became confused—could not say whether the gold he had first handled or that which he had subsequently handled was his own. All he knew was that he had for a long time been collecting alluvial gold, and whenever he got it he put it in his shammy bag, and that the gold found on the accused was somewhat similar to that which he, the prosecutor, had in his "shammy." The identification of the property was not at all complete.

MR. HUDSON: Suppose that the man with the gold in his shammy-leather bag had been the accused person.

THE ATTORNEY GENERAL: Surely the hon. member will recognise that a bench having before it an alluvial worker, who showed that he was a genuine worker, would not allow the case to go farther.

MR. BATH: The accused might have brought the gold from another district.

THE ATTORNEY GENERAL: Well, he could prove where he came from. But there has never been a miscarriage of justice in such a case.

MR. TAYLOR: The prosecutor in the case you mentioned failed purely on identification?

THE ATTORNEY GENERAL: Yes; and a similar failure would result in regard to any class of gold, such as battery gold, or gold extracted by cyaniding. It is utterly impossible for any man to swear to it as being his. He has to fall back on the fact that it is similar to his. Therefore the only method of preventing crime of this character is to call on the person in whose possession the gold is found to show to the satisfaction of the magistrate how he, the accused, came by it. And there is no difficulty; because a magistrate on the bench, if he is a man living in the district, knows how people obtain gold; and when the accused tenders a lawful excuse, such as that he has been working a claim, there has never happened a case where a magistrate has failed to administer jus-

tice; and until some case happens, until members can put a finger on some miscarriage of justice, surely it is extraordinary to say that these clauses are dangerous. A farther objection was raised by the member for Kanowna to certain clauses for which I take the whole responsibility—those dealing with indecent publications. The Bill defines what is meant by indecent; and the hon. member would have doubtless greatly modified his remarks had he read the definition, to which I drew attention in my introductory speech. For obvious reasons, I did not read the definition; but if members read it they will see that it does not at all cover the class of cases mentioned by the member for Kanowna—scientific disquisitions or similar writings. He drew attention also to the fact that if a paper published anything of this character and the publisher were prosecuted, it was open to the publisher to prove that the extract was part of a *bona fide* medical work. I submit again that is a most necessary precaution; because members understand that some journals occasionally, not frequently, do include scientific articles in their columns; and if an article of a *bona fide* character be placed side by side with ordinary news, even though that article may raise some matter that would come within the definition, we have taken care that no prosecution can lie if the publisher can show that the article is part of a *bona fide* medical work. I think that the clauses as drafted are amply justified; for none can contend that the class of publication aimed at will work for anything but the general ill of the community, and farther liberty is amply guarded by the clause to which I have now drawn attention. The member for Leonora (Mr. Lynch) took objection to firing off cannon, a point dwelt upon by the member for Kanowna also. That objection, I consider, is not justifiable in the circumstances. And the member for Leonora farther drew attention to the fact that there is no provision made as to attempted suicide. The reason is that this will remain an indictable offence. This consolidation Bill relates simply to summary-jurisdiction offences—cases that can be determined by magistrates.

MR. LYNCH: The Code provides for only a twelve-month's penalty.

THE ATTORNEY GENERAL: Yes. If this Bill passes, the Code will deal entirely with indictable offences. The difficulty about attempted suicide is that it may greatly vary in degree. Sometimes suicide is attempted in circumstances so trivial that everybody, including the judicial authorities who have to deal with it, feel that the minimum penalty, or no penalty at all, will suffice; that a severe warning not to repeat the offence is quite enough to meet the case. On the other hand, we can well imagine cases of attempted suicide of a different character; and it will not do to allow magistrates to deal with such cases, unless we are certain that the magistrates are of a higher class than the Leader of the Opposition, at any rate, will admit them to be; because they will have to distinguish between sets of circumstances so nearly alike that the decision may possibly be erroneous. However, the hon. member (Mr. Lynch) undoubtedly used strong arguments for including the offence of attempted suicide in a summary-jurisdiction Bill. But if it be included, and if we provide that in case the attempt is of a serious character the magistrate shall refuse to hear the case and shall send it on to a superior court, there cannot perhaps be any objection. The hon. member also drew attention to the fact that the penalties for obscene language are not severe enough. It is quite a new experience to find critics of the Bill complaining that it is not sufficiently severe. I assure the hon. member that if he can make out a case, when the Bill is in Committee, for increasing the severity of the penalty, there will be no objection to meeting him if his case be sufficiently strong. But I should like to point out that it is not so much the amount of the penalty as the certainty of its infliction that deters crime; and unfortunately in Australia it has perhaps been the result of habit that strong language is very common, not only amongst the ignorant, but in the general community, and particularly, I am reminded, amongst politicians. And in these circumstances it would be absurd to ask the court to inflict a heavy penalty on perhaps ill-educated offenders. Until those on whom the duty of setting an example have themselves abstained entirely from the use of such language, it is almost

cruelty to inflict a penalty on others for falling into the same vice; and I hope the hon. member will see that there is more likelihood of reform resulting from good example than from increasing tenfold the penalty provided in the Bill. The only observation I wish to make about the criticism of the hon. member (Mr. Bath) who moved the amendment that the Bill be read this day six months, is that his criticism is exceedingly bare. He tells us that trivial cases are constituted offences. Well, no doubt what is a trivial act in one circumstance may, in other circumstances, be an act of great importance, and therefore may also be an offence. The hon. member has not pointed out one specific trivial act made into an offence, and therefore I am not in a position to gauge the value of his remark. He informs the House that we must not give the Administration wider powers than they use—I presume he means use under normal conditions. I have already pointed out the absolute fallacy of the remark. The proper principle of government is to give to the Executive power to deal with abnormal circumstances, and then to rely on the Executive—and the reliance is subject always to the exercise of the right to remove them if they fail to do their duty—not to use any force which it does not become absolutely necessary to use. We had a long disquisition from the hon. member on the evil of gaming, and he said it was impossible to cure it. Does the hon. member suggest that we should take out all the clauses dealing with gaming?

MR. BATH: I did not say it was impossible, but that no continued effort was made to come to any conclusion.

THE ATTORNEY GENERAL: Undoubtedly these clauses have been on our statute-book for years, and gaming has not been diminished; but assuming that we remove these clauses, what will be the position of affairs? Surely if it is bad to-day with the restrictive clauses in existence, it would be far worse to-morrow if we removed them. It is true and all admit that it is an absolutely impossible task to put an end to gaming. All we can do is to restrict it, keep it within bounds, and prevent its becoming a national curse; but to arrive at that result one must proceed somewhat on the lines suggested in the Bill, by having provisions which, if the evil grows to any great extent, make it easy to deal with it, and at any rate keep it under some restriction. If the clauses do not go far enough, let the hon. member suggest some means to achieve a better result. It is open to him to do so when the Bill is in Committee; and I am sure members will readily consent to any reasonable course he may suggest, if there is some ground to believe it will do more than these clauses are capable of doing in the way of restricting excessive gaming in the State. I have not dealt with the new clauses in the Bill, because they have been studiously avoided; but I have put forward reasons for the inclusion of those clauses criticised by hon. members. As the Minister introducing the Bill to the House, I accept full responsibility for the measure; but while I do so, I am not sufficiently arrogant to say that in every case what I think is wise must be wise, that in every case what I think should be law must be law. If the hon. member prefers that I should wholly and entirely ignore any observation he makes, can he complain afterwards that I refused to accept his advice?

MR. M. F. TROY (Mt. Magnet): The Attorney General justifies this measure because it consolidates six previous measures and partially consolidates another three; but the hon. gentleman would have served his purpose had he brought down a measure telling what we could do that would not be a crime, and leaving out what would be a crime. In this huge measure, almost every action by the individual is called a crime; and if the measure is passed, one may wonder what he may do without being termed a criminal. The Leader of the Opposition has taken exception to Clause 41, which provides:—

1. Upon complaint on oath by any police officer that he has reasonable cause to believe that gold is to be found on or is concealed in any premises, and that the tenant or occupier, or reputed tenant or occupier, of such premises will not be able to prove to the satisfaction of the magistrate that such gold was lawfully obtained, any justice may, by warrant under his hand, authorise any police officer to enter and search such premises, and arrest, search, and bring before any justice any person found therein to be remanded for trial before a magistrate, and to seize and carry

away all gold, machinery, plant, or records found on such premises. (2.) Any person arrested under this section may be charged with and proceeded against for any offence which the evidence available against him appears to warrant.

It appears to me that the measure has been brought down for no other purpose than to include clauses in this measure which are, to my mind, in the interests of the Chamber of Mines and a great injustice to people concerned in the gold-mining industry. It is a serious thing for any police officer to be allowed to enter any person's dwelling if he thinks that person has gold in his possession. I am the occupier of a place in the city, and I have gold specimens on my premises of certain value. If this Bill becomes law a police officer can come into my place because I have ore in my possession.

THE ATTORNEY GENERAL: That is the law to-day.

MR. TROY: Portion of it is law to-day, but not this clause. It is a monstrous thing to include such a clause in a consolidating measure of this character. If I were asked to prove where I got some of my specimens, I could not tell exactly the date or the person from whom I got them. I have received some from my constituents since entering the House. Others I received years ago. I could not give proof, and I might be arrested and called a criminal. No man who looks upon himself as honest and who has justly come by the specimens in his possession, would allow a policeman to enter his premises and take possession of those specimens. If a police officer took charge of my specimens, I should be inclined to give him what the member for Ivanhoe would call "one on the jaw." Any person in his senses would oppose a clause of this nature, and if the Bill should be rejected for any reason more than another it should be rejected because of this Clause 41. The Attorney General justifies it on the score that there has been no miscarriage of justice. Possibly so; but there may be a miscarriage of justice; and it must always be remembered in cases of this nature that if an innocent person be arrested, his trial puts him to a great deal of expense and inconvenience. Though he may be acquitted, there is always resting on his character the suspicion that he has committed theft, for some persons will believe that he got the specimens dishonestly. While there may be no miscarriage of justice, there can be no doubt that an arrest under this provision would cause a great deal of inconvenience and pain to the person arrested. I think it is a clause which, in the interests of the State and in the interests of the people represented by the Attorney General, should be deleted in Committee. Again, we are told that another provision was passed by this House in 1902; but it was passed when Parliament was constituted somewhat similarly to the present House. There were not many Labour members in the House at the time, but the few there were raised strong opposition to the clause. Even though it was passed by that Parliament there was no justification for the clause, and even if it be passed by this Parliament it will not be justified. We have passed dozens of things which could not be justified two years hence. Many Bills are brought down to amend Acts which have become unworkable. The fact of this Bill being brought down proves that some things in the Act of 1902 were unjustifiable. Therefore the contention of the Attorney General is not good. The hon. gentleman also referred to the Leader of the Opposition concerning Clause 11. The Leader of the Opposition said that by Clause 11 no person would be able to discharge a firearm on any Government road, no matter whether it was hundreds of miles away. There are some Government roads in this State —dozens of them— which are not traversed by persons once a month. In the North-West I venture to say that between Peak Hill and Nullagine there are Government roads—stock routes—on which one would not meet another person once in three months. Yet if a person discharged a fowling-piece or a firearm in these localities, he would probably be arrested. The Attorney General was certainly quibbling when he said that the Leader of the Opposition was referring to the whole of the clause. The Leader of the Opposition only referred to the first portion of the clause dealing with the discharge of firearms in public places, and in no way did he refer to the pointing of firearms at any person. No one in his right senses would say that a

person was not guilty of a crime in so doing. We do not want to be misled by the Attorney General. We can believe our own ears. When an hon. member makes a certain statement, we know what he says without being told by the Attorney General, and the Attorney General is taking too much on himself in misrepresenting the expressions and intentions of the Leader of the Opposition. It is no use riding the high horse as is being done by the Attorney General, and the House is not going to stand it. It is almost time the Attorney General learned some common sense in this House. We all have great respect and regard for his attainments, but it must be understood that we are not going to swallow things simply because he says them. We are going to hold our own opinions in regard to this matter, and I say most emphatically that the exceptions taken by the Opposition to this Bill have been taken with good reason. The member for Kanowna took serious exception to the clauses dealing with drunkenness; and while I am not at all prone to that evil, I must candidly confess that there is a great deal in what the hon. member said. One would think we were going back to the days of Cromwell, in fact that we were going back to much earlier days, when under the feudal system no person was allowed to drink certain beverages without orders from the governor or some other individual. This is what the member for Kanowna called a "kill-joy" measure. No one is allowed to please himself as to what he may do unless he has the consent of some person recognised as a leading authority in this State. The provisions dealing with drunkenness are to my mind too severe. Clause 14 says:—

MR. SPEAKER: I call attention to this fact, that although members are allowed to refer to clauses in a casual way, it is opposed to the custom of the House to refer to them in detail. It is expressly laid down in *May* that clauses cannot be referred to in detail. During the last year or two we were not allowed to refer to clauses at all, but I find it is hardly possible for a member to deal with a Bill without referring to clauses. I have since last session looked carefully through authorities, and I am satisfied that members are allowed to refer to clauses in a casual way, but not in detail. So the hon. member is not allowed to read a clause.

MR. TROY: I am merely following the course adopted by other speakers during the evening, but I will not refer to clauses again. I was dealing with the provisions as to drunkenness, and I say these provisions are too strict and severe. We find that on the first conviction the penalty is 20s. for any person being found drunk. I always thought there was such a thing as a First Offenders Act, and surely a person who gets drunk once may have some reason for getting drunk. Persons get drunk from excess of joy; so probably there would be reason for a person getting drunk on the first occasion. And if a person gets drunk on the first occasion he may fall into the hands of the police, and without giving him the slightest consideration or excuse he has to pay a fine of 20s. when brought before the magistrate in the morning. I think that too harsh on any person when it may be a first offence. A person who is guilty of being drunk on a first occasion is just as excusable as he may be under the First Offenders Act for any other offence. If a person gets drunk a second time within six months he has to pay a fine of 40s. I say that if a person gets drunk only twice in six months he does not get drunk often. I do not know if I could venture to say it, but probably there are persons in the House who get drunk more than twice in six months.

MR. SPEAKER: That is a reflection.

MR. TAYLOR: Is the member in order in reflecting on the sobriety of members in the Chamber?

MR. SPEAKER: The hon. member must withdraw that remark.

MR. TROY: I am quite willing to withdraw it. There was no necessity for the member to take exception to my remarks, for I was not reflecting on anyone in the Chamber, and if the member for Mount Margaret had been guilty of getting drunk he would be the last person to rise in his place and take exception to the remark. Any person who gets drunk twice in six months does not get drunk often, and there is no reason why he should be dealt with so harshly as is provided for in the measure. What is the

intention of the Attorney General? His intention must be to compel people to keep sober by Act of Parliament. I do not think we can be successful in this respect, and it is only foolishness to place such a provision as this in the Bill, when we know it will never be carried out. We find that if a person is found drunk three times within nine months he is classed as a habitual drunkard. I think this provision is altogether too severe. I do not see why a person should be classed as a habitual drunkard because he gets drunk once in three months. Surely no person is entitled to be classed as a person of that character for getting drunk three times in nine months. [MR. TAYLOR: Three convictions.] The person who generally falls into the hands of the police when he gets drunk is the person who gets drunk very seldom. Persons who get drunk often, from their long experience become wise and do not fall into the hands of the police often. Then again, provision is made that any person who is found drunk in charge of any carriage, horse, or cattle, is liable to a penalty. Any person found drunk in charge of cattle cannot do very much harm; the cattle are more likely to do harm to him than he is likely to do harm to the cattle. This measure is full of ridiculous provisions of this nature. No wonder many members ask that it should be rejected, and it is no wonder the Attorney General has good sense enough to shirk the responsibility for many of the provisions of the Bill. Then again in regard to a person being drunk in charge of a carriage in any public place, under the interpretation of "a public place" any Government road in any locality is a public place. Without desiring to reflect on any class of individual, this may deal very harshly with people in rural districts. People come down after the harvest and go out of town again in a buggy or carriage. From my knowledge they very often go out drunk, with the tailboard of the vehicle down. I wish to refer to this matter without reflecting on any individuals. I remember when living in a rural locality, and I was bred in a rural locality, the farmers came into the chief town after clearing up the harvest and having been paid, and on every occasion after being together they mostly get drunk, and on these occasions they went home driving their own conveyances. They took good care not to allow anyone else to drive the vehicle, because they thought no other person was competent to take care of it. The justification for driving their own vehicles was that no accidents happened. The Attorney General says as a justification for some of the clauses in the Bill that no miscarriage of justice has occurred. So there is justification for getting drunk and driving their own carriage home, because no accident ever happens.

THE ATTORNEY GENERAL: Are you certain?

MR. TROY: I can say I am certain. I have never heard of an accident happening. The only accident I have ever heard of was that in the morning some parcels and goods which had been purchased overnight at the various stores had been found along the road. Provision is made for regulating the sale of indecent literature. That to my mind is one of the wisest provisions in the Bill; it already exists in other measures, and I think the Attorney General might have gone farther. Since it is provided that no indecent literature should be sold, the Attorney General might have provided that no pernicious literature of any kind should be sold. There is another kind of literature which is as harmful as indecent literature, to which the Attorney General might take exception and provide in the measure for it, that is the "Deadwood Dick" variety of literature which is more harmful to the youth of this State and every other State than any other literature in the world. If the Attorney General had made provision to stop the sale of such literature he would have made the measure commendable to the House. We everlastingly have brought under our notice in Australia the acts of persons who have been inflamed by reading literature of this kind, and crimes have been committed in consequence. A terrible crime was committed in New South Wales a short time ago, the victims being friends of mine. The person who committed the crime had been inflamed by reading literature of this description. A crime was committed in Sydney a short time ago on a lady from Coolgardie; the crime was committed by a child whose mind had been inflamed

by reading this class of literature; and if the Attorney General will provide in this measure that literature such as that will not be purveyed or sold in Western Australia, such provision will be most acceptable to the House. I would like to see him embody it in the Bill, and if he does not I hope I shall have an opportunity when the Bill is in Committee of moving an amendment for that purpose.

MR. J. B. HOLMAN (Murchison): I support the remarks of the Leader of the Opposition, and express my regret that the Attorney General has seen fit to introduce certain fresh clauses. He remarked that no miscarriage of justice has taken place in connection with the clauses dealing with gold stealing. I may say that in all probability a great number of miscarriages of justice may have taken place of which we have no information whatsoever. In connection with this matter I know of two cases myself, which may or may not have been a miscarriage of justice. One case I remember occurred on the Murchison some time ago, in which two men who were travelling for a holiday were arrested after they had gone 120 miles on their journey, and were brought back by coach. They had to pay all their expenses on getting back, and to again pay fare. They were delayed on their journey when they were going to Melbourne to see certain events come off, and they were in all probability too late for them. I think they were unable to get bail, and this case was, I assert, a miscarriage of justice. No man should be placed in a position, when he may be innocent, in which he could be charged as a suspected criminal. To arrest a man and place him under lock and key is a miscarriage of justice. Another case was when a man was playing cards in an hotel one night and introduced a piece of gold, which he may have had for years. In fact he said he got it from another place altogether. I know that man had been prospecting for years all over Western Australia. He had been prospecting on the Murchison, down in the North-West, and in several places. But before the court the excuse which he gave for being in possession of this gold, that he obtained it by prospecting in some other place, had no weight. He could not produce proof of his assertion that he got the gold honestly, and was sentenced to six months' imprisonment. I took up the case, and the result was that the Attorney General of that day immediately agreed to let the man out after three months of his sentence had elapsed. It is a moot point to the present time whether that man was guilty or not. I am not prepared to say he was innocent, but my knowledge that the man had been in the country prospecting and working for gold for years previously leads me to think that he suffered an injustice. I can refer to two men I mentioned some little time ago, who were arrested in a place and had to go back and stand a charge being brought against them. They had worked in that place as prospectors years before ever the place was opened up at all. They had worked this property, which was held by a company afterwards, for years before that company thought about taking possession of it, and they, like every other prospector, retained in their possession some specimens which they obtained while working the property themselves. The mere fact that these men had these specimens in their possession placed them in the position of being liable to be arrested at any time and brought before the court, liable to suffering the indignity and expense of having to face a trial before they were allowed to go on their way. There is not one worker on the goldfields—I speak now of those who worked on the fields in the early days—to my knowledge who has not retained some specimens of gold he obtained whilst working. And I think there is hardly one who could definitely produce proof as to where he obtained the gold which he may have in his possession. I have specimens myself which I have had for years, and it would be an impossibility for me to say where they were obtained. It would be impossible for me if I were arrested to bring positive proof that I obtained them by working myself, although I know I did. When this amendment of the Police Act was brought before the House in 1902 I protested against the inclusion of these same clauses. I do not think they are warranted, because there is sufficient protection against stealing at any time. We should enter a strong protest against men being made criminals simply because

a manager of a mine may have a set against them. I know of mine managers who have taken advantage of their position to send the police to search the swags of men when they have been leaving the district, merely because they may have suspected those men of stealing. Men have been hunted down and tracked, and when they have got miles on the road they have suffered the indignity of having their swags turned out to see if they were possessed of stolen gold. When it comes to that, were I on the jury I would not convict a man who struck a policeman who turned out his swag on the road and left him there, if he never got up again. The fact of a man being subjected to such a disgraceful thing as being stuck up on the road at any time, and having his swag turned out and left lying there, and in the eyes of anyone who might come along and see him appearing to be a criminal, would justify one in maintaining his dignity as a man. People are not only liable to be searched when travelling from one part to another, but persons may enter a man's house at any time they may suspect him of having gold in his possession and search his premises, whether the man is there or not. We know there have been men in the past who would not scruple to place gold in a man's house, and then search the house afterwards and find the gold so as to secure a conviction against him. There are some parts of the Bill I entirely agree with, and I hope the House will take into consideration whether it is not advisable to allow the Attorney General a farther six months to consider whether this is a suitable measure or not. Mention has been made of Clause 41, as to search warrants, and I do not intend to refer to that question; but I entirely agree with the remarks in that connection made by members on this (Opposition) side of the House. The Attorney General mentioned the clauses dealing with drunkenness. In regard to some of these I am entirely in accord with him. I agree that instead of putting a man in gaol for drunkenness it is better to put him in a hospital and cure him. The Attorney General could go farther in that direction than he has done, and if he can devise any law which will tend to reduce drunkenness in this State, he will receive all the support I am able to give him. The member for Kanowna, in dealing with Clause 130, I think it was, in connection with the rules before the local authority take over the making of their own by-laws, brought forward some very strong illustrations as to why these matters should be dropped out of the present measure. They are entirely useless, because they are never utilised. We know that our statutes are overloaded at the present time with a large number of Acts that are never used at all; and whenever we can drop useless sections of any Act which we have in our statutes, the sooner we do it the better. I object to overloading the statutes of this State with unnecessary laws. All the subclauses in Clause 130 could be struck out, because they are entirely useless, dealing, as the member for Kanowna said, with boys trolling hoops or firing shanghais. Those laws are entirely useless, and it is unnecessary that we should waste the time of the House in dealing with them at all. If the Bill happens to reach Committee, I shall deal with several other matters. At present I shall content myself by saying that I intend to support the amendment of the Leader of the Opposition.

MR. G. TAYLOR (Mt. Margaret): I have only a few words to say on the second reading. The Attorney General may perhaps be highly commended for this consolidating Bill. As he points out, we have at present nine Acts on the statute-book, of which six are to be wholly and the other three partially repealed by the Bill; and I am sorry that the Attorney General introduced any new legislation in this consolidating measure. As the Leader of the Opposition and some of his supporters point out, some of the new provisions are most objectionable. While I believe that many clauses in the Bill will prove of great value in the statute-book, there are others to which I am diametrically opposed. In his speech to-night the Attorney General pointed out that the gold-stealing sections were passed in 1902, and had been supported by some members now in Opposition. If my memory serves me, no member sitting on this side of the House to-night, or in this Parliament on this side of the House in 1902, supported those clauses. Some

members of the Labour party at that time may have done so.

THE ATTORNEY GENERAL: Some of its present members did so.

MR. TAYLOR: Give their names.

THE ATTORNEY GENERAL: The member for Guildford (Mr. Johnson) supported some of those clauses.

MR. TAYLOR: I believe that the Attorney General is to some extent right. I recollect that the member for Guildford, then member for Kalgoorlie, spoke very favourably on some of those clauses; but I do not remember whether he supported all. I had quite forgotten that incident. But I feel sure *Hansard* will prove that I opposed at great length the gold-stealing clauses; and I wish to say here that if the Bill reaches Committee I will again oppose them, and oppose them more bitterly than before. While I recognise that there is force in the Attorney General's argument that those sections in the Police Act have not resulted in a miscarriage of justice, the member for Murchison (Mr. Holman) has given us ample proof of their resulting in hardship. I remember that, in the old Chamber, the hon. member cited a case of two men at Peak Hill—decent working miners, the oldest and most highly-respected prospectors in that wild country—who were subjected by the police to gross indignities, and I may say to brutal treatment. Their swags were searched; they were put in prison; bail was not allowed. They went back from Nannine to Peak Hill to prove their innocence in the town where they had worked for years, from the very opening up of that centre as a gold-mining area. They established their honesty at their own expense; and there was not one tittle of evidence to sustain a suspicion that they were gold-stealers. There was nothing but the malice of their employer and the police force. I am reminded by the Leader of the Opposition of the case of Mr. Swan, of Boulder, a most respectable citizen, who was subjected to indignity and injustice on a similar charge. While the Attorney General may be correct in stating that there was no miscarriage of justice if the accused was brought before a magistrate, yet this Bill gives the police greater power to arrest, and my experience of 40 odd years in all parts of Australia is that if the police have power to arrest, and the onus of proof rests with the accused, who must show that he is innocent, he has a very poor chance unless he is a well known man in the locality. If he is a stranger, the police will not fail, if possible, to convict him. I know well how the police move to sustain their charge. They have arrested a man. The greatest difficulty, in many cases, is the power to arrest. Once they lay their cold, clammy hand on a man, he has a poor chance unless he has money to retain an able advocate like the Attorney General or the member for Dundas (Mr. Hudson). That is his only chance of getting justice. If the Bill reaches Committee I will strain every fibre to remove a number of these crushing clauses. There are in the Bill certain clauses with which I am in thorough accord. I am sorry that on the second reading the Attorney General did not give them more attention; and I hope that in Committee he will see them carried, and I will help him to carry them. Other clauses I will oppose bitterly. We passed in the Police Act Amendment Act 1902 clauses to prevent gold-stealing. Did we not empower the Minister for Mines to license gold-stealers? Have we not found that unlicensed men are still purchasing gold, right under the Minister's nose? To fortify my argument I called for a return from the Minister showing the names of licensed persons; and that list did not contain the names of people whom I treated with for the purchase of my own gold within the last six months, and who were ready and willing to purchase. I went to a jeweller in this city, a straightforward man with whom I had been dealing. I said "I have some gold which I have carried for years, including specimens. I am tired of carrying them, and think that perhaps the cash will be of more use than the specimens." The jeweller told me he had no license to purchase. I thought he must have had one, as his business was extensive. He recommended me to another firm which he thought had a license; and I went there, and was offered about 5s. an ounce less than I could have got from a storekeeper on the goldfields; then I pointed out the inequity of the offer, and referred to the license. It seemed to me that the power

of the license had placed gold, like many other commodities, in the hands of a ring in Perth, with the result that I did not sell. I want to point out, which I shall do if the Bill reaches the Committee stage, the injustice of the licenses, and how the poor unfortunate prospector who is unknown and pushed to sell his gold to pay his way, fares. Had I been pushed to sell my gold, which was worth about £5, I would have lost about 10s. by selling it to the firm, who told me they were licensed to purchase. They had no license. There is a law to punish people purchasing gold without licenses, but it is not enforced. What is the use of putting laws on the statute-book to let them lie dormant? We are crowding the statute-book with new Acts that are not administered. I have no desire to mention the name of the firm; but if any member wishes it I can give it, and perhaps it may be as well for me to do so. I shall do it, and make no mistake in doing so, if this measure reaches the Committee stage. I desire to commend the Attorney General for consolidating this measure; but I prefer that the consolidation of Acts should be a consolidation of the existing law without bringing in new matter, and to have a new Bill if it be thought necessary to deal with new matter brought down afterwards. I shall support the amendment with the object of giving the Attorney General six months to make up his mind on this restrictive legislation. There are clauses I favour, but others I shall warmly oppose with all the power that lies in me.

MR. J. SCADDAN (Ivanhoe): In view of the fact that members will possibly be required to give a vote on the question as to whether this Bill be read now or six months hence, I desire to give briefly the reasons which actuate me in supporting the amendment. I agree with the member for Mt. Margaret that there are certain provisions which will have my hearty support, should the Bill reach the Committee stage; but in supporting the amendment I have in view in particular Clause 41, that should not reach the Committee stage. I strongly believe that this clause is inserted at the instigation of the Chamber of Mines and for no other reason. This is a strong statement to make, I admit, but I have the official journal, the "rag" of the Chamber of Mines with me, and perhaps it will be as well if I read the passage dealing with this matter. It is as follows:—

> Limitations may be necessary in ordinary cases, but they are quite out of place in the matter of gold stealing, and they are, moreover, inconsistent with both the spirit and letter of the provisions of the Act which deals with this particular evil. The intention of the Act is to throw upon the accused the onus of proving that the gold in his possession was lawfully obtained. To carry out that intention properly, the Act ought to be so amended as to empower justices to grant search warrants, with fewer restrictions than at present, whenever the police are prepared to swear that they have reason to believe that stolen or unlawfully acquired gold is concealed on any premises. Then the man suspected of receiving could be brought into court and compelled to show that he obtained in a legitimate way the gold found on his premises.

I say unhesitatingly that the clause in the Bill is exactly the same as the clause suggested in the journal. It is my firm belief that this consolidating measure was brought down with one intention and one only; not to consolidate the Police Offences Acts, but to insert this clause for the purpose of pleasing the Chamber of Mines.

MR. SPEAKER: The hon. member must not impute motives.

MR. SCADDAN: I am not imputing any motives whatever.

MR. SPEAKER: You are distinctly.

MR. SCADDAN: I distinctly say that on the face of it, the clause as it appears in the Bill is exactly the same, only expressed in different words, as that suggested in the journal of the Chamber of Mines. It makes one think that the clause is put in the Bill at the instigation of the Chamber of Mines. That is surely a fair statement. The Minister for Mines said to-night that some of the clauses in the Mines Regulation Bill were put in at the request of the Miners' Union, and I say that it is the same with this measure. This clause has been put in at the request of the Chamber of Mines.

THE ATTORNEY GENERAL (in explanation): In order to avoid a deal of discussion on the part of the hon.

member, I can inform him that Clause 41 was drafted in response to a report made by Detective Kavanagh, which is laid on the table of the House, and which the hon. member can see for himself. The exact wording of the clause is indicated in that report, not in general terms, but in specific terms. As a matter of fact, I have never personally seen the article the hon. member has quoted from. I have not time to read everything. I have only time to deal with the business of the office.

MR. SCADDAN: I do not think the Attorney General has thrown much light on the position by the statement he has made. He certainly has not improved his position from my standpoint. I am sorry he has taken this particular action; and unless he is going to withdraw that clause, I am going to fight the Bill clause by clause until the matter reaches finality. I am not going to allow him to have a clause of that description passed in a consolidating measure. I am not going to deal with the question of gold-stealing as reported in the various papers now; I shall have something to say on that later; but it is my intention in regard to Clause 41 to fight the Bill until we have an end of it.

AMENDMENT PUT.

Amendment (six months) put, and a division taken with the following result:—

Ayes	...	...	13
Noes	...	...	19
Majority against	...		6

AYES.	NOES.
Mr. Bath	Mr. Barnett
Mr. Collier	Mr. Brown
Mr. Gordon	Mr. Butcher
Mr. Holman	Mr. Cowcher
Mr. Horan	Mr. Daglish
Mr. Hudson	Mr. Davies
Mr. Lynch	Mr. Foulkes
Mr. Monger	Mr. Gregory
Mr. Scaddan	Mr. Gull
Mr. Taylor	Mr. Hayward
Mr. Troy	Mr. Illingworth
Mr. Ware	Mr. Keenan
Mr. Bolton (*Teller*).	Mr. Male
	Mr. Mitchell
	Mr. N. J. Moore
	Mr. Price
	Mr. Veryard
	Mr. F. Wilson
	Mr. Hardwick (*Teller*).

Amendment thus negatived.

TO ADJOURN.

MR. COLLIER: I move that the debate be adjourned.

Motion put, and negatived on the voices.

MAIN QUESTION.

MR. SPEAKER: The question is that the Bill be now read a second time.

Division bells rung.

MR. H. BROWN: Will this close the debate?

MR. SPEAKER: Yes. If this question is carried, the second reading will be carried, and the Bill will go into Committee in the usual way.

MR. BROWN: There is no necessity to rush the Bill through. Several members wish to speak.

MR. SPEAKER: It is not in my hands. I put the motion and it was carried on the voices. I have to accept the decision.

MR. FOULKES: I do not know what the position is.

MR. SPEAKER: I have tried to make it clear. The question is the second reading of the Bill; those in favour of the Bill will say "aye," on the contrary "no."

MR. FOULKES: Some members were not clear on the point; that was why I asked.

MR. BROWN: I object strongly to this first application of the gag this session.

THE PREMIER: The hon. member is in error. The question now is the second reading of the Bill. If the member had been in his seat, he could have moved the adjournment of the debate.

MR. TAYLOR: That was done.

[Several interjections.]

MR. SPEAKER: Order! The question is that the Bill be now read a second time.

[Mr. Foulkes moved towards the Noes.]

MR. SPEAKER: The member for Claremont must keep his seat.

MR. BATH: The member moved before the tellers were appointed.

MR. SPEAKER: I had appointed the tellers.

Division resulted as follows:—

Ayes	...	...	18
Noes	...	...	14
Majority for	...	...	4

AYES.	NOES.
Mr. Barnett	Mr. Bath
Mr. Butcher	Mr. Bolton
Mr. Cowcher	Mr. Brown
Mr. Daglish	Mr. Collier
Mr. Davies	Mr. Gordon
Mr. Foulkes	Mr. Holman
Mr. Gregory	Mr. Horan
Mr. Gull	Mr. Hudson
Mr. Hayward	Mr. Lynch
Mr. Illingworth	Mr. Monger
Mr. Keenan	Mr. Scaddan
Mr. Male	Mr. Taylor
Mr. Mitchell	Mr. Ware
Mr. N. J. Moore	Mr. Troy (*Teller*).
Mr. Price	
Mr. Veryard	
Mr. F. Wilson	
Mr. Hardwick (*Teller*).	

Question thus passed.

Bill read a second time.

EXPLANATIONS.

MR. SPEAKER: I desire to say, in fairness to those members who were not in the Chamber at the time, that a motion had been moved for the adjournment of the debate, and rejected on the voices. It was then my duty to put the second reading.

MR. H. BROWN: I was prepared to go on with the debate.

MR. SPEAKER: I cannot help it; I am bound by the decision of the House.

MR. BATH: Time should be given to members, after a division has been recorded, to reach their seats. A member cannot move a motion for the adjournment when out of his place, and it is necessary for members to get back to their seats before moving a motion. Members should be given time to get back, or they are deprived from moving a motion.

THE ATTORNEY GENERAL: I would like to explain that the original second-reading debate was adjourned until a day then stated, when it was understood a decision would be come to. The debate was again adjourned, and it was suggested that we should adjourn the debate a third time. On both previous occasions it was suggested that we should terminate the debate on the evening fixed. I do not see how a farther adjournment could be asked for. I would also point out that the debate was in no way forced to a conclusion, but had absolutely dribbled out. The question was put to strike out the word "now" and insert "six months." The debate exhausted itself.

MR. BATH: The statement just made is not exactly fair to members on this (Opposition) side. When I asked for the adjournment on the second reading, although I secured the adjournment I did not go on; but members on this side did speak. It was only because the debate had reached a late stage on the second occasion, somewhere near 11 o'clock, that it was thought reasonable to adjourn. Although I was prepared to go on, I asked for the adjournment. We have always been prepared to go on with the debate, and it is not reasonable for members to be asked to continue a discussion at a late hour. As far as the arrangement made is concerned, on this side members carried it out, because members continued the debate. We made no undertaking to complete the debate on any one night.

COMMITTEE STAGE.

THE ATTORNEY GENERAL: I move that the Committee stage be made an Order of the Day for the next sitting of the House.

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

Ayes	...	...	...	18
Noes	...	...	...	14
Majority for	...	...	...	4

AYES.	NOES.
Mr. Barnett	Mr. Bath
Mr. Butcher	Mr. Bolton
Mr. Cowcher	Mr. Brown
Mr. Daglish	Mr. Collier
Mr. Davies	Mr. Gordon
Mr. Foulkes	Mr. Holman
Mr. Gregory	Mr. Horan
Mr. Gull	Mr. Hudson
Mr. Hayward	Mr. Lynch
Mr. Illingworth	Mr. Monger
Mr. Keenan	Mr. Scaddan
Mr. Male	Mr. Taylor
Mr. Mitchell	Mr. Ware
Mr. N. J. Moore	Mr. Troy (*Teller*).
Mr. Price	
Mr. Veryard	
Mr. F. Wilson	
Mr. Hardwick (*Teller*).	

Question thus passed.

ADJOURNMENT.

The House adjourned at 10·53 o'clock, until the next Tuesday.