support the Message as moved by the leader of the House. It was a pity that members were not supplied with a printed notice when such a matter came before the Chamber. Had he not noticed the resolution as moved by the Premier in another place he would not have been in possession of the facts. There was no necessity to delay the House. He felt quite certain there were members like himself who did not understand that the Message referred to municipal councils and roads boards only. Knowing the facts now he was prepared to support the Minister in getting the Message through as quickly as possible.

SIR E. H. WITTENOOM: The shortest way to deal with the question would be to take a little more time over it than was proposed. He moved as an amendment,

That Message 13 be referred to the Standing Orders Committee.

HON. W. T. LOTON seconded the amendment.

THE COLONIAL SECRETARY: It had already been said that if members were unwilling to pass the motion to oblige the Fremantle municipality as quickly as possible he would not stand in the way; so he was prepared to accept the course proposed by Sir E. H. Wittenoom, though sorry there had been any misunderstanding as to the purport of the Message in the minds of members, because he had endeavoured as lucidly as possible to state that it only referred to the case of private Bills brought forward by municipalities and roads boards. There would be a delay of about a week, but under the circumstances, and in deference to the wishes of the House, that need not be regretted. Possibly, as the hon. member who moved the amendment suggested, it would be the shortest way out of the difficulty.

HON. J. W. HACKETT: There was not much mistake about the Message. It was proposed that the part of the Standing Order referring to private Bills promoted by roads boards and municipalities should be rescinded, and that purely private Bills should remain as at present.

HON. T. F. O. BRIMAGE: It appeared to be doing away with the two per cents. altogether.

HON. J. W. HACKETT: There was a regular formal way of dealing with these matters. The Standing Orders were of as much importance as the Constitution Act, and he desired to raise his protest against a material alteration of a Standing Order of such a fundamental character proposed in such a rough way. It was due to the House to remember its dignity. If it made so light of its privileges, rights, forms, and orders, how could it blame another place for declaring it was of no importance and of no use whatever? He was prepared to accept the proposal to send the Message to the Standing Orders Committee. If the suggestion had not been accepted, he would not have sat on the Standing Orders Committee again.

Amendment (to refer Message to Standing Orders Committee) put and passed.

On motion by the COLONIAL SECRETARY, progress reported.

ADJOURNMENT.

The House adjourned at 7·43 o'clock, until the next Tuesday.

Legislative Assembly,

Tuesday, 27th October, 1903.

THE SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

PETITION—MRS. M. WAUGH.

MR. C. J. MORAN presented a petition from the jury who heard a charge of attempted abortion preferred against Mrs. Minnie Waugh, on the 17th March, 1902, and acquitted her, praying for an inquiry with the object of giving such relief to Mrs. Waugh as may be justified.

Petition received, read, and ordered to be printed.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: Report on working of Government Railways for 1902-3. Papers relating to alleged defects in Perth public buildings.

Ordered, to lie on the table.

URGENCY MOTION—DISEASES IN STOCK, SWINE FEVER.

THE SPEAKER: The member for West Perth has placed in my hands a motion he wishes to make, to move the adjournment of the House for the purpose of drawing attention to the very unsatisfactory state of the Stock Department, and to the urgent necessity for coping with certain diseases in stock, especially in and around the metropolitan area. The question is, That the hon. member be allowed to move the adjournment of the House.

THE PREMIER (Hon. Walter James): I do not see how this is a matter of urgency.

MR. MORAN: It is a matter of the greatest urgency. It means the ruination of many people around Perth.

THE PREMIER: If it be a matter of urgency, the hon. member should draw the attention of the people responsible for the control of the department, and should not advertise the fact. Surely it is a matter of courtesy that a communication should be made to the responsible authorities, so that they may deal with it. I submit that if this course be not adopted, we are apt to have alarmist rumours that may have no foundation, more particularly in a matter like this. Should not the hon. member have first applied to the Minister for Lands, so that the Minister could have inquiries made?

MR. MORAN: There are scores of pigs dying around Perth. This is gagging.

THE PREMIER: It is not a policy of gag. There are proper ways of doing things.

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

Ayes	...	...	19
Noes	...	...	9
Majority for	...	...	10

AYES.	NOES.
Mr. Atkins	Mr. Burges
Mr. Bath	Mr. Ewing
Mr. Connor	Mr. Foulkes
Mr. Gordon	Mr. Gardiner
Mr. Harper	Mr. Gregory
Mr. Hassell	Mr. Hopkins
Mr. Hastie	Mr. James
Mr. Hayward	Mr. Rason
Mr. Holman	Mr. Higham (*Teller*).
Mr. Hutchinson	
Mr. Illingworth	
Mr. Johnson	
Mr. Moran	
Mr. Purkiss	
Mr. Reid	
Mr. Stone	
Mr. Taylor	
Mr. Wallace	
Mr. Ferguson (*Teller*).	

Question thus passed, and leave given.

MR. C. J. MORAN (West Perth): For the nine sessions I have been in this House I do not think I have ever done this sort of thing before. I am certainly not an alarmist or a sensationalist in the slightest degree, but I have a matter of great importance to bring before the House, in order to have it ventilated at once. I chose this time in order that the Press might take it up, and in order that the policy of sup-press adopted by the Stock Department, where the welfare of the people is in danger, might not be kept up at the present time. Around Perth valuable stock are dying in droves. Swine fever has broken out in the metropolitan area. In the metropolis over 100 pigs have died, worth £4 or £5 each to the owner. That is ruin to him. The gravity of the situation is that the disease is being scattered broadcast throughout Western Australia. While we have so much solicitude in this House for placing people on the land, a great many of whom I am afraid will make failures of it from inexperience, we must not neglect the very important duty of protecting those who are on the land. It is a fact that hundreds of pigs have died in this metropolitan area from swine fever, which has been diagnosed by the Stock Department as influenza, if you please. When we know that a great disease of

this kind has been ravaging the herds in the Eastern States—and I know what I am talking about—causing losses of tens of thousands there, and that it might have spread to this State, whatever the disease may be we would think that care should be taken to prevent its being carried broadcast through this State. One man at Albany has lost 40 pigs from the disease, and I am told hundreds have died in Kalgoorlie from it. Pigs are dying in and around Perth. Is this not a shocking state of affairs?

The Minister for Lands: Give us one instance.

Mr. MORAN: If the Minister does not know I will tell him.

The Premier: It is wonderful the Press has not heard of it.

Mr. MORAN: The reason is because of the policy of sup-press. The Press will do its duty. In the yard of Mr. Leslie at Bayswater a large number of pigs have died, and they have died of swine fever.

The Minister for Lands: How many?

Mr. MORAN: I say, over 50—100.

The Minister for Lands: "Over 50—100"?

Mr. MORAN: The Minister thinks it a matter of great importance whether the number be 50 or 100. I tell him it does not matter if it be only one. Swine fever is a most dread disease to get amongst pigs; and in the Eastern States, wherever it is declared to exist, even if only one animal be affected, the whole area is quarantined until there is no longer any doubt whether the disease is stamped out. I happen to know how rigid are these regulations in Queensland—in Brisbane, for instance—for while I was there I was in a very striking manner brought into contact with this disease. I purchased, to take to the Darling Downs, a crate of superior animals, and had them brought in within a distance of six miles of the Brisbane railway station. I happened to be buying some cattle which had to be dipped twice on account of tick; and the inspector said to me: "There is no power in Queensland which can allow you to remove those pigs anywhere out of Brisbane." I saw the head of the department, the Chief Stock Inspector, and I saw the Minister, but without avail; and I had to leave the pigs there, and come to Western Australia without sending them to their destination. The Queensland authorities dealt with the matter as one of the greatest urgency. They knew swine fever to be a grave disease, which had caused the loss of tens of thousands of valuable animals in the Eastern States; and they did not wish it scattered broadcast throughout the agricultural districts of Queensland. They quarantined that area for months; and I am told that Queensland is now free from the disease. What has happened in Western Australia? I am informed, on fairly reliable authority, that somebody connected with the Stock Department advised some pig-owners in Perth to kill their pigs at once and put them into cold storage for consumption. Be that as it may, the fact remains that the cold store has recently been filled with pigs killed for human consumption, lest they should have died with "influenza." In Albany Mr. Morgans has, I believe, lost 40 pigs. I regret he is not now in the House. Mr. Glowrey, of the Palace Hotel, has lost 90 pigs during this session. That statement can be contradicted if false. Though I have not spoken to Mr. Glowrey, my information is pretty correct. But it cannot be denied that the matter has been brought to the notice of the Stock Department, and that they have diagnosed the disease as influenza. Pigs are being bought and sold in a saleyard which ought to have been closed or quarantined. I am taking this action so that the farmers of this country, the people who have their all in stock of that kind, may be warned against buying pigs, or warned to be very careful where they buy them. It is criminal negligence to allow a man to buy an animal which he does not know to be diseased, and to bring it home, put it in amongst others, and cause the death of every one of them; yet, in the face of this, I am asked, "Why give the matter publicity; why get it into the Press?" Why, the very reason for my motion is that the people of the country may know that the disease exists; for even if it be not swine fever, I am not prepared to take any risk in the matter. I want the metropolitan area quarantined, and the matter properly dealt with. It will, perhaps, be news to the Minister for Lands that one of the

most expert surgeons in this city has thoroughly examined a pig killed for the purpose of examination. Influenza, we are told, affects the lungs. The animal in question was examined by a gentleman in this city, who will say that he examined it; that the whole of the bowel was ulcerated from one end to the other, right into the stomach—the very characteristic of swine fever. And yet we are told that the disease is influenza; and scores of beasts thus afflicted are being slaughtered for human consumption. How do we know what we are eating? Is not this a shocking state of affairs? Is it not wonderful that full publicity has not been given to the facts? It is, however, on all-fours with another matter. Perhaps the Minister will deny that scores of cattle have recently been dying of pleuro-pneumonia in and around Fremantle. Does he want a concrete instance? I know of one man who has recently burnt the carcases of 12 of his most valuable cattle, close to Fremantle. I am surprised that the member for Fremantle (Mr. Higham) should vote against my being allowed to discuss this question. Dairy cows are worth £25 per head to-day; and I know of one man who has burnt the carcases of 12 of such cattle, and the gravamen of the matter is that some of his neighbours, whose stock have been similarly afflicted, have not burnt the carcases of those which have died, but have left them to rot in the bush. And every bone and every ligament of those beasts is a fresh source of contagion. As to the next incident, I will give the Minister the date as soon as he listens. Will he inform this House, when he replies, whether his inspector passed in the night a mob of cattle imported by the "Kyarra" on the 17th September last? Perhaps the Minister will deny that. If it be denied, I will seek to prove it to the hilt; and if it be true that the inspector of stock passed on a dark night stock from an intercolonial or a mail steamer, how can we really expect anything else but the importation of swine fever, anthrax, and pleuro-pneumonia, which are raging in the Eastern States? Is this a matter of gravity or is it not? What is the use of talking about settlement of the land? A disease like any of those mentioned will do more harm if neglected than all the legislation we can pass in 10 years will do good. We shall cripple the men on the land, whose only stake is in the land. Fancy a loss of hundreds of pounds to the owner of a piggery! That is a dreadful loss. I am sure that if the Government heard of burglaries being committed wholesale throughout Western Australia, or even if they heard that one man had lost £500 worth of jewellery, they would at once take action. And what is the difference between burglarising a man's jewellery and killing his pigs or cows, which are his livelihood? There is no difference. Perhaps the Minister for Lands will tell us whether it is a fact that manure on intercolonial boats coming to Fremantle is given to one of the officers of his department and carried away in barges to that officer's farm near Fremantle. Perhaps he will deny that. Does he know of it?

THE PREMIER: I thought you were dealing with swine fever.

MR. MORAN: No; the motion deals with the Stock Department. This is a matter of the greatest urgency. There is no medium which will transmit disease of this kind more readily than infected manure. To take it away at night in barges, and scatter it about a farm in the midst of an agricultural area—is not that a matter of gravity, and is it right that any officer connected with this department, who perhaps in the course of his duty must be harsh to importers, should be receiving favours from them? Is that right and just and fair to settlers? If it be true, it needs stopping: if it be untrue, let us know that it is untrue. I assert that there is no doubt of the existence of this disease amongst pigs in the metropolitan area. There may be the greatest doubt whether the disease is swine fever; but we want it authoritatively stated that it is not. When a clever surgeon, well acquainted with the subject, says that in his opinion a certain case is one of swine fever because of the ulcerated condition of the bowel, it is not satisfactory to be told by another person that it is influenza. We want the infected places quarantined. There can be no harm in publicity, no harm in warning people that such a disease is about, and in rousing the department to a state of greater activity. I am thankful that the House has not established a precedent

for gagging members who wish to make motions of this kind; and I hope I shall be a long time in the House before I unnecessarily make use of this privilege; but I do not know of any occasion during this session on which the adjournment of the House has been moved to call attention to a matter of greater urgency than this. It is not a matter of politics or of policy, or of the rights and wrongs of a civil servant: it is a matter involving the livelihood of scores of people—of preserving a young and rising industry of this State from the worst affliction by which it can possibly be overtaken. I have pleasure in moving the adjournment of the House.

MR. F. WALLACE (Mount Magnet): I second the motion,

THE MINISTER FOR LANDS (Hon. J. M. Hopkins): The hon. member for West Perth (Mr. Moran) has made certain statements which it falls to my lot to contradict; and in order that this may be done in a manner convincing to hon. members, by the production of official documents, I purpose moving the adjournment of the debate. But before doing so I wish to say briefly, with the consent of the House—[MR. MORAN: In moving the adjournment?]—as the hon. member desires publicity, I wish to say that, as he places such implicit confidence in the opinions of a qualified surgeon, the Stock Department have not alone stated that it is not swine fever, inasmuch as a bacteriological examination has been made by the Central Board of Health, and the opinion expressed by the Stock Department has been confirmed by that body.

MR. MORAN: What about the pleuro?

THE MINISTER FOR LANDS: Pleuro was reported at Fremantle, and steps were taken to prevent its spreading. Numerous cases of swine fever have been mentioned by the hon. member; but these have not been officially reported, and there is nothing to indicate that swine fever is prevalent.

MR. MORAN: I will give the names of persons on the goldfields who have lost pigs—Black and Harvey, and Butcher and Uhr.

MR. WALLACE: Shall I be in order in debating the question on the motion for adjournment of the debate?

THE PREMIER: Is it not well to debate the matter afterwards?

MR. MORAN: How can a member move the adjournment of a motion for adjourning the House?

THE SPEAKER: I was thinking about it, and I do not see how a member can do that.

THE MINISTER FOR LANDS: Under these circumstances, I should like to say, fairly and distinctly, that I think if the remarks of the member for West Perth were not tinged more with a desire for notoriety and publicity for himself than a desire to remove the evils which exist, he would have given me, the Minister at the head of this department, some intimation of what he purposed doing, and at the same time given me an indication of what he proposed saying in order that I might have produced official documents for the information of the House. I take if that members are not here to give their vote on an opinion expressed in such a cavalier manner as we have heard it expressed by the member for West Perth or any member, or by myself, but in order to express an opinion on a question of this importance members should have something before them on which to base their opinion. Members should have before them the opinions of expert people, and not of laymen who are often incompetent to express an opinion on a matter to which such striking reference has been made. I find on the occasion of the member moving this motion we have in the precincts of the House a person who is probably responsible for the remarks which have fallen from the hon. member.

MR. MORAN: Does the Minister call attention to the presence of strangers?

THE SPEAKER: I did not exactly understand what the Minister was referring to.

MR. MORAN: The Minister was calling attention to someone being present who is not a member of the House.

THE PREMIER: It makes no difference if the Minister does call attention to strangers.

THE MINISTER FOR LANDS: Although I do not call attention to the presence of strangers, the person to whom I refer is not a member of the House. Just as I was leaving my office I was met by Mr. Craig, the late Chief Inspector of Stock, who in a state of excitement inti-

mated that he believed swine fever was prevalent in the State; and I have not the slightest doubt that probably he has conveyed a similar intimation to the member for West Perth. The Treasurer has handed to me this brief note, which I will read for the information of members:—

Chidlow's Well, Oct. 24th, 1903.

Mr. Craig.

DEAR SIR,—A few lines to let you know that there is something the matter with the pigs. The old white sow and her young ones, and the one you exchanged with Byfield, they would not eat the turnips, so I boiled them, and they would not eat them now, or the pollard either. They seem to cough and then stagger and fall down. The old white sow fell down twice this morning.—Yours truly, J. CARMODY

When Mr. Craig received this letter which he handed to the Treasurer, no doubt he felt deeply concerned and believed that swine fever had attacked his pigs. That is the opinion probably of some young and inexperienced person who is placed in charge of his farm; and even if he is an old experienced man, yet when we come to problems of this kind it is not the practical man on whom we must rely.

MR. MORAN: You have never heard of the deaths in Black and Harvey's yards?

THE MINISTER: So far I have not learnt of the deaths of any pigs.

MR. MORAN: Your own inspector was present and saw them lying about dead.

THE MINISTER: I reiterate the statement that so far no pigs have been reported dead in Western Australia as the result of swine fever.

MR. MORAN: There have been a hundred deaths there.

THE MINISTER: Only recently I had the opportunity of perusing the document issued by the head of the animal industry of the United States of America. I may say I take it that this action has followed in consequence of the step which I took in connection with the Stock Department, in removing from the head of that department a practical man and placing there a man who not only has practical but scientific knowledge; and it is gratifying to find that the great stock department of the United States of America is intrusted, as I find it is, to a body of scientific men, and amongst those persons carrying on the work of what is called the animal industry there, and what we call the stock industry here, there is no practical man engaged.

MR. MORAN: What has this to do with the Stock Department?

THE MINISTER: The hon. member has stated that the Stock Department was in a chaotic condition, or words to that effect, and I mention this to show that in placing scientific men at the head of the Stock Department I have taken an action which I have found since is followed by the United States of America, where they recognise that when a disease of this description breaks out amongst the stock of any settler in the country, it is no use sending a practical man to tell another practical man who is already there what is wrong with his stock, because if a practical man is on the property and knows that swine fever has broken out, he can send a telegram to say his pigs have swine fever and that he is taking the necessary precautions. Had Mr. Craig gone to his farm, all he could have done was to telegraph to the Stock Department saying that the pigs were in a bad condition and that he wanted some scientific authority sent up to tell him if it was so or not.

MR. MORAN: What have Mr. Craig's pigs to do with the motion?

THE MINISTER: They have a very important bearing because the note I have read illustrates the source from which the member received the information which he has brought under the notice of the House.

MR. MORAN: I will ask the Minister to withdraw that accusation entirely, for I deny it.

THE MINISTER: As the hon. member denies the statement, I have not the slightest objection to withdrawing it. Certain pigs have died within the metropolitan area, and the Stock Department have carefully inquired into the matter both by *ante* and *post mortem* examinations. These examinations were carried out and a bacteriological test made by Dr. Blackburne, of the Central Board of Health, who has all the conveniences at his disposal; and I take this opportunity of stating on the authority of so distinguished a gentleman, the member for West Perth notwithstanding, that it is not swine fever, but on the contrary, on

the opinion of those experts, it is simply a modified form of influenza.

Mr. Moran: Did you quarantine any of the yards while the inquiry was proceeding?

The Minister: It is a remarkable thing that the question of swine fever has been interpolated with a reference to the removal of manure from the boats at Owen's Anchorage to the farm of one of the officers of the Stock Department. I ask members to put to themselves the question where such a paltry and insignificant statement could have come from, and members will have little difficulty in giving the necessary answer.

Mr. Moran: Is it true?

The Minister: The hon. member should be able to give a more convincing statement in regard to swine fever than that manure was being removed from the intercolonial or Kimberley boats. Immediately pleuro was reported to the Stock Department I took the question in hand, and I believe it has been successfully coped with, and if such is not the case I should be very much astonished to find any serious development occurring without information being conveyed to me, for as members know, in the veterinary surgeon belonging to the department we have no more conscientious officer in the civil service of the country. There is no one who strives more earnestly and works more assiduously to carry out the duties intrusted to him than the present head of the Stock Department; I have no hesitation in saying that. In view of the information placed before me, and placed before the House, I think there is ample indication that the statement of the member for West Perth has been made in a spasmodic way, without due consideration or due regard to the serious nature of the assertions he has made.

Mr. F. WALLACE (Mount Magnet): In seconding the motion of the member for West Perth, I did so with great pleasure, not because I want to pose as an alarmist, but because members sitting here will admit that I have always taken a similar stand in all matters connected with the Stock Department. I have always advocated a closer supervision in regard to the stock supplies, especially in regard to our meat supply. I may state that this is not swine fever; but since publicity has been given to the statement of the Chief Inspector of Stock that it is influenza, I have been watching whether any restriction has been placed on the movements of pigs throughout the State, or whether any warnings have been given to the public as to dealing with pigs. Pigs have been removed from the metropolitan area to areas far distant. Pigs have been taken from Perth to Albany, and they have also been dealt with in Kalgoorlie or on the Eastern fields. I do not know the exact locality.

Mr. Moran: Black and Harvey.

Mr. WALLACE: They have lost a number of pigs. These gentlemen bought pigs from the northern areas, from the river, and I am desirous of giving the matter as much publicity as possible seeing that surrounding the Lands Department lately there has been a secret procedure: I want people to know that in buying pigs they take a great risk. I want people who consume pork to know they are taking a risk. If the Minister for Lands had taken this matter seriously and treated it as he ought to have treated it—it is not too late—he should have issued instructions that the source from which these particular pigs were drawn was to be inspected by the scientific officer of the department. The Minister has spoken very strongly about this scientific officer, a gentleman with whom I am acquainted, and of whom socially I have the highest opinion; but I cannot let this matter go by without challenging the statement. If this gentleman is so capable and is compared to the highest scientific authorities in America, I would like to know—and I intend to deal with the matter later on—how the Minister for Lands can pay such attention to this officer, seeing the results of the dipping experiments.

The Minister for Lands: America has not solved it yet, and there they have spent years over it.

Mr. Moran: They have solved it in Queensland.

The Minister: To the satisfaction of Queensland only. America does not accept the method, and there it has been tried exhaustively.

Mr. WALLACE: I think the Minister wishes to convey to this Chamber that time alone will assist in diagnosing these cases and arriving at the proper treat-

ment for eradication of tick by means of dipping. He seems to dwell strongly on the fact that Dr. Blackburne made a bacteriological examination of some of those pigs which have died, and because that officer has failed to find any cases of swine fever the Minister is content to sit down and deny the remarks by the member for West Perth (Mr. Moran) that swine fever does exist. If it takes so long experimenting in America in different diseases amongst stock, why should he be convinced, on account of a bacteriological examination by our officer, that swine fever does not exist? It is not so much the question of alarming the people the Minister should consider, as the question of protecting those people who consume pork; because if the disease be influenza there must be a certain amount of danger in eating this pork. The Minister seems to think that, because we have had no cases brought here yet where people have suffered from the consumption of pork since the discovery of this disease amongst pigs, it is unworthy of a member to ask this House to debate the question of disease amongst stock. I understand from the member for West Perth that a surgeon not connected with the Stock Department made an examination, and he is of the opinion that this disease is more serious than influenza. If the Minister for Lands will take the Assembly more into his confidence when he knows that disease is causing alarm not only to this House but amongst the consuming public, and will from time to time give us information received from his expert, that will allay alarm; but alarm will not be subdued by the bare assertion that stockowners have nothing to be afraid of. I hope the opinions I have expressed will prove to be wrong, and that instead of there being cause for alarm every disease now existing among stock will be eradicated under the system which I believe the Minister now adopts. But the Minister must be aware, officially or otherwise, that pigs have died in and around Perth in three places—Osborne Park, Bayswater, and Victoria Park.

MR. MORAN: You know that?

MR. WALLACE: I have been told so on most reliable authority. I have also been told, but I do not place too much reliance on it, that a lot of weaning pork has been rushed into the market. I want to draw attention to the large number of sales of live pigs during the last few days. Looking over the paper for five minutes this afternoon I discovered that there were something like 200 pigs for sale, in that lot being two small complete piggeries. That is sufficient, knowing what we do, to give rise to the opinion that there is something the matter with the pigs; otherwise those people would not be in such a hurry to rush the animals on the market. When we see these persons breaking up the nuclei of industries which would be very profitable, it is time to ask this Chamber to ascertain by some means what is the cause of all this alarm. The speech by the member for West Perth has not occasioned it. Pig owners are of opinion that there is some dire disease among their animals, and they rush them on the market. If the Minister for Lands will glance over the papers of Saturday and Monday, he will see that in different parts of the State —York, Perth, and I think one of the South-Western places—breeding pigs and weaners or slips are offered for sale. There must be some ground for believing disease exists amongst pigs, and I ask the Minister to get outside assistance in diagnosing the disease, because if only one man attempts to diagnose it there will be only that one man's opinion, and it is well known this will not satisfy the people of this State; therefore let us have several opinions. The Minister made some remarks as to the source from which this information was obtained; but what has that to do with the question? It comes with a very bad grace from a Minister of the Crown to attack a private member on the question of how he obtained information. In my opinion private members should receive credit for bringing before the House such matters as this.

MR. MORAN: That is the grievance, exposing it at all.

MR. WALLACE: The Minister for Lands, believing that he is the only one who can deal with the Stock Department, and who knows anything about stock diseases, does not know that pigs are dying, and he blames members for conveying the information.

THE MINISTER FOR LANDS: You ought to confine yourself to the truth.

Mr. WALLACE: The hon. gentleman says that officially he has not been made aware of it.

The Minister: Pardon me. What about the bacteriological examination?

Mr. WALLACE: I think the hon. gentleman did not consider that much good after what has been said about the American experiment. There are many other phases of this question, and I am sorry the Minister should become annoyed at this matter being introduced in the House.

The Minister: Not this matter, but other subjects dragged in.

Mr. WALLACE: I am aware of lots of things I would not like to speak about just now. I am aware that there are such persons as successful bunglers; but I will not speak of that at present. I am pleased to have had the opportunity of supporting a motion like this, and I hope that though members sit on the Government side of the House they will voice their opinions, and then I am sure they will agree that the member for West Perth deserves the thanks of the consuming community.

Mr. C. HARPER (Beverley): Whether the disease which exists is swine fever or influenza, it appears to be an established fact that pigs are dying in various localities in this State, and practical steps should be adopted to see whether it can be stopped. Immediate action should be taken not to definitely ascertain what the disease is, but to restrict it to the area in which it now exists, and let the discovery of what it is be made subsequently. The disease may be some form of swine fever or it may not, but the mortality appears to be great, and surely some efforts should be made to stop it. I myself have been in dread for some time that we should hear of an outbreak of swine fever in consequence of that disease being rampant in the Eastern States, and there being large importations of pork from those States. That is what gives colour to the suspicion that the disease is swine fever. I repeat that I am not in a position to say whether it is so or not, but again I say that we have this mortality amongst stock and we cannot too soon take stringent measures to restrict the disease to the area in which it now exists. I suggest that all trucks which have been conveying pigs throughout the State should be immediately subjected to stringent supervision for disinfecting, because I understand that the germs of swine fever may last for a year in material. In areas where the pigs are contaminated the disease may last for years, and I hope the Minister in charge of this department will take immediate steps to do all he possibly can in the way of restricting and curing.

Mr. F. CONNOR (East Kimberley): I wish first to say that I, as well as the Minister, have implicit confidence in the man at present in charge of the department, the veterinary surgeon, Mr. Weir, for his knowledge and honesty of purpose. I do not think there is any better qualified man, and certainly no more honest man can be obtained in connection with his work. Being somewhat connected with the pig trade myself, I have heard these reports, and I know that immense numbers of pigs have died in this State, not only in Perth and Fremantle, but on the goldfields; also at Albany, as I have been informed in the House. This simply means that if the disease be swine fever, and I hope it is not, it exists all over the State at present. There certainly is amongst pigs a disease of a very virulent form, and if care be not taken the disease will wipe out the industry, if it be an industry. I should like to be cautious in what I say in connection with this matter, being, as I have stated, somewhat connected with the trade. Very serious danger exists. It is reported that thousands of pigs have died on the goldfields, though I cannot say exactly the number, and that two or three people who have worked up a big business are ruined; but I do not know whether the disease is swine fever or influenza, or what it is. I cannot follow the action of the Government in objecting to the discussion of an urgent matter like this. The one thing I want to speak about is that something is wrong in connection with the stock. What it is I do not know, but something is wrong. So why should the Government try to burk discussion? If it were a question of ticks, the Government would not have burked it. If there were not something in this motion, you (Mr. Speaker) would not have allowed it to be brought before the House; and I bow to your judgment, as

every member of the House should bow to it. When you allowed the member for West Perth to ask the House that this motion should be discussed, I think it was very bad taste on the part of the Government to object.

THE PREMIER (Hon. Walter James): I am glad to hear the speech from the member for East Kimberley, because it has been so instructive on the motion before the House. I had a faint suspicion, when the member for West Perth was speaking, that it was far more an attack on the Government than a matter for urgent consideration.

MR. CONNOR: I did not take part in that. I did not speak on it as a direct motion of censure on the Government, but simply expressed my opinion that, when this matter was brought before the House, the Government should not object to its being discussed.

THE PREMIER: I appreciate that. I simply point out that the hon. member's observations on that matter threw no light on the question. As the member for West Perth said, he introduced this motion for the purpose of an attack upon the Stock Department. It is a wonder it did not strike him that it was as well to attack the department after notice, and not to attack responsible officers when their lips were closed. The Minister in charge of the department, whose duty it is to answer the attack, had no opportunity to do so. Certain grave accusations were made against the Stock Department, and there was no opportunity at all for the Minister to answer the member for West Perth at a moment's notice. What I object to in motions of this nature, and I object still, is the fact that they are too frequently made cloaks for attacks on departments. If the desire of the hon. member was to draw attention to the fact that there was a disease amongst swine which deserved attention, he would have gone to the Minister in charge of the department and asked him what steps had been taken.

MR. MORAN: That is a great idea.

THE PREMIER: I do not say that it would appeal to the member for West Perth, but had he made these inquiries and found out what the department had done and still was not satisfied, he could then have come to the House and moved a motion in order to make an attack on the department, for he would then move with the knowledge that he was not striking at an officer who had no one in the House to speak for him. The member for West Perth made a direct charge against the Inspector of Stock, Mr. Weir.

MR. MORAN: I deny that entirely, and I hope the Premier will keep to the question. I simply say that the Stock Department has been criminally negligent, and I attack it for that.

THE PREMIER: The member for West Perth has attacked the Inspector of Stock.

MR. MORAN: I must deny that. I do not even know who the gentleman is.

THE PREMIER: Rats.

MR. MORAN: That is not a parliamentary expression. I think the Speaker has ruled that way before.

THE SPEAKER: Did the Premier say "rash"?

MR. MORAN: The Premier interjected "rats."

THE SPEAKER: I think that is improper.

THE PREMIER: I will withdraw it. When the hon. member states that he is not aware who the Inspector of Stock is, I find some difficulty in believing him, and that difficulty is shared by every member in the House, including the hon. member himself, who admitted that he took this step by way of an attack on the Stock Department. It was really most embarrassing for the hon. member that, directly he did so, the member for East Kimberley got up and said he had not made an attack on the Inspector of Stock; and it became necessary for the member for West Perth to wriggle out of his position and say "I attack the Ministerial head." It must be obvious to members that if there is any shortcoming, it must be due and entirely due to want of care and vigilance in the department itself, on the part of the departmental officers and not on the part of the Minister. I do not suppose any member, outside the member for West Perth, would expect the Minister to chase round the State after infected stock. According to the member for East Kimberley, the man in charge of the department is a competent man. The member for West Perth should not attack a man who has no chance of responding or replying.

What right has the hon. member to say we have swine fever in this State, or to make a serious charge of that nature, unless he has some justification behind it.? We say that the cases brought under our notice have been inquired into thoroughly by the inspector himself, who is admittedly a competent man, and also by Dr. Blackburne, a thoroughly competent man, who made a bacteriological examination, and states that it is not swine fever. I think the hon. member should have taken up the position taken by the members for Mt. Magnet and Beverley, that whether it is swine fever or not it is a matter deserving of consideration.

Mr. Wallace: Was Dr. Blackburne satisfied that swine fever does not exist?

The Premier: In the cases brought to our notice, the pigs were examined and a bacteriological examination was made, the result being that it was said it was not swine fever. In these cases it was not swine fever. The expression "swine fever" should not be used too freely, any more than we should talk of cases of "plague." We know that during the last two months importations of pigs from the Eastern States have been prohibited.

Mr. Wallace: May it not have come here before?

The Premier: Yes; but in view of the step taken, no one is justified in saying dogmatically that swine fever exists here. It may be said, in view of this mortality, that there is need for farther inquiry. That inquiry is being made. Members must not think that no farther steps are being taken.

Mr. Wallace: Pigs are being allowed to go all over the State.

Mr. Taylor: Have you quarantined any area where pigs have died?

The Premier: How do I know? It was suggested that quarantine regulations should be imposed. If they have not been imposed, it is an attack on the departmental head for not taking action, an attack on a gentleman who has no opportunity of replying. These charges are brought without the least warning. No information is given at all that the charges are to be made. The first I heard of the matter was this afternoon, when the Minister for Lands spoke to me with reference to a statement made to him by the late Inspector of Stock. It is much to be regretted that, under the cloak of a desire to give publicity to a matter of urging that more restrictive measures should be taken, attacks should be made on a man who cannot defend himself, attacks so sweeping on matters quite beside the question and having no relevancy whatever to the question of swine fever or to the prevalence of disease in swine, but referring to the practice of a man who does not occupy an independent position if he avails himself of its benefits. My argument goes to show that the man thus directly attacked has no opportunity of replying. It is the departmental head who should be responsible for these matters, though the Minister is indirectly responsible. When an attack is made directly upon the man, or directly upon the Minister and indirectly upon the man, the officer should have an opportunity of replying. When these charges are made, an opportunity should be given of answering them. Ministers should receive some notification of what the member is going to do, so that the man charged can put his case before the country.

Mr. P. Stone (Greenough): The fact that a very large quantity of stock are dying calls for farther investigation. The opinion of the doctor who calls it "influenza" and says that swine fever does not exist should be overhauled. It is dangerous that this fever should spread. Pork is a principal article of food, and if people who own pigs that are dying are allowed to sell their stock and let the pork go into consumption, it is a matter that calls for prompt attention. I have no doubt the little discussion we are having will do good, but I do not think it should call for any heated debate on either side. It is a matter on which perhaps the Minister for Lands has been satisfied by his first report. I see from the reports in the Press that the disease is styled influenza. It does not matter what it is called, the stock are dying and the stock require quarantining, and the disease requires to be defined.

Mr. W. B. Gordon (South Perth): I am satisfied with the explanation of the Minister, and that the Inspector of Stock is alive to his responsibility in the matter. I think the member for West Perth was misguided in airing the matter without

first seeking information, because to create times of scare only increases expense, and brings trouble on people who cannot afford it. The argument of the member for West Perth is that the distribution of this swine fever has ruined all these people; but it will be seen that the Inspector of Stock is alive to the question from the fact that he has prohibited the importation of pigs. I am satisfied to-day's discussion will do no good, but will do harm. It has been mentioned by the member for West Perth and the member for Mt. Magnet that there are a lot of pigs being killed and put in cool storage chambers. I feel certain there is no foundation whatever for making that statement. If the cool chambers are filled with pork, it is pork imported from New Zealand. With reference to the advertised sales of pigs I know the reason why these people are selling their stock. I admit there was a case where eight prime porkers died in one night and brought 8d. per lb. when their throats were cut.

MR. F. M. PURKISS (Perth): I do not think any harm will eventuate from this discussion. On the contrary, I think good will come from it. It appears that disease is rife among swine, which is a menace not only to the industry but to public health. It does not matter whether it is called swine fever, diphtheria, or influenza. It is some dire disease that is decimating the various piggeries of the State, and is a menace not only to the industry itself, but to the public health. If that is so, what does it mean? So far as we can learn, and so far as I have heard from the Minister, though this disease was rife—no matter what we may call it—no steps whatever, beyond diagnosing the disease, were taken to prevent its spreading. All this brings us back to the want of rigid, drastic, thorough, and efficient administration of the laws affecting the health of the community. I have often thought in time past that it would be very useful to this State if Parliament would for one year absolutely shut up shop saving for the passing of the Estimates, and go in for careful and efficient administration. If that were done the country would be an enormous gainer. Here we pass Bills founded on pure theory, Bills academic in their character, which are absolutely dead letters for want of due and efficient administration. We have on our statute-book numbers of such measures with reference to noxious weeds, measures which are absolutely useless for want of due administration. We have Acts with reference to the adulteration of food—most drastic Acts, rigid in their character, plenary in their powers, but absolutely dead letters for want of administration. We have a number of penal statutes with reference to the adulteration of liquors.

THE SPEAKER: I do not think these matters have anything to do with the matter before the House, swine fever.

MR. PURKISS: I thought that on such a motion it was open to any member to show the scope and effect of the motion.

THE SPEAKER: The adjournment of the House was moved for a certain purpose, which purpose was stated.

MR. PURKISS: Coming to the particular question, here we have a disease.

MR. GORDON: Prove that we have a disease.

MR. PURKISS: The hon. member himself admitted that pigs were dying.

MR. GORDON: Owing to having their throats cut.

MR. PURKISS: At any rate, here is a menace to the industry and to public health; and why? Because of a want of efficient administration. Now surely, if it is worth while to have statutes such as we have with reference to these matters, it is worth while, in a small State like this, where about 70,000 adult bread-winners have to raise something like four millions per annum as the sinews of war for the State, for the administration to find money for the thorough and efficient administration of statutes of this very important character.

MR. R. HASTIE (Kanowna): The motion has much surprised a number of members. The mover has called attention to a very grave and momentous matter; and from the speech of the Minister for Lands I do not exactly understand what will be done. The Minister said that there had been inquiries; and the impression he seemed to give us was that the case was not so grave as was represented. I wish the Minister or some other member of the Government would give us an assurance

that the matter will be thoroughly looked into, and that the Minister will at a very early date lay all the necessary information before Parliament, so that we can perceive exactly how the case stands.

The Premier: I have arranged with the Minister for Lands that he will make a statement to-morrow.

Mr. G. TAYLOR (Mt. Margaret): I should like to contradict statements made by the member for South Perth, who accused me of saying the cool-storage accommodation was glutted with dead pigs.

Mr. Gordon: My reference was to the member for Mt. Magnet (Mr. Wallace).

Mr. TAYLOR: But the hon. member said "the member for Mt. Margaret." However, I should have liked to hear the Minister for Lands, the Premier, or some other Minister, tell the House that all the necessary steps have been taken to prevent the spread of the disease. All I heard was that several examinations have been made which have proved that the disease is not swine fever but influenza. Well, if influenza has just as dire an effect on the herds of this State as swine fever, I say some steps should have been taken by the department to prevent the spread of influenza. We have not been informed by any Minister that the infected areas have been quarantined. We know that when an epidemic breaks out capable of endangering human or animal life, the first thing done by medical science is to quarantine infected areas. Had that been done by the department when they found that this was not swine fever but influenza, which, however has practically the same effect on the pig as swine fever has, the spread of the disease would have been prevented. I think the department have failed in their duty in not quarantining the areas infected.

Mr. MORAN (in reply as mover): A lot of foreign matter has been dragged into this debate, by the duplicity of the Premier in dealing with so-called statements.

The Speaker: I do not think the hon. member should make use of such a term as that in reply to any member.

Mr. MORAN: I do not mean it in an offensive sense, but as a compliment to the Premier's great ability in attaching two meanings to a statement. In other words, he is an expert casuist. Some mention was made of the Acting Chief Inspector of Stock, and mention was made also of a gentleman who was lately the Chief Inspector of Stock, and who was removed. I never mentioned the gentleman removed; but from the debate one would be led to believe that the present Minister for Lands cannot get that gentleman out of his mind. The Minister immediately makes some accusation against the gentleman whom he removed from office.

The Minister for Lands: No accusation.

Mr. MORAN: At the same time the Minister's chief, the Premier, attacks me for making an accusation against somebody in office. But I appeal to the Chamber to note the words of the motion. It is a direct accusation of negligence against the Government and the Stock Department of this country. Why seek to deny it? The Premier never finds me denying things of that sort. Whenever I make such an accusation I make it quite boldly and straightforwardly. Evidently it did not come home to the Minister for Lands, when an ex-officer of the department brought him to-day information that there was some disease amongst local pigs, that the matter was one of urgency. The matter was brought under his notice to-day by an ex-officer of the Stock Department. If that ex-officer has done good service he should be thanked for it. But when the Minister comes into this House he immediately assumes that I am acting out of spite against some person or persons unknown. In the name of common sense, what do I know or care about Mr. Weir, the acting head of the department? I was away when all the trouble arose, and had no knowledge of who was acting as head of the department. My duty here is to ventilate a matter of public urgency. The Government knew, after reading my motion, that it was coming on; and instead of encouraging inquiry they divided the House and sought to burk the whole matter. Now how am I admonished by the Premier? He says to me: "When you found out, as one of the representatives of this State, that in and around Perth there was great mortality amongst pigs, why did you not go to the department?" That is what

some of his patient supporters would have done; and their troubled minds would have been set at rest by the statement, "We have had a bacteriological examination, and there is no swine fever." Now suppose I had crept round to the Lands Department and said, "Look here, Hopkins, there is a pig dead in Perth; I think there is swine fever present;" he would have said, "Oh, no; here is the expert opinion of my officers." Had I then come before this House with a motion, I should have been immediately met with the reply, "Why, you went round to the Lands Department; you were assured that there was nothing in the matter, and yet you come to the House to make a bother." Why, what an absurd proposal! Not one of my charges has been met by the Government. I accused the Stock Department of great negligence. Why? Firstly, there is a great mortality among pigs in the metropolitan area; the disease has spread to different parts of the State; and I accused the Government of not having quarantined any infected area, and of not giving the matter publicity. I accused them of passing imported cattle in the dead of night. I accused one officer of the Minister's department—and I hope the Minister will answer the charge to-morrow—of having passed cattle in the night on the 17th September last. I stated that an officer of the department was encouraging the importation of disease from the Eastern States by taking from the ship the manure of these beasts and spreading it broadcast in Jandakot. The member for Beverley (Mr. Harper) has just said that the germs of the disease in question will, according to expert opinion, live for 12 months. Was that answered? Has it been denied that an officer of the Stock Department receives manure from the intercolonial steamers? And I ask the country, is not the department criminally negligent if, while stopping or pretending to stop the importation of pigs and other animals, it allows manure to be brought in—in some instances under cover of night—and spread on farms in large agricultural areas? I have made these accusations against the Stock Department. Infected areas have not been quarantined, and the interests of the farming community have been ignored. No attempt has been made to answer my charge that pleuropneumonia has been rampant in and around Fremantle and that stock are still dying from it; that a dairyman sold his infected herd, and that these cattle were spread far and wide, and carried the disease with them. There is no reply. And I am then told that I am seeking to attack some officer of the department. The member for East Kimberley (Mr. Connor), to whom I never mentioned the matter till he heard my speech to-night, reluctantly tells me that from his knowledge of the trade he is of opinion that thousands of infected pigs have died on the goldfields. In the face of that we have the quibbling reply of the Premier, in which he accuses me of making an attack on a man who is absent.

THE PREMIER: Fair play; not a cowardly attack.

MR. MORAN: The hon. gentleman is not a pastmaster of fair play himself. I made no cowardly attack on anybody: the Premier can speak for himself as to what he has done. I come here and make open charges, for the good of the country; and I hope we shall have an explicit statement from the Minister to-morrow, though I am afraid the harm will then have been done and the disease will be spread far and wide through the country. I am afraid we shall learn that more pigs have died, in addition to the hundreds that have already died. It is criminal on the part of the Government to act as they have done; and in making this motion I attacked the Government, and did not go round to the department to inquire what they were doing, but made my statements openly in this House. I am told that the Stock Department have been exercising great energy in compelling owners of sheep to have them dipped, compelling owners of clean sheep to dip them. When I complain here that disease is being spread abroad, I am told that I ought to have inquired from the department. I do not agree with that proposal. If there are diseases in the country, every endeavour should be made to stamp them out. People who have no disease amongst their sheep are being persecuted; they are compelled to dip sheep that are known to be clean and not diseased. Why are they compelled, when there is no sign of disease in the sheep? [MR. GORDON: Insects.] The latest teaching is that all

diseases are of an insect nature. The member for Plantagenet (Mr. Hassell) interjects that the scab disease is an insect disease. We are told that people have to dip their sheep—what for? You cannot make clean sheep cleaner. The disease of pleuro which has caused great ravages in certain districts of this State, and the disease of swine fever—or call it what you like, the mortality amongst pigs, will cost thousands of pounds to this State if it be not stamped out promptly. The Minister assures me he never heard of certain cases which I mentioned in this House. He may rest assured there are obvious reasons why men are not going to report to him when there is mortality amongst stock in which they are dealing, which may be sold for people to eat. It has been admitted by the Minister that there has been mortality; then why did he rest satisfied to allow those pigs amongst which there was disease to be scattered abroad in the country, carrying disease with them? The Minister did not quarantine those pigs when the fact came to his knowledge. In every other State of Australia the source of the disease would have been quarantined at once, until the matter was thoroughly investigated and proved. In the case of infectious disease amongst human beings, we do not wait until the disease has been scattered far and wide, but we quarantine the particular locality immediately the disease becomes known. I have brought forward this matter, firstly in the interests of those whose livelihood is affected by the disease amongst swine, secondly on behalf of the consumer; and my method of doing it is to make a direct attack on the Minister who is responsible for the administration of the Stock Department. That is the only manly way in which to deal with a matter of this kind, by bringing charges openly in this House, where they can be ventilated and where they can be replied to. I will not be dictated to by the Premier as to the course I should take, nor accept his direction that I should go round to the Department and find out what they are doing. That is what some of his supporters might do. I considered this to be a matter of gravity, and when I brought it before the House the Government attempted to burk discussion; but the House inflicted defeat on them because members generally wanted to have the matter ventilated. I feel certain that publicity will now be given to the matter, and that the information given through this House will enable people to protect themselves. It is criminal on the part of the Government to allow persons to be buying and selling pigs, and scattering disease amongst clean herds in the country. Here we have the member for South Perth (Mr. Gordon) selling diseased pigs every day through his own mart. How does he know whether they are clean or diseased? He tries now to make little of this matter; but while I recognise that the hon. member would not sell diseased pigs if he knew they were diseased or thought there was danger, he may be the innocent means of disseminating danger throughout the State. I thank the House for allowing the matter to be ventilated this afternoon; and I hope no discouragement will ever be placed on any member who thinks it his duty to bring an important matter under the immediate notice of this House, in order that it may be dealt with promptly. There is only one way in which to get prompt action taken when the case is serious, and it is the way I have taken on this occasion. It is said I have overstated the case; but that is necessary too. Anyone who wishes to bring a serious matter before the House must be vigorous in his method of stating it. The only harm that can come from this matter is to keep it concealed from the knowledge of the public; while great good may result from a thorough publicity of it. I ask leave to withdraw the motion.

Motion by leave withdrawn.

[Sitting suspended for ten minutes.]

[Later in the sitting, at 8·40 o'clock, the subject of "diseases in stock" was mentioned again, as a Ministerial explanation.]

LATER STATEMENT BY THE MINISTER—OFFICIAL REPORTS.

THE MINISTER FOR LANDS: I ask the indulgence of the House in order that I may read a report, prepared for me this morning by the Chief Inspector of Stock, Mr. Weir, relative to swine fever within the State. It is merely a recital of what has happened, and I have

no doubt it will be of interest to members. Mr. Weir writes:—

I visited the piggery of Mr. G. Leslie, of Bayswater, yesterday, and found that among five pigs two were suffering from swine fever, and in consequence of this the piggery was immediately put under quarantine.

I mention the number emphatically, in order that members may see that hordes of pigs have not died in this establishment, nor even 50 or 100, as an hon. member (Mr. Moran) stated in moving his motion this afternoon. The report continues:—

I ascertained from Mr. Leslie that the disease was brought to his place by purchases made some time ago at Smallpage's saleyards at Victoria Park. On inquiry this morning, I found that the pigs had been sold by a man named Glen, of Burswood, whose piggery I will inspect to-day. As this disease is highly infectious, it will be necessary to quarantine the whole of the Cannington, Perth, Chidlow's Well, and Fremantle districts. All public saleyards within these districts will have to be closed until the disease is eradicated. I advise that the pigs be not removed from any piggery within the area above-mentioned until this department is satisfied that the disease has been eradicated. Every means will be taken to stamp out the disease as quickly as possible. I have not received an answer to my instructions issued to the inspector on the Eastern Goldfields to inspect all piggeries in that locality. He has instructions, if diseased, to quarantine. I will confer with you to-morrow morning relative to the need of quarantining the whole State, pending the eradication of this disease. In Victoria the whole State was quarantined, but in South Australia and New South Wales the quarantine was only applied to the diseased districts. I wish to add Leslie's piggery has, in the usual course, been quarantined.

R. E. Weir, V.S.,
Acting Chief Inspector of Stock.
27/10/03.

There is also a report under the same date, relative to the presence of pleuro-pneumonia. The report just read, as will be noticed from its wording, was prepared this morning by Mr. Weir; but I had not an opportunity of getting it, as Mr. Weir has been absent conducting additional *post mortem* examinations, and the report, which he dictated, has had to await his signature. The other report by Mr. Weir says:—

In farther reference to reported presence of pleuro amongst cattle at Fremantle, I beg to report:—It has been confined to the following herds, namely—Lane and Fletcher, one reported and destroyed; Healy, eight reported and destroyed; Vincent, one reported and destroyed; Monaghan (Subiaco), four reported and destroyed. In each case the carcases have been burned. I have inoculated about 100 head, with the result that the disease has been apparently stamped out in each instance, and I do not anticipate any further trouble with those particular cases. I hope at an early date to declare the State free from this disease.

Whilst I regret, as I am sure do other members, that these reports did not reach me before the debate took place this afternoon on the motion of the member for West Perth, I feel satisfied that another phase of the question more important still, the imposition of quarantine, has been well and faithfully attended to. I am glad to find that the extravagant figures used by the member for West Perth in his remarks this afternoon, are not substantiated by the report of the Stock Department.

[The Deputy Speaker took the Chair.]

QUESTION — METROPOLITAN WATER-WORKS, MR. FAULKNER'S REPORT.

Mr. DAGLISH asked the Treasurer: 1, Whether he has received from the Metropolitan Waterworks Board a report by its engineer, Mr. Faulkner, upon the scheme recommended by Mr. Davis. 2, If so, whether he will cause such report to be printed for the consideration of the House when dealing with the matter.

The TREASURER replied: 1, No. 2, Answered by No. 1.

QUESTION—PUBLIC OFFICERS, PROCEDURE FOR DEFALCATION.

Mr. PIGOTT (for Dr. O'Connor) asked the Attorney General: 1, In case of larceny from the Public Service by an official, what will be the future procedure of the Government. 2, Why some officials in the past have been prosecuted, and others not.

The ATTORNEY GENERAL replied: 1, No general rule has been laid down or followed. 2, I am not aware of such cases.

QUESTION—SEWERAGE OF PERTH.

Mr. PIGOTT (for Dr. O'Connor) asked the Premier: Whether the Government intend to introduce a Bill to provide for the sewerage of Perth, this session. If so, when.

THE PREMIER replied: The Government have stated on more than one occasion that such a measure will be introduced this session, and the Bill is now in print.

QUESTION—RAILWAY PROJECT, COLLIE TO SOUTH-WESTERN.

MR. MORAN asked the Minister for Railways: 1, Whether the Government have considered the question of probable traffic in connection with the proposed Collie to South-Western railway. 2, Whether they have prepared returns showing such probable traffic. 3, What is the settlement on the route. 4, (*a.*) What traffic is supposed to eventuate from agricultural produce. (*b.*) From timber traffic. (*c.*) From coal traffic.

THE MINISTER FOR RAILWAYS replied: The information will be given to the House when the Bill for the proposed railway is submitted.

QUESTION—GOLDFIELDS FIREWOOD SUPPLY.

MR. MORAN asked the Minister for Lands: 1, Whether the Government are in possession of reliable data concerning the future supply of firewood within a feasible area of the consuming centres on the goldfields. 2, Whether they will give such data to the House.

THE TREASURER (for the Minister for Lands) replied: 1, Yes. 2, Yes.

GOVERNMENT RAILWAYS BILL.

SECOND READING (MOVED).

THE MINISTER FOR RAILWAYS (HON. C. H. RASON): In moving the second reading of this Bill I desire to point out to members that it contains no very startling innovations—it is rather a consolidation of the existing laws, the necessity for which was pointed out by the member for the Williams when speaking on the railway question last session. I think members generally will be agreed as to the advisability of having the laws relating to the railways consolidated in one Act rather than scattered over ten Acts dating back to 1878, as at present. The whole of the ten Acts now in existence will be repealed by this measure. There are, however, some new features and some alterations of the existing Acts to which I shall draw attention briefly now, and afterwards when in Committee I shall be prepared to give the fullest possible information. I may, however, say where new provisions are sought, and where alterations of existing Acts are sought, similar legislation to that which we desire to obtain by this measure exists elsewhere; in fact the Bill now introduced is largely based upon existing Acts—upon the Railways Act of New Zealand of 1900 and the New South Wales Act of 1901. It is, I think, a good practical working Bill, and I trust members will approach its consideration with a full sense of its importance, and will deal with it rather in the light of dealing with measures and not with men. I have no doubt that when we get into Committee several valuable suggestions will be made by members, and so long as they are practical I can assure the House they will be welcomed, no matter from what quarter of the House they emanate. The railways of the State are of too great importance, and their interests are vital interests so far as all are concerned—the welfare of the State as a whole to a great extent is wrapped up in the railways, and a Bill containing the machinery for the proper management of the railways is of too great a moment to be approached in anything like a party spirit. I hope, also, that in considering the measure we shall not show any undue regard for the claims of any person or union of persons, but shall rather seek to obtain a measure in the best interests of the State as a whole. I submit that it is not desirable, at all events, to have criticisms of the management of the railways indulged in on an occasion such as this. I have no desire to burk or to avoid criticism; but I submit with all respect that the proper opportunity for criticism will arise when discussing the Railway Estimates.

MR. MORAN: We shall not have the Commissioner here, as in former years.

THE MINISTER FOR RAILWAYS: That is true; but I hope that so far as possible we shall confine ourselves to the discussion of this measure as a machinery Bill for the proper management of the railways. The Bill is divided into seven parts. Part I. is preliminary, and is mainly occupied by the interpretation clauses; but members will see that Clause 3 deals with the Acts repealed in

the first schedule. These are the whole of the existing Railway Acts; and the clause provides that all the rights and privileges under these Acts shall continue under this Bill. Clause 4 provides that the Government Railways shall be vested in the Minister on behalf of His Majesty. Clauses 5 and 6 are practically the same as the existing law. They provide that no railway shall be declared open for traffic until it has been inspected by a person appointed by the Minister for that purpose, or until that person has reported to the Minister that he has inspected the railway, and that it may be safely and conveniently used for public traffic. A certificate under the hand of the Minister shall be sufficient evidence of that fact. Part II., dealing with the Commissioner of Railways, is almost an exact copy of the Act of last session. There is a difference, however, in Clause 7, dealing with the appointment of future Commissioners. It will be noticed that the clause provides that on the occurrence of a vacancy in the office of Commissioner the Governor may appoint a person to be the Commissioner who, subject as hereinafter provided, shall hold office for the term of five years from his appointment; but any such appointment shall be subject to the approval of Parliament. Clause 8 is the same as the existing Act, and this may be said of Clauses 9, 10, 11, 12, and 13. They merely continue and re-enact the previous Act passed last session. This is also the case with the remaining clauses of that part of the Bill. There is no alteration in any regard from the existing Act. Part III. deals with the management, maintenance, and control of railways; and there is nothing new until we reach Clause 18, which gives the Commissioner power to do certain things to protect the railways, and extends the powers given by the Public Works Act, 1902. It may be thought at the first glance that the last-mentioned Act contains quite sufficient powers for this purpose; but I think we must admit it is desirable that the powers given should be set out in this Bill, to be used in cases of emergency. The Government of New Zealand have a Public Works Act the same as our Act of 1902; yet in their Railways Act of 1900 they insert a clause to the same effect as this—in fact, word for word. And although these powers may seem to be extensive, they do not greatly exceed the powers given in the existing Act. Clause 19 deals with the erection of gates and cattle-stops. By Subclause 1 it will be seen that—

> Where a railway crosses any road on a level the Commissioner may erect and maintain gates across such road on each side of the railway, and may keep such gates closed, except when foot passengers, horses, cattle, carts, carriages, and other vehicles passing along such road shall have to cross the railway and may safely do so.

By Subclause 2—

> It shall not be lawful, without the consent in writing of the Commissioner, to erect or maintain across a road, where such road crosses any line of railway on the level, any gate within five chains of the middle line of such railway.

That is with the object of preventing, except with the consent of the Commissioner, persons erecting gates across a road in such a position that the gates when left open may swing across the railway and so close it that a train coming along may cause a serious accident. Most of the powers contained in these subclauses are found in the existing Act. Such powers are merely elaborated here, and brought into line with modern railway legislation. They are exactly similar to the provisions of the New Zealand Act to which I have referred. Clause 20, dealing with motive power, is an exact copy of the present law, and provides that the Commissioner may use on any railway locomotive engines consuming any kind of fuel, etc. Clause 21 is new, and gives power, with the consent of the Minister, to use electric or other traction. This is necessary; because there is a strong probability that before many years pass electric power will come into use on the railways of this State. The New South Wales Government, in framing their Act, thought it advisable to have a similar clause; and I think members will agree that it is just as well to have it here. By Clause 22 the Commissioner may, with the approval of the Minister, from time to time, by notice in the *Government Gazette*, fix scales of charges to be made. Here again there is no new power given to the Commissioner: he has this power already, though perhaps it is not set out so elaborately. All the

powers given in this clause are given in the New Zealand and the New South Wales Acts. The last subclause (*m*) is, however, new; and it does not appear, so far as I have been able to gather, in either of those Acts. It gives the Commissioner power, with the approval of the Minister, to fix scales of charges to be paid for the sale of electric current or power from any power station on any railway. That is necessary; because cases have already arisen, and will probably arise again, where the Commissioner may, with advantage to the railways and to the public, dispose of surplus power from an electrical power-house belonging to the working railways. I may say that in Fremantle a case of that kind arose. The firm of Dalgety & Co. had arranged for their offices to be fitted with electric light throughout and had all the apparatus installed; and unless they had been able to obtain current from the railway power-house, all their fittings would have been valueless. [MEMBER: Leave it to private enterprise.] Undoubtedly the Government will always be ready to leave it to private enterprise; but where there was no other means to obtain electric current—as is still the case in Fremantle—I think members will agree that we did what was right in supplying at a profit current which we had to spare. By Clause 23 the Commissioner may from time to time make by-laws dealing with certain subjects; and I should like to point out to members that the next clause provides that these by-laws will have no force or effect until they have been approved by the Governor-in-Council and have been advertised in the *Government Gazette*. Most of the powers provided in this clause already exist under the present law; but a new power is sought in Subclause 6, regulating the receipt, carriage, delivery of and other dealing with goods, the storing of the same, and the checking of luggage; providing that while regulations for the checking of luggage are in force, no liability shall be incurred in respect of luggage which has not been duly checked. As members are aware, a system is in force in some of the other States of providing check labels for passengers' luggage. I understand it has worked advantageously elsewhere, and it may be desirable to introduce it here. Subclause 7 also is new, giving the Commissioner power to make by-laws preventing any person affected with any infectious or contagious disease from travelling by railway except under prescribed conditions. The New South Wales Act gives a somewhat similar power, except that there it is provided only that the Commissioners may prevent the carriage of a corpse of a person who has died from a contagious disease. I think it is desirable that we should be able to prevent the actual live person suffering from an infectious or a contagious disease from travelling on the railways except under prescribed conditions, so that he may not make corpses of some of his fellow passengers. Subclause 8 gives power to make by-laws prohibiting the carriage or conveyance of diseased or infected animals, or of animals, plants, fruit, or vegetable produce suspected of disease. This is similar to a section of the New South Wales Act. Subclause 9, prohibiting the carriage of second-hand fruit-cases, is the existing law; and so is the case with Subclause 19, which gives the Commissioner power to make by-laws regulating the mode in which and the times within which claims for loss, non-delivery of or damage to goods, or in respect of any other cause of action relating to either goods or passengers, shall be made. It gives only the power to make by-laws. The actual powers by which those by-laws will be governed are contained in a later clause, No. 37, to which I shall refer before concluding. Sub-clause 24 gives the Commissioner power to make by-laws regulating the use of refreshment rooms and restaurant cars under the management and control of the Commissioner. Farther on in the Bill that subject is again referred to. There is no power at present given to the Commissioner to conduct refreshment rooms by his own officers; and undoubtedly there is great room for improvement in the management of some at all events of our refreshment rooms. It may be found that the only solution of the difficulty is to run those refreshment rooms by men in the service of the Commissioner. Should that be so, this clause will give the Commissioner the necessary power. [MEMBER: It will not pay.] There are some things in connection with State-owned

railways, at all events, which, although not directly profitable, it may yet be desirable to do for the convenience of the travelling public. Clause 24 I referred to already, pointing out that by-laws, although made by the Commissioner, will have no force or effect until approved by the Governor and published in the *Government Gazette*. By Subclause 2 all such by-laws have to be laid before both Houses of Parliament within 10 days after publication thereof if Parliament is then sitting, and if not, then within 10 days after the commencement of its next session. Subclause 7 is new, and says: "Any by-law relating to the conduct of any person employed in or about a railway may impose a penalty not exceeding £5 for any breach thereof, and such penalty may be recovered by deducting the same from any salary or emoluments due or to accrue due to him." Similar power is in the New Zealand Act, and hon. members will admit that it is a right and reasonable power to appear in this Bill. The subclause farther provides that the penalty recovered may be applied in making good the damage caused by the wrong-doing or neglect of the person charged, and such moneys may be paid for the benefit of any persons employed on the railways. Clause 25 is practically the same as the existing law, and is the same as in the New Zealand Act in regard to Subclause 1; but Subclause 2 is new. It says:—

> Subject to any by-laws as to parcels, every person, before delivering any goods at any railway station for carriage, shall give to the officer receiving the goods a consignment note in the form and containing the particulars prescribed, and the officer shall give a receipt for the same; and if such goods are goods for which special charges are fixed under Subsection 3 of Section 22, the consignment note shall contain a declaration of the nature and value of the goods. No person shall be entitled to sue or recover for any loss of or damage to any goods, or for any delay in transit or delivery, unless such consignment note has been given and such receipt obtained.

Subclause 3 provides that the Commissioner shall not be liable for any loss or damage to any animal carried on a railway beyond certain amounts stated; and the amounts stated are (*a*) for any horse £20, (*b*) for any neat cattle per head £15, (*c*) for any sheep, pig, or other small animal per head 20s., unless such animals shall have been declared of higher value, and shall have paid, in addition to the ordinary rate of charge, the prescribed charge for the extra risk. In New Zealand the limit of liability is fixed at £15 per head for any horse, £8 for any neat cattle, and 15s. for each pig or other small animal. Subclause 4 is the same as the existing law. Clause 26 provides that the Commissioner may make special agreements in writing with any person (1) for insuring any goods delivered on a railway against all loss or damage from any cause whatsoever, (2) for insuring the Commissioner against all liability in respect of any such loss or damage; and the Commissioner may charge premiums in respect of such insurance over and above the ordinary rate. Clause 27 provides for goods left at owner's risk. Clause 28 gives power to the Commissioner to collect and deliver goods outside the limits of the railway. This is a new provision, and is necessary in order that the Commissioner may be able to deal with parcels delivery vans, and also to deal with the collection and delivery of goods by motor wagons if such wagons be adopted in future as feeders to the railway. Clause 29 is the same as the existing law. Clause 30 (lien) is important. It gives the Commissioner a lien on goods received for carriage on the railway, as follows:—

> When goods have been received for carriage on a railway, such goods may be retained by the Commissioner until all charges in respect of such goods are paid, unless the Commissioner has entered into a special contract in writing by which such lien is waived.

This provision is new here, but it exists in the railway legislation of all other countries, and is common to those companies which act as common carriers. Clause 31 provides that goods may be sold on refusal to pay the charges due. Clause 32 is practically the same as the existing law. Clause 33 is the same as the existing law, except that it deals with the application of the proceeds of the sale of goods left on a railway, and it limits the time for handing over the balance to the person claiming it within three months after the goods have been sold. A month's notice has to be given of the intended sale, and within three months after that the owner may claim for any balance due to him. Clause 34 deals with the conveyance of dangerous goods,

and is the same as the existing law. Clause 35 is new, and provides that all actions, suits, claims, and demands of the Crown relating to any railway or arising from the management, maintenance, or control thereof may be brought, maintained, and enforced by and in the name of the Commissioner. Clause 36 is the same, put the other way round, for it provides that all actions, etcetera, against the Crown relating to any railway shall be brought against the Commissioner and not otherwise. The effect of the two clauses is that in any action arising against the individual on anything in connection with a railway, the action shall be brought by the Commissioner; also that in any action arising against the Government in connection with a railway, the action shall be brought against the Commissioner. These provisions are necessary, because it would never do for a person to bring an action first against the Commissioner of Railways, and perhaps failing in that to bring an action against the Crown. He can bring his action against only one person, and that is against the Commissioner in all matters relating to railways. Clause 37 is new, and is an important clause. It provides that no action shall be maintainable against the Commissioner (*a*) for any loss or damage to or in respect of any goods received upon any railway, whether in transit or before or after transit, unless the loss or damage was caused by negligence or want of proper care on the part of the Commissioner or the officers or servants of the department, and unless the action is commenced within three months after its cause shall have arisen, or for any other cause unless the action is commenced within six months after its cause shall have arisen. (*z*.) No action shall be commenced until one month after a notice in writing is given to the Commissioner, stating the cause of action and the name and address of the party about to sue. Similar powers exist in the New Zealand Act. I may explain the reason for this clause appearing in the Bill. Until now the Commissioner of Railways or the Government have been held to be common carriers. That will not be the case if this Bill is passed. The position in regard to railways being regarded as common carriers is a strange one. In regard to the carriage of goods, whilst a railway is a common carrier the railway is also an insurer against any risks whilst the goods are in transit—not at the receiving or terminal station, but whilst in transit—[Mr. Diamond: Not when the goods are marked "o.r.," owner's risk]—where the railway contracts itself out of the risk of a common carrier, and provides special rates to relieve itself of that liability. But under the law of common carrier, no such conditions apply to passengers. Under the law of common carrier, more risk is incurred in the carriage of goods than in the carriage of passengers. To illustrate this, let us suppose that an accident occurs through a defective coupling which, in spite of every reasonable care and precaution was not perceived to be defective, then if there was no proof of negligence there would be no liability for injury to passengers resulting from that accident; but if a horse or a cow in the same train was injured, there would be a liability under the common carrier law. The effect of regarding a railway company as a common carrier has been that every railway company in the world has sought, by means of by-laws and by conditions printed on tickets and consignment notes, to evade that responsibility and to enter into a contract with the person concerned, thereby contracting itself outside the liability of a common carrier. It will be far better, and certainly the condition as to passengers and the forwarders of goods will be a great deal better, under this clause than if the rights and liabilities of the railway were only the rights and liabilities of common carriers. I have called special attention to this clause so that hon. members may give it careful consideration; and I think they will find that the public generally will be far better off under this clause in the Bill, than if the previous condition continued to exist and the railways were common carriers of goods. I would once again impress on members that the liability of a common carrier exists only while the goods are actually in transit; and it may be interesting to members if I refer to the conditions which brought about this system. This liability of a common carrier for goods while in transit arose in a remote time, when the only way of conveying goods was by carriers'

wagons, and a considerable amount of risk arose in connection with the carrying of goods. Say that a carrier in England was taking a trip from London to York under those old conditions, then whoever sent goods by wagon or travelled as a passenger by coach did so at considerable risk; for there were highwaymen abroad, "road agents" as they are called, and other risks had to be faced; so it was provided that carters carrying goods should be insurers of those goods during the whole time they were in transit, for the reason that unless that was so it was thought a carrier might carry goods and arrange to be stuck up and robbed, and might afterwards conveniently divide the spoil with the robbers. It was held, therefore, that a common carrier was liable for everything that might happen to the goods whilst they were actually in transit, except by the hand of God or the King's enemies; and by "the King's enemies" it was held to mean the action of a hostile army. If stuck up by highwaymen or pirates, that would not be held to be an action of the King's enemies. I am sure that had railways been in operation in those early times when the liability of common carriers was established, the railways would have been excepted from the operation of that principle; because it is manifestly unfair that, in addition to carrying goods for a certain fixed rate over a certain distance, the railway would also be liable for whatever might happen to those goods, in spite of all reasonable care and precaution. If this clause passes as it appears in the Bill, both in respect to the carriage of goods and in respect to the carriage of passengers, the railways will be responsible for any action or damage that arises out of want of exercise of proper care and diligence. I understand that—and in using a legal definition I speak subject to correction—the position will be that the railways will be bailees for reward; that having undertaken to do certain things for a certain reward, they are bound to exercise all due care and diligence. Clause 38 is also new. It provides that "No action shall lie or be brought or continued against the Commissioner in respect of any injury to the person, unless the person injured submits himself to examination by a medical practitioner or medical practitioners appointed by the Commissioner, at all such reasonable times as the Commissioner may require."

MR. MORAN: That is pretty tough.

THE MINISTER FOR RAILWAYS: I think it is reasonable, if a man makes a claim for personal injury.

MR. MORAN: Why should the Commissioner have the naming of the doctor?

THE MINISTER FOR RAILWAYS: The person injured could probably submit a certificate from a medical practitioner; that might be accepted at once by the Commissioner, but it should be open to the Commissioner to require the person to be examined by some other practitioner if it be thought desirable. There is no undue or harsh power in the clause.

MR. MORAN: Is it not mandatory? It says that "no action shall lie"?

THE MINISTER FOR RAILWAYS: "Unless the person injured submits himself to examination by a medical practitioner appointed by the Commissioner at all such reasonable times as the Commissioner may require." The Commissioner may not require him to do so at all. Clause 39 is new in respect to the limit of liability for personal injury. It says that "No damages exceeding one thousand pounds shall be recoverable in any action against the Commissioner in respect of loss of life or injury to the person, whether in the case of a passenger or not."

MR. ATKINS: Was not the old Act £2,000?

THE MINISTER FOR RAILWAYS: I was about to say so. The limit of liability recoverable in any action against the Commissioner in respect to loss of life or injury, whether in the case of a passenger or not, is limited to the £1,000, but under the existing Act it is £2,000. In New South Wales the limit is £2,000, and in New Zealand it is £2,000. It is open to argument, and it has been argued on many occasions.

MR. MORAN: Why depreciate the value of the people of this State?

THE MINISTER FOR RAILWAYS: I place a very high valuation on the people of this State, but I say that a man has no right, or very little right, to place a higher valuation on his life or limbs than £1,000 insurance free from the State,

in addition to the return which he gets for the money he pays for the ticket. The State for one shilling contracts to carry an individual a certain distance; if in addition to that he gets free insurance for £1,000, it is to my mind a reasonable proposition. If a person places a higher value on his life or limbs than that, then it is always open to him to insure against the individual risk of that journey, by making provision for an insurance ticket being obtainable at the railway station. That is the practice prevailing elsewhere, and I see no reason why it should not prevail here. I am making provision later on for the establishment of the insurance system if it is found necessary. It will be open to members to argue, and members no doubt will argue, that £1,000 is not sufficient, and that it should be £2,000 or more; but when members are thinking over that matter they must bear in mind that a railway company gives a return, and what is considered a sufficient return, for the money paid in the actual ticket contract to carry for a certain distance. It is no argument to say that the higher price will make people more careful. I have heard it argued here on other occasions that it is necessary to have a far higher price set out as a limit, because it will make the officials and people in charge more careful. There is no force in that argument, and people who use it forget this, that the engine-driver, or guard, or railway official, on the train is risking his own life, and depend upon it he will not be more careful about the lives of other people because the risk is £2,000 instead of £1,000, or £4,000 instead of £3,000; he does not calculate the loss which will accrue to the State in the case of accident. Clause 40 is also new, and it provides that the Commissioner shall be under no liability "for loss or damage to goods which are left at or consigned to any station, siding, or stopping place marked in the time tables as stations, sidings, or stopping places at which no officer is in charge, or for any personal injury to any person at any such station, siding, or stopping place." This is provided in order to meet the demands which arise, and which are increasing, for goods to be left at all sorts of places along the lines where there are no people in charge, and for trains to stop for people to get out where there are no platforms provided, and in addition where it is impossible to make provision for platforms. It is also inserted in the Bill because there seems to be a general feeling that agricultural lines, at all events of the future, shall be light lines; that there shall not be too great an expense gone to in their construction, in the way of elaborate stations and platforms and all sorts of conveniences where they are so seldom used. If that be so, the same conditions must apply as apply in other places where the railways are requested to do certain things out of the ordinary course of business, and to them no liability will be attached. That would be the case if a private company were running the railways. A private company would refuse to deliver at stations where there was no one in charge, or if they delivered the goods they would refuse any liability in regard to them. Subclause 3 provides that the Commissioner shall be under no liability for personal injury to any passenger who enters, or alights from, or attempts to enter or alight from, a carriage when such carriage is not drawn up to the platform, where such accommodation is provided. That is really the existing law. If a person gets out from a train, not at a platform but where a platform is provided, the Commissioner will not be liable for consequent injury. Clause 41 provides for penalties for injury to railways—that no person without lawful authority shall encroach on any railway by making any building, fence, ditch, or other obstacle, or dig up, remove, or alter in any way the soil or surface of the railway. There is nothing extraordinary in that clause, nothing but what, to a very great extent, prevails in the existing Act.

MR. MORAN: Subclause 3 will be a frightful source of trouble.

THE MINISTER FOR RAILWAYS: "No person without the lawful authority of the Commissioner shall fill up, divert, alter, or obstruct any ditch, drain, or watercourse directly carrying water off a railway, or made to protect the same; or do any act whereby any such ditch, drain, or watercourse is stopped, or the natural flow of the water therein is obstructed." The protection of the

travelling public is of more importance than the very great importance of protecting a man's land. The hon. member is correct that it does lead to a considerable amount of discomfort sometimes. It is necessary that there should be that power if the safety of the public is to be sufficiently safeguarded. Clause 42 provides for penalties for grave offences on railways. That is the existing law, except Subclause 3, which states that "if any person drives or attempts to drive any vehicle or animal across a level crossing or elsewhere on a railway when an engine or any carriage or wagon on the railway is approaching and within half a mile from such crossing, etcetra." Existing legislation places the distance at a quarter of a mile. I am rather surprised that the member for West Perth should raise some objection to the limit.

MR. MORAN: I only raised a laugh.

THE MINISTER FOR RAILWAYS: I am surprised at the hon. member raising a laugh, because he has just returned from a trip through New Zealand, and with great admiration for that country, and in that country the limit is placed at half a mile. It would be a very grave offence if a person attempted to pass in front of an express train.

MR. MORAN: In New Zealand they have no gates; all are open crossways. There are gates here.

THE MINISTER FOR RAILWAYS: We have a great many open crossings, and many places where there are no fences and no gates. People cross the line at their own sweet will.

MR. MORAN: How could one see half a mile in a town?

THE MINISTER FOR RAILWAYS: If a person did not see half a mile, then of course he could not tell that a train was coming. If members think it better to reduce the distance to a quarter of a mile, they can move to do so.

MR. MORAN: I do not think it matters much. I should like to know who could prove what distance off was a swiftly running train.

THE MINISTER FOR RAILWAYS: My imagination does not travel as quickly as the hon. member's does. Clause 43 deals with offences on railways punishable by fine or imprisonment. The same powers are given in the existing Act and in all railway legislation. I do not wish to weary members in dealing with the clauses, except they differ from the existing law or there are circumstances which to my mind justify attention being called to them. Clause 45 deals with penalties for offences relating to tickets. It is the existing law elaborated, and the same provisions obtain in the New Zealand Act, but I wish to call special attention to Subclause 4, which provides that a person shall be guilty of an offence who sells or offers for sale any ticket or portion of a ticket, not being a person authorised or employed by the Commissioner for such purposes, or purchases any ticket or any portion of a ticket from any person not employed by the Commissioner for such purpose. This seems a very large power to give the Commissioner; but I can assure hon. members that it is absolutely necessary if we are to put a stop to the practice known as "ticket scalping." [Interjections by members.] If the railway experts in this House will give me their advice in Committee, instead of offering it to me now on the second-reading, when I cannot well hear or understand what is said by several members speaking at once, I shall be obliged to them. Clause 46 provides a penalty for travelling without payment of fare, and is the same as the existing Act, except that the penalty will accrue and the offence will be committed if any person does the thing. That is to say, it shall not be necessary to prove intent to defraud. The existing Act makes that proof compulsory; and it is often difficult to prove the intent, though there can be very little doubt of its existence. When a man travels without a ticket, it is fair to assume that he does so, in the majority of cases, with intent to defraud. Clauses 47 and 48 are really minor clauses containing nothing of any great importance. Clause 49 provides that persons committing certain offences may be arrested. This is the existing law. If a man is drunk or behaves in a violent or offensive manner to the annoyance of others, for instance, he can be arrested. Clause 51 provides penalties for offences by railway servants—that persons employed on a railway shall behave themselves as passengers are compelled to behave, and that railway servants mis-

behaving themselves shall be guilty of an offence and punished accordingly. Part IV. deals with accounts only, and is the same as existing legislation, except as to Clause 56, which provides for the disposal of surplus stock, and has been inserted to fulfil the requirements of the Treasury. That clause, however, will need some amendment in Committee, because the latter part of it goes a little farther than it is intended to go. Members will perceive that it needs no long explanation. I propose to amend it in Committee, and will therefore reserve any farther remarks till the Committee stage. Clause 57 gives the Commissioner, with the approval of the Minister, power to let on lease from time to time any portion of a railway, with the rolling-stock and other appurtenances, to any person willing to take and to work the same subject to certain conditions. The letting is to be by public tender, and the terms and conditions of the lease are to be laid before Parliament not less than 30 days before the tenders are called for. This gives the Commissioner no power except with the approval of Parliament. Circumstances may arise in which it will be advantageous to lease a small branch line—say the line to Gooseberry Hill.

MR. DAGLISH: For that a special Bill could be brought in.

THE MINISTER FOR RAILWAYS: Surely in a consolidating measure of this kind it is advisable, as far as possible, to foresee requirements, so that we shall not be continually bringing in special Bills to deal with trivial matters. Similar provision is contained in Railway Acts in other countries; and it is just as well to have it here. The power can never be exercised without the knowledge and approval of Parliament.

MR. DAGLISH: It is a very wide power.

THE MINISTER FOR RAILWAYS: It is really no power at all; because the Commissioner may use it if Parliament first says that he can.

MR. MORAN: Does the clause say that the approval of Parliament must be obtained?

THE MINISTER FOR RAILWAYS: The terms and conditions of the lease shall be laid before Parliament not less than 30 days before tenders are called for. Surely if Parliament said to the Commissioner, "You shall not do so-and-so," he would obey.

MR. MORAN: Parliament has no legal standing in the matter.

THE MINISTER FOR RAILWAYS: Well, the intention of the clause is clear. There is nothing new in Clause 59 except Subclause 3, which I referred to at an earlier stage. It gives to the Commissioner power from time to time by his servants and agents to sell any spirituous and fermented liquors in any railway restaurant, car, or railway refreshment room under his management or control. That, as I previously said, will give power to the Commissioner to conduct refreshment rooms by his own servants, and to sell liquors upon railway restaurant cars. The Commissioner is already exempt from the control of the local licensing benches by the Theatre and Railway Licensing Act. Not only this Commissioner but those in charge of the railways since 1895 have been independent of the local licensing bodies as to the sale of liquor and refreshments. Clause 60 provides that the Commissioner may from time to time enter into an agreement for leasing wharves or any other buildings or jetties. This is the existing Act, and does not require special comment. The next clause worthy of notice is 68, which gives the Commissioner power to clear land. It states that—

> Notwithstanding anything contained in any Act to the contrary, it shall be lawful for the Commissioner, or any person acting with his authority, at any time to clear the land within the boundaries of any railway of any grass, stubble, scrub, bushes, and other vegetation, in such manner as he may think fit.

That applies to the railway line inside the fences. The Act referred to as "any Act to the contrary" is the Bush Fires Act of 1901, which limits the time for burning to certain periods of the year. Now, as it has been held that the Commissioner is liable for damage arising from fire originating within the railway fences at any time of the year, and is at all times of the year supposed to keep the railway line clear of inflammable matter, surely it is reasonable that he shall have the power to burn off at any time and to clear at any time. Of course, if he cleared at a time prohibited by the Bush Fires Act, the question would arise whether he would not be responsible for damage in consequence; but if we say

that at all times the railway line is to be kept clear of any grass, stubble, scrub, or other inflammable matter, surely we must give the Commissioner power to clear the land at any time. I do not know whether Clause 69 will meet the wishes of any one. It provides that—

> An action shall lie against the Commissioner for any damage caused by the falling of sparks or cinders from an engine if such damage was caused by the failure to use such appliances to prevent sparks and cinders issuing from the chimney and fire-box of the engine as were reasonably necessary or usually employed, unless the Commissioner shall prove that the engine was so constructed that such appliances were not reasonably necessary.

It is here sought to set out the rulings given by the Supreme Court in actions for damages caused by sparks from railway engines. So far as I am aware, the clause sets out the liability according to the interpretation of the Judges. Considerable doubt exists on the subject even to this day; but I think members will agree that the clause is nothing more nor less than a fair statement of what is the liability according to the most recent interpretations. Clause 70 also is new. It is a clause important to the owners of property along the line of railway, and enacts that no damages shall be recoverable unless the owner of land provides a fire-break not less than one chain in width, consisting of a strip of land ploughed and kept free of inflammable matter. If it is compulsory for the Railway Department to keep their land clear and be responsible for fire arising within the railway fences, surely it is not wholly unreasonable to ask land-owners on the other side of the fence to do something of the same sort. The Commissioner of Railways is responsible if he does not keep his land clear of weeds, and thus allows fire to originate, and if he does not use reasonable precautions in regard to his locomotives; surely, therefore, it is not unreasonable that owners of the land adjoining should not be permitted to grow crops right up to the very fence, and then, if a spark causes a fire, recover damages from the Commissioner.

MR. TEESDALE SMITH: The land-owner is not using anything which will cause sparks.

THE MINISTER FOR RAILWAYS: But he benefits greatly by something which will cause sparks. However, the clause is thought desirable; and I think that many members, and I trust the majority, will upon reflection perceive that it is not unreasonable. Clause 71 is the existing law, and gives the Commissioner power to appoint, suspend, dismiss, fine, or reduce to a lower class or grade any officer or servant of the department, under powers delegated to the Commissioner by the Governor, by Order-in-Council, or where the salary or wages of any such officer or servant shall not exceed the rate of £400 a year. Clause 77 deals with the application of the Industrial Conciliation and Arbitration Act. I do not wish to anticipate the clause. Clause 72 is new, and provides that no officer or servant of the department shall engage in any employment outside the duties of his office, nor shall he in any way participate or claim to be entitled to participate in the profits of or in any benefit or emolument arising out of any contract or agreement made by or on behalf of the Government. Now as it is provided that the Commissioner shall not do either of these things, surely it is reasonable to provide that none of his officers shall. What is sauce for the goose ought to be sauce for the goslings. If we enact, as we have enacted, that the Commissioner shall not engage in any employment outside the duties of his office and shall not participate in any profit arising from any contract with the Government, it is fair and reasonable to insist that no officer or servant of the department shall be allowed to do so. Clauses 73 and 74 are the existing law. Clause 74 provides that railway property shall not be subject to rates. That is the existing law under the Municipalities Acts; but the Municipalities Acts may be altered hereafter, and therefore it is just as well to provide here by a special clause that no rates, taxes, or assessments shall be levied upon any Government railway. Clause 75 is the existing law, and provides that no deputation shall wait upon the Commissioner in which a member of Parliament takes part or at which such member is present. That is the Act of last year.

MR. HASTIE: Suppose the member breaks the law?

THE MINISTER FOR RAILWAYS: Well, he does what he ought not to do. If the hon. member wishes to provide a

penalty when in Committee, I will assist him to do so. Clause 77 deals with the Industrial Conciliation and Arbitration Act of 1902. Members will perceive that the provisions of that Act are to apply to the Commissioner of Railways in the same manner as if the words "Commissioner of Railways" occurred in that Act instead of "Minister." That will meet the difficulty recently raised before the Court. It may also be necessary to insert here some provision for a conduct appeal board. The Government are now very carefully considering that question; and in Committee on this Bill I believe some such provision may be inserted. But I should like to foreshadow that provision to some extent, by letting members distinctly understand that the conduct board, if provided, will deal with important cases only, or dismissal for an offence, or suspension or reduction in grade for some alleged offence. We cannot have a conduct appeal board to inquire into every little case that might be met by a fine for instance. It must also be distinctly understood that the employer must be the judge as to the necessity of a man's services being continued. If a man is retrenched or got rid of because his services are no longer required in the opinion of the employer, that must surely be sufficient in that case, as it is sufficient in any other walk of life; and the employer must be the sole judge in that respect. If that provision is inserted, as I expect it will be, it will be much on these lines. Clause 78 is the existing law, providing that quarterly reports shall be furnished by the Commissioner to the Minister; and Clause 79 provides also for an annual report, with an account of all moneys received and expended, to be laid before both Houses of Parliament in the month of September in each year if Parliament is then sitting, or (if not then sitting) within one month after the commencement of the next session. I regret that it has not been possible to submit the report for the past year in the month of September; the annual report was laid on the table only to-day. There are many excuses for the delay, one in particular being the death of the late Chief Mechanical Engineer. I have endeavoured as far as possible to explain to members the clauses in the Bill, and particularly where they differ from the existing law.

MR. MORAN: Are there any important omissions not mentioned?

THE MINISTER: No; nothing involving any principle or any important matter. Some trifling things have been left out as not worth retaining. Where new powers are sought in the Bill, I have pointed them out. I can only repeat that hon. members will find, as they look carefully into the Bill, that it is a good practical working measure. If members are of opinion that it can be improved in any particular I shall be glad and the Government will be glad to welcome any amendments of a practical nature, brought forward with a desire to do what is best for the State as a whole, rather than in the interest of any individual or union of individuals. I beg to move the second reading.

On motion by Mr. PIGOTT, debate adjourned for one week.

MINING BILL.

IN COMMITTEE.

Resumed from 22nd October.

MR. ILLINGWORTH in the Chair; the MINISTER FOR MINES in charge.

New Clause—Entry upon Lease for Alluvial:

MR. G. TAYLOR moved that the following be added as a clause:—

> Any miner may, subject to the Regulations, enter upon any land the subject of any application for lease already or hereafter to be made, or the subject of any lease granted after the passing of this Act, which is not held under a miner's right, to within fifty feet of any reef situate thereon, for the purpose of searching for and obtaining alluvial gold: Provided that the applicant or lessee may mark out or otherwise delineate upon such land the line of any reef or reefs situate thereon, and it shall be incumbent upon him so to do within forty-eight hours of his being served with a notice, in writing, to that effect, signed by a miner.

While he realised that there might be objections to the clause, he expected they would be based on arguments particularly referring to leases that had long been taken up, such as on the Golden Mile, also in favour of old-established mines where the area of ground was practically taken up for mining operations and for building purposes. The object of the new clause was to provide

for leases that had been taken up away from the established centres, and for leases that might be taken up in future. He did not desire to hamper the mining operations of the leaseholder; but he hoped the clause would be accepted as one that had been in operation in this State previous to the trouble on the Ivanhoe Venture lease. Up to that time, and in all other parts of the State, this provision had worked well. The alluvial man was allowed to work within 50 feet and sometimes within 25 feet of the reef; and there had never been any difficulty or trouble until the dispute occurred on the Ivanhoe Venture lease, where it was proved that the whole of the workings of that lease were alluvial. The outcome of that disturbance was to be seen in the present Mining Bill; therefore he desired to amend it without interfering in any way with the old-established places, for in those places it was practically proved that alluvial gold did not exist. He did not move the new clause with the object of enabling men to go on a lease and harass the leaseholder or interfere with mining operations. If any reasonable amendment were suggested, he would endeavour to meet it. Having himself had experience in alluvial mining, he knew there was no desire on the part of alluvial men to interfere with or to hamper leaseholders. In many places where leases were taken up for reefing, there was any amount of alluvial gold, and it was necessary that alluvial men should be allowed to go on such leases to search for alluvial gold, though alluvial gold might exist only on the surface. In only one portion of the State had alluvial gold in deep ground been discovered, alluvial gold being mostly found on the surface. If the new clause were inserted, the alluvial men would be able to work within 50 feet of the cap of the reef. The mines that had been working for a considerable time and required a large area for building purposes would not be hampered in any way; but in out-of-the-way places where leases were taken up, some provision should be made in the Bill to enable the alluvial digger to search for alluvial gold or to dryblow within 50 feet of the cap of the reef.

THE MINISTER FOR MINES: The proposed new clause would mean reverting to the dual title which we heard so much of formerly, and which in 1898 was amended to give any person who was granted a lease with the approval of the Governor-in-Council the right to all the gold within his pegs. One could hardly understand such a clause as this being brought forward, when the Committee had dealt at considerable length with such a provision as that contained in Clause 67, which stated that after the application for a lease and until a lease was approved of, a miner might go on to the land and search for alluvial gold. Why was that clause passed, if the Committee considered that such a provision as this now proposed was to be brought forward? The member for Mt. Margaret had said he did not desire to hamper the working of the leaseholder in any way. What provision was made in the proposed clause which would prevent any person from pegging out a piece of alluvial ground on which the most valuable machinery was erected, perhaps worth some hundreds of thousands of pounds? An alluvial miner would have the right to peg out a claim on the ground and then undermine the machinery. This was the sort of sensible suggestion which had been brought forward! He hoped the House would not for a moment consider the proposal. The Bill provided that the alluvialist should have power to go on land which had been applied for but not yet granted, and the Committee had passed clause after clause dealing with the ground which alluvial men could take up, and had provided that if an alluvialist took up a piece of ground he should have a right to all the gold within his pegs. If a leaseholder took up ground it was open to the alluvial miner, until the lease was approved, to go on that land and search for alluvial gold. If the proposed clause were passed, it would nullify all the previous provisions dealing with leases. He had already explained the system which would be adopted in regard to leases applied for. If the warden was satisfied that a lease was likely to develop alluvial gold, and unless a report was received from the Inspector of Mines that there was a clearly defined reef on the property and that it was not likely to develop alluvial, a lease would not be granted until six months after the date of the application; and if at any time a

protest was entered, then a special examination of the ground could be made. Some security of tenure must be given to the leaseholder so that when people spent large sums of money on a lease they would have security. We did not want to have another case in the history of mining here such as the Ivanhoe Venture trouble. It would be a step in the wrong direction if we went back to the old system. The present laws in force in all the States provided that when the lease instrument was issued the holder of the lease had the right to all the gold within his pegs. We had gone farther by providing that when a lease had been approved of the lessee would not only have all the gold but all the minerals within his pegs; but if any other minerals were found except that for which the ground was taken up, then those minerals could not be worked unless the permission of the Minister was obtained. He asked the Committee to reject the clause, as every care would be taken by the Mines Department to prevent any alluvial ground being granted to a leaseholder. There had been no case lately in which alluvial ground had been granted as a leasehold, and in future care would be taken to see that the alluvial was worked out before a lease was granted.

Mr. HASTIE: The Minister had assured the Committee that he had every confidence in the powers of inspectors of mines to see whether the ground was likely to contain alluvial or not. If the present law had been in force say in 1897 or 1898, the leaseholder would have had everything within his pegs, and there would have been no deep alluvial mining whatever carried on in Kanowna unless people paid a very heavy royalty to absentee leaseholders. He was certain that had the alluvial ground at Kanowna been gone over by any mining inspector of the State, or even by the State mining engineer, those officers would have reported that there was no risk whatever of the ground developing alluvial. That was the case in Kanowna, and it was likely to be the case in many other portions of Western Australia. It did not matter how careful the Minister and his officers would be in examining and seeing whether the land was likely to develop alluvial, the officers would in many cases make mistakes. The inspection was no security so far as deep alluvial was concerned. He asked the Minister what was likely to occur if deep alluvial were again discovered in the State. Did the Minister think if rich alluvial were discovered it would be possible for him or any other Minister to enforce the strict law? He felt that the Minister could not, and his reason for saying so was that no deep alluvial gold had been found in any part of Western Australia, and so far as he could learn in no part of Australasia on the same ground where promising reef gold had been discovered. That meant that the deep leads would be discovered not on ground legitimately and fairly worked for reefs, but on ground that was kept up and worked largely to block the owners of the leases. He had looked into the question for a number of years and could not find an instance where deep alluvial workings had interfered with legitimate mining. The object of the member for Mt. Margaret was to allow the alluvial miners to have a chance of working the alluvial without paying blackmail to those who owned the leases. That was required for the reason that it had now been declared that a lease might be 96 acres in extent and held for 42 years; so that we might look forward with confidence to the fact that if no alteration was made such as the member for Mt. Margaret required, we should be in the position of Victoria, of having a fairly large section of the community holding ground and doing nothing with it, but gaining a living by blackmailing those who worked the ground. The Minister had brought forward no suggestion as to how to meet the difficulty. The Minister had surprised him (Mr. Hastie) in stating that if the clause were passed, expensive mining machinery might be undermined. [The Minister: As it stood.] But the Minister ought to have had in his mind the regulations which were in force in 1898, when the dual title was abolished, those regulations specially preventing anything of the kind being done, and empowering the warden to so act that no alluvial miner would be allowed to get near any machinery on the mine or that was likely to be placed on the mine at an early date. That would have met the difficulty; but the Minister now declared he would do nothing to reinstate the dual title,

although the Bill expressly introduced a dual title into the lease. For instance, the Bill provided for a big amalgamation of leases taking place, and power was reserved to allow people to work tribute on the ground under certain conditions. This meant that the same ground was owned by the leaseholder and by the alluvial miner. He indorsed the statement of the member for Mt. Margaret as to what took place before we had the dual title. Until valuable alluvial discoveries were made, that system worked satisfactorily. It was not introduced to oblige the alluvial miner, but to give speculative leaseholders an opportunity to sell their properties, and at such leaseholders' request. So said Sir John Forrest again and again. Had the dual title not been given so as to permit applicants getting leases at once, they would not have been able to raise so much capital or float so many Western Australian companies; and admittedly the introduction of an enactment new to Australasia, granting leases immediately and giving a title to the alluvialist as well as to the lessee, was the principal cause of our extensive mining boom. The custom which obtained in Victoria, New South Wales, Queensland, and New Zealand was not to grant leases for a number of years after the discovery of gold, until it could be shown that there was no likelihood of the ground being worked for alluvial. In one large Queensland district where gold was discovered 30 or 40 years ago, no leases whatever had yet been granted; and in many places in other States leases were not granted for 10 or 12 years after the discovery of the field. Thus the laws of this State were made to allow trafficking in goldfields land at the earliest opportunity.

THE MINISTER: Where was land reserved for 10 years?

MR. HASTIE: In Queensland it was reserved for 20 years; and in New South Wales, a few years ago at any rate, the law reserved land until it could be shown that alluvial was practically non-existent. At Wyalong, for instance, no leases of quartz claims had been granted up till last year. All other parts of Australia except this had recognised the great danger of granting leases too early on a new goldfield. On ground where no deep alluvial was likely to be discovered, and where surface reefs were found, it was possible for inspectors to ascertain what part of the ground should be leased; but the question was, ought we to go back to the old rules which obtained from 1895 to 1898, when the largest number of leases was granted, and when, until the great discoveries of alluvial, no one thought any harm was being done by the alluvialist to the lessee. The action of Parliament of 1898, in granting the leaseholder the exclusive right to the lease, thus giving him what he did not bargain for and asking nothing in return, was simply another present to the speculator; yet no consideration was given to alluvial prospectors and miners, who were then deprived of a a valuable right. Probably the new clause would have to be modified to protect the works of the leaseholder. No labour man maintained that on small leases such as the Ivanhoe, where all the ground was needed for machinery and buildings, the right of the alluvialist to enter should ever be exercised. Some provision like that indicated by the hon. member (Mr. Taylor) should be agreed to.

MR. BATH: The Minister had violently attacked the mover of the new clause for omitting to make its provisions complete, but said little or nothing touching the effectiveness of the dual title. This in Western Australia had been throughout a misnomer: for it implied that two men were given a title to the same thing, whereas it meant only that the leaseholder could peg out a lease to work a reef, lode, or ore body, while the alluvial miner had the right to alluvial. The clauses dealing with mining on private property and mining under roads, residence areas, or homestead leases, gave dual titles; and there was as little possibility of danger of friction from those clauses as in allowing the alluvialist to work alluvial on a lease, with proper restrictions against his going within a certain distance of the reef, machinery, or buildings. Prior to the Ivanhoe Venture dispute, no one could have taken exception to the manner in which the dual title worked; in fact, the Royal Commission on Mining pointed out that while mine-managers thought that the leaseholder should be entitled to all gold within his pegs, they took no great exception to the dual title, some stating that they did not oppose it. In the

majority of instances the great body of outside opinion was in favour of the dual title at that time; but the Ivanhoe Venture case turned the attention of the British investor to local conditions, and he was filled with apprehension, carefully stimulated from this end, that his title was in danger by reason of the right given to the alluvialist. It meant that certain persons sinking a shaft for erecting a condenser came on gold, and when they discovered it they thought it was alluvial. Those people were not content with taking up an area that was permitted under the conditions of an alluvial claim, nor did they give information to the Mining Department of the unusual nature of the discovery they had made at a depth, and on which they might ask for special consideration to be given; but instead they tried to represent that it was a reef or a lode, and they wanted to take in the whole area within the confines of the lease. It did not take long for people to find out that it was alluvial gold, and then it was the outcry was raised against the dual title; for when alluvialists claimed the right to go on that lease and search for alluvial gold, the holders of leases represented to people in London that their title was in danger by continuance of the system of allowing alluvialists to search for alluvial gold on a lease. It had been said that no such condition of affairs existed in any other part of Australia. On looking through the report of the Mining Commission of New South Wales, he found that when one of the delegates desired to move that alluvial miners should be allowed to go on leases to look for gold, the chairman of the Commission, who was also the principal warden, said there was already a right by which a warden could permit alluvial miners to go on a lease and search for alluvial gold. In regard to the present Bill, the provisions were inadequate for safeguarding a lease and enabling alluvial miners to search for alluvial gold, because alluvial had been discovered in most unlikely places, and it was impossible to say whether there was or was not alluvial gold on a particular piece of ground in auriferous country. There was no more independent person than the alluvial miner, or one less likely to seek for charity, and who, when not successful elsewhere, would return again and again to ground that had been worked over, and would go on seeking for alluvial gold. There were alluvial miners working old patches on the Hannans belt even now. But under the present law and according to this Bill, when a lease had been granted the alluvial man must not go on that ground to search for alluvial gold. It would be only reasonable to allow alluvialists to go on leased areas and search for alluvial gold, so long as they did no harm to the property and did not harass the working of the mine. If this new clause were carried, due provision would be made to safeguard those who erected machinery on leases.

MR. HOLMAN supported the new clause. Alluvial workers were entitled to some consideration. The Minister would be able to provide, if this clause were passed, that no machinery or workings should be interfered with. There were large areas held in different parts of the State on which alluvialists were not allowed to search for alluvial gold. Something should be done to permit them to search for alluvial gold on portions of unworked ground held under lease. The small leaseholders generally allowed every facility to alluvial workers; but big companies holding large areas, and working only two or three acres, were the parties preventing alluvialists from going on portions of their ground to search for alluvial gold, although the companies did not work much of their ground. The Peak Hill Company's leases, comprising about 500 acres, and the Fingall leases, comprising about 300 acres, were worked only to a small extent; and a very large proportion of ground on each of those properties could be profitably worked by alluvial miners, if allowed to go on and search for alluvial gold. It seemed strange that the Minister for Mines should have changed his opinion since he became a Minister; for in 1898, speaking on the second reading of the Gold Mines Bill, he said:—

> In regard to the important question of alluvial *versus* reef, I think we should do all we can, fairly and consistently, to protect the interests of the alluvial miner. What we have seen of the great number of alluvial men employed at Kanowna—and I feel sure there will be many more Kanownas found in the colony—should encourage us to do the best we can

to conserve the interests of the alluvial miner as well as those of the leaseholder. There are some ten thousand men at work in Kanowna at the present time; and had the alluvial men been prevented from working on the leases, I should imagine there would have been something like three hundred there now; so that a company seems to be the gainer by allowing the alluvial miner to work, under certain restrictions, on its lease. By this system the wealth is retained in the colony; and it has always been considered the heritage of a miner's right that the holder of that right should be allowed to work the alluvial gold on a lease.

That was what the new clause would allow them to do. The machinery and workings on a lease should be protected as far as possible, but we should not do injustice to the large body of alluvial miners by preventing them from going on leased areas to search for alluvial gold.

MR. TAYLOR (in reply as mover): As to the law being practically the same as in all the Eastern States, the fact was that many goldfields in the Eastern States differed greatly from those in Western Australia. There were many alluvial fields in the Eastern States on which no reef had been found. For instance, a goldfield was found in about 1860 at Claremont, Peak Downs, Queensland, and it maintained some thousands of people and opened a flourishing centre for alluvial mining. That locality was still flourishing, but no reef was ever worked within many miles of the field. There were other fields in Queensland similar to that, and he knew of some in New South Wales. In Western Australia he did not know of one alluvial patch that had a reef worked on it or near it. Attempts might have been made to work a reef here and there, but such attempts were abandoned; yet in most of those places reefs had been found. At the Hawks' Nest several parties were still dollying rich gold out of leaders, but no battery was worked there. We should provide for the outlying places and for new fields, as the clause would do. He desired to protect machinery and the working of mines in every way; and he would, if necessary, exempt certain portions of the State so that there might be no difficulty in regard to the machinery erected on leases, nor any interference with ground required for buildings or stacking timber, or for other mining purposes. He would be lacking in his duty as a representative of labour if he allowed mining companies to take up as much as 96 acres, and have the sole right to all the gold within the pegs. Any alluvial patch within the State which had been discovered up to the present could be embraced within 96 acres; and yet one company was to be allowed to monopolise the whole of that ground, and prevent alluvialists from going on it at any time to search for alluvial gold. The Bill made ample provision for amalgamation of leases, and a company might work one of its leases and keep all the rest of the ground idle, while also preventing alluvialists from searching for alluvial gold on that part of a lease or amalgamated area which the company did not work. He hoped the clause would be carried; but unfortunately those members who did not understand mining operations were carrying this Mining Bill, whenever a division on it had to be taken; so he was afraid that on this proposal also a number of members who had not heard the arguments would be resurrected from the Refreshment Room to vote against the new clause.

At 6·30, the DEPUTY CHAIRMAN left the Chair.

At 7·30, Chair resumed.

MR. TAYLOR (continuing): When the Minister was speaking on the Gold Mines Bill in 1898, he used similar arguments in favour of the alluvial man to those now used by members in favour of this new clause. Reference to *Hansard* would prove that the Minister was then decidedly in favour of allowing the alluvial man all the privileges possible. Why this change of front? If the present Minister, speaking as a private member in 1898, considered the proposal necessary at that time, and argued that the alluvial man should be protected and that a lease should not be granted for two years after the application, why did the same member, now a Minister, consider that six months was sufficient now? Perhaps the Minister could tell members why he altered his opinion, and if good grounds were advanced for that change, other members might be convinced that there was no necessity for this new clause.

The Minister should give some reason for his change of front. A miner's right gave to the alluvial man the alluvial gold, and a lease gave to a leaseholder the gold in the reef. The alluvial man had no desire to touch the gold which was in the reef. The Government entered into an agreement with the leaseholder to mine for reef gold or gold from ore bodies; therefore the alluvial man should have the right to mine for alluvial gold. It would not hamper mining operations to allow the alluvial man to go within 50 feet of the cap of the reef. It was useless for the Minister to say an alluvial man might peg out a claim within 50 feet of the reef and undermine the machinery. It must be thought there were men on the goldfields who wished to levy blackmail; for if a person were desirous of destroying machinery, that would amount to levying blackmail. He (Mr. Taylor) had never seen such a thing done on the goldfields. In the old centres where it was practically proved that alluvial gold did not exist, he was prepared to exempt those places or protect them sufficiently that no possible damage would be done. The desire was not to give any person who had a miner's right the right to go on to any lease, except to carry on legitimate work. In outlying centres where leases were applied for, an opportunity should be given to work the alluvial, especially as the Bill allowed 96 acres to be taken up and amalgamated, so that all the work could be done through one shaft and the other leases allowed to lie idle. On those leases there might be alluvial gold, and no alluvial man could go on the leases to search for the gold which might be there. It was iniquitous that the leaseholder, by the payment of £1 per annum per acre, could prevent anyone from working the alluvial gold. The argument in favour of the leaseholder having better conditions than an alluvial man was that the leaseholder had to expend a large amount of capital before he got any return, and that it was more or less a speculation. If a large area contained alluvial gold, the leaseholder could extract the gold from the earth without the expenditure of capital other than labour. It was hoped the interests of the alluvial man would be supported by the Minister, who should not go back on the speech which he made on the 16th August, 1898, in favour of the alluvial men.

The MINISTER FOR MINES: A good deal had been said about arguments used five years ago and the arguments brought forward to-night. When he spoke to-day, he drew attention to the fact that members had allowed so many clauses of the Bill to be passed which would dispense with the dual title. Everything that had been quoted by members was quite correct. In 1898 he believed it was possible to conserve the alluvial gold on a lease for the alluvial miner, and yet to give a certain amount of security to the leaseholder. It was all very well to believe these things in theory; but when it came to practice, one found it was different. At that time he thought it possible to allow the alluvialist to work alluvial on a lease; but he did not think so now. The arguments used formerly by him and quoted by members were used before the Ivanhoe Venture dispute, in which, after the company sunk their shaft over 150 feet deep, the shaft was actually jumped, and a Supreme Court Judge ordered the gold taken out of the shaft to be handed over to the jumpers. That was intolerable, and showed that the dual title was absolutely impracticable and could not be continued. One would naturally assume that the meaning of the hon. member would be found in the new clause which he proposed; but nothing in the clause would prevent an alluvialist from pegging out an alluvial claim under valuable machinery, and damaging that machinery. It was said this could be prevented by regulation. Not so; because the clause distinctly stated that the alluvialist could go up to within 50 feet of the reef; therefore he could go on any other portion of the lease irrespective of the presence of machinery. He (the Minister) took the clause as it stood on the Notice Paper, and would not try to amend it, for it was one of which he did not approve. Many members had quoted against him, but not fully, the report of the Royal Commission on Mining. This was what the commissioners said about the dual title:—

It was after we had concluded taking evidence on the fields that the trouble between the alluvial miners and the leaseholders, which has become historical, occurred in Kalgoorlie

and district. There is little doubt that while alluvial mining was confined to surface dry-blowing, the mine-owners as a body experienced no inconvenience by the presence of alluvial diggers working on their leases. Indeed, it came to our knowledge that various managers of leases taken up under a former Act, which gave the holder the exclusive right to all the gold within the four pegs of his lease, were not only permitting miners to work the surface alluvial within certain limits, but were even encouraging them to do so. The finds of deep alluvial at Kanowna and Bulong, and on the Ivanhoe Venture lease at Kalgoorlie, have, however, put a different aspect on the question; and we are of opinion that if the present system of dual titles be perpetuated, it will really end disastrously to the mining industry by bringing about a feeling of insecurity of title, which must prove fatal to the best interests of all concerned. Having given careful consideration to this very difficult subject, and having weighed well both sides of the question, we have come to the conclusion that the granting of dual titles is derogatory to the successful development of the mining industry, and should be prevented in the future. We therefore recommend, subject to the conditions which follow, that Section 36 should be repealed, and a provision substituted allowing the holders of leases, prospecting reward claims, and ordinary claims the right to all gold deposits within the perpendicular of their pegs.

Subsequently an Act of Parliament abolished the dual title. A return recently published showed that the majority of leases in the State were held by private people; therefore it was the duty of members to conserve the interests of our own people, and this would be done by passing the Bill as it stood. As to the practice in other countries, in Queensland after a goldfield was declared, no leases were granted for two years.

MR. HASTIE: "Or such farther time as the Minister may direct."

THE MINISTER FOR MINES: Yes; where there were no reefs, and no one desired to take up other than alluvial claims. The object of the two years proviso was to give the alluvialist a chance of obtaining alluvial country. But such a rule could not be adopted in this State, for it would cause enormous delay in developing the country. The department must try to take all possible care that alluvial country was not granted as leasehold, except when such ground had been abandoned, or for other special reasons. During his term of office, at any rate, all possible care had been taken. Members must not imagine that at the end of six months after an application for lease the lease would be granted if alluvial gold were present. If the department thought the lease contained alluvial gold the lease would not be granted. If a report were received from the inspector of mines that a reef was plainly visible, and that alluvial was not likely to be found, the lease would be granted. If such report were not received, the application would be held over for six months, during which the alluvialist could take up an alluvial claim; and any lease thereafter granted would be subject to existing rights. Some members maintained that the Bill gave a dual title in respect of mining on private property. Not so. The land was taken away from the owner, who got compensation, and had no farther right to the ground unless it was abandoned. The question was, should we do better by reverting to the system introduced in 1895 and abolished in 1898, or by continuing the existing system, which was also the original system. In the interests of lessees, of the industry, and of the public generally, the dual title should be renounced for all time. It was impossible to understand the attitude of members who passed so many clauses in the Bill giving the alluvial miner all the gold and minerals within his pegs, and the leaseholder all the gold within his pegs once the lease was issued, and who yet introduced or else supported a new clause, brought in at the last moment, which would nullify everything hitherto done.

MR. TAYLOR: The Minister was unfair in his concluding remarks. The clause had not been sprung on the Committee. All knew that he (Mr. Taylor) had been desirous of striking out Clause 50, and inserting Sections 36 and 37 of the Act of 1895; but the Chairman said that a new clause could not be moved until the other clauses had been disposed of. This new clause was put on the Notice Paper before any of the clauses were dealt with; therefore members had ample time to consider the new clause. The Minister's reason for changing front since 1898 was remarkable. He had changed front on account of the Ivanhoe Venture dispute. He (Mr. Taylor) closely watched that dispute. What were the facts? The mining experts of the Government, on visiting that lease, decided that there was then no reef in existence,

There was a shaft down 150ft.; and it was proved to the satisfaction of the Supreme Court that all the ground then discovered was alluvial, and that the leaseholders had no right to it. Yet the Minister said that when he found the alluvialists had pegged out the shaft, he changed his opinion as to the dual title. Such a change of front was very unsatisfactory. Had the Minister found that a reef was struck at 150ft., and that the alluvialists had pegged it out and tried to get it from the leaseholders, that would have justified a change of front, and would justify a modification of this new clause to prevent alluvialists from harassing leaseholders: but there was no harassing by alluvialists on the Ivanhoe lease, the ground being purely alluvial as the Court decided. The new clause would tend to open up the State from an alluvial point of view. Since the right of the alluvial miner was removed from the Act in 1898, alluvial mining in this State had been blocked. It was because that was so he now proposed to reinsert the provision by adding this new clause to the Bill, so that the alluvial man might have opportunities in future to open up new alluvial finds, and work ground where alluvial gold was to be obtained.

Mr. DIAMOND: From the point of view of one who was not a mining expert, but whose sympathies inclined to the working miner, he had read the Bill carefully, and was satisfied that it was the most honest effort ever made in Australia to do justice to all the parties concerned in gold-mining. For this reason he supported the Minister in objecting to add the new clause to the Bill. In the Ivanhoe Venture dispute faults were committed on both sides, but he could not see why a man who had taken up a lease to mine for gold should be shut out from any advantages which might be obtained by finding gold in the balance of his lease. If the alluvial man discovered gold on a piece of ground before it was leased, that ground ought not to be leased, but should be reserved for alluvialists; and while he would oppose any plan by which the leaseholder should take ground from alluvial men and claim the gold, he would equally oppose any such action on the part of the alluvialist in taking ground from a leaseholder and depriving him of the gold within his lease.

Mr. HASTIE: This was one of the most important questions affecting the future of the goldfields in this State. While he agreed with the last speaker that the interests of every man who found gold should be protected, yet in the case of the Ivanhoe Venture it should be remembered that the ground occupied by the alluvial men was not the main shaft; it was ground in the immediate vicinity. He was a member of the committee at the time, and foreseeing that something of the kind might be done he moved that no member should go near the main shaft of the Ivanhoe Venture lease. That motion was carried; but afterwards when it became recognised that the Ivanhoe Venture Syndicate were taking every technical advantage they could to obtain more than was justly their right, and when a Judge of the Supreme Court declared upon evidence before him that the alluvial men had a right to go within close proximity of the shaft, the alluvial men took advantage of their position. That judicial decision, and the course of action which the alluvialists took on it, caused a number of people who were previously in favour of the dual title to change their minds, and they did not take the trouble to consider whether any amendment of the law as it existed could reasonably be made. There was below the alluvial ground a fair number of leaders, four or five, but there was nothing to show that those leaders were workable. So far as the Ivanhoe Syndicate maintained that they were looking for reefs, they had every opportunity of finding them if they could. Therefore it did not seem that they were so badly used by the alluvial men who went on the ground. The Minister now said he wished to avoid raising a feeling of insecurity of title. But people would always raise the cry of insecurity as to title when it paid them to do so. Whatever trouble occurred on other companies' leases was built on this question alone, that if alluvial men came on the ground, a company might not be able to sell that ground for a large sum of money. Up to the present, however, none of that ground had been sold; so the only practical effect was that those companies were prevented from floating some "wild cats." He agreed with the

mover of the new clause, that in future under this Bill there would be large leases held by companies and only a small portion of the ground worked in each case, therefore the rest of the ground should be available for alluvial gold seekers. The Minister had power under the Bill, in the case of amalgamated leases, to grant permission for men to work portions of the ground which the company were not working; and surely it would be fair that the Minister should also have power to grant a right to alluvial miners to go on portions of the ground for the purpose of seeking for alluvial gold. If large areas were taken up in future by persons who desired to sell portions of them, the effect would be that a good deal of ground that might develop alluvial would be locked up in those leases. Seeing that the cost of a miner's right was to be reduced under the Bill, it would surely be well to make provision by which alluvial miners could develop ground which companies were holding unworked.

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

Ayes	...	...	8
Noes	...	...	18
Majority against		...	10

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Daglish	Mr. Burges
Mr. Hastie	Mr. Diamond
Mr. Holman	Mr. Ewing
Mr. Johnson	Mr. Ferguson
Mr. Reid	Mr. Gardiner
Mr. Wallace	Mr. Gregory
Mr. Taylor (*Teller*).	Mr. Hassell
	Mr. Hayward
	Mr. Holmes
	Mr. Hopkins
	Mr. James
	Mr. Oats
	Mr. Pigott
	Mr. Rason
	Sir J. G. Lee Steere
	Mr. Stone
	Mr. Higham (*Teller*).

Proposal thus negatived.

MR. TAYLOR: Having lost his first proposal, the second one was practically useless.

THE MINISTER: Quite a different thing.

MR. TAYLOR: Provision was made in the Bill in connection with this matter. He would not move the second proposed new clause, but would deal with the amalgamation of leases when the Bill was recommitted.

THE MINISTER FOR MINES: Clause 65 dealt with the matter referred to in the hon. member's second proposal. It was slightly altered to allow of minerals as well as gold being mined for.

First Schedule—agreed to.

Second Schedule:

MR. HASTIE: Members would see that several locations were exempted from the operation of the Bill. These locations were held by the Hampton Plains Company. The position of the Hampton Plains Syndicate was plainly stated in 1898, when the last Parliament was dealing with the question, and a few sentences from a speech by the Minister for Mines on that occasion would show members how the matter stood. The Minister then stated:—

> The next part of the Bill deals with the Hampton Plains Estate, which is private property. That land, as hon. members know, was granted to the Hampton Plains Syndicate some years ago, when Western Australia was a Crown colony. The company was first granted the land with the full right to all minerals on it, but when the grant was sent home to England for approval, the Home Government objected to give away those mineral rights absolutely. The grant came back accompanied with a clause for insertion in the Land Regulations, permitting the Hampton Plains Syndicate, or any other owner of land, to mine on their land on condition that they paid a royalty of 2s. per ounce on the gold won.

The clause was afterwards inserted in the Bill, and became law. That obtained until the year 1898, when some understanding was come to between the company and the Government by which the company agreed to open their ground on the same conditions as those relating to Government land, with the proviso that the company should be entitled to retain certain blocks for their own use, and that no one would be allowed to work on those blocks. Whether they were alternative blocks or not he could not say; perhaps the Minister would tell the Committee. From 1898 to the present time that law had been in force. Up to the year 1898 the Hampton Plains Syndicate were able to work for gold provided they paid two shillings for every ounce of gold won. A considerable amount of gold was got on their ground directly or indirectly, but he was not aware whether in any case the royalty was paid. The State received no money. In 1898 the company agreed to liberalise their conditions, but he did not know whether the terms had been appre-

ciated as they ought to have been. He believed people, in spite of the more liberal conditions, had not so much confidence in prospecting on the ground of the Hampton Plains estate as on Crown land. He wished the Minister to give a reason for that. The conditions applying to the Hampton Plains estate had been changed in the past and the result had not been satisfactory. If Parliament had the power to change the conditions in 1898 Parliament had equal power to change the conditions in 1903. In 1898 no power was asked to deal with any land that had been alienated before the advent of Responsible Government. The Bill practically provided that the present arrangement with the Hampton Plains Syndicate was not required, and he asked that the schedule should be struck out so that the Hampton Plains property should be treated in the same way as other property was before the advent of Responsible Government. He moved as an amendment,

That the schedule be struck out.

[Mr. Harper took the Chair.]

The MINISTER FOR MINES: Personally, he did not know much about the arrangements made with the Hampton Plains Company, nor had any business taken place with them during his term of office. The only information we had was in the draft agreement in which the concession made to the Hampton Plains Company was set out, and by that agreement in writing dated 18th June, 1890, between the Governor and the Hampton Plains and Railway Syndicate it was agreed that the Governor should sell and that the syndicate should purchase 216,000 acres of land under certain conditions. The purchase was duly completed by the syndicate. It was one of the terms of the agreement that the Government should grant to the syndicate on their application a permit to work all the metals reserved by the Crown grants of the land in accordance with the regulations authorising the permit. By the agreement the Hampton Plains Company were to have a permit from the Crown Lands Department and they were to pay 2s. an ounce for gold won. In 1898 a Bill was passed by which the Hampton Plains Syndicate were granted the right to the precious metals without paying royalty, conditionally on facilities being given for the prospecting and the development of their areas. An Act was passed giving the company certain facilities, and that Act said that the respective owners should from time to time, with the approval of the Governor, make or amend or repeal regulations for the management of the gold-mining on their lands. Although he did not think the Committee would be justified in repealing the schedule, he thought we would be justified in making an alteration so that the Governor-in-Council should have power to make the regulations. The Governor should make the regulations, and the regulations of the State should equally apply to the Hampton Plains Syndicate.

Mr. Hastie: What were the material points in the existing regulations?

The MINISTER FOR MINES: These he did not remember, but they were fairly liberal. Before the recommittal stage he would have sufficient copies provided for members' perusal. If the regulations were now considered unfair, alterations could be made in Clause 55, dealing with mining on private property. The regulations of the company had to be published in the *Government Gazette*, and there were penalties for breaches of them. To strike out the second schedule would be hardly justifiable, and would not achieve much, because its purview was covered by portions of the Mining on Private Property Act of 1898, which were saved by the first schedule of this Bill. To strike out the whole of the second schedule, thus abrogating an agreement made prior to Responsible Government and ratified in 1898 by a special Act, would be hardly just. The company might have granted many leases under their regulations, and any action taken now might injure the lessees. Nevertheless, if Parliament in 1898 had power to give the company a right to make and vary regulations with the approval of the Governor, we should be justified in altering the law by insisting that the company's regulations should conform to the mining regulations of the Government. By the first agreement with the company the Government had the right to 2s. an ounce royalty; and as that was remitted, it was surely not unreasonable

that the Government should dictate the regulations.

MR. HASTIE: Was any royalty ever paid?

THE MINISTER said he did not think so. A good deal of alluvial had been found.

MR. TAYLOR: Did this schedule deal with other than Hampton Plains land?

THE MINISTER: No.

MR. BATH: Originally the Hampton Plains Company had to pay 2s. an ounce royalty on all gold, the Crown reserving minerals. Mining members in 1898 could not have been very wide awake to allow that royalty to be remitted, and the company to make regulations governing prospecting and mining, which regulations, while subject to Parliamentary sanction, were disadvantageous to the country. Yet this was allowed without debate, after explanation by the then Minister for Mines. He (Mr. Bath) having had an interest in a lease of Crown land between two Hampton Plains blocks, had heard from prospectors on the company's land that they had to pay £1 per year for a license, and that the company reserved all timber and firewood on the property, and also a right to purchase the mining claims. Reserving firewood and timber made it impossible to work claims to advantage. Better revert to the old royalty of 2s. Then, if the company did not within a reasonable time work gold or minerals, the Crown could give the right to do so under the private property provisions of this Bill. If reasonable facilities and security of tenure had been granted to prospectors, this large extent of country, bounded on the north and south by auriferous land, would have contributed more largely to our gold yield.

THE MINISTER said he had never heard any complaints.

MR. BATH: Complaints had been made.

MR. HASTIE: As the information before us was insufficient and would be supplemented on recommittal, he withdrew his amendment to strike out the schedule.

Amendment withdrawn.

Schedule put and passed.

Title—agreed to.

Bill reported with amendments.

FACTORIES BILL.

IN COMMITTEE.

MR. HARPER in the Chair; the PREMIER in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation, Factory:

MR. PIGOTT: When the select committee were taking evidence, it was generally accepted that the definition of a "factory" should be altered so as to make a factory a place where four or more persons were employed. The reasons given were chiefly that many small factories might be started in this State by one or two persons not in a position to take up land and erect a substantial building; and that if such persons were to be brought under the provisions of this measure, probably they would never start at all. As an instance of the growth of a small concern into a large one, the establishment of Metters & Company (Perth) was mentioned. He moved as an amendment—

That the word "two," in line 2 of the definition of "factory," be struck out, with a view of inserting "four" in lieu.

He hoped other members of the select committee would speak on the point.

THE PREMIER: Members were familiar with the arguments on both sides of this question. The object of inserting "two" was to prevent an evasion of the measure, and no one supposed that an ordinary factory would consist of only two employees; but the experience of other countries showed that evasions occurred where the number in the Act was fixed at more than two. The definition was taken from the Queensland Act of 1900, which he believed was the most recent Act in the States. In that State they had reduced the number from six or four to two: in New Zealand the number was two, and in Victoria and New South Wales it was, he believed, four or six.

MR. WALLACE: The amendment should not be carried. A prominent factory owner had expressed his approval of this provision in the Bill, the object of which was to deal with cases in which work was given out as piecework to other than white people.

MR. HIGHAM: It seemed absurd to place on a small industry such restrictions as would apply to large establishments. Seeing that four was the number

mentioned in the Victorian Act, we might adopt that number in Western Australia. With the exception of the member for Mt. Magnet, the select committee were fairly unanimous, and agreed to recommend the substitution of "four" for "two."

MR. JOHNSON: Whilst the evidence before the select committee was in favour of having a Factories Act, it was also in favour of substituting four for two in the definition of "factory." One recognised the point raised by the Premier, however, that if we fixed the number at four we should have a lot of trouble in administering the Act. He believed that those who gave evidence before the select committee were not conversant with the Acts in the other States. The principal witness was Mr. Dunlop, president of the Chamber of Manufactures, who was in favour of a Factories Act provided that the number in the definition were "four," his view being that if the Act applied to a place where only two were employed, it would tend to retard the establishing of industries in Western Australia. That witness was not aware that four had been tried in the other States and had proved a failure, so that it was necessary to reduce the number to two. The clause should be passed as printed.

Amendment negatived, and the clause passed.

Clause 3—Inspectors may be appointed:

MR. PIGOTT: The main objections to the Bill could be overcome if we made provision that inspectors could have under their control the inspection of factories with regard to all matters—sanitary, health, accommodation, air-space, and everything that came under the Act. The select committee reported thus:—

> Your committee recommend the adoption of a Factories Bill making the control of factories the special duty of inspectors possessed of suitable knowledge and capacity to deal with all matters referred to in the Bill now before Parliament, as well as general health provisions. One or more of such officers should be able to devote their whole time to factory work. Inspection in the past has not been so frequent as it should have been, because of the numerous other duties the health inspectors are required to perform, and because of the lack of clearly defined powers under the Health Act. Your committee consider provision should be made to empower the factory inspectors to carry out all provisions applicable to factories in other Acts, such as health and machinery, as soon as such factories are registered. This, we consider, would obviate the subjection of factory occupiers to diverse and conflicting requisitions from several inspectors.

If the system of registration of factories was to be brought into force and the Bill became law, it was only a fair thing that the House should take into consideration the effect the Bill would have upon factories. Unless some provision were made with regard to the number of inspectors, we might be doing a very grave injustice, and placing certain hardships on certain factory owners in Western Australia. One could not understand why one man should not be able to go through a factory and make his report on it with regard to all the Acts in force at one of the same moment. If we passed the Bill, and if inspectors under the Local Board of Health and Central Board of Health were allowed to continue, the position would be that the inspector of the central board would condemn the order of the inspector of the local board, and the inspector under the Factories Act would pay a third visit and condemn the order of the inspector of the central board. There were not many factories in Western Australia, but the Bill was drafted on all factory legislation of the world. If the Bill was good enough to apply to Great Britain where there were thousands of factories in which millions of people were employed, it was absurd to say that we were helping the position of the factory owner in this State by bringing the same pressure to bear upon him. The Bill was not necessary, considering the few factories there were in the State. It was a terrible disgrace that the power given to the local board and to the central board had not been used in such a way as to keep the few paltry factories we had in good order and condition. All the evidence taken before the select committee showed that any request made by an officer, either of the central board or of the local board, was immediately adopted. In the report laid on the table of the House at the instance of the Premier a number of matters were complained of, but the evidence before the select committee showed that nearly all the matters complained of had been altered, which meant that until the report was demanded by the Premier the inspectors had not gone round and asked

that alterations should be made or that proper health conditions should be provided, and that as soon as the inspection was made certain alterations were carried out. If the officers who had made the report at the instance of the Premier went round and visited the factories to-day, they would have a very different tale to tell. It seemed we were in this matter piling up too many Acts to deal with one class of people. He had been twitted that he was wrong in calling this class legislation; but we had given full powers to the central board and local board to deal with every matter contained in the Bill, with the exception of the matter of the employment of children and women. These matters were the principal features of the Bill, and it was in order that some pressure might be brought to bear on the hours of labour of women that the Bill had been introduced. Probably the Premier did not have that matter solely in view, but the people backing up the Bill believed in it for that reason only, for they would admit that every other matter could be fairly dealt with by the powers vested in the central and local boards of health. However, from the evidence taken, one could come to no other conclusion than that these bodies had not done their duty with regard to inspection. On that account he had agreed with the opinion formed by the rest of the committee, that a Factories Bill should be passed only on the one condition that special inspectors should be appointed, and that the work which ought to be carried out by the local board should be taken entirely out of their hands and placed in the hands of inspectors appointed under the Bill. If no such special provision was made, a great deal of harm would be done and a great deal of trouble would eventuate among factories. For that reason he had brought this matter forward, but he did not think that the Bill would be reached so soon, or he would have had some amendments on the Notice Paper. He would ask the Premier to withhold the Bill for a day or two to allow one or two small amendments to be put on the Notice Paper, one specially dealing with this particular clause. If the Premier would agree to that, and if the House would agree to put the inspection of factories in the hands of one body, so that the manufacturers would not be hampered and humbugged about by having half-a-dozen different inspectors worrying them at all times, he would do his utmost to help to carry the Bill through. The House was with one accord in favour of a Factories Bill going through, and he humbly submitted to the decision; but in regard to this question the House might fairly support him so that the Bill might be made a fair one, and one that would not in any way act harshly on the factory owner.

THE PREMIER: There should not be a needless number of inspectors. He intended to move the following amendment:—

> Every inspector shall, for the purpose of this Act, have the powers of an inspector duly appointed under the Health Act of 1898, but such powers shall be exercised under the direction and control of the Central Board of Health. It shall be the duty of the inspector to report to the Central Board of Health and Local Board of Health every offence against the provisions of the Health Act of 1898 which may come under his notice.

All it was necessary to provide was that the inspector under the Act should have power to deal with any offences against the Health Act he might see in the course of his inspection. The hon. member would not suggest that we should give to the inspectors of the Local Board of Health the powers of inspectors under the Act.

MR. PIGOTT: The powers should be taken from the Local Board of Health and the Central Board of Health. Their inspectors should not be allowed to inspect factories at all.

THE PREMIER: It was intended to provide that certain inspectors should exercise the powers conferred by the Act, and also the powers of inspectors under the Health Act of 1898.

MR. PIGOTT: That did not prevent the Local Board of Health and the Central Board of Health sending their inspectors to factories.

THE PREMIER: After all, the Central Board of Health was the central authority on health matters. The intention would be to give to a factory inspector the power and status of a central board inspector so that he could do the work of both. The clause would therefore render it unnecessary for a local board inspector to carry out an inspec-

tion. If the Local Board of Health desired to carry out an inspection other than for the purposes of a Factories Act, why should they not be allowed to do it. [MR. PIGOTT: For what purpose?] In connection with ordinary sanitary services, for instance. The clause went far enough. He did not know if the hon. member thought it at all likely that the local board would interfere with matters of this kind. He (the Premier) questioned if they had the power. If a special Bill was passed saying there were special rules applicable to factories, he did not know if a Local Board of Health would have the right to interfere as to the requirements made by the Bill.

MR. PIGOTT: All provisions as to sanitation and health were in the Health Act.

THE PREMIER: The Health Act went farther than this Bill. The Bill contained provisions that ought to apply to a factory as a factory. There might be some conditions necessary to places that were not factories and were not used as such. The main difficulty would be overcome if power was given to the inspectors under the Central Board of Health to carry out provisions under the Bill. He would look into the matter farther.

MR. DAGLISH: While disagreeing with the diatribes of the leader of the Opposition in regard to this and similar legislation, he agreed with the opinion of the leader of the Opposition in regard to the overlapping of inspection, and the suggestion of the Premier would hardly meet the case raised. The Bill proposed that certain regulations should be framed. Under these regulations the factories inspectors would work, and if these regulations were made as inclusive as possible, the necessity for the central board or local board to interfere with the supervision of factories was gone. The great danger was that the Local Board of Health might send inspectors to factories, and the factory inspector might have issued certain orders as to health matters which the local inspector might say were unnecessary. This would cause friction between the factory owner and the factory inspector. That was the great danger. He had seen it already in the conflict of opinion which prevailed between the local board inspector and the Central Board of Health inspector. The Local Board of Health inspector might go to a dairy and issue certain instructions as to the improvement of that dairy, and the improvements be carried out. Later the inspector from the central board might visit the premises and issue instructions requiring farther improvements. The dairy keeper who had complied with the local inspector's instructions would think he had a grievance with regard to the expenditure of more money in carrying out farther improvements. The second expenditure might be unnecessarily great in comparison with that required, if the whole demands had been made in the first instance. He foresaw the possibility of the same thing arising in the administration of the law if we had three authorities, the factory inspector, the local board inspector, and on top of both the central board inspector. In the other States the central board's instructions varied from time to time. The instructions given one month were more stringent than those given the previous month. The changes occurred when there was a change in the personnel of the board, also with changes of inspectors. While he was anxious to see the measure on the statute-book he wished to see no hardship imposed on factory owners, therefore he joined with the member for West Kimberley, though for somewhat different reasons, to concentrate in the factory inspector the one official who would have the right to demand admittance, or to interfere with the health, sanitation, and other arrangements of factories.

Clause put and passed.

Clauses 4 to 18—agreed to.

Clause 19—Observation of awards of Arbitration Court:

MR. PIGOTT: For some reason the inspector under the Bill had to make inquiries to see that the awards of the Arbitration Court were being observed. There was little necessity for that. He knew of no place where work was being carried on and the award of the Arbitration Court not observed. If the award was not being observed, the matter would become public very soon. There was no great objection to the clause although he did not see why it was inserted.

THE PREMIER: In nearly every Factory Act, if not all, provisions dealing

with the hours of labour were inserted. That provision had been struck out of this Bill, because we had the existing machinery by means of the Arbitration Court to fix these matters, and Clause 19 was inserted giving the inspector power to see that the provisions of the award were carried out. That clause took the place of the provisions found in other Acts which specifically dealt with the hours of labour in factories.

MR. PIGOTT: If the employer broke the award the employees would soon complain.

THE PREMIER: There was a great deal of argument in favour of those who contended that a Factories Act should deal with the hours of labour. Personally he thought Clause 19 a good one. It could do no harm; on the contrary, was more likely to do good. An inspector would protect the employer as well as the employee.

MR. PIGOTT: The reasons given by the Premier did not warrant the inclusion of the clause. The question of the hours of labour was threshed out in the Arbitration Court, and the employer knew what the award was. If the award was not carried out the employer was liable to be punished, and probably would be.

MR. TAYLOR: Yes; fined a shilling.

MR. PIGOTT: By the insertion of the clause we were holding up to the inspectors to be appointed under the Bill the fact that they were supposed to look after the question of the hours of labour and to see that the awards of the Arbitration Court were carried out. The consequence would be that a lot of inspectors would be required, and the inspectors might consider it their duty to go round to the factories every day to see that no one was working overtime beyond that allowed in the Bill. Employers were bound by the awards of the Court, and employees could protect themselves by laying informations against employers.

THE PREMIER: If an award related to hours of labour in a factory, the inspector should inquire as to hours of labour.

MR. PIGOTT: What need for spies to see that awards were carried out? The clause would involve the employment of many additional inspectors.

THE PREMIER: No. It would not involve any more inspection than Clauses 20, 22, 24, and 25, all dealing with persons employed and hours of employment.

MR. PIGOTT: All questions of hours of labour were unnecessary in the Bill, seeing that we had an Arbitration Act.

Clause put and passed.

Clause 20—Hours of labour of women and boys:

MR. HIGHAM: Subclauses (*e*) and (*f*) provided that all work must be done between 8 a.m. and 6 p.m., with an extra quarter-hour for boys. Would the overtime provided for by Clause 22 be outside the hours here specified?

THE PREMIER: Yes; else it would not be overtime.

Clause passed.

Clauses 21 to 32—agreed to.

Clause 33—Proceedings as to nuisances or sanitary defects may be taken under other Acts:

MR. PIGOTT: The power given to the inspector by this clause was given by the Health Act also.

THE PREMIER: The matter would be looked into.

Clause passed.

Clause 34—Rules to be observed to prevent accidents from machinery:

MR. PIGOTT: Had not this been provided for in the Inspection of Machinery Bill recently sent to another place?

THE PREMIER: It had.

Clause passed.

Clauses 35 to 45—agreed to.

Clause 46—Iron buildings to be lined:

MR. FERGUSON: This clause was unnecessary. In many trades, unlined iron buildings were quite suitable.

THE PREMIER: The clause was not mandatory. If an inspector required a building to be lined, the owner could appeal.

Clause passed.

Clauses 47 to 49—agreed to.

Clause 50—Hours of employment for carters:

MR. PIGOTT: Did the Premier believe he could regulate the hours of employment of any class of carter within the State or even within the metropolitan area? If the clause applied to all carters it would be unobjectionable; but the matter could be settled by the Arbitration Court.

THE PREMIER: Had not the clause been inserted in consequence of a motion

made last year by the member for Subiaco (MR. Daglish)? Certainly the Bill was intended to prescribe hours of labour for women and boys, not for men.

MR. DAGLISH: Similar legislation was in force in some of the other States.

MR. PIGOTT: Where they had no arbitration.

MR. DAGLISH: Many carters employed in different factories did not belong to any specific union, and this proposal would have a beneficial effect.

MR. PIGOTT: Had they asked for this protection?

MR. DAGLISH: Undoubtedly. If the Arbitration Court improved the position of any particular carters regarding the number of hours worked, such men as those to whom he had referred would benefit. No one would object to the clause on the ground that the hours were too short, for a day of ten hours was, if anything, too long. Even if the clause did no good, it would do no harm.

THE PREMIER: The carter we were dealing with here was either employed in or about a factory or not. If he was not, the clause should not exist; whilst, on the other hand, if he was, why should we have special legislation for one class employed about a factory and not for others?

MR. ATKINS: There must be longer hours for carters than for ordinary labourers.

THE PREMIER: This clause allowed for 60 hours per week.

MR. ATKINS: Why interfere with one class of labour more than another?

MR. FERGUSON: The hours mentioned in the clause were too long.

MR. JOHNSON: Carters could work fewer but not more hours than at present. An award only applied to some carters, whereas there were hundreds and thousands of others.

THE PREMIER: The clause ought not to be in.

Clause put and negatived.

Clause 51—Registration of Asiatics:

MR. PIGOTT: Instead of doing good, this clause might do a lot of harm. Now we had free intercourse between all the States and all classes of people, he could not see how workers were going to benefit by shutting out any Chinese who came to this State from the Eastern States to make furniture. If the clause were passed there would be fewer Chinese employed here in manufacturing, and the quantity of imported furniture made by Chinese would be doubled soon after the passing of the Bill. Evidence given before the select committee showed that for particular work Chinese earned as much as £5 or £6 per week. These men were specially adapted for the manufacture of furniture, which was sold at a very low rate, notwithstanding the big wages paid. If this clause were passed, such furniture would still be sold in Western Australia, but instead of being made here it would be made in the other States of the Commonwealth or in the United States of America.

MR. DAGLISH: We were not bound to have free-trade in Chinese labour as the result of Federation. As to the argument that if we passed this clause work now done in this State would be done in other States, and we should lose the benefit of having the work done in our midst, he denied that there was any benefit in having that work done here. Wherever Chinese lived in a European city, they simply formed in the centre of that city a plague spot, and they were a nuisance not only from a health point of view, but from a moral point of view. As a clause more sweeping than this was likely to be passed by that State where the greatest amount of Chinese work was done—Victoria—one failed to see how it was possible, if other States combined in this legislation, for the Chinese furniture trade to be greater than it had been hitherto. He would like to apply the rule it was proposed to apply to Chinese working in factories to Chinese market gardeners and Chinese in other avocations, including those engaged at the Weld Club, Fremantle Club, and private establishments.

MR. PIGOTT: It was surprising that the Premier had not said anything on this point, because behind this matter was the question of the rights of these people now amongst us. Would they have no rights at all?

THE PREMIER: We were protecting their rights.

MR. PIGOTT: Did the Premier think that these people should be prevented from earning a living in Western Australia?

THE PREMIER: We allowed them to do that, but we did not want any more of them here.

MR. PIGOTT: A law had been passed by which we prevented an increase of immigration by Chinese in Western Australia, but there were many thousands in Australia, and he wanted the opinion of the Premier as to what was right and just with regard to these people—whether they should be debarred from obtaining employment, or if they were in certain employment whether they should be kept to it and not allowed to go to any other employment, or whether the Premier thought it would be a wise action on the part of the Governments in Australia to buy these Chinamen out and send them away, or whether it would be wise that Australia should pass laws so stringent as to prohibit their getting employment at all. The Premier had never given his true opinion on the matter, and he should give his candid opinion as to how the position was to be remedied.

THE PREMIER: As to the remedy every man had his opinion. The hon. member was incorrect in saying that he (the Premier) had not expressed an opinion on Chinamen once they were in the State, for last session he had said, in opposition to an amendment making the provision more drastic, that while they were in the State and had employment their right should be preserved. The clause preserved their right and provided that any person carrying on business in a factory on 1st November, 1903, should be entitled to register, other qualifications being satisfactory, just as a European could, and by the Subclause (*b*) it was provided that any Chinaman employed as a workman in a factory on that date could continue to be so employed.

MR. PIGOTT: Could a person now growing vegetables obtain other employment?

THE PREMIER: The man was judged as he was found to-day.

MR. PIGOTT: The Government desired to confine him to one single class of work.

THE PREMIER: There was no desire to confine him at all. If these people were now employed in a factory, they could still continue to be employed or engaged in a factory. In other words, the Government did not desire to increase the number of alien owners of factories or Chinese workers in factories. That was a fair position. He did not agree with the idea that because Chinamen were here they had no right to work. It was because he desired to preserve their right that Clause 51 was worded as it was. A great many members desired to go farther.

MR. DIAMOND, as a member of the Fremantle Club, said the member for East Kimberley was also a member of it, and both were absolutely opposed to the employment of Chinamen in the club; but unfortunately the majority of club members were against the exclusion. They hoped one day to convert the other members of the club. The principal question was whether it was desirable for alien labour to manufacture goods we required. It was a very simple proposition. Chinamen never, by any possibility, could enter into our national life. A Chinaman could never become an Australian colonist under any pretence whatever. He did not bring his women here, and it would be worse if he did. It was quite clearly understood throughout Australia that we were to have a white Australia, a fact which seemed to have been forgotten by the member for West Kimberley. If we were going to make Australia a nation it must be a nation of white men, not necessarily of Englishmen, Irishmen, and Scotchmen, because Germans were just as good colonists. We would not be doing our duty to the people if we did not keep the coloured people out of our national life. What were the rights of these coloured people? They had no rights. They had never been asked to come to Australia, and they were absolutely of no use to Australians. Lately the restrictions against them had been so strong that it was not easy to obtain Chinese servants.

THE CHAIRMAN: The hon. member was departing from the clause.

MR. DIAMOND: Every possible restriction should be made against the employment of these aliens in our national industries. Their employment did harm and would never do good. These aliens could never be citizens, but kept our own flesh and blood out of employment. Even if they did the work cheaper, it was a loss to the community.

MR. F. CONNOR moved as an amendment:

That in line 2, all the words after "factory" be struck out.

We might as well face the question on proper lines. There was no good in fencing it. It would now be a question as to whether we were going to have coloured labour or not. We should face the question fairly. The Premier must support the amendment, because he favoured the idea nearly nine years ago, when he was most enthusiastic upon it. He (Mr. Connor) was equally enthusiastic then, and had not departed from the position he took up. If we desired to be consistent with the idea of the Young Australia party, that we did not want any coloured labour in Australia, but wanted a pure white race and not a piebald race, we should adopt the amendment. The Premier's sympathies would be with the amendment, although his policy might not allow him to support it.

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

Ayes	11
Noes	12
Majority against	1

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Connor	Mr. Ewing
Mr. Daglish	Mr. Ferguson
Mr. Diamond	Mr. Gardiner
Mr. Hastie	Mr. Gregory
Mr. Holman	Mr. Hassell
Mr. Johnson	Mr. Hayward
Mr. Pigott	Mr. Hopkins
Mr. Reid	Mr. James
Mr. Wallace	Mr. Rason
Mr. Burges (*Teller*).	Mr. Stone
	Mr. Higham (*Teller*).

Amendment thus negatived, and the clause passed.

Clauses 52 to 63—agreed to.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at twenty minutes past 10 o'clock, until the next day.

Legislative Assembly,

Wednesday, 28th October, 1903.

THE SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the PREMIER: By-law for Collie Municipality.

Ordered, to lie on the table.

QUESTION—CATTLE DIPPING, FREMANTLE.

MR. HASSELL asked the Minister for Lands: 1, Whether it is a fact that a number of East Kimberley cattle are to be dipped at Fremantle. 2, Whether the said cattle have been dipped before being shipped. 3, Whether they will be allowed to go at large or to be distributed in the State after dipping.

THE MINISTER FOR LANDS replied: 1, It is not anticipated, at this late period in the shipping season, that many cattle will be available for dipping. Those available will be dipped if owners desire it. It is the wish of the Government to make all the experiments possible. This course is being pursued. 2, No. 3, This will depend on the results gained. It is not intended to formally dip cattle and release because of that formality. An application for the release of dipped stock will be treated on its merits.

QUESTION—SHEEP DIPPING, WHY COMPULSORY.

MR. HASSELL asked the Minister for Lands: Under what Act of Parliament the compulsory dipping of sheep in the South-West district, as gazetted, is authorised.