going on. The State Mining Engineer had been asked to go specially into this question, and there was a hope of a termination being arrived at in the very near future. If the papers containing the reports from the inspectors of mines and the inspectors of machinery were presented to the House, action must be delayed until these papers were returned. The hon. member's desire would be achieved by perusing the papers at the department, and then later on, if he so desired, he could bring the matter before the House again. At the present time it certainly would interfere, to a great extent with the work in hand, and it would be doing an injury where it was desired to do a service. If the hon. member pressed the motion, no objection would be offered, but he must take the responsibility for the delay that would arise in connection with the investigation and the subsequent decision.

Mr. SCADDAN was prepared to accept the suggestion of the Minister to peruse the files at the department. It would be possible there to obtain all the information that was desired, without interfering with the work of the department in connection with the bringing about of reforms. It was his intention to ask leave to withdraw the motion if only to cause the Minister to hurry on those reforms which had been so long promised. The Minister had long since promised to effect reforms in the machinery department, but up to date he had made no attempt so far as it was possible to obtain information. By permission of the House he would withdraw the motion.

Motion by leave withdrawn.

House adjourned at 10.10 p.m.

Legislative Council,

Thursday, 16th September, 1909.

The PRESIDENT took the Chair at 4·30 p.m., and read prayers.

LEAVE OF ABSENCE.

On motion by Hon. R. D. McKenzie, leave of absence for twelve consecutive sittings granted to Hon. J. W. Kirwan on the ground of urgent private business.

MOTION STANDING ORDERS AMENDMENT, LAPSED BILLS.

Hon. W. KINGSMILL (Metropolitan-Suburban) moved—

That for the greater expedition of public business it is desirable, in the opinion of this House, that Standing Orders be adopted by this House similar to those in force in the Commonwealth Senate, providing that the consideration of lapsed Bills may be resumed at the stage reached by such Bills during the preceding session.

He said: This motion will be familiar to most members of the House, and if not familiar in its formal condition, will at all events, I am sure be very familiar as a subject of frequent reference on my part. I am sorry it has been necessary for me to reiterate this motion, but it is not my fault, nor yet the fault of this Chamber. Hon. members will recollect that in October 1907, just on two years ago, I had the honour of introducing this motion, which in a somewhat amended form was sent to another place and concurred in by that branch of the Legislature. I say somewhat amended form, because an amendment was moved by Hon. E. McLarty to the effect that instead of asking an expression of opinion from another place as to the advisability of taking the action set forth in the motion, a desire should be expressed that the question

be referred to the Joint Standing Orders Committee. To this course the members of another place agreed. Unfortunately, however, some difficulty was experienced in getting the Committee together, and upon repeated remonstrances being made by our Standing Orders Committee an answer was returned from the Standing Orders Committee of another place to the effect that no more alterations to the Joint Standing Orders would be considered by that body until certain alterations were made in the Standing Orders relating to money Bills. What on earth that had to do with Standing Orders relating to lapsed Bills can only be determined at some time in the Greek Kalends when the Joint Standing Orders Committee meet to decide this question. It seemed that they really had no objection to the motion itself, but wished to make use of the apparent anxiety of this House to place it among the Standing Orders as a lever by which to remove certain, to them, objectionable Standing Orders in relation to money Bills. It is scarcely necessary for me to do more than touch upon, in very brief manner, the merits of this motion. I have gone fully into this question on many occasions. I think, however, the present occasion offers a very good illustration of what is to be gained by placing the proposed Standing Orders amongst ours. We have, this session, for consideration a good many lengthy Bills. We are, in this House, now called upon to consider a Bill relating to public health; and apparently from the progress which is being made it will take some considerable time for that Bill to get through the House. And there are wars and rumors of war—more, perhaps, rumors than actual—in connection with certain clauses which have yet to be considered in that Bill. And while I hope for the utmost expedition, still I fear it may be some little time before the Bill gets through, offering as it does, with its 300 odd clauses, innumerable points of attack to any opposition. Then it will have to undergo a second ordeal in its passage in another Chamber, and I venture to say that if the Government get it through, this session, they will be very lucky indeed. This is the fourth attempt made to get the Bill through Parliament. As I have said, it is a lengthy Bill of many clauses, a Bill which has cost no inconsiderable sum to print on each occasion on which it has been placed before the Legislature. A large sum of money is required for the printing of the measure. Three or four drafts have been printed before finality was reached in the Bill. And now the trouble only begins. Amendments are made; further Bills have to be printed containing the amendments; interminable debate ensues; then there is more debate; this has to be printed; it finds a record in the pages of *Hansard*,—and I venture to say if it were possible to arrive at an accurate estimate, it must have cost between £2,000 and £3,000, and nothing has yet been done. I say that any steps that can be taken to obviate this should be taken; and this House and the other House are justified in taking those steps so long as they do not interfere with the deliberative nature of the proceedings. The Standing Orders I am advocating are so surrounded with safeguards that I do not think the point can be taken by anybody that sufficient deliberation will not be given to a measure before it is reinstated on the Notice Paper at the stage at which it lapsed through the prorogation of Parliament. The first Standing Order which was passed by the Federal Parliament with this object in view was passed in 1903, and appeared then as Standing Order 234. It is as follows:—

> "If in any session the proceedings on any Bill shall have been interrupted by the prorogation of Parliament, the Senate may in the next succeeding session by resolution, order such proceedings to be resumed: providing a periodical or general election for the Senate has not taken place between two such sessions."

Then, in order to further safeguard the possibility of Parliament acting in a hurry, the following Standing Orders were added in 1905, and are now in force and are availed of every session, sometimes on two or three occasions,

by the Commonwealth Parliament. These are the Standing Orders 234*a*, 234*b*, and 234*c*, which hon. members will find in the Standing Orders of the Senate. I may say that they take the place of the Standing Order which I have just read. Standing Order 234*a* is as follows:—

> "Any public Bill which lapses by reason of a prorogation before it has reached its final stage may be proceeded with in the next ensuing session at the stage it had reached in the preceding session, if a periodical election for the Senate or general election for either House has not taken place between such two sessions, under the following conditions:—(*a*.) If the Bill be in the possession of the House in which it originated, not having been sent to the other House, or, if sent, then returned by Message, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper."

I would point out to hon. members that the amount of safeguard of this proceeding is that the restitution of the Bill to the Notice paper is not automatic. It is to be restored by a definite resolution of the House, which may be adopted after having been carefully considered; and if it is decided by the branch of the Legislature in which the Bill finds itself that it is fit and proper that it should be restored then it is done. The Standing Order reads on:—

> "(*b*.) If the Bill be in the possession of the House in which it did not originate it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper, but such resolution shall not be passed unless a message has been received from the House in which it originated, requesting that its consideration may be resumed."

I do not think that Standing Order needs any comment, because it appears to be clear in itself. The second of the series, namely, 234*b*, reads as follows:—

> "Any Bill so restored to the Notice Paper shall thenceforth be proceeded with in both Houses, as if its passage had not been interrupted by the prorogation, and, if finally passed, be presented to the Governor General for His Majesty's assent."

That too is perfectly plain. Clause 234*c*, reads as follows:—

> "Should the motion for restoration to the Notice Paper be not agreed to by the House in which the Bill originated, the Bill may be introduced and proceeded with in the ordinary manner."

That is to say, if the House in their wisdom do not wish to restore the Bill to the Notice Paper—it having, perhaps, got so far that its consideration would be merely formal—they are quite at liberty to refuse to so restore the Bill, but that refusal to restore a Bill shall not act as a deterrent to the Government or private member introducing the Bill *de novo*. I do not intend to say much more as the Bill has been pretty well thrashed out and considered from all its aspects. In moving this resolution I am actuated by a wish, which I suppose also actuates every member, to expedite the business of the country, and to do so in a manner which will, I think, at once tend to having the business of the country more thoroughly done and more cheaply done. Furthermore, if members will think for a moment, they will agree with me in the idea that this Standing Order must have a good effect both on the Government and Opposition. I have heard it said, it is hard to believe, but I have heard it said occasionally, that Governments introduce Bills merely as a sort of friendly demonstration.

The Colonial Secretary: You should know, for you were a member of a Government for some time.

Hon. W. KINGSMILL: Nothing of the sort could be said about any Government of which I was a member. Shall we say Governments of long ago used to introduce Bills as a sort of friendly demonstration, not taking them seriously. But if this Standing Order is adopted Governments will have to realise that if a Bill is introduced it may be taken up very seriously. It may not be so easy to get rid of it at the end of a session as it is now. The adoption of the Standing Order may have a good effect in that connection. In a House where party

Government prevails it must have a good effect, for members of any Opposition will see that tactics which are, I believe, adopted at times, of stonewalling would not lead to the destruction of a measure, but merely, perhaps, to some slight postponement. Therefore an Opposition is more likely to settle down to serious work and try to amend a Bill if they cannot end it, when they know that stonewalling will not have the effect of throwing the Bill out altogether. This will be a much better course, than for an Opposition to kill a Bill by lapse of time and by endless debate.

Hon. J. W. Langsford: Is this Standing Order in force in both Houses of the Federal Parliament.

Hon. W. KINGSMILL: Yes. The Standing Order belongs to both Houses.

Hon. J. W. Hackett: Has any State adopted the Standing Order?

Hon. W. KINGSMILL: Not that I know of. I hope that this sensible course will be adopted first in Western Australia.

Hon. J. W. Hackett: Fathered by the hon. member.

Hon. W. KINGSMILL: I do not claim the patent rights in this connection. I hope members will agree with the resolution, for the reasons I have stated, for the reasons, further, of expedition of business, of economy, and for the bettering of the conduct both of Governments and Opposition. Furthermore, I would ask this House not to endeavour on this occasion to amend the Standing Order, but should invite, as I think they are justified in doing, a definite expression of opinion from another place, so that it might not be shelved by being sent to any joint committee, which may not meet for some time. I would ask that the question be put to the Legislative Assembly as it is put here, and for that purpose, if this motion is carried, I shall move that a Message be sent to the Legislative Assembly acquainting them that the Council have agreed with this motion and asking for their concurrence. I have much pleasure in moving the motion.

Question put and passed.

On motion by Hon. W. Kingsmill, the resolution was transmitted to the Assembly for concurrence.

BILL—EMPLOYMENT BROKERS.

Read a third time and transmitted to the Legislative Assembly.

BILL—FISHERIES ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY: (Hon. J. D. Connolly) in moving the second reading said: This is a very small amendment of the Fisheries Act of 1905, but though small it is very important. Under the Act power is given to the Governor-in-Council to grant exclusive licenses for coastal waters for the gathering of any product of the sea other than food fishes, or marine animal life being food fishes. A turtle has been classed under the definition of a food fish, inasmuch as it is an edible marine animal. Certain applications have been made from time to time for a lease of the foreshore of some of our coastal waters in the North-West for the purpose of gathering turtles which live there in great numbers, but it was discovered when a lease was granted to one of the companies that it was not in the power of the Government to give an exclusive right to gather turtles, as they came under the category of food fish.

Hon. J. W. Hackett: What is a turtle?

The COLONIAL SECRETARY: It is a marine animal. In order to get over the difficulty an alteration is made in the definition of food fish so that turtles shall be excluded. Power is also given to lease a portion of the foreshore in order to encourage other industries, for which applications have been made by, for instance, fertilising companies, to gather seaweed, etcetera, to turn into manure. This provision will allow leases to be granted for that purpose. As to the exclusive license granted for the gathering of turtles, at the present time the Government have before them several applications, more particularly one from a London company, who undoubtedly have shown their bona fides as they are prepared to take a lease on

terms which, I think, will be very satisfactory to the country, and have undertaken to put up within a few months a substantial sum to start the industry in a good way. It is unnecessary to grant any extent of water for a turtle license, as these animals are captured on the shore and it is more particularly the foreshore that is needed rather than the actual water. It does not lie within the power of the Government to grant any exclusive license of ocean water, for they can only grant licenses for the waters in the bays along the shore. No government can go beyond the boundary line of the State. I beg to move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill, debate adjourned.

BILL—LICENSED SURVEYORS.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: The object of the Bill is to consolidate and somewhat amend the law relating to the granting of licenses to land surveyors. This Bill has been brought forward as the result of a conference held in Brisbane last year, at which were present representatives of all the Australian States and New Zealand, the object of the conference being to agree upon a uniform measure to govern the licensing of land surveyors. Since the conference, this Bill, which embodies the report of the conference, has been carefully scrutinised by the Surveyor-General, the Under Secretary for Mines, who is an inspecting surveyor, and the inspecting surveyor of the Lands Titles Department. The underlying principle of the Bill is that one license may be granted to surveyors for all purposes. Under the present Act a surveyor has to obtain practically three certificates; first, one under the Land Act, then one under the Transfer of Land Act, and further, he has to obtain permission from the Mines Department before he can engage in mining surveys. The Bill makes one certificate cover the three licenses. The Bill also makes a new provision for the examination and registration of members of the profession, and generally, has for its object the protection of members of the profession as well as the public generally. The standard of examination for a licensed surveyor is to be uniform through the Australian States. This measure is practically a copy of the Queensland Act, and similar ones are to be in force in the other States, so that in the future there will be reciprocity between the Australian States and New Zealand, and it is hoped that later on there will also be reciprocity between all parts of the British Empire. Clause 3 gives a definition of an authorised surveyor and provides that one certificate shall entitle the holder to make surveys under any Act affecting titles or tenure of land. The personnel of the board for granting licenses and holding examinations will be practically the same as at present; that is to say, it will consist of five gentlemen, with the Surveyor-General as an ex officio member and chairman. Provision is made in the legislation of the other States that two representatives of the Institute of Surveyors shall be on the board, but as there is no institute in existence in Western Australia, no provision of that kind has been made. Should an institute of surveyors be established here at any other time an amendment can be made to the law to allow the institute to be represented on the board as in the other States. Clause 5 makes the rules for the conduct of the business of the board, and schedule of the Bill instead of, as at present, being drawn up separately. Clause 6 is exactly the same as the provision in the present law. Clause 7 is based on resolution of the conferences dealing with reciprocal registration and recognition of licenses and certificates. Clause 8 is a machinery clause taken from the Queensland Act to provide for securing the attendance of any person in connection with the issue of a license. Clause 9 provides in the Bill what has been the practice with the reciprocating States for past years. Certain practices have sprung up in the past that have not been strictly legal, and this Bill seeks to legalise them. Clauses 10, 11, and 12 are the same as in the present Act. Clause 14 contains a provision to enable the register of licensed surveyors to be kept up to date. It is

very difficult now to say if the register is a correct one. There is no machinery for removing the names of persons who may have died or for other reasons.

Hon. J. W. Hackett: How is the registrar to know that a man is a licensed surveyor?

The COLONIAL SECRETARY: The board will supply that information.

Hon. J. W. Hackett: Subclause 3 of Clause 14 makes him liable to a penalty.

The COLONIAL SECRETARY: That is in the case of death. The clause says that every district registrar of deaths in Western Australia on registering the death of any licensed surveyor shall forthwith give notice thereof by post to the secretary.

Hon. J. W. Hackett: And subject to a penalty if he does not.

The COLONIAL SECRETARY: A certificate of death is issued on the death of a licensed surveyor.

Hon. J. W. Hackett: But he may not know he is a licensed surveyor.

The COLONIAL SECRETARY: If he does not know he cannot be said to offend.

Hon. J. W. Hackett: But he is liable to a penalty.

The COLONIAL SECRETARY: He cannot be penalised for doing something which he did not know was wrong. Clause 17 is similar to the present Act. It gives power of entry on lands. There is no provision in the Transfer of Lands Act or the present Licensed Surveyors' Act to meet the case. The remaining clauses although not exactly similar to the present sections of our law are much the same and for the same purposes. The main object of the Bill is consolidating and to amend the existing law in the way I have mentioned; to allow surveyors to be registered under one Act, instead of having to take out three licenses, as at present. I move—

That the Bill be now read a second time.

Question put and passed.
Bill read a second time.

BILL—SEA CARRIAGE OF GOODS.

In Committee.

Clauses 1, 2, 3—agreed to.

Clause 4—Application of Act:

Hon. M. L. MOSS: This Bill was a complete copy of the Sea Carriage of Goods Act as passed by the Federal Parliament except Clause 4. The Federal Act contains a second subclause, which reads as follows:—"This Act shall not apply to any bill of lading or document." Then it gives the date when the Bill was introduced in the Federal Parliament, and says—"in pursuance of a contract or agreement entered into before" a date in 1904. Persons might have entered into contracts for the carriage of goods under the existing law, and a provision was inserted in the Federal Bill that as to binding such contractors, the alteration of the law should have no effect. It was conceivable there might be similar contracts existing in Western Australia with respect to the carriage of goods from one port in Western Australia to another port in Western Australia. He moved as an amendment, that the following be added to stand as Subclause 1:—

This Act shall not apply to any bill of lading or document made before the 30th day of June, 1910, in pursuance of a contract or agreement entered into before the first day of September, 1909.

If any contract had been entered into by carriers to take goods from one port in Western Australia to another port in Western Australia, then the contract would remain as at present, and the Bill would have no effect on them so long as the contract lasted. Under the Commonwealth Act a bill of lading could be issued under any contract entered into before the 1st September, 1909, until the 30th June, 1910. It was usual to put in a complete saving clause to protect all existing contracts. His proposal was merely to protect them for nine months.

The COLONIAL SECRETARY: Members should not agree to the amendment. Shipowners were not deserving of the protection the hon. member claimed. They had certainly been guilty of wrong

practices in contracting themselves out of their just liabilities.

Hon. G. Randell: They have been declared illegal many a time.

The COLONIAL SECRETARY: They contracted themselves out of, if not their legal liabilities, certainly their just liabilities. Shippers were forced to ship their goods under conditions they should not be asked to ship under, and the shipowners accepted no liability. To give them nine months' exemption was a great deal longer than they were entitled to. Long exemption might be granted in a case where there was an alteration to the law proposed, but in this case there was no alteration to the law as it was supposed to exist, though there might be an alteration to what was the law in fact. The Bill might be recommitted, if members wished it, so that the Act could be made to come into force three months after the date proposed in Clause 2 that had already been passed.

Hon. R. F. SHOLL: The amendment was misunderstood. It was to protect existing contracts, whereas the object of the Bill was to prevent shipowners putting unreasonable conditions in a bill of lading.

The Colonial Secretary: They have these unreasonable conditions in the contracts you wish to protect.

Hon. R. F. SHOLL: All existing contracts, reasonable or unreasonable, should be preserved and not interfered with by Parliament. The Bill should certainly come into force at once to prevent unreasonable conditions being put into bills of lading, but existing contracts should continue until they expired. It was not likely that many shippers had entered into contracts for an extended period along the Western Australian coast, but whether they were few or not they should not be interfered with.

Hon. G. Randell: When one party to the contract is not a free agent?

Hon. R. F. SHOLL: If two parties entered into a contract for an extended term the one contracting party must get some concession, otherwise he would not enter into the contract.

Hon. M. L. MOSS: To the language used by the Colonial Secretary in regard to the shipping companies, one must express strong opposition. The hon. gentleman did not know the position in claiming that the shipping companies had been carrying on, if not an illegal practice, at least a wrong practice. The position was that it was perfectly legal and proper to put in as many conditions as possible in a bill of lading exempting ship owners; because there was no compulsion to send goods by the ships. The Western Australian coast was not the only place where there were these conditions in bills of lading. All goods carried on ships out of Great Britain were carried under conditions equally as exacting. Ship owners by years of experience continued to put exceptions on the bill of lading until they almost contracted themselves out of liability, but it was by virtue of the fact that the liability was limited in this way that goods were carried at a limited freight. If this Bill were carried the matter would regulate itself. If conditions were imposed on the carriers of the goods the rates for the carriage of goods would go up, just as occurred in every other industry we protected. In this case the shipping companies would naturally insure themselves, and the people of the North-West would have to pay increased freights. His amendment was that in respect to every bill of lading for the next nine months issued under an existing contract the relations of the parties should be preserved, they having entered into the contract in the supposition that the law would remain as it was. We had heard many speak of vested rights in the Chamber. Those arguments would apply equally in this direction. The Minister's suggestion to postpone the coming into force of the Act would be more beneficial to the companies, and less beneficial to the public than the amendment; because it would mean that every bill of lading, whether under an existing contract or in respect to new contracts, would not be subject to the beneficial conditions until the extended period elapsed.

Hon. R. LAURIE: According to the Colonial Secretary's strong views re-

garding shipping companies, one would think that claims were never paid, and that advantage was always taken of the clauses in the bills of lading, but as a matter of fact, the ship owners cheerfully accepted the measure, expecting that it would become the law in Western Australia, as it had become the law of the Commonwealth. The amendment moved by Mr. Moss was perfectly fair though it would not matter much if it failed to pass. In connection with the North-West, claims had been made in the past for the over-carriage of goods, and the conditions of the bill of lading had been taken advantage of by the shipping companies for the reason that they had had to clear out of the port and carry the goods to the next port because of the tidal conditions.

The CHAIRMAN: The hon. member must connect his remarks with the amendment.

Hon. R. LAURIE: Now that works were to be carried out in the North-West, contracts may have been made for the carriage of immense quantities of material and made under conditions of the bill of lading. The amendment should be carried; it would be only fair to adopt the provision; it had been made in the Commonwealth Act.

Hon. G. RANDELL: The Act should come into operation as soon as it was passed, but the Colonial Secretary might accept the suggestion made by Mr. Moss. It would be quite sufficient to make it the first of April, so as to give three months longer to meet those cases where contracts had been entered into.

Hon. R. W. PENNEFATHER: The sooner the Act was brought into operation the better. It was far better for shippers to have the Act brought into operation at once. Mr. Moss wanted to protect the persons who had already entered into a contract, and give them a reasonable time to terminate that contract without loss. While Mr. Moss desired to do that we should not lose sight of the fact that every month after these contracts were entered into would prove worse for the unfortunate shipper.

Hon. M. L. MOSS: Would the Colonial Secretary agree to the first of April?

Hon. R. F. SHOLL: It was his intention to oppose the extension.

The CHAIRMAN: It was not competent to move at that stage any amendments on the commencing of the Act.

Hon. M. L. Moss: It would be better to let the matter go to a division.

The COLONIAL SECRETARY: Would the hon. member make it the 31st March?

Hon. M. L. MOSS: Yes; There was no objection to a compromise and making it the 31st March instead of the 30th June.

The CHAIRMAN: The amendment would now read, That the following be added as Subclause 2:—

This Act shall not apply to any bill of lading or document made before the 31st March, 1910, in pursuance of a contract or agreement entered into before the first day of September, 1909.

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

Clauses 5 to 7—agreed to.

Title—agreed to.

Bill reported with an amendment.

BILL—HEALTH.

In Committee.

Resumed from the previous day.

The CHAIRMAN: Attention had been called to the fact that in Clause 42 there was a clerical error in the third line of Subclause 2. In that line the words "forty-seven" should be "forty-four." It being very evidently a clerical error, the Clerk had been instructed to make the necessary alteration.

Clause 44—Powers of the Minister—agreed to.

[Clauses 45 to 57—Financial—to be dealt with by Assembly.]

Hon. J. W. HACKETT: Before proceeding from Clause 44 to Clause 58 the attention of the Colonial Secretary should be called to the fact—

The CHAIRMAN: There could be no debate on the financial clauses.

Hon. J. W. HACKETT: It was his desire merely to call the attention of the Colonial Secretary and the attention of the Chairman also to the fact that the Committee would not be

able to make any amendments in these clauses when the Bill was returned from another place unless the clauses were amended in the Assembly. The Committee of the Legislative Council would lose their right to amend these clauses unless amendments were made by the Assembly.

The COLONIAL SECRETARY: These clauses were to be moved in the Assembly.

Hon. J. W. HACKETT: It should be pointed out that the Committee of the Council would not be able to make any change unless the clauses were amended in the Assembly. They would have to be accepted as they were in the Bill.

Hon. C. Sommers: Clause 45 badly required to be amended.

Hon. J. W. HACKETT: Just so, and members of the Committee would lose their right to amend them unless they were amended in the Assembly.

Hon. M. L. MOSS: Exactly the same complaint had been made by him on the previous day with regard to the Municipal Bill. It was a very serious thing.

Clauses 58 to 91—agreed to.

Clause 92—Power to make pan charges:

Hon. M. L. MOSS: Had the Parliamentary draftsman made any communication to the Minister in regard to this clause?

The COLONIAL SECRETARY: The clause had been brought under the notice of the Parliamentary draftsman who, however, failed to see that any alteration was necessary.

Hon. M. L. MOSS: The way in which the clause was drawn left room for grave difficulties to arise in the case of a place which might be untenanted at the time the rate was struck. Untenanted houses were not places from which receptacles for night-soil had to be removed, and, as the annual charge was a charge made in advance, if a place were untenanted at the time the rate was struck, there were no means of obtaining payment from the owner or occupier during the balance of the year, even though the place might be tenanted shortly after the rate was struck, and remain tenanted for the rest of the twelve months. On the other hand, if a place were tenanted when the rate was struck, the payment for the whole year would have to be made, notwithstanding the fact that possibly the place would become untenanted two or three weeks after the striking of the rate, and remain untenanted for the rest of the year. This pan rate was in operation in two of the three Fremantle municipalities where great difficulty had been found in subsequently recovering payment from persons whose places were unoccupied at the beginning of the year, when the rate was struck; whereas, as he had said, other places which were occupied at the beginning or the year, and for which, consequently the rates had to be paid for the whole twelve months were perhaps empty for the greater part of the balance of the year. In view of the necessity for giving careful consideration to this clause he moved—

That the clause be postponed.

Motion passed; *the clause postponed.*

Clause 93—Sanitary charge in respect of non-rateable property:

Hon. W. PATRICK: For precisely the reasons urged by Mr. Moss in respect of the preceding clause he moved—

That the clause be postponed.

Motion passed: the clause postponed.

Clauses 94 to 99—agreed to.

Clause 100—Power of contractor to recover:

Hon. M. L. MOSS: Although himself largely responsible for the insertion of this clause, yet it seemed to him that the clause had been drafted in a way that did not altogether meet with his wishes. The purpose of the clause was to evade a decision of the Federal High Court. In New South Wales a certain municipal council contracted with the contractor for the removal of nightsoil and other refuse, and the contract provided that the contractor might sue the individual ratepayers for the performances of his services; but the High Court had held that as the individual ratepayer was not a party to the contract, the contractor could not recover. This clause had been inserted to enable the contractor to recover direct from the ratepayer, but he (Mr. Moss) had not seen the clause until it was printed in the Bill. There were certain dangers about

it in its present form which he would point out to the Committee. The local authority might contract with the contractor and give him an unconscionable amount for the performance of his services, and the ratepayers would have to pay. There would be no pleading that it was an exorbitant charge. The local authority would not be pledging their own funds, but those of each and every of the ratepayers. It might be an excessive fee, yet no opportunity would be given of raising any defence in a court to say that it was not a fair and reasonable charge. It was necessary also to draw the attention of the Committee to a very peculiar provision in the clause under which a person who neglected to pay was not merely a civil debtor, but would be guilty of an offence for which recovery might be made in a summary manner; and in the event of non-payment, imprisonment with hard labour would follow. Surely the clause was too drastic, while the penalty for non-payment was too serious altogether. He moved—

That the clause be postponed.

The COLONIAL SECRETARY: There was no necessity to postpone the clause at all. It was extremely unlikely that a local board elected by the ratepayers would give a contract to a contractor at an exorbitant rate, as the hon. member feared. It might be that the clause was too severe in its latter part, but that portion could be struck out. The remainder was all right as it stood. As the hon. member said, the clause had been inserted to protect contractors, because in the past the ratepayers had discovered the legal situation, and consequently the contractors had lost a good deal of money.

Motion passed; the clause postponed.

Clauses 101 to 127—agreed to.

Clause 128—Plans of buildings to be submitted to local authority:

Hon. E. M. CLARKE: Surely there was no real necessity for submitting the plans of a building to a medical officer. Was it not rather a question for the expert knowledge of an architect, and the common sense of the health board? He moved an amendment—

That the words "after report by its medical officer" in line 6 be struck out.

The COLONIAL SECRETARY: The clause as the member proposed was the law at present, the words he wished to strike out having been inserted as something new in the Bill. At the present time no building could be erected without the approval of the municipal council, and therefore it had been the practice in all large municipalities to obtain the approval of the medical officer; that was always done in Perth and, he believed, in Fremantle and Kalgoorlie. This clause sought to make the practice compulsory. It was really more important that the plans of a dwelling house should be submitted for the approval of a medical officer than for the approval of a building surveyor. All buildings should be constructed in a healthy manner and be quite sanitary. The clause only sought to legalise a practice now generally in force.

Hon. G. Randell: I have never heard of it before.

The COLONIAL SECRETARY: It had existed in Perth for the last five or six years. No permission to build would be given under the clause unless the plans had the signature of the medical officer. If members would take plans passed during the past five or six years they would find on all of them the signature of the medical officer. The clause really provided a protection for the builder, as any defects that existed would be found out on the original inspection of the medical officer, whereas if this inspection did not take place until the house was built it might be that the property would be condemned and have to be pulled down.

Hon. J. W. LANGSFORD: If the local councils desired to call in their medical officers for advice, well and good, but it should not be specified in the clause that one municipal officer should make the inspection without the others being treated in a similar way. The practice as mentioned by the Leader of the House certainly did not apply to any other municipality he had ever heard of; in fact he doubted whether it was the general practice in Perth for the medical officer to sign plans. He personally had seen many plans but they

did not bear the signature of the medical officer.

Hon. J. W. Hackett: I have built many houses, and none of the plans bear the signature of the medical officer.

Hon. E. M. CLARKE: If the amendment were carried it would tend to simplify and expedite matters in connection with building. What was the use of showing a plan to a medical man. Again, a medical man with a salary from the local board of only fifteen pounds a year would soon tell that body he would have to get an increase in his salary if it were necessary for him to inspect the plans of every building erected in the locality. It was for the architect to say whether the building was constructed in accordance with the regulations of the Building Act or any other Act. It was not fair to submit a legal question to a medical man, and that would be the result if the clause were passed as printed.

The COLONIAL SECRETARY: The clause only applied to municipal councils and not to health boards. Where there were municipalities the health officers would always receive more than fifteen pounds a year, so that the contention of the mover of the amendment would not apply in that respect. The Building Act did not apply to every municipality, and it was safe to say that not more than half a dozen municipalities adopted it, therefore there was good reason why new buildings, at all events in those municipalities, should be passed by the medical officer.

Hon. G. RANDELL: The addition to the clause which it was proposed should be struck out was unnecessary, and if the clause were passed as printed the work set out would be performed in a very perfunctory manner. He had personally built a good many houses, but had never seen the signature of a medical officer on a plan.

The Colonial Secretary: I will show you plenty to-morrow.

Hon. G. RANDELL: Buildings must be built in conformity with the rules laid down by the municipal authorities, and there was no necessity for providing for further inspections with their accompanying delays and annoyances. There were quite sufficient of those already. There should be provision that the buildings were sanitary, and if the building surveyors and inspectors carried out their duties properly there was very little fear of any insanitary buildings being erected.

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

Clause 129—Registers of boarding houses and lodging houses:

Hon. R. F. SHOLL: This was a drastic clause, for it seemed to provide that a person could put up a dwelling house and let it, and if the tenant had a family of five it would have to be licensed as a boarding house. That was practically what the clause meant. The Parliamentary draftsman, or whoever was responsible for the Bill, evidently went to the other Australian Acts, took out certain sections from them, which were probably suitable to those States, and inserted them in the Bill, whereas they were most unsuitable to this State. If members looked at the interpretation clause they would find the interpretation of "boarding house" to be as follows:—

> "Boarding house means and includes a dwelling of any kind, and any house, tent, or edifice, building, or other structure, permanent or otherwise, and any part of such premises (not being the licensed premises of a licensed victualler) in which more than five persons are harboured or lodged or boarded from week to week or for more than a week."

Then it was provided by the clause that every local authority should keep a register in which should be entered the names and residences of the keepers of all boarding houses and lodging houses within the district, the situation of every such house, and the number of persons authorised by the local authority to be received therein. Therefore it appeared that if anyone took in a friend who paid for his board, and the family consisted of five persons or more, the house would come under the definition of a boarding house. Surely this was not desired. There was no

good reason for deviating from the clause in the old Act. The new clause was taken from the Queensland measure, where probably there was some other section qualifying it which had been left out of this Bill. It was time the Government paid a salary of £1,500 a year to a Parliamentary draftsman. The officer who performed the work now had too much to do.

Hon. J. W. Hackett: He appears in Court.

Hon. R. F. SHOLL: He was also the head of the Titles Department and could not possibly do the work of Parliamentary Draftsman.

The CHAIRMAN: The consideration of Clause 129 was the question before the Committee.

Hon. R. F. SHOLL: In that case he would move—

That the clause be postponed.

It would be a good thing if the Bill were withdrawn and introduced in another House, for this Chamber was not the place to bring in a Bill of this kind.

Hon. C. SOMMERS: Perhaps the wishes of Mr. Sholl would be met if the definition of "boarding house" were amended on recommittal of the Bill.

Hon. M. L. MOSS: The definition of a lodging house was more definite, for in that there appeared the term "lodge for hire."

The COLONIAL SECRETARY: There was no real reason why the same provision should not apply to a boarding house as to a lodging house. The reason why the number of persons was fixed at five, as was the case in the definition of a boarding house, was that the provision should not cover a place where a man might have a friend living with him. It was thought, however, that if the number of persons in the house exceed five, the building should be open to the same inspection and regulations as a lodging house. The definition should have been the same as that of a lodging house. He would have the definition seen to and the clause could be recommitted later on in order to allow of an amendment.

Hon. R. F. SHOLL: As other clauses would have to be considered later there would be no obstruction to business by postponing the consideration of the present clause.

Motion passed; the clause postponed.

(Sitting suspended from 6.15 to 7.30 p.m.)

Clauses 130 to 140—agreed to.

Clause 141—By-laws:

Hon. F. CONNOR: Would the interpretation of boarding house affect a private house where five persons were living?

The COLONIAL SECRETARY: The definition of boarding house would be altered so that these clauses would not refer to private houses.

Clause passed.

Clauses 142, 143—agreed to.

Clause 144—Theatres, hospitals, and public buildings:

The COLONIAL SECRETARY moved an amendment—That the following be added to stand as Subclause 5:—

"*It shall be unlawful to commence the construction or extension of any public building until the plans and specifications have been approved by the central board.*"

This provided that plans should be submitted before a building was commenced.

Amendment passed; the clause as amended agreed to.

Clauses 145 to 159—agreed to.

Clause 160—Penalty for illegally carrying on an offensive trade:

Hon. F. CONNOR: How would the penalty be imposed without a conviction? How could the fact of a person having carried on a business be established if there was no conviction?

The COLONIAL SECRETARY: Offensive trade was defined in Clause 157, and if anyone carried on such a trade without permission he committed an offence.

Hon. R. F. SHOLL: Was there anything in the Bill applying to slaughter houses?

The COLONIAL SECRETARY: The definition of offensive trade was contained in Clause 157.

Clause passed.

Clauses 161 to 169—agreed to.

Clause 170—Diseased or unsound food may be seized and destroyed:

Hon. F. CONNOR: Subclause 3 provided that all the expenses incurred by the local authority, in this connection, must be paid by the owner. Would this be the case if the animal was not condemned? Food was often seized and proved to be wholesome.

The COLONIAL SECRETARY: It would not be legal to charge the expenses of seizing what was proved to be wholesome. The clause merely applied to what was diseased or unwholesome. Things would need to be unwholesome to be seized.

Hon. V. HAMERSLEY: It seemed the clause provided that any officer could go on premises and seize food even it was not unwholesome, and yet the owner had to pay the expenses. These officers made mistakes sometimes, so that it would be rough on the owner it he were compelled to pay the expenses.

The Colonial Secretary: The same thing occurs in the present Act. Have there been grounds for complaint?

Hon. V. HAMERSLEY: There were instances where mistakes had been made.

Hon. C. SOMMERS moved as an amendment—

That in Subclause 3 after "owner" in line 3 the following be inserted, "if the animal or food be diseased."

This might overcome the difficulty.

The COLONIAL SECRETARY: The amendment was unnecessary, because it was clear from the preceding subclause that if the animal seized was proved to be not diseased, the justices could restore the animal to the owner, and there would be no expenses. However, the clause would be submitted to the Parliamentary Draftsman to see if there was any danger.

Hon. C. SOMMERS, on that understanding, withdrew his amendment.

Clause put and passed.

Clauses 171 to 173—agreed to.

Clause 174—By-laws:

Hon. F. CONNOR: Subclause 4 provided that a by-law might be made prescribing the places at which fish and meat or perishable food must be produced for inspection before being sold or offered or exposed for sale. Would it be compulsory to make that by-law?

The COLONIAL SECRETARY: It simply gave the local authority power to make a by-law which was needed more in respect to fish, to have it sold at a central place where it could be inspected. It might be necessary to make a by-law in regard to meat, but it had not been found necessary so far. This provision was not in the existing Act. By-laws, when made, would have to be approved by the Governor.

Hon. F. Connor: It seems a tall order to give roads boards this power.

Clause put and passed.

Clause 175—Contamination of milk:

Hon. E. M. CLARKE: The provision in this clause was very drastic. Any person who sold, offered, or delivered for sale, or kept for sale, or supplied impure or unwholesome milk committed an offence. A person was liable if he got the milk for someone else. Cows had been condemned and it had been discovered afterwards that they were not diseased in the way they were supposed to be. Ignorance certainly was no justification, but it was excusable in the case of a cow when the experts could not tell whether it was diseased or not.

The COLONIAL SECRETARY: The clause was practically a reprint of Section 52 of the Act. Drastic provisions were necessary in dealing with milk because milk became contaminated so quickly. It was necessary to have these powers especially when milk was used so much nowadays for infants' food. It was not likely a person would be prosecuted under the section, but if a person was prosecuted and could show that he unwittingly sold the milk from a cow that was diseased, he would not be fined. At present a number of cows had been found to be affected with tuberculosis and the cows were condemned, but the owners were not prosecuted for selling milk from the cows, because they had no idea that the cows were diseased.

Hon. E. M. CLARKE: Subclause 2 provided that any person who used any such milk for human consumption com-

mitted an offence. We were putting a penalty on a man for doing a thing he was unaware of.

The Colonial Secretary: Why not apply it to the person who uses unwholesome milk for his family as well as to the man who sells it?

Hon. W. PATRICK: It seemed by Subclause 2 that if a person went to a shop and bought such milk, and used it, he would be subject to a penalty.

Clause passed.

Clauses 176 to 204—agreed to.

Clause 205—Infectious diseases may be declared:

Hon. V. HAMERSLEY: It would be advisable to adjourn now that the Committee had reached the clauses dealing with infectious diseases because they covered a tremendous amount of ground, and there had not been time to look as carefully into them as members would have wished. Some members who were absent were not aware that the Committee would reach that stage of the Bill, and members had no conception of what might be underlying these clauses. The Committee would be wise in postponing the further consideration at that stage.

The COLONIAL SECRETARY: The hon. member had made a statement as if the Committee were dealing with something which was not law at the present time.

Hon. V. Hamersley: That was right.

The COLONIAL SECRETARY disagreed with the hon. member. The clause under review which provided that the Government might declare any infectious disease to be a dangerous disease corresponded with the section in the Act of 1898 dealing with the same thing. There was not one single word in the clause in the Bill which was not contained in the existing Act. If there was any departure in the infectious diseases clauses of the Bill, he would be prepared to explain the reason for that departure, but there was nothing in these clauses that was not law at the present time and had not been law for eleven years. The clause in question was exactly what was contained in section 112 of the present Act. There was no reason whatever to adjourn at that juncture.

Hon. V. HAMERSLEY: It was just for the reasons given by the Colonial Secretary that it was necessary to give further consideration to the matter. There were some serious matters in this portion of the Bill which required at any rate very careful consideration.

The COLONIAL SECRETARY: Would the hon. member refer to them.

Hon. V. HAMERSLEY: It was not possible for him to explain the difference because he wanted some time to go into the clauses. The law was being altered, and he had been informed that the Bill was bringing into vogue certain matters which had not been legalised before. Therefore progress should be reported.

Hon. R. F. SHOLL: It would be wise to be cautious before passing these clauses of the Bill. The Colonial Secretary had stated that they were in the existing Act, but if members looked at the marginal note they would find that Clause 205 had been taken from the New Zealand Act of 1900. It was not so much that particular clause, but as the Committee were dealing with the whole of Part IX., it would be as well if they started that Part IX., after members had had more time to look through it. There was no wish to retard business, but they should be cautious over a thing like this. He moved—

That progress be reported.

The CHAIRMAN: When an hon. member wished to report progress it was impossible for the Chairman to accept that motion after the hon. member had made a speech. If an hon. member desired to report progress it was necessary for him to merely rise and say, "I move that progress be reported."

The COLONIAL SECRETARY: There was no objection in connection with that or any other Bill to giving time for the fullest consideration, but he took the strongest exception to an insinuation that had been made by Mr. Hamersley that there was something underlying the Bill which had not been explained to the House. There was nothing whatever in the contagious diseases clauses that had not been fully explained to the House. There was no ulterior motive or any desire to bring in anything by a side wind. If there was anything in the clauses in ques-

tion on which information was desired he would explain it to the Committee. There was good reason for everything that was included in the Bill, and there was nothing, as he had already stated, in the clauses that was not contained in the present Act, which had been law for eleven years.

Hon. G. Randell: There was no examination of a person provided for in that Act.

The COLONIAL SECRETARY: Would not the hon. member examine a person for contagious disease? There was no objection to reporting progress, but he would repeat that there was nothing in the Bill that had not been fully explained and he claimed to know everything that was in the Bill. In his opinion, it would be much better to go on clause by clause, and postpone any particularly controversial clause. If they were going to postpone the whole part they would never get any further ahead.

Progress reported.

House adjourned at 8.17 p.m.

Legislative Assembly,

Thursday, 16th September, 1909.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION—TIMBER TROUBLE, MARRANUP.

Mr. HOLMAN (without notice) asked the Premier: 1, Is he aware that owing to the Commissioner of Railways refusing to pay the current rate paid by other employers to hewers, the hewers cutting sleepers at Marranup have ceased work? 2, In view of the possibility of the present trouble causing a serious dislocation of the peaceable working of the timber industry will the Government take the necessary action to effect a settlement of the present difficulty?

The PREMIER replied: I was not aware until the hon. member mentioned it that the hewers had ceased work. Inquiries will be made from the Commissioner of Railways in order that the facts may be ascertained.

QUESTION—ADVERTISING THE STATE.

Mr. BOLTON (for Mr. Walker) asked the Premier: 1, What is the amount to be paid to the French firm of Pathé Frères for cinematographic pictures of the State? 2, Was any offer made locally or by an Australian firm to do this work; if so, by whom and what was the amount quoted? 3, Are the Government publishing or supporting the publication by private persons of an official guide to the State. 4, If so, what are the terms of the arrangement and when was it made?

The PREMIER replied: 1, £300, subject to the pictures being presented and circulated in accordance with the terms of the agreement entered into by the firm mentioned with the Commonwealth Government. 2, Yes, offers were made, containing various stipulations regarding the purchase of the necessary plant, preparation of the pictures, etc., by Messrs. H. Hayward, H. H. Evans, Greenham & Evans, Sidney Cook, J. H. Noble, G. R. Lawrence, and J. Hindhaugh. The amounts quoted in connection with the three first mentioned were respectively £3,000, £693, and £645. 3 and 4, No financial assistance has been extended, but Messrs. E. S. Wigg & Son, who are issuing a publication entitled "An Official Guide to Western Australia," have been supplied with certain literary matter relating to State departments, industries, conditions of land settlement, statistics,