

The MINISTER FOR AGRICULTURE: We legislate just as well and just as efficiently now as we did 20 years ago. The amendment is unnecessary.

Mr. LATHAM: There are 116 road boards making by-laws in this State.

The Minister for Lands: They make by-laws suitable for their respective districts.

Mr. LATHAM: Carrying the amendment will not interfere with the power to make by-laws under the first portion of the clause. If the Government are going to force this, let us have a uniform set of by-laws in connection with this measure. Surely it would be enough if the Government took power to make regulations for any particular district.

Mr. DAVY: Within strictly defined limits it is right to give into the hands of local authorities the power to make subordinate legislation. But the paragraph proposed to be struck out would give local authorities wide and undefined powers. The safeguard as to the laying of by-laws on the Table is insufficient. Many by-laws are never looked at here. Under the Interpretation Act by-laws become law the moment they are gazetted, and a period of one month is given for their disallowance.

Amendment put and negatived.

Clause put and passed.

Clause 27—agreed to.

Clause 28—Power of Minister in case local authority makes default in carrying out this Act:

Mr. LATHAM: I would like to see progress reported. This is a fairly debatable clause.

Mr. THOMSON: I strongly object to this clause. Just fancy the Minister appointing a commissioner to exercise the powers of the local authority, his salary having to be paid out of the funds of the local authority, and he to be deemed the local authority for the purposes of this measure! Moreover, the local authority is to be responsible for all the commissioner's acts, and for all expenses incurred by him.

Progress reported.

*House adjourned at 11.11 p.m.*

## Legislative Council,

*Tuesday, 9th September, 1924.*

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

### METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE DEPARTMENT SELECT COMMITTEE.

#### *Extension of Time.*

Hon. A. LOVEKIN (Metropolitan) [4.33]: I move—

*That the time for bringing up the report of the select committee be extended for four weeks.*

At the outset we were delayed for some time in waiting for the 1924 figures from the department, and then we had to wait for the return of the engineer, who was on leave, but is now back in Perth. Consequently, the select committee have not been able to make the progress that was expected. I am asking for an extension of four weeks, but if we have the report ready before the expiration of that period, we shall be able, under the Standing Orders, to present it.

Question put and passed.

### ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT [4.34]: I have to report that I presented to His Excellency the Administrator the Address-in-reply agreed to by this House. His Excellency graciously received it and returned the following reply:—

Mr. President and Hon. Members of the Legislative Council.—I thank you for your expressions of loyalty to His Most Gracious Majesty the King and for your Address-in-reply to the Speech with which I opened Parliament. (Sgd.) R. F. McMillan, Lieutenant-Governor and Administrator.

MOTION—HEALTH ACT, FOOD AND DRUGS REGULATION.

*To disallow Regulation.*

Hon. J. NICHOLSON (Metropolitan)  
[4.35]: I move—

*That Regulation 73 (Declaration of certain drugs), promulgated under the Health Act, 1911-19, published in the "Government Gazette" of the 11th July, 1924, and now laid on the Table of the House, be and is hereby disallowed.*

This regulation is an attempt on the part of the responsible authorities to introduce in a somewhat altered form a regulation which had been previously introduced under the Health Act in 1913, and which was disallowed by this House in September of that year. The old regulation, which was disallowed by this House, and which I am surprised to find is being published still as a regulation in force, was as follows:—

(1) There shall be written in the principal label attached to every package containing any patent or proprietary medicine a statement (in English) of the ingredients and the proportions of the same in such medicine. (2) Exemption from compliance with the provisions of the foregoing paragraph will be granted upon the following conditions, and such exemption will remain in force so long as such conditions are complied with:—(a) That the particulars required by the regulation in respect of the medicine for which exemption is sought be deposited with the Commissioner of Public Health. (b) That no change whatever be made in the composition of the medicine without such change being notified to the Commissioner. (c) That the manufacturer or importer of or agent for such medicine sign an undertaking that all of such medicine sold or exhibited or intended for sale in Western Australia shall comply with the particulars deposited in accordance with the regulations. (3) All information deposited with the Commissioner under the provisions of the preceding paragraph (2) shall be kept strictly confidential by the Commissioner, and shall only be used for the purposes of the Act and of these regulations. The Commissioner or any public health official publishing or disclosing any such information contrary to these regulations shall be deemed to be guilty of a breach thereof. (4) For the purposes of this regulation the definition of "patent or proprietary medicine" contained in Section 187 of the Health Act, 1911, shall apply.

I have read the old regulation so that members will appreciate the difference between it and the new regulation, which I am now asking should be disallowed. I understand that after the old regulation was disallowed by this House in 1913, a member of the Legislative Assembly moved a motion that the disallowance by this House should

have no effect. He sought to nullify the effect of our motion disallowing the regulation, because the motion did not come before this House within the requisite time prescribed by Act of Parliament. It seems a most strange proceeding on the part of another place to take upon itself the responsibility of seeking to disallow a motion passed by this Chamber after due consideration. The motion disallowing the old regulation was carried by a large majority. The vote was taken in a fairly full House, and only four members voted against the disallowance. It will be noted that the old regulation required a statement in English. The new regulation which I am seeking to have disallowed reads—

There shall be written in bold-faced sans-serif capital letters of not less than six points face measurement in the label attached to every package containing medicines or medicinal preparations for internal or external use by man, in which are present any of the substances named in this regulation, or preparations, alkaloids, glucosides, or poisonous chemical derivatives thereof, a statement of the name of the substance or substances or of the preparation, alkaloid, glucoside, or poisonous chemical derivative contained in it and of the quantity or proportion present in the following form:—

Then the form is set out. We all know that many patent medicines are put up in bottles of fairly small size, and I believe it would be almost impossible on some of them to print all the information asked in the form required by this regulation. I shall not read the whole of the regulation—it is on the Table of the House—but I wish to show the nature of the disclosure that has to be made. Here is a list of some of the various ingredients mentioned in the regulations:—

Acetylsalicylic acid, aconite, adrenalin, or its substitutes, alphacaine (A eucaine, or eucaine A), aminophenols, amylnitrite, amilides, antimony, arsenic, barbitone (veronal) barium, bella donna, etc.

And so on. There is a list of all these Latin terms, which terms, I suggest, would be unintelligible to the general public even although they were printed on the label of the bottle.

Hon. J. Duffell: They have to be translated into English, too.

Hon. J. NICHOLSON: They would need to be translated. Therefore as regards those disclosures the regulation itself shows the almost impossibility of compliance. The list which is set out, and the regulation which the motion seeks to disallow, are, I believe, the outcome of a conference of the health authorities of the various States held in Sydney some time in 1922. Since then apparently not only the health authorities in our own State, but also the health authorities in the other States of the Commonwealth, have given consideration to the

matter. As regards Western Australia the list and the regulation are, I understand, the outcome of that conference. I believe the list of medicines mentioned comprises almost everything that could be included in patent or other medicines. Accordingly, the regulation is in effect much the same as the previous regulation; but in this case there is not the requirement which appeared in the old regulation, that the information had only to be deposited with the Commissioner of Public Health. Under the new regulation the information has to be published on the label of the bottle, and owners of proprietary or patent medicines have thus to disclose their formulas on every bottle—which I venture to suggest is a very serious encroachment on what are regarded as proprietary rights.

Hon. A. J. H. Saw: Don't you think the disclosure would put some of them away?

Hon. J. NICHOLSON: I do not think it would have the effect of putting them away in the sense suggested by the hon. member.

Hon. A. Lovekin: Or else the proprietors would not publish them at all.

Hon. J. NICHOLSON: Yes, as interjected by Mr. Lovekin, the owners of good proprietary medicines would refuse to publish the details which are asked for.

Hon. A. J. H. Saw: Don't certain firms do it to-day?

Hon. J. NICHOLSON: Probably certain firms whose rights in proprietary medicines are not of much value would have no hesitation in publishing the details. As a fact, in connection with the old regulation it was suggested in the debate, and probably not without good, sound reason, that the manufacturers of many of the inferior articles who were prepared to give information regarding their remedies or medicines, would not lose so much as the proprietors of certain well-known and valuable medicines.

Hon. A. J. H. Saw: Which are they?

Hon. J. NICHOLSON: There are many which might be named, such as Dr. Collis Brown's chloridyne, Cockle's pills, and a hundred and one other well-known remedies. These people have built up their trade during many years, and I believe that in the course of time many of the original proprietors have disposed of their proprietary rights in connection with the medicines to companies, the shareholders in which have acquired those rights. These shareholders would be robbed of the value of their preparations if the disclosures required by the regulation were made. Therefore those proprietors who regard their medicines and their proprietary rights as valuable, will certainly not be prepared to comply with the regulation so far as this State is concerned—and we can only speak here on behalf of Western Australia. If I remember aright, Mr. President, in the former debate you made a certain suggestion; and that suggestion appeals to me as affording the proper solution of the difficulty. I believe

that you stated there was only one way of dealing with the matter of health regulations and proprietary medicines, and that was by way of uniform action throughout the States of the Commonwealth, and that therefore we should await Commonwealth action, so that uniformity could be obtained.

Hon. A. J. H. Saw: Efforts are being made to get uniformity among the States.

Hon. A. Lovekin: But three of them have already turned down this regulation.

Hon. J. NICHOLSON: In reply to Dr. Saw, suppose we as one of the smaller States of the Commonwealth passed this regulation, then unless all the other States passed a similar regulation, where would the uniformity be?

Hon. A. Lovekin: Some States have already turned this down.

Hon. J. NICHOLSON: I am advised that the regulation has been turned down by other States. The existing position, I understand, is as follows: In connection with the New South Wales regulations, the drug regulations, as they are termed, were deleted, and the balance of the regulations were gazetted about 12 months ago. Further, New South Wales has inserted in its Health Act a section declaring that demands for disclosure of formulas shall not be made. There is a definite stand taken by New South Wales, showing the utter impossibility of uniformity as regards that State. We on our side, if we pass this regulation, shall be depriving the Western Australian people of an advantage which the people of the other States have. Indeed, the man who in this State wanted a box of, say, Cockle's pills, or some other well-known patent medicine, would simply need to send across to another State an order by post, and he would receive the medicine by post.

Hon. J. Cornell: That will be the position when we get prohibition in Western Australia.

Hon. J. NICHOLSON: Exactly. Whatever is to be done must be uniform throughout the various States. In Queensland there are a number of drastic regulations which were gazetted some years ago, but which have never been brought into force. The latest conference suggestions were not gazetted. In a telegram published in the "West Australian" of the 1st July the Queensland Minister for Health stated that the Government Analyst, Mr. Henderson, was to attend an interstate conference shortly thereafter, and that Mr. Henderson had been instructed not to concede any points. The reference is to the conference held some time ago. It means that unless all the other States are prepared to agree to what Queensland considers proper, that State will not fall into line. In Victoria the conference recommendations were gazetted recently, but a protest was lodged, and a deputation met the Food Standards Committee in Melbourne on the 4th August. The regulations, although gazetted, were

deferred for six months pending Ministerial or Parliamentary action. At present the whole thing is in suspense as regards Victoria. In Tasmania regulations were gazetted on the 29th April, but the regulation demanding disclosure of formulas was deleted. In South Australia no action has been taken although the conference recommendations were made 15 months ago. One can perceive, therefore, that there is an absolute lack of uniformity. Speaking on the Address-in-reply I took the opportunity to quote from the report of the Federal Budget Speech delivered by Dr. Page, a report of which was published in the "West Australian" of the 1st August. I would again quote it, by way of emphasising the fact that Commonwealth action is being taken. Dr. Page said—

The Commonwealth Government is of opinion that national economy is seriously affected by lack of uniformity and co-ordination of the Commonwealth and the States in the administration of the laws relating to health. It considers that the time has arrived to examine not only the distribution of responsibility between the Commonwealth, States, and local authorities, but also the common action which should be taken in such matters as a common standard and control of foods and drugs, the pollution of surface waters in the great river basins, puerperal illness, tuberculosis, infectious diseases and industrial hygiene. The Commonwealth Government has, therefore, decided to appoint a Royal Commission on which both Commonwealth and States will be represented, to consider the present system of health legislation and administration, and to make a recommendation designed to secure the most economical and efficient results, including the elaboration of a national policy which can be followed by all authorities. The Commission will inquire into the question of public health generally within the Commonwealth. If possible, it will define the proper functions of the Commonwealth and States in order to prevent overlapping, and will ascertain in what direction the Commonwealth should move. Inquiry will also be made regarding physical defects with a view to corrective action. The Director General of Health is visiting the United States, where he is to be the guest of the Rockefeller Institute. He will also visit most of the European countries, in order that he may glean as much information as possible as to modern practice in health matters.

That shows the position with regard to the Commonwealth, and supports my contention that we would be indeed ill-advised to introduce a regulation such as this, which, it is submitted, would cause inconvenience to the people of this State without any resulting benefit. If I am not wearying hon. members, I should like to quote just a few lines

from the speech of Mr. Kingsmill, who in 1913 moved the disallowance of the regulation which I first read. In dealing with the question Mr. Kingsmill said—

If I were guided by party feeling in this respect I would allow the Government to take their course, and even support them in it. I propose to look at this patent medicine regulation from two points of view: first, that of public convenience, and secondly, which is less important, from the point of view of the effect on the trade and the business people engaged in this trade in Western Australia. First, with regard to public convenience. I have already read to hon. members, and will read again, in order that they may see what is being done, a list of some of the principal medicines which would be affected by this regulation. That list is as follows:—Beecham's pills, Cockles' pills, Elliman's embrocation, Eno's fruit salts, Collis Brown's chlorodyne, Kay's essence of linseed, Powell's balsam of aniseed, Sanatogen, Singleton's eye ointment, Antiphlogistine, Scott's emulsion, St. Jacob's oil, Painkiller, Seigell's syrup, Bonnington's Irish moss.

Hon. R. G. Ardagh: They are all good ones; what about the bad?

Hon. W. Kingsmill: The hon. member is quite at liberty to pick out the bad ones. I am not going to deal with the bad ones. Many of the bad ones are not found in this list but are hidden behind the placing of their formulae in the possession of the Department of Public Health; that is where most of them have taken refuge. Now, hon. members will at once admit, I think, that the medicines in the list I have given are medicines which deal with very many of the ailments from which men and, in some cases animals, suffer, and are largely used in towns where doctors are readily available. Some, one, two, three or more of these medicines may be found in practically every household in Western Australia, not excepting Perth, where doctors are readily available. But what shall we say of the agricultural districts where doctors are not so readily available, and where it is a matter of time and expense to secure the services of a medical man; and what also can we say of those more remote parts of Western Australia where the services of a doctor are out of the question, districts such as those represented by Sir Edward Wittenoom and the Hon. F. Connor? What are the people in those districts going to do without these simple remedies which have stood the test of years, and which will be denied them if this regulation becomes law? I say it is a most unthinkable regulation.

What Mr. Kingsmill said on that occasion can be repeated with still greater force in connection with the regulation we are now discussing. I sincerely hope members

will give the matter that serious consideration it is essential it should have. I readily anticipate that the Leader of the House when dealing with the subject will say that he has to protect the public in regard to patent medicines, and if the medicines are not what they claim to be then naturally it is the duty of the Government to protect the people. If the proprietary medicines, a list of which I have read, were not medicines that had stood the test of years, I could understand the Leader of the House making such a suggestion. If our Health Act is not sufficiently wide to afford protection in a matter such as this, then by all means let us amend it to provide that protection that it is essential the public should have. We know that the public must be protected in health matters. If we look at the Health Act as it is at present, members will find that there is ample protection provided for the community so that there may be no possibility of the people suffering any inconvenience by reason of the use of a medicine that is not all it should be. Section 179 and the following sections in Division 3 of the Act deal with the sale of foods and drugs. The first named provides—

The Governor may for the purpose of this part of the Act appoint an advisory committee and the advisory committee shall consist of the Commissioner for Health, the Government Analyst, a bacteriologist and two other persons conversant with trade requirements, and shall be appointed for not exceeding one year, but shall be eligible for re-appointment, etc.

Then further on there are various provisions with regard to analysing food and various other things, and this is also set out—

The Commissioner may from time to time on the advice of the advisory committee prohibit the sale of any patent or proprietary medicine, which in the opinion of the Committee is deleterious or dangerous to health. Any person who sells or offers for sale or has in his possession any patent or proprietary medicine, the sale of which has been prohibited, shall be guilty of an offence against this division.

If there is not sufficient protection there I cannot see in what way the section can be enlarged. It is the duty of the advisory committee to see that only those medicines that are not dangerous or deleterious to health shall be sold. I have already emphasised the point in respect of the convenience of the public. Not only the man in the town, but the man in the country is in the habit of purchasing a bottle of patent medicine. If he finds that it does not do him any good, he will cease to buy it. It is the duty of the Health Department to step in and prevent the sale of any medicine that may be deleterious, but until there is uniformity we may just

as well cease to take action. I certainly hope that the Leader of the House will on reconsideration of this matter agree to the disallowance of the particular regulation mentioned in the motion until such time as uniformity is attained. I submit the motion.

On motion by Colonial Secretary debate adjourned.

#### MOTION—WATER SUPPLY, HILLS SCHEME.

*To suspend operations.*

Hon. A. LOVEKIN (Metropolitan)  
[5.15]: I move—

*That in the opinion of this House no further work should be proceeded with in connection with the proposed Canning River and Wongong Creek Reservoirs until—(a) an engineer, having experience in masonry and concrete construction, has been appointed and placed in charge of the undertaking; (b) proper plans, specifications, and estimates have been prepared; (c) public tenders have been called for the construction and carrying out of the works.*

The "West Australian" some two or three weeks ago, in an article dealing with group settlements, wanted to know why certain members of this House were wise after the event, and why they did not speak earlier on what was likely to happen in connection with group settlement.

Hon. J. Cornell: You could apply that process of reasoning very often to the "West Australian."

Hon. A. LOVEKIN: Some of us were wise before the event, because we criticised that scheme at its inception. In this matter of water works I do not want to have a similar charge justly laid against us: that we waited until something happened and then professed to be wise. Now is the time to speak on this question, or to leave criticism alone. In these works in the hills some millions of money are involved, especially the large work of the Canning scheme, and the Wongong Brook scheme. Then there is the third reservoir, the Churchman's Brook, which I have purposely omitted from the motion, because that is already under construction. Whatever we may do in respect to the last-named work, we cannot improve matters. If one reads the published reports, one finds that the minor works have been undertaken without any proper specifications, or investigations being made. Scores of men are employed on the works, and up to the present, according to the published reports, bottom has not been found and those in charge do not know whether they can put a dam upon the proposed site or not. Shafts are now being put down to ascertain the nature of the bottom on which it is proposed to place the dam

These shafts are full of water, and bottom has not yet been reached.

Hon. J. Cornell: That is a bad preliminary.

Hon. A. LOVEKIN: I do not know whether this is correct or not, but it is shown in the published reports.

Hon. H. Stewart: Published by whom?

Hon. A. LOVEKIN: In the newspapers. I would impress upon the House the fact that in works of such magnitude we ought first to assure ourselves that we have a man in charge who knows something about carrying them out. I have made considerable inquiries and investigations, and find we have not an engineer in the service who has had any experience whatever of constructional work of this kind. The Government should surely support this motion, which says that before we proceed any further we should see that we have a man in charge of the works capable of carrying them out.

Hon. H. Stewart: You would bring some man from India, I suppose, and pass Australians over.

Hon. A. LOVEKIN: All I want is competence. I want to see someone in charge of the works who has had the necessary experience.

Hon. J. Cornell: There are many such men in New South Wales.

Hon. A. LOVEKIN: That is a matter for the Government to determine. I do not want a bricklayer to attempt to construct a locomotive, for I know I should not get a satisfactory job.

Hon. H. Stewart: There are many highly trained engineers in the department who ought to be capable.

Hon. A. LOVEKIN: I do not know whether that is so or not. So far as my thorough inquiries go, there is no man in the department who has had experience of constructional work of this nature. I say that deliberately, after full inquiry. I believe the Government have called for applications from persons capable of filling the post of engineer-in-chief, and have offered a salary considerably in advance of that now being paid. I do not think they have offered enough to get a first-class man, but they will have an opportunity of selecting someone with experience in this particular direction. The works involve millions of money, and there should be in charge of them a man with experience, even if he is obtained specially for this job.

Hon. H. Stewart: There are plenty of people with experience who are not competent, and they fit old practices to new schemes.

Hon. A. LOVEKIN: Competent engineers would not do that. An engineer in charge of the construction of reservoirs costing millions of money should have experience before being permitted to undertake such work. That is a fair proposition

in the interests of the public. I do not know whether there are any competent engineers in the State, but, if there are, let us have them.

Hon. F. E. S. Willmott: The engineer who was second in command of the Mundaring Weir is here.

Hon. A. LOVEKIN: It is common knowledge that the filter beds, which is a minor job as compared with the whole job in the hills, collapsed.

Hon. H. Stewart: That might have been experience as against training.

Hon. A. LOVEKIN: I want not only the theoretical, but the practical experience.

Hon. J. Duffell: That is a good principle to follow.

Hon. A. LOVEKIN: It applies to every big job. Before a big job is started it is sound and common sense to put in charge of it a man who has had some experience in similar jobs. The Government cannot have any real objection to my proposal that we should have a man with experience in charge of this work. There is no man fitted for it in the department.

Hon. H. Stewart: Do you mean in the Water Supply Department?

Hon. A. LOVEKIN: Yes. There is no man there with the necessary experience. The public have to foot the bill, and the Government should give them some guarantee that the work will be properly carried out by putting the right man in charge of it. My second point is that proper plans and specifications, and estimates, should be prepared. That is also a reasonable proposition.

Hon. J. M. Macfarlane: Have they not been prepared?

Hon. A. LOVEKIN: This is what is known in the department as a day-labour job. It is put up by the department deliberately, and in writing, that where a day labour job is concerned no specifications are prepared.

Hon. J. M. Macfarlane: And no plans?

Hon. A. LOVEKIN: I do not say there are no plans, but there are no specifications except that reliance must be had on what are known as standard specifications. These standard specifications obviously cannot apply to every work that is undertaken. They apply to the mixing of cement, the proportion of sand, stone and cement that will make good concrete, the size of the reinforcing rods, etc., on ordinary works; but they do not provide detailed specifications of the works in hand. The filter beds were constructed by day labour. A rough sketch plan was made. I submitted that to an engineer and a contractor who told me it was hopeless for anyone to work to it, because there was not enough detail in it. The evidence taken at the inquiry conducted by Mr. Simpson showed that no specifications were prepared, but that the authori-

ties merely issued instructions by word of mouth. The consequence was, the reinforcement work was not put in properly, and the beds collapsed. The same thing appertains with these other works. No detailed specifications have been made. If the work had been let by contract the plans would have shown the contractor the rock bottom on which he was to place his wall. Proper borings and excavations would have been made to show that the bottom was sound, just as was done in the case of the Mundaring weir. This, however, has not been done. At Churchman's Brook the authorities put down 41 bores and spent a lot of money. Only two or three of these were bottomed. The others went down six or seven feet into kaolin, this being the general character of the country. They struck one granite block and another granite boulder in two of the bores, and I believe shafts are now being put down to explore these. In the meantime scores of men are working on the site, and may or may not be doing useful work. Before the work was started, sufficient specifications should have been provided to enable a contractor to go ahead. He should have known, before putting in a tender, how high he would have to build the wall from the rock bottom.

Hon. G. W. Miles: The department could not have had all the detailed information they are now seeking.

Hon. A. LOVEKIN: They are now getting the details. At the present time, however, scores of men are on the job, and it may turn out that they cannot get bottom at this particular place and a good deal of the money will have been wasted. That is why I suggest that before proceeding with such jobs, these details and specifications should be available.

The PRESIDENT: The time for consideration of motions, allowed by the Standing Orders, has expired.

*[Resolved: That motions be continued.]*

Hon. A. LOVEKIN: There is the third point dealt with in the motion, and it refers to public tenders being called for the construction and carrying out of such work. This is possibly a controversial matter. In the interests of the people concerned who have to pay the rates, something should be done along these lines. In the evidence taken before the select committee on water supply, which will be published to-morrow, hon. members will see that the rates to be levied in the future will press heavily upon the people of the metropolitan area. The designers of such works should not be their own contractors with no check upon them. Under such a system millions of pounds will be spent on works constructed on the plans and to the designs of one man, who will himself carry out the works. In such cir-

cumstances all sorts of errors may be made and it will be quite easy to cover them up so that the public, who have to pay the piper, will be none the wiser. Whether works are carried out by day labour, or by any other system, there should be some check to show that the price of the job is a fair one, and that the work is carried out properly. I ask the Government to consider these matters to-day because I do not desire anything to happen in the future so that someone may turn round and ask why members of the Upper House, knowing that these things were going on, did not draw attention to them at the time and insist that someone with previous experience should be placed in charge of such works, and that proper specifications were provided. Had there been specifications only, in the shape of a small sectional drawing showing how the reinforcement was to be put into the concrete, there would not have been the loss to the country that was seen comparatively recently. All I ask in the motion is that there shall be an effective check upon works carried out, by having tenders called. If tenders are called, we shall be sure that proper specifications and drawings will be available because the contractors will have to view them before putting in their tenders. There should be no objection to the motion.

Hon. J. EWING (South-West) [5.35]: Before the Leader of the House moves the adjournment of the debate, as I anticipate he will do, I wish to express regret that Mr. Lovekin has deemed it right in the interests of the State, in conjunction with the select committee of which he is chairman, to bring this motion before the House at the present juncture. If his assertion be true regarding our engineers, we have an alarming state of affairs. I take it that he and the select committee have gone thoroughly into the matter.

Hon. A. Lovekin: The matter has not come before the select committee.

Hon. J. EWING: It is alarming to me to hear from the hon. member that we have not engineers of the capacity he indicates. We have had large public works constructed in years gone by. The late Mr. C. Y. O'Connor was responsible for the construction of the Mundaring weir. There must be men in our engineering departments who are capable of doing such work.

Hon. J. Cornell: They may not be in this department.

Hon. J. EWING: If such engineers are not to be found in our public departments, the Government have every right to see that the best men are obtained. Mr. Lovekin said we had no engineer experienced in concrete work.

Hon. H. Stewart: That is in the Water Supply Department, not in the Public Works Department.

Hon. J. EWING: We have in the Engineer-in-Chief a man of experience.

Hon. G. W. Miles: But Mr. Lovekin was referring to the Water Supply Department.

Hon. J. EWING: As Engineer-in-Chief, Mr. Thompson is in charge of that department, too. If Mr. Thompson is not possessed of sufficient experience to carry out that sort of work, he has not in the past worthily occupied his position.

Hon. A. Lovekin: He has not done this sort of work.

Hon. J. EWING: The Engineer-in-Chief is supposed to be a man of considerable ability. I am surprised to hear the hon. member express the opinion that we have not engineers of sufficient experience for this work. After all, the investigation made by the select committee must have been a very cursory one, because that committee has not been long in existence. Despite that, the committee have arrived at the conclusion that we have not an engineer in Western Australia who has had sufficient experience to carry out work of this description.

Hon. A. Lovekin: The members of the select committee have not ascertained that fact yet.

Hon. J. EWING: The hon. member said that distinctly.

Hon. A. Lovekin: I did not.

Hon. J. EWING: I have not spoken in order to oppose the motion, because I shall support it.

Hon. J. Cornell: You have misconstrued Mr. Lovekin's remarks.

Hon. J. EWING: I take exception to the statement he made that we have not got an engineer capable of doing this sort of work.

Hon. A. Lovekin: I did not say that.

Hon. J. EWING: Then I do not know what the hon. member said. If the hon. member withdraws that statement, I shall be satisfied. I do not think the position is such as he stated. If it were, it would be a reflection upon our engineers.

Hon. J. Cornell: Tell me one engineer who is capable of doing the work.

Hon. J. EWING: I do not know all the engineers personally. It is inconceivable that we have not such an engineer to-day.

Hon. A. Lovekin: What opportunity has the select committee had to ascertain that?

Hon. J. EWING: I do not know. I know one concrete fact, and that is that we have had an Engineer-in-Chief in Western Australia for many years past, and I have not heard one word said against him.

Hon. A. Lovekin: I have not said anything either. I say we have no engineers experienced in the construction of concrete reservoirs.

Hon. J. EWING: The hon. member referred to certain work that failed the other day. He is perfectly right in conserving the interests of the State and if the position has been found by the select committee to be as he described it—

Hon. J. Duffell: It has not been mentioned to the select committee.

Hon. J. EWING: I simply rose to take exception to the statement that we have no engineers in Western Australia who are capable of doing this work. The hon. member also said that no proper plans and specifications were provided. Mr. Burvill has shown me some of the evidence taken by the select committee already and that sets out that standard plans are being used with specifications.

Hon. J. Cornell: Why refer to the select committee? Mr. Lovekin did not mention that body.

Hon. A. Lovekin: It is not fair.

Hon. J. EWING: Then I withdraw that statement. I do not know why the hon. member moved the motion if it was not in consequence of what transpired before the select committee.

Hon. G. W. Miles: The motion was on the Notice Paper before the select committee was appointed.

Hon. A. Lovekin: On a point of order. I have not made any reference to the select committee and the motion has not been brought forward as a result of the proceedings before that body. It is unfair to pin the motion to the select committee.

Hon. J. EWING: I will not bring the select committee into the matter. I thought the reason for the motion arose out of the evidence taken by the select committee. I am sorry I mentioned the select committee, but I thought that the work of that body disclosed a condition of affairs that the hon. member as chairman thought it his duty to bring forward such a motion.

Hon. J. Cornell: Mr. Lovekin would be out of order if he did that.

Hon. J. EWING: At any rate, I withdraw those remarks.

Hon. A. Lovekin: My motion was on the Notice Paper before the select committee sat to take evidence.

Hon. J. EWING: Do I take it that the hon. member is entirely responsible for the motion, and that he has facts and figures that satisfy him in bringing forward the motion?

Hon. A. Lovekin: Yes.

Hon. J. EWING: I take exception to the opinions expressed by the hon. member, and I hope those opinions are not justified. If they were justified, it would be a bad thing for Western Australia.

Hon. H. Stewart: Can you put up a case to show that he is wrong?

Hon. J. EWING: Does the hon. member subscribe to Mr. Lovekin's statement, that we have no engineers in the Public Works Department who are capable of taking on this work?

Hon. J. M. Macfarlane: The Mt. Hawthorn reservoir showed us something about it.

Hon. J. EWING: I have seen a lot of work that has been carried out by our engineers, and such a statement is a reflection upon them.

Hon. A. Lovekin: I did not say they were incapable of doing this work.



Hon. J. EWING: I accept Mr. Lovekin's statement regarding the absence of plans and specifications in connection with day labour work. If his object is to have public tenders called for works, I am with him all the way. I shall be pleased if the outcome of the motion will have that effect. When the Minister speaks, I am satisfied he will back up much of what I have said. After consultation with the Minister for Works, the Leader of the House will, I feel sure, inform members that we have engineers who are competent in this class of work. The motion as it is framed implies a reflection upon our engineers and I trust paragraphs (a) and (b) will be deleted. I can support it so far as paragraph (c) is concerned.

Hon. A. Lovekin: Your chief said that this work ought to be done by contract.

Hon. J. EWING: The present Government have been elected on a well known policy, and even if we agreed to the motion in favour of the contract system, the Government would not take much notice of it.

Hon. J. Cornell: We passed a motion setting out that a certain line should be constructed by contract and what happened to that?

Hon. A. Lovekin: Your Government favoured the system.

Hon. G. W. Miles: You were the representative of a day-labour Government.

The PRESIDENT: Hon. members must keep order.

Hon. J. EWING: We were in favour of the contract system. I am voicing now the views I held as a member of the Mitchell Government and which I hope I will hold for many years to come.

Hon. F. E. S. WILLMOTT (South-West) [5.45]: I only wish to say—

The PRESIDENT: The hon. member must move the adjournment. It is past the time for motions.

Hon. J. Cornell: I rise to a point of procedure. My experience has taught me that when the time to be devoted to motions has expired, the House can agree to continue the discussion.

The PRESIDENT: Of course, if the House wishes to go on it can do so.

Hon. J. Cornell: Well, by the same reasoning I understand the discussion continues until somebody sees fit to move the adjournment.

Hon. F. E. S. WILLMOTT: What brought me to my feet were the remarks of Mr. Ewing, who suggested that paragraph (c) of the motion should be the only part to be retained. But how can we call tenders and carry out the work by contract, unless we have efficient engineers to prepare the necessary plans and specifications? The whole reason for the dropping of the contract system lay in the huge profits made by contractors through faulty plans and specifications drawn in the Government departments. The contractors had smart engineers in their employment and in many cases they

made more money out of adjustments and extras than they did under the original contract. I have known a contract let for £10,000, and the contractor to be paid £65,000 for his work. That was brought about in this way: A number of bores were put down and were followed by small shafts. It was reported that at a certain depth, say, 6ft., rock occurred, and continued for 550ft. on the site of the proposed wall. What happened? When the real excavation took place, it was discovered that those bores, each and every one, had been sunk on boulders. In the broken country we have, that frequently happens. There is only one way to prove it, and it is better to spend a few thousand pounds in preliminary investigation than to lose millions through lack of knowledge at the start. Take the Mundaring Weir: With all the great care exercised by the late Mr. C. Y. O'Connor and his engineers, a fault was discovered at the eleventh hour, with the result that an extra 72ft. had to be excavated and most carefully adjusted with concrete. I agree with Mr. Lovekin that we cannot exercise too great care in the first place. In the very work the subject of the motion, it may be found that after we have spent £20,000 it will be necessary to abandon the work. And it would be very much better to abandon it then than to waste hundreds of thousands of pounds on something faulty.

Hon. J. W. Kirwan: There was the famous Fremantle dock calamity.

Hon. F. E. S. WILLMOTT: Quite so. I am not going to enumerate the many ghastly failures we have had. We do not want to look forward to any repetition. The engineer directly in control of the Mundaring weir was Mr. Leslie, now carrying on business in Hay-street. The second in charge was Mr. Fenton, who, I understand, is engaged in drainage work on the group settlements.

Hon. J. Ewing: He has given that up.

Hon. F. E. S. WILLMOTT: Well, he is still in the State. If Mr. Lovekin had said there were in the State no engineers available for carrying out the proposed work, I should have joined issue with him; but he carefully refrained from saying anything of the sort.

Hon. J. Ewing: He said they were not in the department.

Hon. F. E. S. WILLMOTT: Well, we have grave reason to believe they are not at present in the Water Supply Department. If I am wrong, all I can say is they have very bad luck. We are told there is no such thing as luck, that Providence always rules these matters. If that be so, Providence has forgotten those engineers on one or two recent occasions; as far as I can gather, Providence seems to have turned its back on those men and is not likely to look after them on this occasion, either. That being so, it is very much better to follow out Mr. Lovekin's suggestion and get the best advice we can, in order to save

wasting hundreds of thousands of pounds in the near future. As for the calling of tenders, I am in favour of it, providing the contractors are so pinned down that they cannot come along and filch the public purse for extras, as in years gone by. That, I really believe, was the sole reason of the objection to contract as against day labour.

Hon. A. Lovekin: Paragraph (c) of the motion is contingent on paragraph (a).

Hon. F. E. S. WILLMOTT: Quite so. We are told that the Leader of the House, representing the Labour Party, could not agree to this paragraph (c). I can see no objection to it, for it is not mandatory. But surely the Leader of the House will remember that the Scaddan Government, of which he was a member, called tenders as a check on their own departmental officers' estimates. In the event of this proposed work being carried out by day labour, I hope that if the department put in a tender to complete the work for, say, a million and a-half, they will not be allowed to come along and draw an extra half million to make good their mistakes. Frequently has that occurred. On nearly every occasion when the Public Works Department has built a railway, the work has not been completed within the departmental estimate. I have sufficient knowledge of Government departments to know that if a vote be getting a little low, the great idea is to take some of the officers engaged on the work and put them on to some other loan vote, and even it up in that way. There are tricks in every trade, and that is a very old trick in Government departments. However, I hope the House will agree to the motion which, in my opinion, is fully warranted.

Hon. J. E. DODD (South) [5.55]: Mr. Lovekin has good grounds for the motion, considering what the State has lost in the past on some of its engineering works. The Fremantle dock is always alluded to, and we have only to look at the Herdsman's Lake horror, as it is rightly called, to get an idea of what we must be losing on some of these works. Why, a party of experienced miners from Kalgoorlie would have drawn up a better estimate of the cost of draining Herdsman's Lake and, in addition, would have carried out the work quite as well as have the departmental officers. But I want to put this to Mr. Lovekin: Does the hon. member think the motion as worded represents British justice and fair play? If Mr. Lovekin had so worded the motion as to provide that the work be delayed until the select committee reports, I should not take the slightest objection to it; but the motion presupposes that the engineer in charge has no qualifications. Mr. Lovekin has given us no evidence that the engineer is not qualified. I am not saying that he is qualified.

Hon. A. Lovekin: No; I say he has no experience of this particular work.

Hon. J. E. DODD: If he has no experience, surely we should have been told that. The failure of the Mt. Hawthorn filter beds is the subject of inquiry by the select committee, and until the select committee reports, we do not know to whom that failure can be attributed. As to the preparation of proper plans, specifications and estimates, surely no one will lead us to believe that such data cannot be prepared in the departments. Of course, when we turn to Herdsman's Lake it becomes clear that no proper estimates of that work were ever prepared. Originally it was to have cost £25,000, whereas up to date it has cost nearly £100,000. Obviously plans and estimates of some sort must have been prepared.

Hon. A. Lovekin: What about the plans for the filter beds?

Hon. J. E. DODD: The select committee are to inquire into that. Still, is it to be given out to the public that we are prepared to hang, draw and quarter a man before we have any evidence as to whether or not he is qualified to carry out certain work? I do not say the officer under review is qualified, but I want some evidence to guide me before I can agree to paragraph (a) of the motion. If the hon. member could see his way clear to abate his motion by an amendment, I should then certainly support it.

On motion by Colonial Secretary, debate adjourned.

#### BILLS (5)—FIRST READING.

- 1, Unclaimed Moneys Act Amendment.
- 2, Closer Settlement.
- 3, Private Savings Bank.
- 4, Inspection of Scaffolding.
- 5, Road Districts Rates.

Received from the Assembly.

#### BILL—TRADE UNIONS ACT AMENDMENT.

##### *Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [6.0] in moving the second reading said: This Bill requires very little explanation. It is rendered necessary by reason of the appointment of a Registrar of Industrial Unions about two years ago. The office of Registrar of Industrial Unions was transferred from the Registrar of Friendly Societies to the Clerk of the Court of Arbitration on the 1st March, 1922. The Industrial Arbitration Act, 1912, contemplates that the office of Registrar of Industrial Unions and Registrar of Trades Unions shall be held by the same person, as the administration of one Act is closely related to that of the other. When the duties of Registrar of Industrial Unions were handed over to the Clerk of the Arbitration Court,

it was found that the duties of Registrar of Trades Unions also could not be handed over, because Section 2 of the Trades Union Act prescribed that the registrar must be the Registrar of Friendly Societies. At a conference of representatives of employers and unions held at the Premier's office on the 21st March, 1922, to discuss industrial matters, the Premier of the day promised, at the request of both sides, that the Trades Union Act would be amended to provide that the Registrar of Industrial Unions should be the Registrar of Trades Unions. The necessity for the amendment is due to the fact that registration of a society could be obtained under the Trades Union Act, and the Registrar of Industrial Unions would, by reason of that fact, be compelled to register the same society as an industrial union under the Arbitration Act.

Hon. J. Cornell: Nothing of the sort!

The COLONIAL SECRETARY: In the interests of industrial peace this would be very undesirable. I move—

*That the Bill be now read a second time.*

On motion by Hon. J. Cornell, debate adjourned

#### BILL—STANDARD SURVEY MARKS.

##### *Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [6.3] in moving the second reading said: The introduction of some such measure as this has been under consideration for many years. It has received the approval of every Minister for Lands from the time of Sir Newton Moore onwards, but for some reason or other, has never reached finality. The object it seeks to attain is of great importance not only to the Lands Department, but to the Lands Titles Department.

Hon. J. Ewing: And to the general public as well.

The COLONIAL SECRETARY: Yes. In many large towns in Western Australia the original survey marks have entirely disappeared. They have either rotted away, or been removed during building operations, and some have been removed during the construction of streets and footpaths. Every survey is dependent on the street corners. If the original mark has been removed, it is difficult to re-locate the original boundaries, and later surveys may not agree with the earlier ones. Trouble frequently arises in the Titles Office in consequence, and sometimes valuable properties are affected. In some instances increased expenditure has been entailed to property owners. The object of the Bill is to protect standard survey marks laid down from time to time. These survey marks are subject to interference when repairs to streets are being

effected by local authorities. Men employed on such work are not licensed surveyors, and they have no knowledge of survey marks. They take up the marks before commencing work and put them down when their work is completed, but not always in the right place. They act with the best intentions and with no dishonest motive, but the marks become worse than useless, and if a surveyor subsequently realises the defect, litigation may result. The measure will throw some responsibility upon the different local authorities. They will be required to notify the Surveyor-General whenever a disturbance of a street involving interference with the boundary marks is likely, and the Surveyor-General will probably have someone in the towns affected to represent him. I move—

*That the Bill be now read a second time.*

Hon. J. EWING (South-West) [6.6]: I heartily support the Bill and congratulate the Government upon having introduced it. It has been the subject of discussion and inquiry by Governments for many years, and I regret that such a measure was not introduced years ago. The Bill is of considerable importance. Not only in the country, but in the city, the alignments are not properly defined, and this measure will give the Surveyor-General an opportunity to lay down such permanent marks as will properly define the street boundaries for all time. It will be news to most people that the surveys in Perth have not been so arranged; no proper marks have been laid down. Men in the Titles Office have put down spikes here and there, and those spikes have to be found in order to re-define the boundaries. Under this measure the Surveyor-General will be able to define alignments as is done in other large cities. It is 10 or 12 years since the City of Sydney was aligned from end to end. That work cost many thousands of pounds, but as the value of property increased, it became absolutely necessary to do it. Otherwise there would have been numerous disputes when land owners found encroachments of one or two inches upon their property. In a big city such encroachments involve considerable litigation and often entail cost to innocent people.

Question put and passed.

Bill read a second time.

#### BILL—HIGH SCHOOL.

##### *Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [6.10] in moving the second reading said: This Bill will enable the Governors of the High School to sell and transfer Perth town lot H54. The site of the old school was granted to the governors in trust for the purposes of the school, and the buildings were erected on the site. The

new school is on reserve A3421. This Bill will enable the governors, in selling the old premises, to transfer to the purchaser free from the trusts. The governors will hold the proceeds in lieu of the old premises, and apply such proceeds to their new buildings or in such manner for the purposes of the High School as the Governor may approve. I move—

*That the Bill be now read a second time.*

Hon. A. LOVEKIN (Metropolitan) [6.11]: The sale of this property may be the means of blocking what is urgently needed in the city—the widening of Hay-street between Harvest-terrace and Melbourne-road. Already representations have been made to the Government to yield up portion of Parliament House reserve, so that the worst part of Hay-street may be widened. If portion of the High School grounds could be obtained for a similar purpose before it is built upon, it would certainly be an advantage to the city. I shall not offer any objection to the Bill, but I suggest that the Minister fix the Committee stage for this day week to permit of investigation being made as to whether it is possible to get a strip of the High School land for the widening of Hay-street.

Hon. A. J. H. Saw: For nothing?

Hon. A. LOVEKIN: No, but before it is sold. I understand there is an offer of some £13,000 for the block, and possibly some arrangements could be made with the City Council to take over so many feet of the Hay-street frontage, which at present is not built upon, and so save cost in future. There is no doubt that in years to come Hay-street will have to be widened right along. If the Minister adjourns the Committee stage, the City Council may be apprised of the fact that this measure is before the House and may take action.

Hon. J. CORNELL (South) [6.12]: I wish to supplement the remarks of Mr. Lovekin. The High School received the block as a free gift for 42 years and it has developed into one of the best land assets in Perth. The Parliamentary House Committee have been asked to express an opinion whether a certain portion of Parliament House grounds should be given to widen Hay-street. If the High School corner remains as at present, the result would be an abortion. It is necessary that the corner should be rounded off at least. Dr. Saw asked whether the school governors should give the land for nothing. If they did so, it would be merely an act of grace, considering the huge unearned increment that has fallen to them.

Hon. J. Nicholson: I think they did give a corner and allowed it to be rounded off.

Hon. J. CORNELL: But a large fig tree proved an impediment.

Hon. A. Lovekin: I think they owe the Government the money.

Hon. J. CORNELL: The City Council have communicated with the House Committee as to whether portion of Parliament House grounds should be handed over and although Parliament will have to decide the question, the House Committee are favourable to the proposal. In thus expressing themselves, the House Committee have committed themselves extensively, for these grounds are held in trust for posterity. If the House Committee are of opinion that 20 feet of this magnificent block fronting Hay-street should be handed over because it is not built upon, it should not be asking too much of the High School governors to give some, if not all, of what is required of their block. If this be not done, I shall fight this Bill, horse, foot and artillery, and they can keep the rest of the block.

Question put and passed.

Bill read a second time.

*House adjourned at 6.15 p.m.*

## Legislative Assembly,

*Tuesday, 9th September, 1924.*

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

### QUESTION—FRUIT MARKETING, LEGISLATION.

Mr. SAMPTON (without notice) asked the Minister for Agriculture: Is it correct that the Government have decided to introduce a measure on the lines of the Queensland Fruit Marketing Organisation Act?

The MINISTER FOR AGRICULTURE replied: I should like to ask the hon. member if it is a fact that he has been converted to the marketing scheme?

Mr. Sampton: Long since.