

MR. TAYLOR: No provision was made for a man holding a reward claim to record his vote.

THE PREMIER: Provision could not well be made for such persons. After all, there were not many men in the State who would come under the provision, and we could not begin to legislate for special conditions.

MR. HASTIE: There were hundreds of people who had reward areas and prospecting areas.

THE PREMIER said he was referring to reward claims.

MR. HASTIE: Those were just in the same position, and the Premier refused to allow the occupiers to have a vote for the Upper House.

MR. CONNOR: It would be advisable to make the value £6. Under the labour conditions one man fulfilled the labour conditions for a 6-acre lease, which was of the value of £6 a year.

MR. HASTIE: If the hon. member had not assured us that he knew so much about mining, one would think he knew nothing of it; because the regulations provided that the number of men must not be less than two.

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

Ayes	11
Noes	16
Majority against				5

AYES.
Mr. Bath
Mr. Connor
Mr. Daghish
Mr. Diamond
Mr. Hastie
Mr. Holman
Mr. Johnson
Mr. Nanson
Mr. Reid
Mr. Taylor
Mr. Wallace (Teller).

NOES.
Mr. Atkins
Mr. Burges
Mr. Butcher
Mr. Ewing
Mr. Gardiner
Mr. Gordon
Mr. Gregory
Mr. Hassell
Mr. Hayward
Mr. Holmes
Mr. Hopkins
Mr. Jacoby
Mr. James
Mr. Rason
Mr. Yelverton
Mr. Higham (Teller).

Question thus negatived.

Amendment (ten) put and passed.

MR. HASTIE regretted that he had had to make so many proposals and remarks on this clause; but its great importance was his justification.

Clause as amended agreed to.

On motion by the PREMIER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10.55 o'clock, until the next day.

Legislative Council,

Thursday, 13th August, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: By-laws for registration of camels and licensing camel-drivers under the Roads Act. Public Works Report, 1902. Lands Titles Report, 1902. Surveyor General's Report, 1902. Under Secretary for Lands Report, 1902.

Ordered, to lie on the table.

QUESTION—JUSTICES OF THE PEACE, QUALIFICATIONS.

HON. J. W. WRIGHT asked the Colonial Secretary: 1, What qualifications are necessary for a Justice of the Peace. 2, If in making appointments to the Commission of the Peace, due regard is given to such qualifications.

THE COLONIAL SECRETARY replied: 1, There are no statutory qualifications. If a candidate is of good character, well known, and a resident of some few years' standing, he is qualified to be appointed should there be any need to appoint a Justice in the district in ques-

tion. 2, Before making any appointment, the members for the district and province are, as a rule, advised.

FERTILISERS AND FEEDINGSTUFFS ACT AMENDMENT BILL.

Introduced by the COLONIAL SECRETARY, and read a first time.

PEARLSHELL FISHERY ACT AMENDMENT BILL.

Introduced by the COLONIAL SECRETARY, and read a first time.

DOG ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: I have, as it were, to reintroduce to hon. members an old friend. This Bill is very much on the lines of the measure introduced into and passed by this Chamber during last session, which Bill, however, expired through effluxion of time or from some other reason, before reaching maturity. The measure, which is modelled on the legislation of both South Australia and New Zealand, has been asked for by various municipalities in order that registration of dogs may be more complete and more easily ascertainable. The principal features of the Bill comprise simplification of registration, legalising of a system of affixing to registered dogs certain discs—a system which, I may mention, has been introduced already, without statutory authority in some parts of the State by local governing bodies—and also the more definite fixing of the status of those local bodies as regards both administration of the measure and collection of the revenue resulting from the operation of the measure. Hon. members will at once see the good points of what I may call the disc system. I understand that the disc to be provided will be numbered and will bear imprinted on it the name of the owner of the dog, so that for one thing the disc provides a sort of automatic register of the ownership of dogs. Thus, in cases where dogs are at fault, it will be easy to find out who is the owner, and who, therefore, should be liable for any damage done by the animal. Hon. members will have an impression—I am sure the impression

has been conveyed to my mind—that every session seems to bring a Dog Bill. This may be so, and the present measure is intended to consolidate the three Dog Acts now on the statute-book.

MEMBER: Will this Bill entirely supersede the Acts now in existence?

THE COLONIAL SECRETARY: Yes. If the hon. member will turn to the first schedule of the Bill he will see that three Acts are repealed, namely No. 13 Vict., 47; No. 10 Vict., 49; and No. 12 Vict., 63. These Acts, which comprise all existing legislation regarding dogs, are repealed by the Bill. Hon. members will observe that certain clauses of this measure, which is introduced in this House as a matter of legislative convenience, we shall not be able to pass an opinion on, since the clauses impose taxation. Those clauses will be inserted in the measure when it reaches the Legislative Assembly. The most important clause of the Bill is, of course, the interpretation clause, which sets forth that a district means a municipality or road district, and wherein a local authority is defined to be the municipal council or road board as the case may be. Clause 4 fixes definitely the ownership of dogs, if there be a dispute. Clause 5 contains an innovation, and I think an important innovation. Hitherto it has often been the practice for persons to omit to register their dogs, and it has frequently happened that when summoned before the police court they have been fined a very moderate sum, say 3s. 6d. or something of that sort, and allowed to depart. In this case, it is proposed that the fine shall not be less than 10s. above the amount of the fee payable in respect of such registration. Clause 6 provides for certain registration officers in the various districts of the local authorities who have to administer the Act. Clauses 7 and 8 deal with farther details of registration. Clause 9 provides that every registration label shall be a metal disc of the prescribed size and shape, on which shall be inscribed the name, district, the year of registration, and the registration number. I have already mentioned that the practice of using discs, which is, as it were, a sort of outward and visible sign of registration, is in vogue in some districts, and it is proposed by this Bill to

give legislative authority for the same. [MEMBER: Who will collect the license fees?] The license fees will be collected by local authorities. Clause 10 provides for the registration to be renewed yearly, and Clause 11 provides for the registration of dogs not kept within a district. I may say, for the benefit of members who represent places beyond districts—there are not many places beyond districts in Western Australia now—that I do not think this will work any great alteration in the method of registration or in the number of dogs registered in outside places. I think the registration of dogs is more honoured in the breach than in the observance in some of these remote localities and I suppose it will continue so.

HON. J. W. WRIGHT: Will there be a registration of wild dogs?

THE COLONIAL SECRETARY: They are on the waste lands of the Crown. Clause 12 provides that the registration of dogs shall extend all over the State. Clause 13 provides for change of ownership. Clause 14 provides for a sort of transfer list of dogs so that the ownership of a dog may be to some extent fixed and easily ascertainable. Clause 15 provides that a receipt shall be *prima facie* evidence of registration and ownership. Clause 17 provides a penalty for removing the collar or disc from a dog. Clause 18 is the usual clause conferring power on the police or authorised officer of the local authority to seize stray dogs, and it provides farther for the care and subsequent sale or destruction of dogs. Clause 19 is a machinery clause, providing for the method of serving a notice. Clause 20, which is a very good clause, provides a penalty for allowing sluts to be at large at certain times. Clause 21 gives power to the owner or occupier of enclosed lands to destroy trespassing dogs not under control. Clause 22 provides for penalties which shall be enforced against the owners of dogs attacking persons, horses, cattle, sheep, poultry, or any domestic animal. [MEMBER: What does the hon. gentleman call a domestic animal: a cat?] A cat. Perhaps, "poultry, or any domestic animal" might be eliminated. Clause 23, although found in our present legislation, is an interesting one, and I am sure it must be so to the dogs, because it deprives these animals of a

right which they have had for very many years, and which I believe they still hold in England—that is the right of what is technically known as the "first bite." Hitherto until lately in this State dogs have had a perfect right to take one piece out of an unoffending stranger, but they must stop at that, and any subsequent maltreatment renders them liable to proceedings being taken. Now it is not necessary for these mischievous tendencies to be brought against a dog's character for him to be classed a vicious animal. Clause 24 provides for a penalty being exacted from persons who set on, urge, or permit any dog to attack, worry, or chase any person, horse, cattle, sheep, or poultry, or any domestic animal as aforesaid, and the penalty may be fairly heavy, not exceeding £20.

HON. C. E. DEMPSTER: You cannot keep a dog on your own land.

THE COLONIAL SECRETARY: I am prepared to consider that point when the hon. member raises it, as I am sure he will do, in Committee. Clause 25 prescribes a penalty for using counterfeit labels, and Clause 26 a penalty for using obsolete labels. In this connection I take it that very many local authorities will adopt a practice which has been in use in South Australia for many years, and change the shape of the disc every year, so that obsolete labels may be at once apparent from their very shape. The clause does not say a label shall be affixed, and I do not know it is absolutely necessary that it should say so. The clause presupposes that it shall be affixed in some manner. It prescribes the penalty for anybody taking the label off, which I think is a legal presupposition that the label must be there. No dog is to go without one. Clause 27 provides a penalty for using a label issued for another dog. I think it will be somewhat difficult to prove that in some cases, but if it is proved, the man offending in this respect shall be liable to a penalty not exceeding £10. Clause 28 deals with a very old subject, that is in relation to dogs that belong to aboriginal natives. The clause gives an adult aborigine the right to keep one dog, provided he keeps it in a healthy and presentable condition. Clause 29 remits the fee for the registration of a dog which is *bona fide* used as a guide to a blind person. Clauses

30 and 31 are machinery clauses, and Clause 32 refers to the appropriation of the fees payable within any district and fines and penalties for the offences committed under this Bill to the local authority controlling that district as part of the ordinary revenue. Clause 33 provides that they shall pay the expenses of administering the Bill out of their ordinary revenue. Clause 34 gives the Governor the usual power for making regulations under this Bill, and is subject to a section which I have already spoken of—Section 11 of the Interpretation Act, which provides that these regulations shall be laid before Parliament within 14 days of their being made if Parliament is in session, and if Parliament is not in session then within 14 days after the assembling of Parliament. I do not think there is anything more to explain. The Bill will, I think, be an eminently workable one with perhaps one or two amendments which I have heard whispered, and the principles of the measure have been in existence in South Australia and New Zealand for some little time past. I have already said that it is asked for and anxiously expected by the local authorities to render their position more definite. I have much pleasure in moving the second reading.

HON. C. E. DEMPSTER (East) : I am fully aware of the importance of having a Dog Act, and it is not my intention to put any obstruction in the way of carrying this Bill. At the same time there are a few amendments which I consider are absolutely necessary for the protection of the unfortunate dogs. I like a dog, and I think anybody ought to like a well-conducted dog, because I am of opinion there is no animal more faithful than a dog. There are many dogs in this State which have been bought at a very high cost, and it would be very unfair to grant power to anybody to destroy such an animal whether it has done any harm or not. It would be very unfair to the owner as well as to the dog. I will first bring under the notice of members a few clauses which I think we ought to amend. First of all there is Clause 21, which says :—

The owner or occupier of any enclosed field, paddock, yard, or other place in which any sheep or cattle are confined, or any person acting under the authority of such owner or

occupier, may, without incurring any liability in respect thereof, shoot or otherwise destroy any dog found at large therein, whether the owner of such dog is or is not known.

I think that would work very unjustly. A dog may be in search of its owner, and I think it would be very unfair to give the owner of any land the power to lawfully shoot and destroy a dog because it is found on his land, whether it has committed any damage or not. Then I would like to see an amendment of Clause 24, which says :—

Any person who wilfully sets on, urges, or permits any dog to attack, worry, or chase any person, or any horse, cattle, sheep, or poultry, or any domestic animal, shall be liable, on summary conviction, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

I think that is a very drastic clause, and I hope the House will be with me in amending it when it comes before us in Committee. The measure says "local authority." Would that mean the roads board or municipal authority?

THE COLONIAL SECRETARY : Both ; each within its own district.

HON. C. E. DEMPSTER : These roads boards in the country districts collect the fees.

THE COLONIAL SECRETARY : They do not collect them, but they get them.

HON. C. E. DEMPSTER : I think they collect them. They do at Northam. I hope that particular clause I have referred to will be amended.

HON. F. M. STONE (North) : Under Clause 9 when a dog is registered a registration label will be obtained, but the measure does not say what one has to do with that label. It does not say one has to put the label on the animal, so that any person may know or be able to ascertain to whom the dog belongs. Clause 17 provides that if a person wilfully removes a label he will be liable to a penalty, and by Clause 18 if any dog is found wandering about it may be seized, and if it has no registration label on it, it can be destroyed. I would point out that a dog may be stolen, and immediately after it has been stolen the label may be taken off, and if the dog be found wandering about without a label it may be killed. A valuable dog may be destroyed by that means.

THE COLONIAL SECRETARY : Three days are allowed.

HON. F. M. STONE : Yes ; but I personally know as a fact that dogs are taken by train from Perth to the goldfields by dog-stealers. Say a dog gets away from the thief in Kalgoorlie, then the animal will be immediately destroyed. Clause 22 provides :—

If any dog rushes at, attacks, worries, or chases any person or any horse, cattle, sheep, poultry, or any domestic animal, the owner of such dog shall be liable to a penalty not exceeding five pounds.

If a horse happens to stray into my paddock, and my dog starts to chase the horse out, I am liable to a penalty not exceeding five pounds ; and the same thing with poultry and other domestic animals. Again, a dog comes into my yard, and my dog attacks the stranger and worries him ; then, again, I am liable to a penalty of five pounds, although a trespass has been committed on my place. Indeed, I should be liable even if my dog were first attacked. Again, I am going innocently along the street, and some wretched cur comes up and walks behind me. Then he rushes to attack some person. There is *prima facie* evidence that the dog belongs to me. What is the result ? The man immediately rushes to the police court, thinking he will get half the penalty, as is the rule in some cases, and he lays an information against me. This simply because the dog was following at my heels.

THE COLONIAL SECRETARY : Is not this stretching things a little ?

HON. F. M. STONE : It is *prima facie* evidence that the dog belongs to me. Clause 22 says :—

The fact that such dog was, immediately before the rushing at, attacking, worrying, or chasing, in company with and had been seen closely following the person complained of, or issued from the premises occupied by such person, shall be *prima facie* evidence that the person so complained of is the owner of such dog.

THE COLONIAL SECRETARY : But you could prove that you did not habitually associate with the dog.

HON. F. M. STONE : The dog is seen at my heels as I go along the street ; the dog follows me for some distance ; and the dog rushes at a man. Then the man goes into the witness-box and swears that he saw the dog following close at my

heels for a few hundred yards, and so he establishes a *prima facie* case. I am put to all the expense of defending the charge ; I am dragged into the police court, and have to suffer, perhaps, some loss of time, for it occasionally takes days before one's case is heard in the police court. All this because a wretched cur followed at my heels. Eventually, the summons may be dismissed ; but I may not be able to get any expenses from the prosecutor. Reverting to the worrying of domestic animals : a lot of cats come into my place and play about during the night. My dog rushes at a cat and attacks it, and the old woman next door, to whom the cat belongs, immediately summons me. Clause 23 I consider rather a good clause. In my opinion, it is absurd that a person injured by a dog should be compelled to prove that the animal habitually attacked people. Clause 24 provides that :—

Any person who wilfully sets on, urges, or permits any dog to attack, worry, or chase any person, or any horse, cattle, sheep, or poultry, or any domestic animal, shall be liable, on summary conviction, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

The same remarks as I made concerning Clause 22 apply to this clause. If I permit a dog to chase a cow out of my paddock, the owner of the cow can immediately rush me into the police court, and I am liable to a fine of £20 or to imprisonment for six months. All that for permitting my dog to rush out of my place a cow which is doing damage there. Again, let us suppose that a person comes into my place at night thieving, and I get up and rush him out : away goes the man off the verandah, and I start the dog after him to catch him. I am immediately liable to imprisonment for permitting the dog to worry the man. Did anyone ever hear of such a thing ? If this Bill passes in its present form, the best thing you can do when you hear your dog bark is to put your head under the clothes. Some parts of the Bill are good, but I do not know where other parts come from. Those other parts are of an extraordinary nature, and the measure will want a deal of amendment in Committee. I do not propose that the Bill should be rejected, because, as I say, many of its clauses are useful ; but the

provisions which have been thrown into the measure without consideration will render it unsafe to keep a dog at all. If the Bill should become law, better let all dogs be shot at once. I have no doubt, however, that in Committee hon. members will recognise the necessity for preventing the occurrence of those hardships which will be inflicted if the Bill be passed in its present form.

HON. C. SOMMERS (North-East): I am pleased at the introduction of this Bill, of which I think a good Act can be made in Committee. The first clause to which I have to take exception is Clause 3. The age there specified, three months, is altogether too young; I should like to see it raised to six months. As regards Clause 5, providing for the registration of dogs, I must congratulate the Government on bringing the provision forward. The fines of 2s. 6d., and even 1s., imposed in the past were altogether too low, and it is quite right that the minimum should be fixed at 10s., in addition to which there is the cost of registration. Clause 20 may be improved by making the fine much heavier. I should be glad to see it fixed at £10. Also, I consider that the slut should be destroyed. As regards Clause 21, it is not to be supposed that because a dog is loose in a paddock the proprietor of the paddock shall necessarily shoot the dog. Mr. Stone appeared to lose sight of the fact that this Bill applies not so much to towns as to country districts. The main object of the measure is to protect stock in the country, by providing a registration fee which shall be heavy enough to prevent people from keeping a large number of dogs. It is not necessarily to be assumed that because a dog is loose in a paddock in which stock are depasturing that the dog may be shot. Clause 23 deals with dogs owned by aboriginals, and many of us know to our cost what a fearful nuisance arises from the keeping of such a large number of dogs by natives. The thing is difficult to prevent, but perhaps the best cure is to prevent aborigines from owning sluts at all. Let each male aborigine own one male dog. I commend the suggestion to the consideration of the House. [MEMBER: The blacks won't be here long.] I speak feelingly on the point, having sustained a loss of valuable sheep through

dogs owned by natives. While on this subject, I desire to read members a few extracts from a memorandum written by one of the largest sheep-breeders in the State and a man of practical experience:—

Sluts come on heat say once every five months. It is easy enough to discern when any slut is in this condition, as the inflamed and swollen state of the sexual organ cannot be disguised. The period of heat lasts altogether about three weeks each time, during which period the bitch should never be allowed to run loose. It would be a good thing to make the penalty for allowing a bitch to run loose during her period of heat a fine not exceeding £20, and the confiscation and destruction of the animal, as there is absolutely no excuse for anyone letting a bitch loose in the street when she is in that condition. It not only leads to a dirty and disgusting state of things, but it also breeds mongrels, and in many instances is the cause of the deaths of really valuable dogs through fighting and poisoning by some irascible householder, who cannot altogether be blamed for his action. The whole crux of the thing is this: prevent the slut from being at large when she comes into season, and there will be no mongrels and no disgusting sights in the street. Fine the owner heavily and confiscate and destroy the animal, and there is the remedy.

Later, the writer says, as regards breeders' licenses, that in the Eastern States a licensing or registration fee of not more than three guineas per annum is charged, covering all registrations. The writer says that when a man breeds dogs in large numbers it is known that he is a *bona fide* breeder, and that his dogs are well cared for, and confined so as not to cause a nuisance. On the whole, I congratulate the Government on the Bill, which, with slight amendments, will make a good measure.

HON. E. M. CLARKE (South-West): It appears that three or four members dropped on the same clauses in this Bill. With few exceptions, I consider the provisions of the measure good. Clause 10 is amongst the best, because there is nothing more disgusting than to see half-a-dozen dogs hanging around a slut. With the few alterations indicated by Mr. Stone, the Bill will be all right.

HON. C. A. PLESSE (South-East): In offering a few remarks on this Bill, I have to state at the outset that my views are largely in accord with those expressed by previous speakers. Two or three points, however, have been missed. One point I touched on during previous sessions, and I was laughed at for doing so.

I now take the opportunity of repeating the statement that until some provision is enacted compelling, not directly but indirectly, the unsexing of male dogs the evils complained of will continue. We compel the horse-breeder to unsex male horses, and, in a large measure, we compel the cattle-breeder to unsex male cattle; and why should we not take the same course with dogs? Why should we encourage the breeding of mongrels? I am with Mr. Dempster in his liking for a good dog, but a good dog is a well-conducted dog, and well-conducted dogs are frequently led astray by mongrels. If we are to get ahead in this matter, we shall have to adopt the course which I suggested just now, and thus indirectly cause the unsexing of male dogs as we are forced to do in the case of valuable horses, cattle, and other animals of all sorts. Dogs belonging to the class known as "curled darlings" do a great deal of mischief, and these pet dogs are the greatest curse we have in the country to-day. An objection urged is that there will be a big outcry at this unnatural operation upon a dog, but until it is carried out we shall be bound to have this trouble. Does it not strike hon. members that until we can encourage breeding of good dogs we are always going to have this year after year. We shall have fresh amendments year after year if we allow every Dick, Tom, and Harry to breed dogs. Then there is this feeling against destroying dogs. A person may possess a dozen dogs, and half-a-dozen of them may be little pups which will be distributed all round among the neighbours, irrespective of breed. I maintain that aborigines should not be allowed to keep dogs. I will give an instance. Only last month I had 20 Shropshire and 5 Lincoln rams in a paddock, and dogs got at them, but fortunately my man happened to arrive on the scene. One dog, however, worried one of these lambs and nearly killed it. Those animals cost me over £8 a head. What are we going to do? Natives are cunning. The day is coming when we should have some legislation bearing in the direction I have indicated. The hon. gentleman in introducing this Bill mentioned that this legislation is in operation a good deal in New Zealand. I recently had the pleasure of being in

New Zealand, and one of the very first papers I picked up contained a statement of the worrying of 50 sheep, beautiful sheep I believe they were, by dogs which rushed them up into a corner, and the sheep were drowned. This shows that we shall have to take some more extreme measure than has been adopted hitherto. I like to see a good dog, which is a most faithful creature, but a dog is a dog, and when the opportunity offers for him to go astray he will do so. There is no question about that, and it has happened again and again. I would like to refer to one or two clauses which have been introduced, and in doing so perhaps I shall travel over ground which has been already traversed. With regard to sluts at large in the street we can easily, without doing an injustice, fix a minimum fine. At present the clause says not exceeding £5, but a magistrate should be able to impose a small fine if he thought it desirable to do so. I do not wish to be unreasonable in the matter, but one should have the power to say, "We fine you 10s. this time; but be careful." I trust the hon. gentleman will agree to something of that sort. I think with regard to Clauses 22 and 23 that the wording "any person or any horse, cattle, sheep, poultry, or any domestic animal" should be altered, and in my opinion the least we can do for mankind is to have a clause dealing with persons. The penalty as to poultry is excessive, but it is not so in relation to an attack on a man. At any rate, I think members will agree with me that we should strike mankind out of the clause. Look at the danger to a man who is attacked by a dog; and it is not every man who has the nerve to stand such an attack. It is said here that the owner of land on which a dog is trespassing shall not shoot the animal when it is accompanied by its owner, but I take it that if the dog did a lot of injury one would be able to recover from the owner of that dog the amount of damage caused. There have been instances in which it has been utterly impossible to keep a dog away from animals, and there should be some provision dealing with that sort of thing. These clauses want amendment. If we can get through this in a way which will enable us to get ahead of the worrying and loss these

dogs occasion, we shall be doing a very good work. I do not want to bring up my own losses year after year, but I have told this House many times of the very heavy losses occasioned by attacks by dogs. Last year I had a loss of over 200 sheep. I lost 63 lambs in one case, and others were so ill-used that I lost 200 more. The damage was done by these useless little dogs kept about the town, and one can always tell where these small dogs have been, because they cannot kill sheep, but while the big dogs are killing sheep the little dogs are attacking the sheep around the legs. This sort of thing takes place and leaves a sight behind which is most disheartening. People are put to tremendous expense to provide fences, and then if a gate is left open the trouble occurs again. I hope that whatever decision the House comes to it will be of such a severe nature, without being unduly harsh, as will prevent the repetition of these lamentable occurrences.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 4—agreed to.

Clause 5—Dogs to be registered:

HON. J. E. RICHARDSON: The period of 14 days was too little. A man might be away in the bush and not be able to get his dog registered within that time. The provision was all right perhaps as regarded the town, but the Bill was to apply to the whole State, and the period was not sufficient in the outlying districts. In the outlying districts a man ought to have a month.

THE COLONIAL SECRETARY: There was no very great need to alter this provision, because this Bill did not extend the operations of the present Dog Act in the matter of distance. The time given at present was 15 days, and he never heard that the provision had worked any hardship. If the hon. member wished to press the amendment, he would accept 21 days.

HON. J. E. RICHARDSON moved that "fourteen" be struck out and "twenty-one" inserted in lieu.

HON. C. A. PLESSE supported the amendment. There was a provision that the fine should be not less than 10s. above the registration fee, but it should

be in the option of the magistrate to impose as small a fine as one shilling where the defendant could prove that he had been some distance away.

Amendment passed, and the clause as amended agreed to.

Clauses 6 to 8—agreed to.

Clause 9—Registration labels:

HON. F. M. STONE: It would be better to postpone this clause. An amendment was desirable to the effect that the owner should be compelled to place a disc on the dog and to keep it there, and that he should be liable to a penalty for not keeping it there unless he could prove to the satisfaction of a magistrate that it had been removed without his knowledge; so that if a dog were stolen and the thief removed the label, the owner of the dog should not be liable to a fine.

THE COLONIAL SECRETARY: What was needed could, in his opinion, be carried out by an amendment at present. He did not think that another clause was needed, but the object aimed at could be secured by the addition of certain words. The fact of removal might be dealt with in another place.

HON. F. M. STONE: Such evidence as that a dog was seen without a disc last week, and again this week, ought to render the owner liable to a penalty.

THE COLONIAL SECRETARY: Did the hon. member think it necessary to insert words referring to the removal of the disc by the owner of the dog?

HON. F. M. STONE: There ought to be words referring to an owner leaving the disc off. We ought to provide that the owner should be compelled to put the disc on the dog and keep it on the dog.

HON. J. W. HACKETT: To the drafting of clauses in Committee he had a particular objection. It meant waste of time immeasurable. Therefore he hoped that the clause would be postponed, so that it might be dealt with in the manner suggested by Mr. Stone. The disc system was in operation in very few countries, chiefly owing to the remarkably hideous character of the discs ordinarily employed. The owner of a handsome dog should not be compelled to make the animal wear an ugly disc. Necessarily, the discs had to be cheap, because the dogs of the very poorest would have to wear them. The price

mentioned by Mr. Sommers on a previous occasion was 3d. per disc. If hon. members were familiar with the discs in use in South Australia, they would hesitate to inflict such a disfigurement on the dogs owned in this State.

THE COLONIAL SECRETARY : Though afraid that he would have to plead guilty to the indictment, not of drafting clauses in Committee, but of endeavouring to submit suitable amendments, he had to point out that Dr. Hackett suffered from an absolute mania for postponement.

SIR E. H. WITTENOOM : Why not postpone the clause ?

THE COLONIAL SECRETARY : There was no objection to doing so. He moved that the clause be postponed.

HON. C. A. PIESSE : Could not the objections to this clause be met by providing that dogs might wear collars of the most elaborate nature, so long as those collars bore the registered number ?

HON. F. M. STONE : A postponement of this clause had been asked for by him because he considered it advisable that the Bill should allow an alternative of a disc or of a collar of a certain size.

THE COLONIAL SECRETARY hoped that members would be prepared at the next sitting with a clause embodying the principle of which the adoption was desired.

HON. J. W. HACKETT : Would the Minister draft the clause ?

THE COLONIAL SECRETARY : No. One could not be both buyer and seller. The Bill was brought down by the Government, and it was for members to submit any amendments they desired.

MEMBER : Would the services of the Parliamentary Draughtsman be available for the purpose of drafting amendments ?

THE COLONIAL SECRETARY : Yes. The draughtsman's services had always been available.

HON. C. E. DEMPSTER agreed with Dr. Hackett. Discs were very objectionable and were constantly being removed. The number of a dog and the initials of the owner engraved on the collar would answer as well as the disc.

HON. C. SOMMERS : If we did away with the wearing of the disc the object of the clause would be defeated. Municipal councillors and road boards members themselves owned dogs, and they would

take care not to issue a disfiguring disc.

HON. G. RANDELL : The Minister having consented to the postponement of the clause, all that remained was for the Committee to agree to the motion for postponement. It was unfair to throw on the shoulders of the Minister or the Parliamentary Draughtsman the drafting of amendments desired by members. A member bringing forward an amendment ought to be prepared to draft it and place it on the Notice Paper. Certainly, it was utterly wrong that a member should throw on a Minister the responsibility of proposing an amendment to which the Minister might entertain objection.

HON. F. M. STONE : If members desired to bring forward amendments, they should be entitled to avail themselves of the services of the Parliamentary Draughtsman. Unfortunately, the time of the gentleman now holding that position was so fully taken up with the work of the Crown Law office that it was almost impossible for him to prepare amendments. This bore hardly on lay members in particular. The Parliamentary Draughtsman ought never to have been appointed Crown Solicitor: his whole time should be spent in an office in Parliament House, so that he might be consulted by members with a view to amendments being submitted in proper legal form. The Parliamentary Draughtsman should confine himself to Parliamentary drafting.

THE COLONIAL SECRETARY : That was practically the case now.

HON. F. M. STONE : It was not fair to ask him to undertake the duties of both positions.

Clause postponed.

Clause 10—Registration to be renewed yearly :

HON. C. E. DEMPSTER : A license would under this clause terminate at the beginning of January. If a person had a license after the first half-year, would he have to pay the full amount of the license ?

THE COLONIAL SECRETARY : Yes; he would have to pay the full license fee.

HON. G. RANDELL : No. In the schedule it was provided that up to the 30th June only half of the fee need be paid.

Clause passed.

Clause 10A—Registration fee :

HON. J. W. HACKETT drew attention to this clause, at the head of which appeared the words: "To be moved in Assembly."

THE COLONIAL SECRETARY: The clause was to be moved in the Assembly as it imposed taxation, and this House had not the power to move it.

HON. J. W. HACKETT: The Standing Orders were explicit in this matter. It was essential that this House should retain possession of its privileges. If the course the hon. gentleman proposed was to be adopted, it would be absolutely necessary to do it under terms of protest. This assuredly came under Standing Order 309 of the Assembly's Standing Orders, which was a copy of the Standing Order adopted by the House of Commons. He thought it was Standing Order 44, and it amounted to a relaxation of the privileges and claims made by the House of Commons with regard to taxation. It had been adopted by another place—he presumed he might speak of it as the Assembly. The Council should take care that we in no way diminished our interpretation of the privilege, if it might be put so, granted them by the Standing Orders of another place. He desired to be as courteous in the matter to another place as possible. The words were: "the House will not insist on its privileges in the following cases"; and then this case occurred, "Where such fees are imposed in respect of benefit taken or service rendered under the Act and in order to the execution of the Act, and are not made payable into the Treasury"—these were made payable into the Treasury of the local municipality—"or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus." In this instance they did not, accept so far as the Audit Act might be concerned. Under these circumstances it would be better to report progress, and we could consider the matter between this and the next sitting. It raised one of the most important questions which could be debated.

THE COLONIAL SECRETARY said he would be glad to report progress on this question not alone on account of

the principle involved in the Bill itself, but because it related to one or two other Bills which would be affected by the decision arrived at in this case. It was found expedient to introduce certain Bills to this House, amongst them being the Bill we had under discussion, and he hoped to introduce next week a Bill dealing with Pearl Fisheries, which also would impose taxation, but taxation which would go farther than the taxation imposed here, for it would be payable to the Treasury. It would be just as well if the point were set at rest, and he would have it referred to the proper authority. He begged to move, therefore, that progress be reported and leave asked to sit again.

Progress reported, and leave given to sit again.

PARLIAMENTARY DRAFTSMAN—
OFFICE ACCOMMODATION.

THE PRESIDENT: Before referring to the next Order of the Day, he would refer to a matter mentioned by Mr. Stone, as to the Parliamentary Draftsman. Last year an arrangement was made (he thought by the late Premier) by which the Parliamentary Draftsman was provided with an office in the Council Chamber—such accommodation could not be provided at the Assembly: and after certain interviews with the then Premier, it was arranged that the *Hansard* reporters should be moved from the room they occupied, to provide offices for the Parliamentary Draftsman. Last year the Parliamentary Draftsman was in the office for the convenience of members of both Houses. This session the room had not been used, and the Parliamentary Draftsman had not been there at all. As the matter arose, he thought it well to inform the House of that fact.

CO-OPERATIVE AND PROVIDENT
SOCIETIES BILL.

Received from the Legislative Assembly, and read a first time.

EARLY CLOSING BILL.

IN COMMITTEE.

Resumed from the previous day.

Schedule, Part III.:

HON. J. M. DREW moved that the word "undertakers" be inserted

in Part III. The word being struck out of Part I., undertakers would be forced to close at six o'clock unless another amendment were passed. If they were included in Part III. they could remain open as long as they liked. It was stated, when he urged that newspaper offices should be struck out of Part I., that everything was left to the discretion of the Minister. That, however, was not so. In any of the proceedings for offences against this Act, or for any breach of the regulations, information might be laid in the name of the inspector or police officer, or any shop assistant aggrieved. It was essential, therefore, that no discretion should be allowed to any Minister or any public officer.

Amendment passed.

HON. J. W. HACKETT: It appeared to be necessary to recommit this Bill. He had taken the opportunity to have a conversation with a legal authority, which was one of value, and that authority agreed that the clause to which allusion was made yesterday in relation to municipal districts, and Section 3 of the Act of 1902, was most emphatically ambiguous, and ought to be corrected. The words were:—

The Governor may from time to time, by proclamation, declare any municipality to be, or cease to be, a district for the purposes of this Act; and may in like manner define the boundaries of any other area, and declare the same to be, or cease to be, a district.

THE COLONIAL SECRETARY: A clause was prepared. The hon. member was speaking about the schedule.

HON. J. W. HACKETT: With regard to the schedule, would it not be far better not to arrive at what was desired in the roundabout way suggested by the present amending Bill to keep Part III. alive? In the original Act certain references were made to a schedule. That schedule was broken up into three parts, and placed in this amending Bill. This amending Bill had only reference throughout to Part I. and Part II., and for any validity Part III. might have we must refer to the original Act.

THE COLONIAL SECRETARY: With which this would be printed.

HON. J. W. HACKETT: That was so, he knew; but he fancied that not one person in 50 would be able to find how the original Act kept Part III. alive.

Certainly very few justices of the peace would be able to do so. It would be better to make the thing absolutely clear by declaring in Clause 16 that Part III. was retained. He presumed that the Colonial Secretary had that suggested to him in another quarter. The same authority which had assured the Colonial Secretary that the clause was all right had assured him (Dr. Hackett) that the course now proposed would be the better. All that was necessary was one line obviously keeping alive Part III. When that line was added, as he trusted it would be on recomittal, we could also insert newspaper offices and newsagents' shops. An hon. member had said that under the Bill information could be laid by an employee, and that was utterly intolerable. This part already contained hairdressers, who were dealt with in the body of the Act, and therefore should not appear here. By all that was reasonable, what was the objection to adding to Clause 16 one line giving validity to Part III.? He hoped the hon. member would not object to recomittal of the Bill.

THE COLONIAL SECRETARY said that he would move that the Bill be recommitted for a certain purpose. With regard to the need for amending the schedule, he had discussed the matter this afternoon at considerable length with the Parliamentary Draughtsman, who had assured him that there was no necessity either for amendment of the schedule or for the amendment in Clause 16 foreshadowed by Dr. Hackett. He himself could see no necessity for the amendments.

HON. J. W. HACKETT: The amendments would make the matter clearer.

THE COLONIAL SECRETARY: No. How could one make the matter clearer than it was at present? Regarding the want of juxtaposition of which the hon. member had complained, it would be remedied if the postponed Clause 1 were adopted. Dr. Hackett could move his amendment on recomittal. With regard to Part III., finding that there was a doubt, he was prepared to put the matter beyond doubt by moving an amendment under which it would be possible by proclamation to make part of a municipality a district under the mea-

sure. This presumably would meet the wishes of Mr. Stone.

HON. F. M. STONE: The Colonial Secretary was quite right in his view that the schedule to this Bill now took the place of Schedule 1 to the principal Act, which set out a number of shops all under one heading. The schedule now substituted put those shops under three headings. Clause 16 having repealed Schedule 1 of the old Act, the schedule to the Bill was inserted in the principal Act in lieu of the repealed schedule.

Schedule as amended agreed to.

Postponed Clause 1—Short title; Manner of showing amendments:

HON. J. W. HACKETT: Presumably the whole of the Bill would be recommitted.

THE COLONIAL SECRETARY: No. When a Bill was recommitted, it was recommitted for the purpose of certain amendments.

HON. J. W. HACKETT: Such a course was most unusual.

THE COLONIAL SECRETARY: It was his intention to recommit for certain amendments. Any member might give notice of amendments on recommitment.

HON. J. W. HACKETT said he would not give notice of amendments, but would move that the Bill be recommitted generally. It was usual in this House to recommit a Bill as a whole, especially so short a Bill as this, in order that every opportunity for improvement might be allowed. He would urge the Colonial Secretary not to press his view unduly. The House had to make good its position in the State, and that position depended greatly on the manner in which legislation left this Chamber.

Clause passed.

Preamble, Title—agreed to.

HOUSE RESUMED.

Bill reported with amendments, and the report adopted.

THE PRESIDENT: In regard to recommitment, Standing Order 271 provided thus:—

On the Order of the Day for the third reading being read, the Bill may be recommitted. Such recommitment may be made without limitation, in which case the entire Bill may be again considered in Committee. . . .

Thus the point was dealt with by the Standing Orders.

THE COLONIAL SECRETARY: In explanation, the only reason why he proposed to give notice of recommitment for a specific purpose was that during the whole of his parliamentary experience, not very lengthy but extending over five or six years, he did not remember a Bill ever being recommitted generally in another place. If that course were adopted there would be absolutely no end to discussion. So far as he was concerned, he would move that the Bill be recommitted for a specific purpose.

HON. J. W. HACKETT: The hon. member had misunderstood the position. To recommit a Bill generally would mean that there would be no end of it in another place; but here the rule was almost universal to recommit a Bill as a whole.

HON. G. RANDELL: The House would be glad if the Minister saw his way to defer the third reading and the passing of the measure until the Bill as amended was in the hands of members. It had been altered in some particulars, and it was an important measure. It was highly desirable that members should be able to go through this amending Bill with the original Act, before the final stage was reached, in order that they might assure themselves that no mistakes had been made. That course had been adopted before, and the Bill printed afresh.

THE COLONIAL SECRETARY: That could be done.

ADJOURNMENT.

The House adjourned at 6:13 o'clock, until the next Tuesday.