least an element of truth in its reports. The paper had made a number of excuses and had blamed the acoustic qualities of the House, but it was to be hoped that in future the paper would await the publication of *Hansard* before venturing upon any statement in regard to the proceedings of Parliament. Indeed, he would suggest that 10 or 12 copies of *Hansard* be specially provided for the guidance of the *Daily News*. Would the Speaker inform the House whether an apology had been made?

Mr. SPEAKER: As the hon. member knew, it was not incumbent on the Speaker to answer any questions, but he invariably endeavoured to be as polite as possible. He was a firm believer in the principle of eight hours a day; but he had been working 24 hours a day for days past which had meant a very severe strain upon himself and the officials of the House; and he would ask any hon. member was it reasonable to suppose that he should have been able in the circumstances to frame a letter for delivery to the *Daily News*, either he or the clerks? He had been totally unable to do it, and the Clerks had not had a moment to spare for the purpose.

Mr. TROY: There had not been the slightest intention of finding fault with the Speaker in connection with the forwarding of the letter. He was just as much concerned about the officials of the House as was the Speaker, but he had thought the *Daily News*, knowing what had occurred in the House, would have had the decency to forward an apology without awaiting the demand. He had not had the slightest intention of reflecting on His Honour's actions, and he failed to see why the question should have imparted any heat into His Honour's remarks?

House adjourned at 1·55 p.m.

Legislative Council,

Tuesday, 17th January, 1911.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report of the Commissioner of Police for year ended 30th June, 1910. 2, Report of the Chief Protector of Aborigines for year ended 30th June, 1910. 3, Report of the Department of Agriculture for year ended 30th June, 1910. 4, The Dentists Act, 1894—amended rule 26. 5, Derby Local Board of Health by-laws. 6, Roads Act, 1902—By-laws of Greenmount road board.

OATH OF ALLEGIANCE.

Hon. C. A. Piesse took and subscribed the Oath of Allegiance to His Majesty King George V.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1. Pharmacy and Poisons Act Compilation.
2. Mount Lawley Reserves.
3. Land and Income Tax.
4. Southern Cross-Bullfinch Railway Appropriation.
5. Southern Cross-Bullfinch Railway.
6. Supply, £207,443.

SIR WINTHROP HACKETT—CONGRATULATIONS.

The COLONIAL SECRETARY (Hon. J. D. Connolly): Before formally dealing with the business on the Notice Paper, it is my duty and privilege, as leader of

the House, to offer our hearty congratulations to one whom His Majesty the King has been pleased to honour. That honour has been, indeed, well deserved, not only for the services that hon. gentleman has rendered to the country as a member of this House, but also for the very deep interest which he has taken in our public institutions. No citizen of Western Australia is more deserving of credit than the hon. gentleman for the time and attention which he has devoted to those institutions, more particularly when, I regret to say, we find that so few men in Western Australia, whom one would expect to make these institutions their special care, have not done so; but the hon. gentleman in question has undoubtedly done even more than his share in that direction. I have very much pleasure in offering Sir Winthrop Hackett the hearty congratulations of this House on the honour conferred on him by His Majesty the King.

Hon. Sir J. W. HACKETT (South-West): I assure you, Mr. President, I feel very much the kind way in which the leader of the House has proposed this vote of congratulation on the honour which the King has been pleased to bestow upon me. It often seems to me that the measure of the value of these honours is to be ascertained outside the House. It appears to me that in the first place a large part of the pleasure derived from such a grant is felt by the recipient just in proportion to the way in which his friends receive it, and still more do I feel that a larger part of that pleasure proceeds from the endorsement of those who, outside the House, and, perhaps, outside the circle of the acquaintances of the recipient of the honour, give it their thorough adoption and express their complete approval of it. I say that, because in the last few days I have received in ample measure those two proofs of the endorsement of the exercise of the King's prerogative to a degree highly acceptable to myself. The leader of the House has spoken of certain institutions; it adds greatly to my sense of appreciation that he should have made that reference, but I freely admit that without any such signs of approval it would have been a labour of love and a task of delight to prepare such institutions for the improvement and pleasure of the people of my adopted country. When on a holiday I visit the King's Park, or the Zoological Gardens, or the National Gallery, or the Museum, or other places I could mention, I feel in ample measure the true pleasure and the true delight of helping one's country forward. As to myself, perhaps you will allow me to remind you that from your position a similar expression to that of the Colonial Secretary was tendered to me eight eyears ago, and was supported by the then leader of the House, Dr Jamieson. I at that time felt that I must decline the honour, but time changes our perspective in all directions; circumstances, conditions, objectives all change, and now I am prepared to accept this honour, not merely with a sense of profound loyalty, but with deep gratitude to the King for granting it. I accept it with gratefulness, and I shall wear it with pride. I beg you, Mr. President, to express to the House on my behalf, the heartfelt pleasure I feel at the way in which members have received the announcement of this honour.

BILL—HEALTH.

In Committee.

Resumed from 21st December; Hon. W. Kingsmill in the Chair.

The CHAIRMAN: Progress had been reported at the end of Clause 144.

Clauses 145 to 160—agreed to.

Clause 161—By-laws:

On motion by COLONIAL SECRETARY the clause was amended by striking out the words "dog or other" in line 1 of Subclause 6, and by striking out all the words after "same" in line 2 of the same subclause and inserting in lieu "and empowering any officer of the local authority on default being made by such owner to seize and destroy such animal and for that purpose to enter upon any premises."

Clause as amended agreed to.

Clauses 162 to 165—agreed to.

Clause 166—Imported food products subject to examination:

Hon. D. G. GAWLER: The attention of the Colonial Secretary ought to be drawn to the fact that Clause 162 gave power to the local authorities to inspect food for sale, and Clause 166 gave power to the Commissioner to inspect imported foods. Why should the Commissioner inspect imported foods, and why should the local authority be given power to inspect all foods generally? Clauses 189, 191, and 196 all appeared to be general clauses relating to inspection of foods, and how far all these clauses would overlap it was difficult to say. Undoubtedly they would overlap.

The COLONIAL SECRETARY: It was obvious why the difference was made in dealing with adulterated foods. In clause 162 power was given only to the local authority because each local authority dealt with their own district. Clause 166 related to imported foods which might not be the duty of the loca lbody to deal with these articles.

Hon. D. G. Gawler: Clause 181 gave authority to either the local authority or the Commissioner.

The COLONIAL SECRETARY: There might be instances when it only concerned the local authority.

Clause put and passed.

Clauses 167 and 168—agreed to.

Clause 169—Contamination of milk:

Hon. E. M. CLARKE: This clause seemed to be somewhat unreasonable. The fact that a person purchased milk and resold that milk and rendered himself liable if there was any fault to be found with it, was rather harsh. Subclause 2 provided that it should be no defence to any prosecution that the owner did not know that the animal was diseased, unless he should also show that it was not practicable to discover the fact by the exercise of reasonable diligence. It must be patent that a person would buy milk in good faith from a dairy from which he had been receiving his supplies and with regard to which no complaint had ever been made, when all at once he might discover that he had infringed the Act. The clause would certainly inflict a hardship.

The COLONIAL SECRETARY: There was no hardship about the clause. There was no class of food that needed so much protection as milk, and there was no class of food which so quickly became contaminated. The clause might work a hardship on people but they deserved to be dealt with if they permitted milk to become contaminated. All diseases did not arise from the dairy; a disease might probably arise from the house in which the milk was taken.

Hon. J. F. CULLEN: In paragraph (b.) of Subclause 1 provision was made for a penalty in the event of selling milk drawn from animals within thirty days before or after parturition. Any dairyman would know definitely the second part of this provision, but it would be utterly impossible for him to know the former.

The Colonial Secretary: What do you propose?

Hon. J. F. CULLEN: Some such modifying words as "as far as can be judged." Something would have to be done. It was recognised that there should be some such provision, but it should be one that could be applied. Perhaps the Minister would have the matter looked into.

The Colonial Secretary: It might be left to the discretion of the officers of the department.

Hon. J. F. CULLEN: It was too serious an offence to be left to the discretion of the officers of the department. He moved an amendment—

That in paragraph (b.) of Subclause 1 the words "thirty days before" be struck out.

The COLONAL SECRETARY: The member admitted that it was necessary to insert a provision of this kind, and he (the Minister) agreed that it was not possible to tell within a day or a week when these events would take place, but the officers of the department would use their discretion. If the amendment was carried a cow could be milked right up to the day of calving. A provision of this kind was at present in force.

Hon. V. HAMERSLEY: The provision looked very drastic, but a reasonable

amount of commonsense would be exercised by the department. A really good milker would go on milking right up to the day of calving, and if a person bought an animal the person might reasonably milk the cow to within a week of calving. It was not right to use such milk for consumption and a provision of this kind was necessary. It was just as well to leave the clause as it stood and trust to the authorities using commonsense.

Hon. E. M. CLARKE: If a person had been milking a cow for 10 months it must dawn on him that the cow was likely to calve within another month. Some persons were careless enough to milk a cow right on to calving time.

Hon. J. F. CULLEN: How would it do to say, "no longer than eight months?"

Hon. E. M. CLARKE: A cow could be milked longer than that. He had milked a cow for three years; it was absolutely necessary to have some such provision as this.

Hon. J. F. CULLEN: In the light of the discussion he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

The COLONIAL SECRETARY moved a further amendment—

That in Subclause 4, lines 1 and 5, the words "unless such milk shall have been boiled for at least ten minutes" be struck out.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That in Subclause 3 before "Act," in line 1, the words "the division of this" be inserted.

Amendment passed.

Hon. M. L. MOSS: On looking through the division he found no clause whereby a person could be punished for adulterating milk with water.

Hon. D. G. GAWLER: The only clauses he could see bearing on the matter were Clause 180, dealing with food and drugs, and, possibly, Clause 200, dealing with regulations. Still, it would be unsatisfactory to have the matter provided for in either of those two clauses. Section 52 of the old Act was more satisfactory.

Hon. M. L. MOSS: In the *West Australian* the other day there was a report by Dr. Seed, in which that gentleman dealt with this question, and it was pointed out that the standard in the present Act was very low. He (Mr. Moss) did not believe in fixing the standard by regulation if that was intended.

The Colonial Secretary: I think it is intended.

Hon. M. L. MOSS: It was just as well for Parliament to lay down the standard, and the present standard was so low that any milk which was below it was very bad indeed.

The COLONIAL SECRETARY: The power to make regulations was contained in Clause 200. He was not certain for the moment, but he did not think a standard of milk was contained in the Bill. It was in the present Act, but there had been a good deal of discussion as to whether it was wise to have a standard fixed in the Bill, or by regulation, and it was decided to fix it by regulation so that it could be altered from time to time. It had been contended that the present standard was too low and there was no power to alter it. There was a power under the by-laws to prosecute those who mixed water with milk.

Hon. M. L. MOSS: Under the present Act milk was deemed to be adultered when it contained less than 3 per cent. of butter fats and 8.5 per cent. of solids, not fat, and ash .7 per cent. That was a low standard and it would be a pity if the standard was made lower than that. It would not be wise to have a continual alteration of the standard. The Minister had given no good reasons to justify the omission of the standard from the Bill. We should not run the risk of the standard being lowered by regulation. Some people considered there should be varying standards for winter and summer; he did not hold with that contention.

Hon. V. Hamersley: But there is a good deal in it.

Hon. D. W. GAWLER: There was no power of penalty under Clause 200. It came under the following clause. Again, the penalty in Clause 202, providing for notice of conviction being placed in the

window of a shop, would not apply to selling milk from a cart at a customer's door. The matter was worthy of serious consideration.

The COLONIAL SECRETARY: In order to give members the opportunity of discussing whether it would be wise to put the standard of milk in the statute he would have a clause drafted on the lines of the old sectioin so that it might, if so desired, be inserted as a new clause.

Clause as previously amended put and passed.

Clauses 170 and 171—agreed to

Clause 172—Sale of milk:

Hon. M. L. MOSS moved an amendment—

That in line 2 of Subclause 1 after "milk round" the words "or any part thereof" be inserted.

It would be useless if we did not provide that the milk could not be carried over any part of a round.

Hon. V. HAMERSLEY: The clause was altogether too rigid. Surely the dairyman should be allowed to add the milk left over after doing the round to some other milk he was selling in a wholesale way. The profits of dairying were not so enticing that we should so recklessly take away the dairyman's chance of realising on the milk left over after doing the round. This milk would probably be just as fresh as that sold on the round.

Hon. D. G. Gawler: It cannot be sold if it is taken back into the depot or a cool chamber.

Hon. V. HAMMERSLEY: If the milk was extracted during the day it would be fresh even after being returned to the dairy; at any rate the dairyman should not be debarred from disposing of milk extracted on the same day.

The COLONIAL SECRETARY: No restriction could be too severe in regard to the sale of milk. This question had received a lot of consideration and it was found from experience that it was absolutely necessary; otherwise milk returned from the rounds would be put into a cooling chamber day after day and sold as fresh milk. Dairymen did not take out on their rounds quantities larger than they expected to dispose of.

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

Clauses 173 and 174 agreed to.

Clause 175—By-laws as to dairies:

On motion by the COLONIAL SECRETARY Subclause 9 was amended by striking out the words "cows or other" before "animals."

Hon. J. F. CULLEN: This clause gave very great powers to local authorities to make by-laws that had the effect of law. It was serious for instance to give power to make by-laws for the sterilisation of milk unless there was some power to revise such by-laws. Of course men on local boards were not likely to injure an industry in their district, but the central authority had done a good deal towards prohibiting the dairying industry by discouraging it to a large extent by periodical by-laws. It was not safe that any local authority should string out a lot of by-laws and compel things to be done or wipe out the dairies. Dairying was an industry we should encourage.

The Colonial Secretary: The by-laws are subject to revision through the Governor-in-Council.

Hon. M. L. MOSS: The hon. member raised a very important point. Under the Interpretation Act any by-law could be disallowed by a resolution passing both Houses of Parliament. Last session he endeavoured, when the Interpretation Act was being amended, to have an amendment inserted so that either House of Parliament could disallow a by-law or regulation, as was the case in the Commonwealth Parliament. However, if any regulation was likely to be injurious to any industry, an hon. member could bring it before either House of Parliament and have a resolution transmitted to the other House. If the resolution passed both Houses the regulation would be nullified. It seemed there was more difficulty in getting a disallowance of an obnoxious by-law than in altering a provision in a Statute. He would assist Mr. Cullen to put in a special clause in this Bill negativing Section 11 of the Interpretation Act by providing that in respect to regulations made under the Health Act either House might pass a disallowing resolution.

Hon. E. M. CLARKE: While realising the necessity for a health board having power to make by-laws, at the same time he was pleased to hear of the intention of Mr. Moss to have a new clause inserted. When we came to Clause 271 it would be found he had an amendment exactly on the lines suggested by Mr. Moss.

Hon. V. HAMERSLEY: In Clause 175 Subclause 6 it was laid down that local authorities could prescribe what alterations should be made in the construction, lighting, ventilation, cleansing, etc., of dairy premises. It had come under his notice that the local authorities sent their agent along to inspect these places, and through that agent approved of certain plans and gave general instructions as to what was required; and the local authorities had expressed themselves perfectly satisfied with the premises when completed according to those instructions. Yet it had frequently happened that twelve months afterwards a dairying inspector came along and declared the whole thing to be wrong, finishing up by ordering a recasting of the entire work. Provision should be made in the Bill for compensation to be paid to owners affected by such contradiction of orders. Unless we were careful we would have the local authorities ruining the dairymen in their respective districts.

Hon. S. STUBBS: The Committee would be wanting in their duty if they did not legislate for both the consumer and the dairyman. Speaking as a magistrate with a good deal of experience in Perth he could say he knew of numbers of cases brought into court, in which the employer had proved to the satisfaction of the court that he had nothing to do with the watering of the milk, but that it had been perpetrated by his employees.

Hon. M. L. Moss: Do you believe that?

Hon. S. STUBBS: There was good occasion to believe it, for he had actually seen it done. The public should be protected against inferior milk. He could support the remarks of Mr. Hamersley as to the contradiction of orders in regard to the construction of dairy buildings. Regulations made under the Bill should be carefully scrutinised by the House.

Hon. J. M. DREW: The central board regulations had almost killed the dairying industry in the Victoria district. At one time there had been in that district dozens of farmers making butter in the winter season. To-day there were scores of farmers and large numbers of cattle in the district, but owing to the expense involved in carrying out the regulations very few of these farmers attempted the making of butter.

The COLONIAL SECRETARY: It was essential to take very wide powers in regard to by-laws under the Health Bill. Just the same there should be some provision under which Parliament could revise these by-laws and regulations. With that end in view he had inserted in the Bill a clause providing that these by-laws could be disallowed by resolution of either House. However, that provision had been struck out in another place. If the suggested new clause were moved he would not offer any opposition to it. As to the restrictions on dairying, that was purely a matter of administration. He had frequently heard complaints against that administration, but invariably when those complaints were inquired into it had been found there was another side to the question. While, of course, any Government would be desirous of building up a new industry, at the same time it should be built up under proper conditions by being subjected to some restrictions in the beginning: because, after all, a supply of pure food should be insured to the people.

Clause as previously amended put and passed.

The COLONIAL SECRETARY: There was a number of amendments yet to be placed on the Notice Paper, and in order to allow of that being done, he moved—

That progress be reported.

Hon. M. L. MOSS: Would the Minister have the proposed new clause in reference to by-laws and regulations put upon the Notice Paper?

The Colonial Secretary: Yes.

Motion passed; progress reported.

BILL—YORK MECHANICS' INSTITUTE TRANSFER.

Returned from the Legislative Assembly without amendment.

BILL—BRIDGETOWN - WILGARRUP RAILWAY EXTENSION.

Received from the Legislative Assembly and read a first time.

BILL — LEEDERVILLE AND COTTESLOE MUNICIPAL BOUNDARIES.

Returned from the Legislative Assembly with an amendment.

BILL — REDISTRIBUTION OF SEATS.

Received from the Legislative Assembly and read a first time.

BILL—BREAD ACT AMENDMENT.

Second Reading.

Hon. B. C. O'BRIEN (Central) in moving the second reading said: It may be remembered that in 1906 an amendment was made to the Bread Act of 1903 for the purpose of providing a statutory holiday once a month for the bread carters. A conference had been held between the employers and the employees engaged in the baking trade in the metropolitan area, and it had been unanimously agreed between the parties that within a radius of 14 miles from the General Post Office, at Perth, it would be made statutory that a whole holiday should be granted to the bread carters once a month. An amending measure giving effect to that decision was passed through both Houses in 1906, and the object of the present Bill is merely to give the same facilities to the bread carters in the Kalgoorlie district. The same radius has been taken from the Kalgoorlie Post Office as was taken in the case of Perth. This arrangement has been unanimously agreed upon between the employer and the employee. The measure was passed by another place without objection, and is indeed of a formal nature. I have much pleasure in moving—

That the Bill be now read a second time.

Hon. M. L. MOSS (West): I have nothing to say against this Bill, but I have a few words to say in regard to the administration of the Bread Act. Some two or three years ago the Government in their wisdom sought by a drag-net statute to monopolise all the small fines imposed by the magistrates and justices sitting in petty sessions. They took all the fines under this Bread Act, and under other statutes administered by the various local authorities. The result has been that there have been very few prosecutions, in the province I represent none at all, since that alteration was made. All the fines up to the passing of the Appropriation of Fines Act went to the local authorities, who thus had some inducement to go to the expense of maintaining a vehicle to send out in the early mornings for the purpose of intercepting the bread carters on their rounds, and examining their bread. Parliament in passing that measure never realised how far reaching it was. There is a small history attached to the passing of it. As a result of proceedings taken against the Government compelling them to disgorge fines received on account of offences within the meaning of the Police Act, the Government brought down a measure with the intention of only securing to themselves those fines, but the measure was of so comprehensive a nature as to take in a great many other fines, including those under the Bread Act. The result is that the administration of the Bread Act is a dead letter. We have had observations made this afternoon as to the necessity of securing to the people a supply of fresh and unadulterated milk, but it is equally important, if not more important, that the people, when they buy their bread should get loaves of full weight, and it is a pity that the taking away of these fines has been the cause of this Act not being properly administered. I do not think that this House can do anything because to a certain extent the revenue would be affected, but I do ask the Mini-

ster to take some action in the direction of seeing that these fines are again paid to the local authorities. A very small amount is involved, but the local authorities are so short of funds that the cost of hiring a cart for the purpose of examining the bread in the course of delivery is a serious consideration to them. In the circumstances I think that the Government would be wise if they made provision for those fines to go into the funds of the local authorities.

Question put and passed.

Bill read a second time.

BILL—WORKERS COMPENSATION ACT AMENDMENT.

Second Reading.

Hon. B. C. O'BRIEN (Central) in moving the second reading said: We have before us a short measure of a very formal character; it has emerged from another place after having had a very detailed examination, and after having been considered and exhaustively reported upon by a select committee. It is an amendment of the Workers Compensation Act of 1902, and its object is to a great extent to make provision for men who in the ordinary course of their employment meet with accidents. It may be argued that there is too much given away to the employee, but I think that on dealing with this measure thoroughly and properly we will find that we are only doing what we ought to do, from a humane standpoint, for the employee who in the course of his employment becomes a victim of mishap. By Clause 2 of the Bill, Section 5 of the principal Act is amended. The original Act did not give sufficient protection to the employer; but Clause 2 will amend Section 5 of the Act to read:—"The employer shall not be liable in respect of any injury which is directly attributable to the serious and wilful misconduct of the worker." That gives ample protection to the employer, and rightly so I think, because where negligence is shown on the part of the employee it is only fair and proper that he should not receive compensation.

Hon. M. L. Moss: That has never been sustained in any court in Australia. It has been held that there can be no wilful misconduct in that way.

Hon. B. C. O'BRIEN: The clause is very explicit, and if there has been wilful misconduct it surely can be shown, and although the hon. member says that that provision has never been sustained I take it that in the past there has not been a sufficient proof of the misconduct. Clause 3 is really consequential; it deals with litigation between the employer and employee, and brings such cases under the Justices Act of 1904 instead of under an old Act, of 1863 I think. It is purely formal, and brings litigation between the parties more up to date. Clause 5 means that when a worker becomes incapacitated through an injury by following his lawful employment, say for under one week, the employer is not liable in any way to compensate that worker, but where the injury incapacitates the worker for more than one week he is then entitled to receive from his employer half the wages which he may have been capable of earning, one week from the date of the accident. The English and the New Zealand Acts do not recognise an injury to an employee if that injury incapacitates the employee for one week only. In the present Bill, however, provision is made for such compensation. By way of illustration I might mention that if a man is incapacitated say for eight days he then has a claim on his employer, and if he has been earning £3 per week and he has been under the doctor for eight days he would be entitled to compensation at the rate of half his wages from the date of the accident.

Hon. Sir E. H. Wittenoom: Where does it say that?

Hon. B. C. O'BRIEN: If hon. members will follow the clause they will see that it is made very clear. Paragraph "(c)" provides that where a worker has been partially incapacitated, and resumes or attempts to resume work, and is unable on account of the injury to continue to work, the resumption of work shall not deprive him of any right to compensation. If a man has been incapacitated for four

weeks, and if he should have a large family and it should not suit him to be idle, and he goes to the employer and declares that he is prepared to start work, then after working for a week he finds that the injury he received in the first place is so serious that it compels him to leave off work again, it is provided that in such a case he shall still have a claim on the employer. That is only reasonable and fair. A man would not remain idle on half pay when if he had good health and could work he could earn full pay. I do not think this will involve any hardship on the employer, because in nearly all cases where a number of men are employed they are nearly always insured and the employer protects himself in that way. The insurance companies are only too pleased to get the opportunity of insuring the hands. The employer is amply protected, and I do not think in this measure anything unreasonable has been asked for. When the Bill was first submitted in another place I will admit a great deal more was asked for, but a select committee sat and dealt exhaustively with the measure and a fair and honourable compromise was arrived at. This Bill was accepted by the Government and passed through another place practically as it stands now. I submit the measure to hon. members for favourable consideration and I beg to move—

That the Bill be now read a second time.

Hon. J. M. DREW (Central): I second the motion.

On motion by Hon. V. Hamersley, debate adjourned.

BILL—TRIBUTERS.

Second Reading.

Hon. J. M. DREW (Central) in moving the second reading said: The object of this Bill is to offer a just measure of protection and security to that class of gold seeker known as the tributer. As hon. members are aware, the tributer is not the holder of a lease, but it is generally recognised that he is an important factor in the development of the gold mining industry. Very often it has occurred that when the financial resources of the holder of a lease have become exhausted and when he can no longer work his mine, and when forfeiture threatens him, a tributer comes along and undertakes to work the mine under certain conditions and thus saves the loss which would accrue if the mine were forfeited. Thus it will be seen that the tributer is a valuable help to mining development and this Bill has tangibly recognised that fact. Its object is to regulate on lines of fair play and justice the dealings between the tributer and the holder of a lease, and it is provided for that their transactions shall be based on the groundwork of fair play. In the first place it will be seen that Clause 3 of the Bill insists that every tribute shall be in writing and signed by the parties thereto or their respective agents thereunto lawfully authorised, and Clause 4 provides a penalty for the non-observance of the provision. It reads—

> Every lessee or holder of a claim entering into a tribute, otherwise than in writing and signed as aforesaid, shall be deemed guilty of a breach of his covenant not to assign or underlet, and the holder of a claim, entering into any such agreement shall render his holding liable to forfeiture.

The reason for this must be obvious to hon. members. Taking a mine on tribute is a very important step, involving probably very important consequences and it may be a deal which may ultimately involve thousands of pounds. The lease may have only fair prospects when taken on tribute, but through the exertions of the tributers it may become a very valuable proposition indeed. To avoid any misunderstanding therefore it is essential that whatever agreement is made between the holder of the lease and the tributer it should be in writing, as is the case in all commercial undertakings of an important character. Clause 5 provides—

> Every tribute shall provide that all development work done at the express request or by the express order of the lessee or holder of the claim other than such as the tributer has by the terms of the tribute expressly agreed to, shall be paid for in cash at the current rate of wages.

Most hon. members, indeed I think all hon. members, will agree that this is only fair and just. If the tributer is asked to do development work which is not provided for in his agreement and if he consents to do it, it is only fair that the mine owner shall pay him for that work. All the tributer is asked to do under the Bill is to carry out the agreement between himself and the mine owner. If the mine owner wishes special conditions inserted in the agreement, he can insert these conditions, but the object of the Bill is to prevent him going outside the agreement and asking the tributer to do work that is not referred to in the agreement. Of course it would be said that he could refuse, but then there would be friction between himself and the mine owner. This Bill makes provision that the mine owner may call upon the tributer to do work which is not specified in the agreement and in that event he shall pay the tributer for it.

Hon. Sir E. H. Wittenoom: Quite right, too.

Hon. J. M. DREW: Clause 6 makes the tribute for a minimum term of six months. A tributer may strike payable stone a very short time after signing the agreement. The mine may prove a very valuable one and the owner may desire the cessation of the tribute at the expiration of six months. The clause provides that the tributer may approach the warden of the district and ask for an extension of the tribute in spite of the agreement. It may be that the tributer may work for five months and three weeks without striking anything good, and towards the end of the tribute he may come across something highly payable, and then it will rest with the tributer, if he sees he is likely to suffer a serious injury by the mine owner taking the lease away from him, to approach the warden, and it will rest with the warden to say whether the tributer is worthy of or entitled to an extension of the tribute. Clause 7 reduces the fee chargeable for the registration of a tribute from £1 to five shillings. The idea is to encourage tributing and also to assist the mining industry. This amendment has received the sanction of the Minister for Mines. Clause 8 provides that the tributers shall, for the purposes of the Workers' Compensation Act, 1902, and the amendments thereof, be deemed to be workers in the employ of the other party to the tribute. Hitherto they have not been considered as workers as they have contracted themselves out of that position. A tributer to all intents and purposes is a labourer for the owner of the mine but he does not get wages. He works the mine without responsibility to the owner, and the owner receives a specific portion of the profits in the shape of a royalty. Clause 9 provides that no royalty shall be payable by any tributer unless the tributer shall have earned £3 per man per week after paying the cost and expenses of mining and treatment. This clause was inserted in the Bill in another place at the suggestion of the Minister for Mines, who no doubt had given the matter ample consideration. Mr. Gregory stated that mine owners would offer no objection to such an amendment. There had been a very drastic amendment proposed, but this amendment was suggested in its stead by the Minister for Mines. It would be unreasonable to ask men who have not made an existence out of their work on a mine to pay royalty to the owner of the property. There is nothing further to state about the measure. I move—

That the Bill be now read a second time.

Hon. B. C. O'BRIEN (Central): I second the motion.

Hon. Sir E. H. WITTENOOM (North): I think this is one of the most extraordinary Bills I have ever seen. I understood the hon. member to say that it was a Bill to encourage tributing. I take it it is a Bill to prevent tributing. First of all it is explained to us by Clause 3 that all tributes can be signed and in fact the whole of tributing is to be carried on under an agreement. That is perfectly correct, and it is distinctly understood by both sides what the conditions of this agreement should be. As far as I can see the clause following seems to over-ride the agreement in every possible way, and instead of being an arrangement between the tributer and the owner it seems to be

a statutory matter entirely. The conditions appear to be so outrageous that it is hardly possible to go into detail. I am sorry to say I shall be obliged to vote against the second reading.

On motion by Hon. C. Sommers debate adjourned.

House adjourned at 6.18 p.m.

Legislative Assembly,

Tuesday, 17th January, 1911.

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

PAPER PRESENTED.

By the Premier: Report of the Chief Protector of Aborigines to 30th June, 1910.

QUESTION—STATE BATTERY FOR MT. EGERTON.

Mr. HOLMAN (without notice) asked the Minister for Mines: Is it the Minister's intention to erect a battery at Mt. Egerton at an early date; if so, will he give some idea as to when it is likely to be there?

The MINISTER FOR MINES replied: I am making inquiries as to what is known as the "Holman" pneumatic mills; and if I am satisfied with them, I will have no objection to putting one of these small mills in that locality. It will not be long before I know the result of my inquiries.

QUESTION—POLICE ATTENDANCE AT PICTURE SHOW.

Mr. SWAN asked the Attorney General: 1, Is he aware that eight police constables and an inspector were in attendance at West's picture show at Queen's Hall on Monday evening, 9th inst? 2, What was the reason for such an extraordinary force of police at a harmless picture show? 3, Did West's company make application for the attendance of the police? 4, If so, did they pay for the services of the constables, or were they paid from the taxpayers' money? 5, Have the Attorney General and the police magistrate of Perth been presented with a free pass each from West's picture company?

The ATTORNEY GENERAL replied: 1, There were only two constables in attendance; no inspector. A sub-inspector visited the hall after 9 p.m. in the course of his duty. He reports that he saw two uniformed constables only and no plainclothes police at the hall. 2, No large force of police as stated were present at the picture show. 3, West's company applied for extra constables and were granted the services of two men only. One constable is usually in attendance. The non-commissioned officers in charge of duties were instructed to visit the hall at intervals during the evening in order to make necessary arrangements should additional assistance be needed in consequence of any trouble arising out of the existing dispute between the management and the members of the orchestra. Not more than three members of the force were present at any one time, including the visiting corporal, who would remain for a short interval only. 4, The services of the two constables detailed for duty at the hall were paid for at the usual rates. 5, No.

QUESTION—GOVERNMENT LOAN TO FREMANTLE MUNICIPALITY.

Mr. SCADDAN asked the Premier: 1, Is it a fact that the Government have